

Compliance Assessment Report

Report ID:
CAR_NRW0034925

This form will report compliance with your permit as determined by an NRW officer

Site	MAERDY WATER TREATMENT WORKS	Permit Ref	AF3002901			
Operator/Permit holder	DWR CYMRU CYFYNGEDIG					
Regime	WaterQuality					
Date of assessment	03/10/2018	Time in	N/A	Out	N/A	
Assessment type	Check Monitoring/Sampling					
Parts of the permit assessed	12(i) and OSM10					
Lead officer's name	Barrett, Hayley					
Accompanied by						
Recipient's name/position	OSM Mailbox/ OSM Mailbox	Date issued	08/04/2019			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
E3 - Emissions - Surface water	C3	12. Discharge shall not contain more than; (i) 6 milligrams per litre of Total Iron
	C2	12. Discharge shall not contain more than; (i) 6 milligrams per litre of Total Iron
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3	OSM 10 When the Consent Holder becomes aware that a sample result has exceeded a numeric water quality limit specified within this Consent, the Consent Holder shall, unless prior agreement has been given in writing by the Agency, notify the Agency as soon as is reasonably practicable by a reporting system and format specified by the Agency.

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	39
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

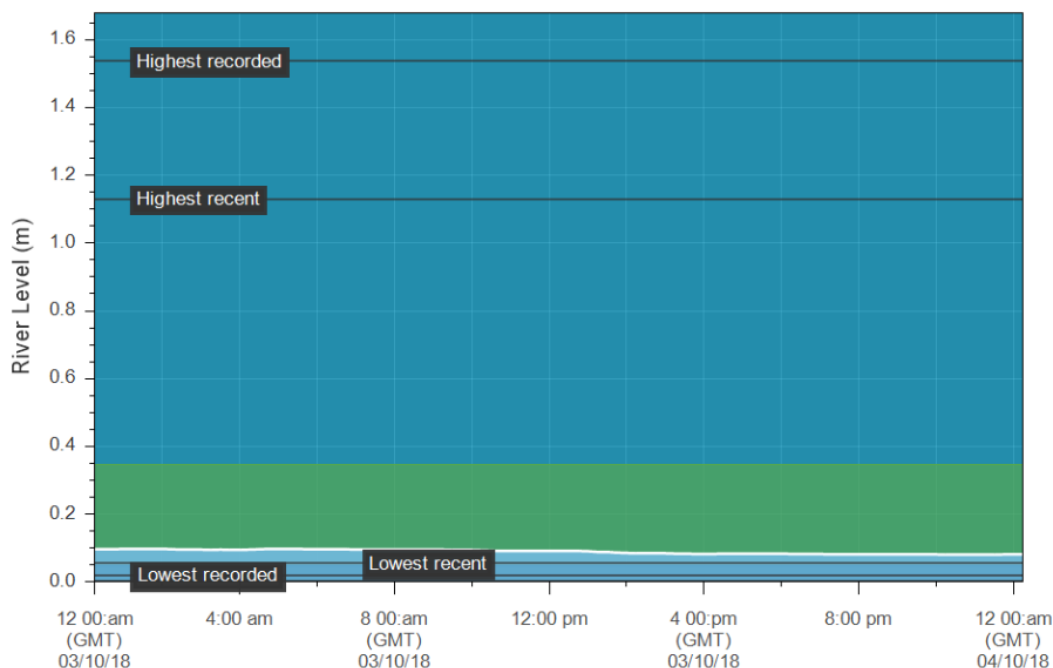
- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

OSM breach 03.10.2018

Iron levels 21,000 ug/l where the permit limit is 6,000 ug/l.

River levels on 3/10/18 taken from NRW's Maerdy river levels station are shown in graph below. On the date of the iron levels breach the water levels in the Rhondda Fach were low. This would increase the impact of high iron levels on the ecology of the river.

Rhondda Fach at Maerdy, Last retrieved value: 0.30m on 05/04/19 at 12:00 pm (GMT)



The OSM self report showed an Iron level of 21,000mg/l which is 3.5 times over the permitted level of 6,000 ug/l of Iron. The low river levels at this time would have meant the elevated iron levels would have caused environmental degradation exacerbated by low levels of dilution. This breach is a Category 2 breach.

OSM breach 06.12.2018

Iron levels of 6,200 ug/l where the permit limit is 6,000 ug/l.

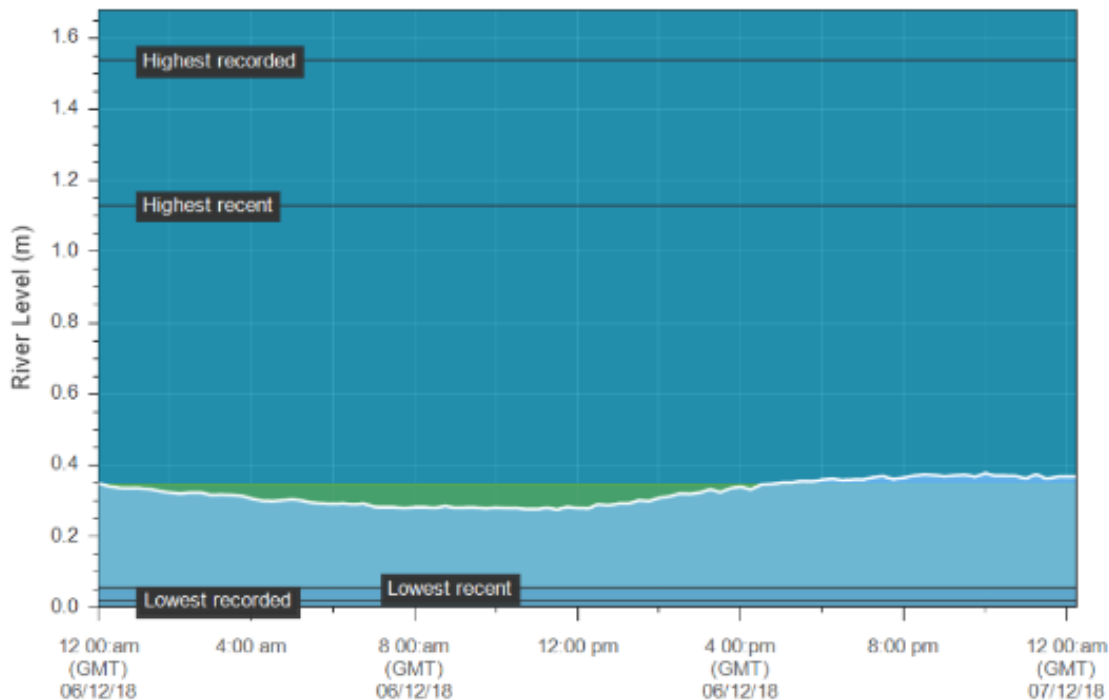
Also, this breach was not notified to NRW therefore is a permit breach under the OSM permit variations. OSM 10 states

"When the Consent Holder becomes aware that a sample result has exceeded a numeric water quality limit specified within this Consent, the Consent Holder shall, unless prior agreement has been given in writing by the Agency, notify the Agency as soon as is reasonably practicable by a

reporting system and format specified by the Agency."

River levels from the 6.12.2018 are shown in the graph below, taken from the Maerdy NRW monitoring station. Levels at this time were at the high end of typical. The relatively high river levels and smaller permit breach means this breach has been categorised as Category 3.

Rhondda Fach at Maerdy, Last retrieved value: 0.30m on 05/04/19 at 12:00 pm (GMT)



There have been other permit breaches at this site. Please refer to CAR_NRW0032901 for information on biological investigation, drainage survey undertaken and enforcement actions relating to this site.

EPR Compliance Assessment Report

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Site	MAERDY WATER TREATMENT WORKS	Permit Ref	AF3002901
Operator/Permit holder	DWR CYMRU CYFYNGEDIG	Date	03/10/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G4	C3	Investigate root cause and report back to NRW. Undertake action to prevent further breaches.	29/04/2019
E3	C3	Investigate root cause and report back to NRW. Undertake action to prevent further breaches.	29/04/2019
E3	C2	Investigate root cause and report back to NRW. Undertake action to prevent further breaches.	29/04/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.