

Compliance Assessment Report CAR_NRW0045035

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: Unknown, Reason: Incident Response (Incident number: 2408111).

On 28/05/2024, between 14:00 and 16:20.

Parts of permit assessed: 1.1, 3.1, 4.1

NRW Lead Officer: Ceri Malone, accompanied by: Paul Latham.

Report sent to: Mike Littleford, Director of Minerals and Solid Fuels, on 23/08/2024.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C2 Significant	3.1.2. The limits given in schedule 3 shall not be exceeded.
WQ-A1 - Water Quality - Management - General management	C3 Minor	1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and (b) using sufficient competent persons and resources.
WQ-A1 - Water Quality - Management - General management	Action only (X)	
WQ-D1 - Water Quality - Information -	Action only (X)	

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
Records		

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	Monitoring Reports – Provide NRW with daily indicative mg/litre (ppm) results for suspended solids at the discharge point listed in AN0314801. Submit these results on a monthly basis to NRW until 28/02/2025.	30/09/2024
WQ-A1	Desilting Ponds – Ensure that all ponds relating to the holding capacity for the discharge point listed in AN0314801 have been desilted. Provide NRW with evidence of this being completed.	30/09/2024
WQ-A1	Pond Capacity – Provide an estimate of the ponds capacity once desilting has been completed	30/09/2024
WQ-D1	Records Management – Create and maintain a records management system on site which provides access to any paperwork or records of work related to water management on site e.g. equipment maintenance (Siltbuster, pumps etc), desilting	30/09/2024

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

Incident Overview

At approximately 11:30 on Wednesday 22/05/2024 the duty officer was asked to attend a report of discolouration in the Cynon River – WIRS 2408111. The Cynon was checked at Abercynon, Aberdare and Hirwaun where the watercourse was discoloured at each point indicative of silt pollution. Tracing the discolouration upstream led the officer to inspect the discharge from Tower Regeneration Ltd quarry's permitted discharge point (AN0314801) at 16:25 - Tower Surface Mine, Rhigos Rd, Hirwaun, Aberdare CF44 9UD. There was visibly silted water discharging from this location.

Staff at the site stated that the contamination had originated from the ponds feeding the discharge point via Siltbuster treatment. An issue with the Siltbuster caused a lack of treatment prior to discharge. Siltbuster had been contacted by staff at the site on 22/05/2024 but could not attend until the following day. The problem was confirmed to be an electrical fault by Siltbuster staff when attending site at 9:30 on

23/05/2024. Water quality sampling was undertaken at the discharge point on 22/05/2024 at 16:25.

The outlet discharge valve on the S-pond was closed to allow solids to settle in the following days. Despite this water was leaving site via the S-pond overflow as the pond's capacity had been exceeded. Further reports of water pollution were received by NRW (WIRS 2408275 and 2408366) and resulted in further water quality sampling to be undertaken on 24/05/2024, 27/05/2024 and 28/05/2024. On 29/05/2024 a pump was acquired and installed to pump the S-pond water back to the Siltbuster treatment.

Sample Results

The discharge from tower colliery, 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 16:25 on 22/05/2024 contained 738mg/l of suspended solids, an amount 9 times over the permitted limit. Samples taken on 24/05/2024, 27/05/2024 and 28/05/2024 showed a reduction in suspended solids however still exceeded the permitted limits.

Sample Results from Permitted Discharge Point NGR SN 94809 05440		
Sample Date	Suspended solids Result (measured after drying at 105° C) {mg/l}	WIRS Reference
22/05/2024	738*	2408111
24/05/2024	228*	2408275
27/05/2024	154*	2408366
28/05/2024	154*	2408111

*Exceeding the permitted limit of 80mg/l set out in Schedule 3 of AN0313801.

Actions

The following actions should be completed by the dates specified:

Desilting Ponds – Ensure that all ponds relating to the holding capacity for the discharge point listed in AN0314801 have been desilted by 30/09/2024. Provide NRW with evidence of this being completed.

Pond Capacity – Provide an estimate of the ponds capacity once desilting has been completed by 30/09/2024.

Records Management – Create and maintain a records management system on site which provides access to any paperwork or records of work related to water management on site e.g. equipment maintenance (Siltbuster, pumps etc), desilting by 30/09/2024.

Monitoring Reports – Provide NRW with daily indicative mg/litre (ppm) results for suspended solids at the discharge point listed in AN0314801. Submit these results on a monthly basis to NRW until 28/02/2025.

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.