

Compliance Assessment Report CAR_NRW0037321

Permit being assessed: AF3032201

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

At: TOWER COLLIERY OLD PONDS HIRWA, HIRWAUN ,, HIRWAUN ,, HIRWAUN ,, ..

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number: 2007352).

On 09/10/2020, between 14:00 and 16:00.

Parts of permit assessed: Conditions 2. and 6.

NRW Lead Officer: Hannah Goddard.

Report sent to: Mike Littleford, Operations Manager, on 09/02/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	2. Discharge from grid ref SN 95050 05730 6. The total suspended solids concentration shall not exceed 350 milligrammes per litre
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	2. Discharge from grid ref SN 94985 06190 6. The total suspended solids concentration shall not exceed 350 milligrammes per litre

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	Investigate this discharge and make improvements to prevent silt escaping from anywhere but the permitted outfall.	Already completed
WQ-C1	Investigate this discharge and make improvements to prevent silt escaping from anywhere but the permitted outfall.	Already completed

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

This compliance form is to be issued following our response to an incident at Tower Colliery on 9th October 2020.

There were 2 incidents investigated on the 9th of October, which have both been addressed in this form, in order to issue a single warning for both incidents:

- 2007328 - discharge to Cynon via railway sidings
- 2007352 - discharge to SSSI/SAC field

Results

Location	Result Suspended solids	Permitted threshold Suspended solids
Upstream - River Cynon	6 mg/l	
Old Ponds discharge	7720 mg/l	350 mg/l
Downstream - River Cynon	15 mg/l	

Though the breach was significant and impacted a SSSI/SAC, much of the silt was contained to that area and had a minor impact on the River Cynon, as seen by the results above. The long term impact to the SSSI/SAC cannot be measured without long term investigation, and therefore cannot be included as part of our review.

Action required

- Investigate this discharge and make improvements to prevent silt escaping from anywhere but the permitted outfall.

This action has already been completed.

Enforcement action

Due to the location of the discharge into land designated as both a SSSI and SAC, we have decided to issue a Warning, which is included as part of this compliance form.

Contact details

Should you have any queries, please feel free to use the contact details below:

Hannah Goddard

0300 065 3211

hannah.goddard@naturalresourceswales.gov.uk

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.