

Our Ref: EPR/CB3396FF  
Your Ref:

John Jones Civil Engineering and  
Groundworks Ltd.,  
Cwetgwenddw'r Wood  
Builth Wells  
LD2 3YR

29 August 2024

Dear Mrs. Jones

## Response to Letter regarding Permit Compliance

Thank you for your letter dated March 2024, apologies that we were not able to respond within 10 days as you had hoped, but we wanted to ensure that we could respond properly to all the points that you raised and this has meant delaying the response to you.

### Outstanding Issues from CAR Report 39483 15/02/22

*B1 – All materials accepted in permit CB3396FF are inert and therefore impermeable hardstanding is not required.*

*C2 – As impermeable drainage is not required this action is not actionable.*

These compliance actions were issued in relation to a site visit undertaken prior to you applying to vary your permit to remove the requirement for all areas of waste storage and treatment to have impermeable pavement and sealed drainage. At the time of the visit these non-compliances were correct.

*D2 – Site Notice Board has been updated*

Thank you. It is acknowledged that you have ensured that emergency contact details are now available at the main site gates next to the A470. Please remember that the guidance document, "How to Comply with your Environmental Permit", sets out the information that must be displayed at or near the site entrance and that must be easily readable from outside the site in daylight hours:

- the permit holder's name (company name at least)
- the operator's name if different (company name at least)
- an emergency contact name and the operator's telephone number
- a statement that the site is permitted by Natural Resources Wales
- the permit number
- Natural Resources Wales national numbers, 0300 0653000 and 0800 807060 (incident hotline), or any other number we subsequently notify you about in writing.

You must ensure that your noticeboard meets the requirements set out above. This will be assessed at a future compliance visit.

### **Outstanding Issues from CAR Report 41014 30/01/23**

*B1 – All materials accepted in permit CB3396FF are inert and therefore impermeable hardstanding is not required.*

This action was in relation to a site visit undertaken in January 2023, prior to you applying to vary your permit to remove the requirement for all areas of waste storage and treatment to have impermeable pavement and sealed drainage. At the time of the visit this non-compliance was correct.

### **Outstanding Issues from CAR Report 42653 12/10/23**

*A1 – To our knowledge no waste is burnt on site.*

During the compliance visit on 12 October 2023, where both yourself and Mr. Bridges were present, it was observed by officers that, as shown in the photograph below, there had been a fire between the workshop and the quarry wall at the rear of the site. This is within the permit boundary and your permit does not authorise the burning of wastes.

*C1 – All staff are aware that no fires are permitted on site.*

*C2 – All staff are aware that no burning of waste is permitted on site*



We thank you for raising staff awareness that burning is not allowed on site and hopefully this will prevent future fires.

*B3 – Interceptor tanks access points have been modified so they are easier to clean.*

Thank you.

*C1 – Luke Bridges COTC certificates have been forward to you*

Thank you.

*C2 – A full investigation has been undertaken into the Private Water Supply and this is ongoing. We do not believe that the private water supply user has legal access to it. Currently the user does not have consent from the landowner. We are seeking advice on restricting access.*

It is not within Natural Resources Wales' remit as to whether there is legal access to the private water supply and so this is a civil matter between yourself (the landowner) and the user of the private water supply. However, the private water supply is not included as a receptor in your current Environmental Risk Assessment. This private waster supply is a sensitive receptor within 1 km of the site and therefore you are required to include an adequate assessment of the risk posed by permitted activities at the site.

*D2 – Emergency contact details have been added to the site entrance board.*

Thank you. Please see earlier comments regarding the information required to be provided at the site entrance.

*Other matters -*

*With regards to the private water supply, please be aware that it was not clear if the private water supply was in our land ownership. We have no records of this private water supply. We were in the same position as NRW in that if there are no public records of such water supply how we are to include this in our site Risk Assessment. Your CAR report implies we were in the wrong, but this is not the case. As such please confirm in writing to us that if we have no legal obligation to the Public Water Supply then we are not at fault.*

*Summary - There are no outstanding actions from CAR report other than the ongoing issue of Private Water Supply. We are seeking legal opinion on the Water Supply and will update the Site Risk Assessment once the legal opinion has been obtained. For the avoidance of doubt please advise the Private Water Supply user not to use the water supply until further notice.*

As noted above it is a civil matter between the landowner and the user of the private water supply as to whether there is legal access to the water supply however, taking into account that the private water supply is being used for a domestic property and it's close proximity to your site, it must be considered in your Environmental Risk Assessment and included in your Environmetnal Management System. The current versions of both documents do not

address this matter to a satisfactory standard therefore please submit an amended Environmental Risk Assessment and Environmental Management System as requested.

### **Outstanding Issues from CAR Report 43554 23/01/24**

*B3 – Improvements to surface water have been made but for the avoidance of doubt only water from cliff face enters this stream.*

Thank you. At the time of the visit the drainage system previously installed to intercept surface water from the cliff face and prevent it entering the permitted area had been damaged and/or partially removed to allow further quarrying of stone. Can you please provide photographs to demonstrate that this drain has now been reinstated and is engineered to ensure that clean rainwater from the cliff face is kept separate from surface water run-off from the waste storage and treatment area.

*B3 – In this washdown area, detergents are not used and therefore the risk of discharge of oils to the ground is mitigated. However, this will be communicated to site operatives and subcontractors to ensure that detergents are not used in this area and therefore the risk is kept a minimum. Your CAR report paints a bad picture of the site when detergents are not even used.*

The Compliance Report form states that, “if detergents are used to wash vehicles and/or equipment, both the drain and direct run-off are possible pathways for pollution to land”. Our regulatory role requires us to provide advice and guidance where areas of concern are identified, or where improvements can be made that are not a breach of permit. It is evident that there are possible pathways for pollution to occur if detergents were to be used during vehicle cleaning.

This matter was not intended to be treated as a breach of compliance but as “Action Only”, to ensure that detergents were not used in that area. We will re-issue the Compliance Report and move this area of concern from “Permit Breaches” to “Other Matters”

*C2 – The EMS is being complied with. The spillage was investigated, and it was discovered that a technical fault with the excavator caused the minor leakage of a small amount of oil. It was concluded that the spillage you saw was a droplet of oil that was caused as a result of this fault. We have spoken to the site operators and explained that even small droplets can look like a larger spill and that any spill no matter how small must be cleaned up with the spill kits provided on site.*

*The oil spill was cleaned up immediately after detection during the daily checks and materials were contained for disposal to a suitably permitted site in accordance with section 4.6 of the site EMS.*

*As the oil spill was cleared immediately, there was no risk of pollution to the ground due to both small amount of oil and the time in which it took to clean the oil.*

*The spill was a drip from plant. We are under the impression that such small environmental incidents would not be needed to be reported to NRW. Within the realms of common sense please can you confirm the mg/ml reporting limits for NRW. We believe the drips constituted 10 ml. This is a very small quantity, and we did not think such a small volume would need to be reported to NRW.*

Natural Resources Wales are not challenging the fact that the spill was caused by a fault with the machine as, when this issue was identified during the compliance visit, you explained that staff had stopped using the machine when it had developed a fault and that it was awaiting repair. However, at the time of the compliance visit officers could follow the oil from the faulty machine for a distance of 10 or more metres towards the edge of the concrete apron in front of the shed. It did not appear that there were any other members of staff present on site at the time of our visit so, even if the initial spill had been cleared-up immediately, no preventative measures had been taken to prevent further leakage of oil and a discharge onto the hardstanding.

The site surface where the oil spill occurred is permeable hardstanding that allows liquids to drain away through the surface. Therefore, where oil has leaked or spilled onto the hardstanding and has not been cleaned-up immediately could result in that oil permeating through the hardstanding and result in the pollution of groundwater.

The requirement to notify Natural Resources Wales about oil spills is specified within Section 4.6.3 of your EMS which states: *'Once the spillage has been contained any materials that may be subject to contamination shall be cleared immediately and placed in sealed, labelled containers. These will be taken to a suitably permitted site for disposal. NRW shall be informed immediately, and the details of the event recorded in the site diary in accordance with the John Jones Management System'*.

While Permit Condition 4.3.1 only requires the operator to notify Natural Resources Wales in the event of a breakdown or malfunction that may result in serious pollution, it is your own process as set out in your Environmental Management System that required you to notify us in this case.

*E1 – No Fires are permitted on site. During this visit there was no fire on site, any fires would be recorded within the site diary and the emergency services are notified, after the incident has been successfully dealt with. As there was no fire on site during the site visit, it is perplexing as to why this has been included within this CAR report. Under the site EMS it is stated in section 4.7, that there are no fires permitted on site. It is explicitly stated under 4.7.1 'combustible wastes will not be accepted on site' and under 4.7.2 'no wastes shall be burnt on site'. Additionally, site operators are trained to be able to recognise signs of smouldering waste, therefore minimising the risks of fires starting. In the event of a fire, the fire is reported to the emergency services and the NRW, after the fire has been dealt with successfully, with a record of all significant events being logged in the site diary.*

Shortly after this compliance visit, Natural Resources Wales received information regarding burning at the site and as such have a statutory duty to respond to such reports. As noted above and shown in the earlier photograph, officers had previously observed that fires have occurred at the site and therefore we considered that the best response was to treat this as a permit compliance matter rather than as an illegal waste activity and so it was included in the Compliance Report. However, as the alleged burning was not substantiated, and as this Compliance Report is going to be re-issued for another matter, we will also change this issue from an "Action Only" Permit Breach to being Advice and Guidance in "Other Matters".

*E2 – Plant has been scrapped so no drip possible going forward.*

Thank you for informing Natural Resources Wales that the plant in question has been scrapped.

*D2 – This is an ongoing issue, and we will keep NRW informed.*

*During the application process for the permit, a thorough evaluation of all sensitive risk receptors was conducted, within a 1000 meter radius of the site, discussed within the sensitive receptor plans. The absence of publicly available records for this PWS, led to it not being included in the plans, as there was no prior knowledge of its existence.*

*During the site investigation into the PWS, a groundsure report verified the absence of drinking water, groundwater, and surface water abstraction licenses for Cwrt-Gwenddwr properties. Regarding CAR\_NRW0042653, a detailed inquiry was carried out into the Potable Water Supply (PWS) and the potential pollution risk posed by the site. The investigation revealed that the spring's source is separate from the stream located on the southern edge of the site, establishing that the source is separate to the site. The stream flows into the highway drain, combining with runoff from the highway.*

*It is unacceptable that you insinuate John Jones have intentionally omitted the PWS when you are not fully aware of the legal situation relating to it. Please retract all accusations until such time that all the facts are fully known.*

*NRW will be updated once legal opinion has been confirmed. The private water supply user is to seek alternative water supply until further notice.*

We are not insinuating that John Jones Civil Engineering and Groundworks Ltd. have intentionally omitted information but are highlighting the declaration that you signed on the permit application forms. Whether or not the Private Water Supply appeared on any report that was commissioned is not relevant, you were aware that it physically existed and therefore it should have been included as a sensitive receptor within your Environmental Risk Assessment and Environmental Management System, especially as these documents include other sensitive receptors that are further away from the site. It must be noted that there are many private water supplies across Wales which are not marked on maps, as most private supplies are too small to require a permit. You state that a detailed inquiry was carried out into the potable water supply and the potential pollution risk posed by the site. It is exactly this information that we require to be included in your environmental risk assessment and environmental management system. Although you have updated your Environmental Risk Assessment to reference the presence of the Private Water Supply in the introduction, this does not adequately assess the risk to the receptor as it has not been included in the assessment process and this is the reason that it was set as an action in Compliance Report (ref: 42653, dated 26/10/2023) and this has yet to be completed.

*Please also be aware that the party who have made the complaint are particularly difficult neighbours who we have evidence trespassing the site. We consider this a bigger environmental risk than many of the risks raised to date. We have improved security to reduce this risk.*

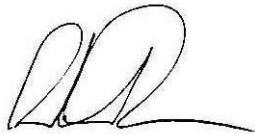
Thank you for outlining that you have increased site security. If you continue to have concerns regarding unauthorised access to the permitted site you must keep records and notify us. You should also consider notifying the Police.

*In view of the above John Jones would appreciate a more reasonable score be applied proportionate to the demonstrated low level of risk on site.*

Our compliance work requires that any breach of permit identified is scored and that the score is determined by the reasonably foreseeable environmental harm of that breach. This compliance visit received a score of 8.1 of which 8 points were due to the failure to clean up an oil spill and for the root cause of that failure, which was the failure to comply with your own process that you set out in your Environmental Management System. It is not possible to give a lower score as this would be stating that it would be reasonably foreseeable that there could be no environmental harm caused by oil leaking or being spilled onto a permeable surface and not being cleaned-up.

I trust that the above provides clarification on the points raised, you will receive the amended Compliance Assessment Report via a separate email.

Yours sincerely



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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.