

Compliance Assessment Report CAR_NRW0040014

Licence being assessed: 24/67/8/0047.

For: Water from Dolfechlas Brook - Mineral Washing - Hendre Quarry, held by Tarmac Trading Limited.

At: .

Type of assessment: Site Inspection, Reason: Incident Response (Incident number 2204127).

On 10/06/2022, between 14:00 and 15:00.

Parts of licence assessed: 7. MEANS OF MEASUREMENT OF WATER ABSTRACTED

NRW Lead Officer: Philip Barrett.

Report sent to: Lisa Sumner, Permitting and Compliance Manager, on 13/06/2022.

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

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-B1 - Abstraction measurement and records - Means of measurement	C3 Minor	7) MEANS OF MEASUREMENT OF WATER ABSTRACTED

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WR-B1	Remove the pipework associated to the unmetered abstraction.	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 or civil sanctions being imposed depending on the circumstances of the offence.

You are non-compliant with your licence.

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

A visit to Hendre Quarry was carried out on Friday 10th June 2022 following an incident report covering concerns of the abstraction that is taking place at the site.

From the details in the report, an inspection of the watercourse was carried out and found that a pipe had been placed upstream of where the abstraction was observed on the previous visit, which took place on the 18th March 2022. This visit identified a number of issues that are covered in compliance assessment report CAR_NRW0039871.

The point of abstraction is one of the issues that was raised on the previous visit as this isn't currently taking place at the point shown on the licence. As the point of abstraction was metered and the quantities were said to be below 20 cubic metres a day, no further action was required following this visit other than for Tarmac to decide if a licence variation was required to correct the issues identified, or to surrender the licence if they were to operate under an exemption (less than 20 cubic meters a day). Tarmac have confirmed by email that it is their intentions to vary the licence to correct the issues raised.

The additional abstraction point was found to be unmetered and taking place at the same time as the previously observed abstraction. This method of abstraction risks greatly reducing the flow in the watercourse while both abstractions are taking place and is non-compliant with the licence as it is not metered. This was raised with the site and the pipework for the unmetered abstraction were removed to prevent this from continuing to take place.

The reading of the metered abstraction point was checked and found to show a reading of 381 L/min, which would equate to just over 548 cubic metres if run consistently for a 24-hour period. Concerns were raised with the assistant quarry manager that the quantity being abstracted would be over 20 cubic meters a day if run for more than 1 hour. The reading remained at 381 L/min when the pump was stopped. It was agreed that the meter would be checked for accuracy. A follow up email was received from the assistant quarry manager on 13/06/22 with information that the quantity for the day was 9.6 cubic meters.

The 2 holding tanks where the water is stored were observed to be housed next to the metered abstraction. This found that 1 of the tanks was surcharging as the flow to it appeared to continue even though it was full. It was agreed that this would be looked into to ensure that the abstraction only takes place when the tanks required topping up and isn't allowed to run continuously.

A licence variation must be carried out to ensure that no harm is caused to the environment from the abstraction that is taking place at the site.

Tarmac Trading Limited must ensure that the site is aware of the conditions set out in the licence to ensure that the abstraction is fully compliant with it.

Can you please provide an update with when an application will be made to vary the licence by Monday 20th June 2022.

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 licence is issued to you under the Water Resources Act 1991 as amended by the Water Act 2003. You have a responsibility to comply with the conditions of your licence 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.

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 resource action criteria (used in section 1 and 2):**WR A: Abstraction specified by Licence**

- WR-A1 Source of supply
- WR-A2 Points of abstraction
- WR-A3 Means of abstraction
- WR-A4 Purposes of abstraction
- WR-A5 Period of abstraction
- WR-A6 Quantities
- WR-A7 Land
- WR-A8 Other specified on licence

WR B: Abstraction measurement and records

- WR-B1 Means of measurement
- WR-B2 Recording
- WR-B3 Reporting

WR C: Surface / Groundwater level and protected flow

- WR-C1 Minimum hands-off flow/level requirements
- WR-C2 Flow/level measurement devices
- WR-C3 Recording
- WR-C4 Reporting

WR D: Environmental monitoring and information

- WR-D1 Recording
- WR-D2 Reporting
- WR-D3 Notifications

WR E: Fish and eel passage

- WR-E1 Infrastructure specified by licence
- WR-E2 Maintenance and records

WR F: Discharge

- WR-F1 Point of discharge
- WR-F2 Infrastructure
- WR-F3 Measurement
- WR-F4 Recording
- WR-F5 Reporting

WR G: Impoundment specified by licence

- WR-G1 Inland water to be impounded
- WR-G2 Manner and extent of impoundment
- WR-G3 Point(s) of impoundment
- WR-G4 Construction and removal requirements
- WR-G5 Other specified on licence

WR H: Borehole infrastructure

- WR-H1 Infrastructure and accessibility
- WR-H2 Maintenance and calibration

Enforcement response

Any licence condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution or civil sanctions. 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 (Mon to Fri 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.