

Compliance Assessment Report CAR_NRW0040452

Permit being assessed: BP0299101

For: NEW ABERPERGWM COLLIERY SURFACE WAT, held by Energybuild Limited
At: NEW ABERPERGWM COLLIERY SURFACE, ABERPERGWM COLLIERY,
GLYNEATH, NEATH PORT TALBOT CBC, SA11 5AJ.

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.
On 23/09/2022.

Parts of permit assessed: 8 (i)

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	8 (i) discharge consent

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	10/10/2022

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 112mg/l.
Maximum value of 80mg/l.

The likelihood cause of this failure was that during the time of sampling, there were heavy and intense rain 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 all over the colliery roads and yards. Following these heavy showers the water was washing large amounts of 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 M 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 of 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. It was noted that this failure was down to a management system failure by the operator as they failed to isolate the lagoon discharge valve to prevent a discharge to the receiving watercourse. It was also noted that the valve is leaking allowing a trickle even when closed/shut off.

Recommendations

1. Catch pit in yard area - It is recommended that the operator increases frequency of the de silting of the catch pit area and look at weather the 3 or 4 surface water input points into the catch pits are sufficiently dosed with flocculent.
2. Primary lagoon - Ensure that the lagoon is adequately maintained and the turbidity curtain remains correctly installed. Part of the surface water drainage catchment for this lagoon system comes from an unmade yard area which is in a poor condition and is likely to be the source of heavy solids loading. This is also continuously trafficked by heavy plant equipment. We understand that this area is to be hard surfaced. Such a measure should reduce the solids loading and improve conditions on site. Can you please provide us with timescales of this work?
3. On the visit it was noted that coal solids were in the base of the receiving watercourse and needs to be monitored.
4. Label sampling point area with signage.

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.