

Compliance Assessment Report CAR_NRW0038416

Permit being assessed: AE2013403

For: Cwmbargoed Disposal Point C, held by Merthyr (South Wales) Limited

At: Fochriw Road, Cwmbargoed, , , Merthyr Tydfil, CF48 4AE.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Incident Response (Incident number: 2101888).

On 04/03/2021.

Parts of permit assessed: Relevant conditions

NRW Lead Officer: Robert Andrews, accompanied by: Natalie Wrangham.

Report sent to: Mr Andrew Stewart, DP Manager, on 22/06/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Emissions and monitoring - Emissions to water	C2 Significant	5. Quality of discharge
WQ-D2 - Information - Reporting	Action only (X)	
WQ-B3 - Operations - Operating techniques	Action only (X)	

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Investigate this discharge and make improvements to prevent more than 200mg/l TSS from discharging	12/07/2021
WQ-D2	Self-report and notify Natural Resources Wales of any potential breaches on emission limits	12/07/2021
WQ-B3	Contain and remove any waste material derived from the desilting operations	12/07/2021

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

On the 4th March 2021, Environment Officer Robert Andrews and Natalie Wrangham investigated a reported water pollution on the Taff Bargoed river. Subsequently, the visual discoloration, scarring and pollution was traced upstream of the Taff Bargoed, Nant Gyrawd and Cwm Golau tributaries to Outlet 9, NGR SO 09177 05651. This is a Merthyr (South Wales) Limited consented discharge permit AE2013403. There was evidence of silted spillage from the desilting process on the banking adjacent to the discharge point, this was highlighted to Andrew Stewart. Subsequently, Andrew Stewart bunded the area. Although the sample obtained from the discharge Outlet 9 had a TSS of 45 mg/l, the sample obtained downstream of the entry point into the Nant Gyrawd had a TSS of 1060mg/l. This indicates the pollution from Merthyr (South Wales) Limited had ceased and was potentially a chronic pollution issue as the polluting matter was still within the Cwm Golau, Nant Gyrawd and Taff Bargoed. The TSS result of 1060 mg/l in the downstream Nant Gyrawd is significantly above the permitted threshold of 200 mg/l. The sample obtained on the Taff Bargoed river, downstream of the confluence with the Nant Gyrawd is also above the permitted threshold at 350 mg/l. The sample obtained at Bedlinog Angling Club was 194mg/l. The biological assessment carried out also indicates that for 4.60 km (SO0878001915) downstream of the inflow, pollution effects were detected, with the presence of a grey turbidity and lower than expected BMWP, N-taxa and macroinvertebrate community abundances.



Observations

1. Improve the monitoring and reporting of breaches on emission limits to Natural Resources Wales.
2. Contain and remove any waste material to stop any pollution pathways as documented in your safe system of work (SS0W42).

Action required

1. Investigate the discharge and make improvements to prevent more than 200 mg/l TSS from discharging. The investigation into the pollution and its conclusions should be completed and shared with Natural Resources Wales formally by the **12/07/21**.
2. Could you also send the following documents and records please for the period **25/02/21 - 19/03/21**;
 - Results/observations from the Operator Self-Monitoring (OSM) water samples collected

- Flow recordings for the total volume of effluent discharged over the 24 hour period

Please send the information to Robert Andrews
robert.j.andrews@cyfoethnaturiolcymru.gov.uk

Contact details

Should you have any queries, please contact Robert Andrews on 07929860098 or robert.j.andrews@cyfoethnaturiolcymru.gov.uk.

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.