

Compliance Assessment Report CAR_NRW0044228

Permit being assessed: CB3594FF

For: A465 section 5 and 6 Dowlaid Top to Hirwaun x 3 Locations, held by FCC Construcción S A, UK BRANCH OFFICE

At: Orbit Business Centre, Rhydycar Business Park, Merthyr Tydfil, CF48 1DL.

Type of assessment carried out: Audit, Reason: Incident Response (Incident number: 2404724).

On 05/04/2024.

Parts of permit assessed: conditions 2.1, 2.3, 3.1 and 4.3

NRW Lead Officer: Natalie Wrangham.

Report sent to: Mike Cummine, Operations manager, on 09/05/2024.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B3 - Water Quality - Operations - Operating techniques	C3 Minor	Condition 2.3.1 Operating techniques
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	Condition 3.1.1 Emissions to water
WQ-B1 - Water Quality - Operations - Permitted activities	Assessed (A)	
WQ-D3 - Water Quality - Information - Notifications	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WQ-B3	Please confirm in accordance with your WMP, what mitigation measures were in place to prevent pollution as part of your 'permit to pump' procedure, and provide documentation to show when the pump was inspected prior to the issue, in accordance with your daily / weekly monitoring procedures.	23/05/2024
WQ-C1	Ensure discharge only occurs via the permitted discharge point and in accordance with permit conditions	Already completed

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Incident Summary

Self-report by the Operator (logged as WIRS 2404724 on 08/04/2024) notifying the local NRW environment team that a pump failure on 5/04/2024 had led to clean water entering and overwhelming the water treatment system, which in turn caused the settlement lagoons to overtop at Gurnos Farm (Prince Charles Discharge Point A1).

The notification of the incident was received on the same day, and an internal incident report was submitted by the Operator on 08/04/2024 detailing actions taken:

On 5/4/24 a pump directing clean water away from site water management measures (in order to minimise the amount of silt laden water being dealt with) failed. As a result, and in addition to the recent heavy rainfall, this clean water entered the system at Gurnos Farm Ponds and siltbuster resulting in the overtopping of the ponds.

The siltbuster system remained functional and was checked to ensure it was running optimally. The mix of this clean, planned discharge water, and the relatively good quality of the incoming effluent would have combined to likely reduce the impact of the discharge as it left the system. However, no measurement was undertaken at the time of the overflow.

On identification, an additional pump was put in place quickly (spares kept on site for such an occasion), stopping the overflow, and the existing pump was repaired. There are now two pumps at this location, one as a standby to prevent a reoccurrence at this location.

Measures taken, or intended to be taken, to stop any emission:

Initial:

- Additional pump put in place and existing pump repaired.*

Follow up:

- Review of pumping across site to identify where a similar risk exists, with mitigation installed where necessary (standby pump).*

No photographs or water quality sample results were submitted as part of the report.

Breaches of permit conditions

Condition 2.3.1 (a) - *The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales. - documentation specified in table S1.2 - NRW management plan - V001 received 13/05/2022. Unable to determine from the information supplied in the report whether the procedures detailed in the management plan had been followed.*

Condition 3.1.1 - *There shall be no point source emissions to water except from the*

sources and emission points listed in schedule 3. Overtopping of settlement lagoons would have led to an uncontrolled discharge from emission points not listed in schedule 3.

Actions

- Please confirm in accordance with your WMP, what mitigation measures were in place to prevent pollution as part of your 'permit to pump' procedure, and provide documentation to show when the pump was inspected prior to the issue, in accordance with your daily / weekly monitoring procedures - by **23/05/2024**
- Provide details of review of pumping across site to identify other risk areas, and what mitigation is proposed - by **23/05/2024**

Please ensure all incidents are self reported to both the Environment Team and the Incident Communication Centre.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be

added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.