

Compliance Assessment Report CAR_NRW0045297

Permit being assessed: AF3032201

For: TOWER COLLIERY OLD PONDS HIRWAUN, held by TOWER REGENERATIONS LIMITED

At: Tower Colliery Ltd, Tirherbert Road, Rhigos, Aberdare, Rhondda Cynon Taff, CF44 9UF.

Type of assessment carried out: Unknown, Reason: Incident Response (Incident number: 2412367).

On 09/09/2024.

Parts of permit assessed: 1.1.1 and 3.1.2

NRW Lead Officer: Natalie Wrangham.

Report sent to: Mike Littleford, Manager, on 26/09/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-A1 - Water Quality - Management - General management	Action only (X)	
WQ-A1 - Water Quality - Management - General management	Action only (X)	
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	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-A1	Daily monitoring checks to be established / continued to ensure no pollution arising from site activities. Daily monitoring should be implemented for all discharge points and recorded by the site. Actions to be taken by site in accordance with permitted activities and written management plan to manage the discharge.	04/10/2024
WQ-A1	Please submit monitoring records for discharge point under this permit for 2/09/2024 - 16/09/2024 inclusive	04/10/2024
WQ-C1	Investigation and report into cause of incident, what monitoring had occurred on that day, action taken on the day to stop pollution and procedures put in place to prevent reoccurrence.	04/10/2024

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.

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 Report

Incident number 2412367 was reported by an NRW officer on 9/09/2024, reporting a discoloured discharge from a pipe near Cors Bryn y Gaer SSSI seen at 10.26am. Pictures were taken and submitted by the officer showing a heavy brown discoloration to the stream. The extent of the impact was unknown. It was determined that the location of the report meant the discharge permitted under AF3032201 was likely not compliant with its permit conditions.

The Operator was contacted on the same day and made aware of the pollution report, and were requested to immediately attend to the discharge and update NRW with the actions taken.

The Operator confirmed that day that they had increased flocculant dosing in the old ponds and were monitoring the situation. An update was requested by NRW the following day on the condition of the discharge. The operator submitted photos showing a significant improvement in the discharge which had been subject to periodic monitoring throughout the day.

Permit conditions

The following permit conditions have been assessed:

- **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**
- **1.1.2 - Records demonstration compliance with condition 1.1.1 shall be maintained**
- **3.1.2 - The limits given in schedule 3 shall not be exceeded. - Table S3.1b, schedule 3 permits a suspended solid concentration of 100mg/l. Whilst no water samples were taken by NRW at the time of the incident, the photographs taken**

show this limit had likely been exceeded due to the scale of discolouration evidenced.

Actions

- Daily monitoring checks to be established / continued to ensure no pollution arising from site activities. Daily monitoring should be implemented for all discharge points and recorded by the site. Actions to be taken by site in accordance with permitted activities and written management plan to manage the discharge.
- Submit monitoring records for discharge point under this permit for 2/09/2024 - 16/09/2024 inclusive
- Investigation and report into cause of incident, what monitoring had occurred on that day, action taken on the day to stop pollution and procedures put in place to prevent reoccurrence.

All actions to be completed by **04/10/2024** and associated reports / evidence sent to NRW.

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.