

## Compliance Assessment Report CAR\_NRW0042851

**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:** Check Monitoring/Sampling, Reason: Other.

On 22/11/2023.

Parts of permit assessed: Discharge consent levels

**NRW Lead Officer:** Elis Nuttall.

**Report sent to:** Alice Mellor, Environmental Compliance Manager, The Coal Authority, on 05/12/2023.

### 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	7 - Composition
WQ-B3 - Operations - Operating techniques	Action only (X)	
WQ-D1 - Information - Records	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	Implement mitigation strategy to reduce the total Fe concentration in the discharge. Continue monitoring discharge composition on a twice weekly basis until consent levels have been achieved and are stable.	Already completed
WQ-B3	Inform NRW of the long term strategy for flocculant or dosing regimes on site to ensure Fe limits can be adhered to.	19/12/2023
WQ-D1	Provide site monitoring data for the prior 12 months of the reported breach on 31/10/2023.	Already completed

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

### **Discharge composition self-report, Six Bells MWTS**

This report details the consent breach notification sent by The Coal Authority to NRW on the 20/11/2023 regarding the Fe concentrations measured in the final discharge at Six Bells MWTS, permit reference number EPR-AN0305101.

NRW Officer Elis Nuttall (EN) received the notification from The Coal Authority's Environmental Compliance Manager Alice Mellor (AM).

It is noted that EN conducted a water quality permit inspection of Six Bells MWTS on the 29/11/2023 as part of scheduled works. Although this permit breach was discussed, the details of the site visit are not discussed here and can be found in CAR\_ NRW0042900.

### **Self-Report Details**

On 20/11/2023 EN received a phone call from AM noting that the routine monitoring at Six Bells MWTS had returned two dates where breaches of the consented Fe levels were recorded:

1. 31/10/2023 (3.21mg/l)
2. 11/11/2023 (3.5mg/l)

It was noted by AM that on the 03/10/2023 hydrogen peroxide dosing, which the scheme was originally designed to include to manage odour from the site, was turned off. The decision to stop this chemical dosing was due to recent refurbishments revealing that the dosing system that this system was at end of life and was no longer in an operable condition. The cost of replacing the permanent dosing system was stated to be potentially cost prohibitive. It was also noted that a 5 day trial period in September 2021 demonstrated that the scheme was able to treat the mine water to meet the discharge consent without peroxide dosing. As a result, chemical dosing is no longer a part of the planned treatment at Six Bells MWTS.

However, as evidenced by the self-reported breach, this lack of dosing has resulted in the increase of Fe concentrations in the final discharge. This stands as a breach of permit condition 7 – “*The discharge shall not contain more than 3 milligrams per litre of total Iron*” and will be scored appropriately. Please see below for details on the breach.

### **Actions and improvements - Correspondence**

In their correspondence on the 20/11/2023, AM noted that The Coal Authority intended to carry out the following actions to reduce the impact of the elevated Fe concentrations and prevent any further compliance breaches:

1. Install flocculant matting on site (*Floc Mat treated 30g: (WL395/WL360) 2 x 1 m biodegradable natural fibre mat treated with anionic flocculant*)
2. Increase sampling frequency to twice weekly

3. Check downstream of the discharge in the receiving watercourse to assess impact.

These actions were carried out by the Coal Authority's contractor (STS) on the 21/11/2023. It was requested that Six Bells be allowed to continue to operate using the above mitigations without reinstating a temporary dosing system to see if the system can be brought into compliance.

Photographic evidence of the installation of flocculant matting and downstream impact were provided on the 27/11/2023 by AM. These are seen below.



Flocculant matting installed at the outlet of the settlement lagoons on 21/11/2023.



The consented discharge point on 21/11/2023.



Downstream of the consented discharge point on 21/11/2023. No visible impact noted.

### **Breaches of permit condition(s)**

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

- CATEGORY C3 BREACH – PERMIT CONDITION 7 (Composition) – *The discharge shall not contain more than 3 milligrams per litre of total Iron.*

\* Please note, there is a discrepancy limit where a breach of condition 7 may be scored as a C4 Breach (A non-compliance which has no potential environmental effect) if the breach of consented limits is less than 10%. This would be applicable for the breach recorded on the 31/10/2023 (3.21mg/l) but not for the breach recorded on 11/11/2023 (3.5mg/l). As a result, this breach as be categorised as C3 (A non-compliance which could have a minor environmental effect).

### **Action required**

1. Implement mitigation strategies to reduce the total Fe concentration in the final discharge.
2. Continue monitoring discharge composition on a twice weekly basis until consent levels have been achieved and are stable.

3. Inform NRW of the long term strategy for flocculant or dosing regimens on site to ensure Fe limits can be adhered to.
4. Provide site monitoring data for the prior 12 months of the reported breach on 31/10/2023.

If we do not receive the information requested within specified deadline and have not been informed as to why there is a delay then we may serve a Regulation 60 Notice requiring the information under Environmental Permitting (England and Wales) Regulations 2016.

**Other advisory comments:**

1. Please be aware that if flocculant use is to be implemented as a permanent dosing method on site then an environmental permit will be required and the associated monitoring will need to be undertaken. This will be discussed at the CA-NRW liaison meeting on 06/12/2023. Please see the following link for further information on NRW's environmental permitting policies: <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/find-out-if-you-need-a-permit-for-discharges-to-surface-water-and-groundwater/?lang=en>

**Contact details:**

If you have any queries regarding this CAR form or to provide an update on any actions above, please contact me using the following details: Elis Nuttall, Environment Officer, [elis.nuttall@naturalresourceswales.gov.uk](mailto:elis.nuttall@naturalresourceswales.gov.uk), 03000654651/07904606156.

Thank you,

Elis Nuttall.

***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.