

This form will report compliance with your permit as determined by an NRW officer

Site	NORTH LAGOON N1 TOWER COLLIERY	Permit Ref	AN0314801		
Operator/Permit holder	TOWER REGENERATION LIMITED.				
Regime	WaterQuality				
Date of assessment	06/08/2019	Time in	12:00	Out	14:00
Assessment type	Site Inspection				
Parts of the permit assessed	discharge conditions				
Lead officer's name	Thomas, Llyr				
Accompanied by	Wrangham, Natalie				
Recipient's name/position	Tony Shot/ The Colliery Manager	Date issued	26/05/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	C2	8.C. The settlement lagoons shall be desludged at sufficient frequency and in such a manner to prevent excessive carryover of suspended solids.
E3 - Emissions - Surface water	C2	1.a The discharge shall not contain any poisonous, noxious or polluting material
	C2	7.1. The discharge shall not contain more than 80 milligrams per litre of suspended solids (measured after drying at 105°C)

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	93
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

CAR NOT ISSUED. SAVED TO DMS AS FILENOTE

****Background - 25.05.2020 Rachele Trubey e-mailed Hannah Goddard asking why this CAR wasn't sent. Llyr Thomas spoke with Sarah P Jones in 2019 and the CAR wasn't issued. Now HG is sending to herself so this will save on DMS as a record of events at Tower only for info. NOT to be included as regulatory history of the site. ****

On the 6th of August 2019, Llyr Thomas and Natalie Wrangham of Natural Resources Wales responded to an incident report of turbid water in Nant-y-Cnapiau originating from The Tower Colliery. Upon inspection at the discharge point for discharge permit AN0314801, the water looked heavily turbid. A compliance sample was taken which had two significant results:

- Suspended solids concentration was measured at: **7690 mg/l** against the permitted 80mg/l.
- Chemical oxygen demand was measured at **2120 mg/l** significantly noxious to fish and biology.

We inspected the site and met Tony Shot, the site manager of Tower Colliery at 12.45. We learnt that the reason for the discolouration is that they were in the process of de silting the main settling lagoon called the snaky pond ready for winter storms. They were trying to do the work whilst the weather was dry. Taking the lagoon offline meant that they had less capacity to manage surface runoff with their other lagoons. They were caught out when it rained heavily the day before and that morning which overloaded their reduced capacity system.

Whilst the main settling lagoon was decommissioned, the site had very little attenuation time with their surface runoff before it discharged. This meant that their discharge was heavily contaminated with suspended solids from the site as it had not had time to settle. They had a valve that they could have been turned off which would have meant that all their lagoons would fill up, and eventually over topple into the decommissioned lagoon. This would have meant that they would not be able to desilt the lagoon this year, and likely exacerbate pollution issues during wetter seasons of Autumn and Winter.

Mr Shot claimed that they had installed settling lagoons wherever they could, and they simply had no room to build anymore. Following dry weather this week, they will desilt the main lagoon and bring it back into commission before the weather turns again. Desilting other lagoons has resulted in the collection of up to 12000m³ of silt. Which then has been put back on the tip.

Mr Shot has completed the desilting work on the main settling lagoon, which has now come back online. No incident reports have been received since this work was done.

Picture 1. The colour of the discharge before it entered Nant-y-Cnapiau. This is what was sampled for the compliance sample.



EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035610**

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Site	NORTH LAGOON N1 TOWER COLLIERY	Permit Ref	AN0314801
Operator/Permit holder	TOWER REGENERATION LIMITED.	Date	06/08/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
E3	C2	Ensure compliance with the permit.	30/09/2019
A1	C2	ensure there is a contingency plan for managing surface run off and complying with your permit whilst one or more of your settling lagoons are decommissioned for desludging.	20/09/2019
E3	C2	ensure compliance with the permit	30/09/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.