

Compliance Assessment Report CAR_NRW0040507

Permit being assessed: CG0349101

For: TY MAWR EAST QUARRY TALYSARN GWYNE, held by WATKIN JONES & SON LTD

At: TY MAWR EAST QUARRY TALYSARN GW, TALYSARN GWYNEDD ,, GWYNEDD ,, GWYNEDD ,, .

Type of assessment carried out: Check Monitoring/Sampling, Reason: Routine.
On 12/09/2022.

Parts of permit assessed: Condition 4

NRW Lead Officer: Euryrn Roberts.

Report sent to: Aled Owen, Environmental Manager, on 06/10/2022.

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	4.(b). The Suspended Solids concentration (dried at 105 degrees Celsius) shall not exceed 60 milligrams per litre.
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WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	4.(c). The Turbidity shall not be greater than 50 Formazin Units.

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	Review and upgrade pollution prevention measures and settlement capacity to prevent further permit breaches.	07/11/2022
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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 Assessment Report is being issued after two samples taken for permit compliance purposes have come back with results that breached the permit limits for solids and one for turbidity.

For the first sample on the 30th of June 2022, it's understood that there had been a thunderstorm and heavy rain earlier in the afternoon. As a consequence there was a lot of surface water on the local roads etc. Consequently, this non-compliance has been classed as a "3", i.e. a potential minor effect on the environment due to the dilution that should have been available in the river.

From my records, the second sample on the 12th of September 2022 was also taken after rainfall on the 11th and 12th.

The fact that both samples were taken after rainfall implies that the infrastructure on site needs to be reviewed to ensure sufficient settlement of solids in wet weather.

The level of the breaches are significant. Apart from the dilution factor and lack of known impact from the discharge on these dates, the breaches would have been scored as having had potential significant impacts, and consequently a higher level of enforcement action.

You are strongly advised to review what pollution prevention measures you have on site e.g. silt fencing, cut off drains, sleeping policemen etc to deal with run-off. Secondly, to review the amount of settlement capacity available in wet weather in conjunction with the amount of time that the site specific particle size would take to settle out.

For pollution prevention advice see the Netregs website and Pollution Prevention Guideline GPP5 in particular.

Please confirm in writing what action you will take to prevent further permit breaches.

Further non-compliances may result in Natural Resources Wales taking a higher level of enforcement action.

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.