

Northern Ireland Environment Agency
Resource Efficiency Division



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

TC 40/12

The Directors
Dalradian Gold Ltd
3 Killybrack Road
Omagh
Co Tyrone
BT79 7DG

Regulation Unit (Water)
NIEA
17 Antrim Road
Lisburn
BT28 3AL
Direct Telephone: 028 92633483

30 March 2017

Dear Sir / Madam,

Water (NI) Order 1999 – You are being issued a notice

As you have been found to be in breach of environmental legislation, the Department is issuing a Notice. This is a legally binding document and is one of the enforcement tools available to us. Failure to comply with a Notice is a criminal offence.

You are required to comply with the conditions set out in the Notice by the deadline stated. After the deadline a further visit will be undertaken by the Department to determine if the requirements of the Notice have been met. If these requirements have not been met the Department may prepare a file for submission to the Public Prosecution Service.

If you cannot undertake the work/action by the stated deadline because of matters outside your control, please contact the Department in writing and we may consider granting a reasonable extension.

Yours faithfully,

[Redacted signature]

[Redacted name]

NIEA – Regulation Unit (Water)

Enc.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.





THE WATER (NI) ORDER 1999

Article 12(1) Enforcement Notice

ISSUED BY: The Department of Agriculture, Environment and Rural Affairs (hereinafter called "the Department")

TO: Dalradian Gold Ltd., 3 Killybrack Road, Omagh, Co Tyrone, BT79 7DG.

- 1. The Department issues this Notice pursuant to Article 12(1) of the above Order because it is of the opinion that you are contravening conditions of the discharge consent that you hold in respect of a discharge of effluent from an underground exploration tunnel situated at Curraghinalt, Gortin, Co. Tyrone, BT79 7SF (Consent No 068/12/2).**
- 2. The Matters Which Appear to Constitute the Contravention of the Discharge Consent.** Samples of effluent were taken from the above site, on 01 March 2017, 17 February 2017 and 20 January 2017. The results displayed below constitute a breach of condition 1 of the Consent:

TEST	RESULT 01/03/17	RESULT 17/02/17	RESULT 20/01/17	CONSENT LIMIT
Total Zinc	91	57	45	33.8

Results are expressed in microgrammes/litre.

3. What You Are Required To Do. You must now take steps to ensure compliance with all conditions of consent CN: 068/12/2 by 25 May 2017. The steps which you take, to ensure compliance with all consent conditions should include:

- Investigating the cause of the breach at your site;
- Completing any works required to remedy the situation; and
- Setting up a regime to carry out any maintenance necessary to ensure future compliance with consent conditions.

4. The conditions of this Notice must be met by 25 May 2017.

Signed

A redacted signature consisting of several horizontal black bars, with a thin line extending from the bottom right corner of the bars.

On Behalf of the Department of Agriculture, Environment and Rural Affairs
Dated this 30th March 2017
Our Ref: TC 40/12

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ANNEX

YOUR RIGHT TO APPEAL

You may appeal against this Enforcement Notice under Article 13(1) of the Water (NI) Order 1999. An appeal must be received, or posted in time to be received, by the Water Appeals Commission within 28 days of the Notice issue date. However, notwithstanding that you may have appealed against the Enforcement Notice, you must still comply with the requirements of paragraph 3 of the Enforcement Notice until it is quashed or set aside by the Water Appeals Commission. If you wish to appeal you may do so by contacting the Water Appeals Commission at 3rd Floor, Park House, 87-91 Great Victoria Street, Belfast, BT2 7AG (Tel: 028 90244710, Fax: 028 90312536).

WARNING: WHAT HAPPENS IF YOU DO NOT COMPLY WITH THIS NOTICE

This Enforcement Notice will take effect on the date specified in Paragraph 4 of this Notice. Failure to comply with an Enforcement Notice which has taken effect is an offence. A person found guilty of such an offence shall be liable to a fine or imprisonment. The maximum penalty for such an offence is £20,000 or 3 months imprisonment on summary conviction in the Magistrates' Court. The penalty on conviction on indictment is an unlimited fine or a term of imprisonment of up to 2 years or both.

If the Department is of the opinion that criminal proceedings for failure to comply with an Enforcement Notice would afford an ineffectual remedy for securing your compliance with this Enforcement Notice, it may take proceedings to the High Court for the purpose of securing such compliance.

Please note that even though this site is under Notice, this does not preclude you from further enforcement action, should a pollution incident occur during the timeframe of the Notice.

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