

## Compliance Assessment Report CAR\_NRW0040442

**Permit being assessed:** DP3025GS

For: SITE DRAINAGE AT CAE CAPEL FIELD, held by ENERGYBUILD LIMITED  
At: ABERPERGWM COLLIERY, ENGINE COTTAGE SITE, GLYNNEATH, NEATH PORT  
TALBOT, SA11 5SF.

**Type of assessment carried out:** Check Monitoring/Sampling, Reason: Routine.

On 22/09/2022.

Parts of permit assessed: 3.1.2 Table S3.1

**NRW Lead Officer:** Rhys Griffiths.

**Report sent to:** Neil Price , Energybuild Limited Aberpergwm Colliery, on 11/10/2022.

### 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	C3 Minor	Suspended Solids

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	None	09/10/2022

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

Suspended Solids result of 81mg/l.  
Maximum value of 80mg/l.

Insufficient evidence.

The likelihood cause of this minimal failure was that during the time of sampling there were heavy and intense showers. This was the period immediately after the prolonged dry weather that we received this summer where there was probably large amounts of dry dust

and coal dust all over the colliery roads and yards. Following these heavy showers the water was washing large amounts of the dust and coal particles very quickly through the lagoon system leading to increased suspended solids at the final effluent point.

22/09/2022 email below from Mr. Neil Price of Energy Build Ltd.

*"I believe we can attribute this exceedance to the weather conditions. We have (during the drier summer months) not discharged any water at all from all our discharge points on site.*

*In the days prior to sampling we experienced a great deluge of rain over a relatively short period of time caused a severe flush incident which must have dislodged settled material within our lagoons and feeder ditched to become agitated and suspended. This situation may have been further exacerbated by the opportunity which we took to desilt all the site lagoons during the dry summer period. It is normal that once lagoons are disturbed in this way the resulting fines generated will remain in suspension for an extended period of time."*

On Tuesday 27th September 2022 Rhys Griffiths and Edward Davies of NRW visited Aberpergwm Colliery to discuss the recent water discharge failures at site.

Confirmation from NRW sampler Robert Carr that *"Cae Cape sample was taken from the weir overflow of the final lagoon in the treatment area named Cae Capel. Because of the extremely low flows this summer the best option of obtaining the most representative sample was from the lagoon discharge and not the pipe to the brook."*

It was noted that the two final polishing lagoons at Cae Capel had natural developing vegetation. Weeds and reeds are growing in the inlet channel. The surface water distribution should be travelling across the width of the lagoon weir. It is important that the vegetation doesn't impact the effectiveness of the system.

It was made aware that the bottom section of Mountain Haul road does make it into the Cae Capel system. This could present a heavy loading of solids. Advice is to monitor this as this could be the source of heavy solids loading within the Cae Capel catchment.

#### Actions / Recommendations

1. Keep an eye on the vegetation growth.
2. Label sampling point area with signage.
3. Monitor and improve Haul road / additional measures to treat water.

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](mailto: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](mailto: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.