

Compliance Assessment Report CAR_NRW0045395

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: Site Inspection, Reason: Other.

On 09/10/2024, between 10:00 and 12:41.

Parts of permit assessed: All

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

Report sent to: Mike Littleford, Director of minerals and solid fuels, on 17/10/2024.

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	Assessed (A)	
WQ-B1 - Water Quality - Operations - Permitted activities	Assessed (A)	
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	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	No evidence of non compliance with discharge emission condition. However, discharge still discoloured with discolouration seemingly failing to improve much throughout flocculant and lagoon treatment processes. Recommend the Operator re-assess the sediment type and load to determine whether flocculent needs adjusting or dosing point moving.	14/11/2024

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

Inspection of old ponds - permit number AF3032201

On 9/10/2024 at 10:00, Senior Environment Officer and Environment Officer from NRW met with a representative of Tower Regeneration Limited (TRL) for a site visit and discussion of the site water management following recently reported incidents and to follow up on previous actions.

Weather was dry with some light showers, however the previous day had seen a day of consistent heavy showers.

A walkover of the old ponds showed that flocculant was in use to help settle the solids out of the drainage water. Figure 1 below shows the addition of the flocculant. The quantity and rate of flocculant is unknown as it did not appear to be measured. The TRL representative said the flocculant had been previously assessed to be appropriate for the type of sediment and was being appropriately dosed as advised by consultants. However, there was acknowledgment that the flocculant didn't appear to be as effective recently as the sediment type and load had changed, and a reassessment was required.



Figure 1: addition of flocculant at the beginning of the old ponds area

Walking through the site discolouration could be seen throughout the ponds, as shown in Figure 2 below. Some runoff from the tracks was contributing to this, but it appeared to be mainly as a result of the received drainage water from the TRL site.



Figure 2: discolouration seen in the ponds

Figure 3 below shows the final discharge point from the old ponds (Outlet 1 Old Ponds). The discharge was slightly discoloured but appeared to be within the limits of the permit (100 mg/l suspended solids).



Figure 3: Discharge point from old ponds into the Nant Cnapiau

TRL evidenced daily monitoring records for the site during the visit, however there is a question about the accuracy of the on site turbidity readings. Lab verification of readings and calibration of equipment (if appropriate) has been requested.

Outstanding actions from CAR_NRW0045297:

- Please submit monitoring records for discharge point under this permit for 2/09/2024 - 16/09/2024 inclusive - by **4 October 2024**
- 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 - by **4 October 2024**

New action

- Assess sediment type and load now being received by the old ponds and reassess the application of flocculant to consider whether current flocculant is appropriate for requirements and whether dosing location needs consideration - by **14 November 2024**.

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.