

## Compliance Assessment Report CAR\_NRW0042991

**Permit being assessed:** AN0314801

For: NORTH LAGOON N1 TOWER COLLIERY, held by TOWER REGENERATION LIMITED.

At: NORTH LAGOONS N1, TOWER COLLIERY, TREHERBERT ROAD, HIRWAUN, CF44 9NZ.

**Type of assessment carried out:** Audit, Reason: Incident Response (Incident number: 2307397).

On 20/09/2023.

Parts of permit assessed: 3.1 emissions to water

**NRW Lead Officer:** Natalie Wrangham.

**Report sent to:** Mike Littleford, Director of minerals and solid fuels, on 12/12/2023.

### 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	C2 Significant	3.1.2 The limits given in schedule 3 shall not be exceeded.

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	Operator needs to submit an updated plan for the short and medium term for the water management of the site to prevent / mitigate against further pollution from the site.	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.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

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

### Incident overview

At approximately 14:00 on Thursday 20/09/2023 the duty officer was asked to attend a report of heavy silt pollution in the Cynon River. The weather at the time was overcast, with rain, and there had been significant rain throughout the previous night and the whole of the 20<sup>th</sup>

The investigation of the discolouration of the Cynon led the officer to inspect the discharge for the 'S pond' from Tower Colliery. The water at the discharge was running a heavy brown colour. Water quality samples were taken for evidence.

### Sample results

The discharge from tower colliery S-pond, as permitted under permit number AN0314801, schedule 3, is permitted to contain a **maximum limit of 80 milligrams per litre of suspended solids**. The water quality sample taken at 16:45 on 20/09/2023 contained **1360 mg/l of suspended solids**, an amount **17 times over** the permitted limit.

### Actions

- Operator needs to submit an updated plan for the short and medium term for the water management of the site to prevent / mitigate against further pollution from the site. This was submitted after ongoing correspondence on 22/11/2023 - see below.

*Short term - 2-3 weeks - Hire of Siltbuster 6" Pipe Flocculators and a 2-Stage Treatment System for Slow Settling Solids. We will look to use this in conjunction with our existing lagoon system. This will provide a very high-capacity treatment of water flowing into our existing system. The treated water will then be returned into the our lagoon system to settle prior to discharge. We would be looking to hire this for the Winter period and to cover in Spring to enable the lagoon system to be properly desilted. We have been advised that the equipment could be mobilised within 2 - 3 weeks and all other ancillary equipment required - pipes, pumps and generators can also be sourced in this time scale. We have also contacted our chemical supplier to ensure that they can meet any increased requirements for dosing materials, and they have confirmed that this shouldn't be an issue.*

*Medium term - During Spring 2024 we will desilt S-Pond lagoon system and return to operation. Continue to improve the quality of the seeded areas and finish the de-stoning works on the Western side of the site and then reseed. The majority of the works going forward on site will be of a more agricultural nature so tractor movements rather than any large-scale earth moving equipment so ground disturb will be dramatically reduced going forward. The goal is that all the restoration areas on site will be back to grassland by the end of the Summer and will be brought back into agricultural use or conservation depending on location.*

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.