

## Compliance Assessment Report CAR\_NRW0040785

**Permit being assessed:** AN0305101

For: SIX BELLS MINEWATER TREATMENT SCHEM, held by The Coal Authority  
At: SIX BELLS MINEWATER TREATMENT, FORMER EMPRESS CAR SALES SITE, ADJ ABERTILLERY LEISURE CENTRE, ABERTILLERY, .

**Type of assessment carried out:** Report/Data Review, Reason: Other.

On 01/02/2022.

Parts of permit assessed: Discharge consent levels

**NRW Lead Officer:** Elis Nuttall, accompanied by: Tamarind Falk.

**Report sent to:** Cara Callingham, Technical Environmental Advisor, on 28/11/2023.

### 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)	Condition 7 - Composition

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	Ensure NRW are informed of future exceedances as soon as possible in order for investigations to begin for a breach of permit conditions.	16/03/2022

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

#### Introduction

This report details the correspondence made between officers Tamarind Falk (NRW) and Cara Callingham (CA) from 17/02/2022 to 12/04/2022 regarding a self-report of a discharge exceedance at Six Bells Mine Water Treatment Scheme, Aberbeeg Road, Aberbeeg,

Abertillery, NP13 2EG permit reference number EPR-AN0305101.

### **Permit Breaches**

Below are permit breaches that were identified during the site inspection.

#### **CATEGORY C3 BREACH – PERMIT CONDITION 7 – Composition exceedance**

*The discharge shall not contain more than 3 milligrammes per litre of total Iron.*

NRW officer Tamarind Falk received an email on 17/02/2022 noting a breach of their permit after routine samples were taken. The Iron content was recorded at 4.43mg/l from the sample taken on 01/02/2022.

The permit states the discharge shall not exceed 3mg/l. As a result NRW are issuing this CAR reflecting this permit breach. Please see report content below for further details and justification.

### **General Observations**

NRW officer Tamarind Falk received an email on 17/02/2022 from Cara Callingham (Technical Environmental Advisor, The Coal Authority) noting a breach of their permit after routine samples were taken. The Iron content was recorded at 4.43mg/l from the sample taken on 01/02/2022.

This breach coincided with repair works ongoing at the site. It was noted that the treatment systems cannot be turned off whilst works are ongoing as it would result in untreated mine water emerging and discharging into the receiving watercourse.

The Coal Authority projects team investigated the incident and a report compiled outlining the incident and listing the actions taken to mitigate the issues observed. The report notes the issue was potentially caused by the works at the inlet due to *“water gathering behind the bund was being distributed into the reed bed. This could have been causing high suspended solids of silt and clay to carry through the reed bed, and may also be disturbing settled material within the bed”*.

The remedial actions taken are as follows:

- pump the water collected from the isolation bund back into the inlet lagoon.
- placed Flocculants blocks into the cascade to aid in water treatment.
- Continue to monitor and replace the blocks as when they have been used.

Since these remedial actions were undertaken NRW have not been informed of any further permit breaches.

On the 02/03/22 NRW officer Tamarin Falk queried several points in response to the report including the frequency of visual checks, how/if the results are recorded and requested

results from the 1<sup>st</sup> to 11<sup>th</sup> of February 2022. There was also a question raised regarding the possibility of reducing the time taken between the sample date and the early warning system being activated.

Additionally, the officer questioned the use of flocculant blocks over mats. Previous correspondence from the 15<sup>th</sup> and 17<sup>th</sup> of September 2021 noted that the use of flocculant mats had been agreed with site operators but not the use of flocculant blocks.

A response was received from Cara Callingham on the 23/03/2022. In this response it was stated that the flocculant blocks were only deployed after the breach was triggered and were placed in the cascade at the start of the scheme. These would have been fully dissolved within 24 hours. It was noted that the silt mats would have been deployed as a secondary mitigation measure if the iron and suspended solids had not sufficiently improved. But as they were confident it was an issue with the reed bed over pumping they were not deployed. Since the amendment of the over pumping the schemes discharge returned to within the consented levels.

Further information regarding the deployment of silt mats on site states that while they are kept on site to be used on request they are not routinely used. Due to the design of the scheme (tight channels / chambers, closed pipe work) their use can lead to further issues with blocked pipes if they are dislodged, hence the preference to use floc blocks.

Regarding the question on reducing the time between sampling and issuing the early warning activation it was explained that while possible there are several impracticalities involved. This is mainly due to the increased cost to reduce the analysis time and strains on lab availability. It was noted that the early warning system is in place to notify of any exceedances before the official report is released.

A response from Tamarind Falk on 12/04/2022 stressed the preference of the use of flocculant mats rather than blocks and requested that the mats be used for similar incidents in future. Further discussions between the Coal Authority and Natural Resources Wales will be held in future to assess the suitability of using flocculant blocks at CA MWTS.

**Due to the extended period since the incident and the proactive remedial actions taken by the operator the score for this breach has been suspended as NRW are satisfied that any actions needed have now been completed. It is however requested that NRW are notified as soon as possible when an exceedance of permit conditions is experienced in future.**

If you have any issues with this report, please contact Elis Nuttall on [elis.nuttall@cyfoethnaturiolcymru.gov.uk](mailto:elis.nuttall@cyfoethnaturiolcymru.gov.uk).

Thank you,

Elis.

**Elis Llŷr Nuttall** 

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*Siaradwr Cymraeg*

***In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.***

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.