

Compliance Assessment Report

Report ID:
CAR_NRW0034481

This form will report compliance with your permit as determined by an NRW officer

Site	Cwm Dulyn .	Permit Ref	23/65/14/0002		
Operator/Permit holder	Dwr Cymru Cyfyngedig				
Regime	Water Abstraction				
Date of assessment	17/07/2018 - 18/07/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	See below				
Lead officer's name	Briscoe, Victoria				
Accompanied by					
Recipient's name/position	Joanne Cullen/ North Area Water Resource Manager	Date issued	24/01/2019		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	C3	A compensation flow of 2.7 Megalitres per day from Llyn Cwm Dulyn

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This non-compliance was self-reported by yourselves and is in relation to abstraction licence number 23/65/14/0002 for Cwm Dulyn reservoir.

The licence specifies that the licence holder shall release a compensation flow of 2.7 Megalitres per day from Llyn Cwm Dulyn in compliance with the Gwyrfa Rural Council Act 1900.

On 19th October 2018 you notified Natural Resources Wales (NRW) that an under release of compensation water on 17th and 18th July 2018 had taken place. See extract of e-mail text below:

Date	Flow Recorded (MI/d)	Licensed Requirement (MI/d)	Under Release (MI/d)	Total licensed quantity released %	Under released
17-Jul	2.472	2.70	-0.23	92	<9%
18-Jul	2.33	2.70	-0.37	86	<14%

"As the reservoir level dropped weeds collected behind the penstock during the evening/night of the 17th causing a slight under release. When we cleared the weeds first thing in the morning on the 18th it was apparent we still wouldn't be able to get enough flow through the penstock. To ensure compliance we opened up the tee off the raw water main and released more water into the river just downstream of the gauging station. Unfortunately though by doing this the pressure dropped at the works meaning customers supply would have been at risk if we had continued. A pump was installed at the reservoir on the afternoon of the 18th which was then used to deliver the compensation until the reservoir level increased again. NB the figures above do not include the release from the raw water main so the actual flow in the river would have been higher.

Cwm Dulyn dropped to its lowest ever levels this summer so, although we knew the penstock would eventually not be able to release enough and the tee off the raw water main was the back up, we didn't know the impact this would have on the works. Now we know we will add a comment to the control curve to ensure a pump is installed earlier in the future."

At the time of the non-compliance the reservoir wasn't spilling and was ~71% full and the area was in a 'Developing Drought' status.

No known environmental impact is known to have happened from the under release.

You suggested in your e-mail that you would be adding a comment to the control curve to ensure that a pump is installed at the site earlier in the future. NRW would welcome this action and advise that it is done as soon as possible if not already done so.

NRW have decided on this occasion to issue Advice and Guidance only in relation to the above non-compliances.

Thank you for your co-operation.

Regards

Victoria Briscoe (Environment Officer)

e-mail: victoria.briscoe@cyfoethnaturiolcymru.gov.uk

Telephone: 03000 65 3676

Incident Hotline (24 hour) & Customer Contact Centre: 0300 065 3000

Natural Resources Wales, Penrhosgarnedd, Bangor, Gwynedd LL57 2DW

www.naturalresourceswales.gov.uk

N.B. Please ignore any reference to Operational Risk Appraisal (OPRA) and Environmental Permitting Regulations (EPR) mentioned on the back of this form as this is not applicable to abstraction licensing.

EPR Compliance Assessment Report

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Operator/Permit holder	Dwr Cymru Cyfyngedig	Date	17/07/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
A1	C3	Adding a comment to the control curve to install a pump at a given reservoir level	01/04/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.