

## Compliance Assessment Report CAR\_NRW0045401

**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: Other.

On 09/10/2024, between 10:00 and 12:45.

Parts of permit assessed: 1.1. General Management

**NRW Lead Officer:** Ceri Malone, accompanied by: Natalie Wrangham.

**Report sent to:** Michael Dunleavy, Mines Restoration Consultant Hargreaves Minerals, on 11/10/2024.

### 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	C3 Minor	1.1.1 The operator shall manage and operate the activities: (b) using sufficient competent persons and resources.

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	Investigate the reliability of the suspended solids analysis conducted on site. Provide evidence that any instrument and methodology used on site to determine suspended solids results are accurate and representative of the discharge.	11/12/2024

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.

**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.

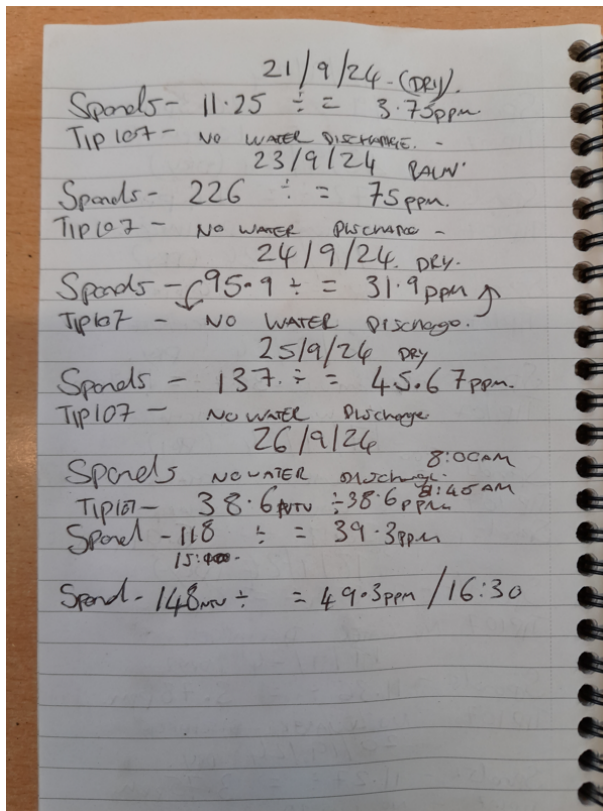
## 4. Details of our assessment

### Site drainage at Tower Colliery North Lagoons N1 Permit number AN0314801

**26/09/2024**

As part of a water quality incident investigation myself and another officer from Natural Resources Wales took a 2l water quality sample at the discharge/monitoring location for permit AN0314801 – NGR SN 94809 05440 at 16:55 on 26/09/2024.

This sample was split into two separate at 1l samples, one of which was chosen by an operator at Tower Colliery with associated sample receipt LPRO16 01878. Upon receipt of the sample the operator immediately analysed the sample using an on-site EUTECH TN-100 turbidimeter. A calculation from 148 NTU to ppm gave a result of 49.3ppm of suspended solids (photograph 1). The operator stated that this method along with visual checks are how suspended solids are monitored as part of the site management.



Photograph 1: Suspended Solids Calculations

The sample retained by Natural Resources Wales was also analysed for suspended solids (measured after drying at 105° C) as part of the investigation. This is a parameter listed under Schedule 3 Emissions and Monitoring of the permit. The limit for this parameter is 80mg/l. When analysed by Natural Resources Wales Analytical Services UKAS accredited laboratory the sample result was 74mg/l.

Although this was within the permitted discharge limit for suspended solids it did differ significantly from the corresponding sample analysed on site. As the samples were bipartite samples and mixed prior to dispensing they should have had similar results. The reliability of the EUTECH TN-100 turbidimeter or analysis technique/methodology to provide results which are reliable and representative of the discharge in relation to suspended solids is therefore in doubt.

### **09/10/2024**

On 09/10/2024 myself and a senior NRW officer conducted a site visit with a mines restoration consultant for Hargreaves Minerals at Tower Colliery. As part of the visit we discussed the anomalous result. The consultant stated that he was unaware of any calibration of the turbidimeter since it had been used at the site. No calibration certification was present with the instrument (photograph 2).



Photograph 2: EUTECH TN-100 Turbidimeter Used for Analysis

### **Breaches of permit condition:**

- 1.1.1 Management-General Management. The operator shall manage and operate the activities:  
(b) using sufficient competent persons and **resources**.

### **Action required by dates specified:**

Investigate the reliability of the suspended solids analysis conducted on site. Provide evidence that any instrument and methodology used on site to determine suspended solids results are accurate and representative of the discharge. By 11/12/2024.

**Other advisory comments:**

N/A

**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: Ceri Malone, Environment Officer, Ceri.Malone@naturalresourceswales.gov.uk

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.

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.