

Compliance Assessment Report

Report ID:
CAR_NRW0033729

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

Site	Afon Aber Sychnant & Tributary - water transfer to Pendinas Reservoir	Permit Ref	24/67/7/0167			
Operator/Permit holder	Hafren Dyfrdwy Cyfyngedig					
Regime	Water Abstraction					
Date of assessment	09/07/2018	Time in	13:45	Out	14:15	
Assessment type	Site Inspection					
Parts of the permit assessed	Low flow conditions					
Lead officer's name	Rees-Jones, Jenny					
Accompanied by						
Recipient's name/position	Liz Franks/ Water Resources & Catchment Specialist (Wales)	Date issued	06/12/2018			

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	Condition 4 - transfer of water only from the Afon Abersychnant and an unnamed tributary of the Afon Abersychnant to Pendinas Reservoir
C2 - General Management - Management system and operating procedures	C3	9.2 - Residual flow fo 136.38 l/s = 1.58 l/s
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	7.1 means of measurement - a continuous integrating flow recorder

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

Inspection carried out during period of prolonged dry weather with Jacob McMahon from Hafren Dyfrdwy.

Condition 4 of the licence states the purpose of the abstraction to be transfer of water only from the Abersychnant (and unnamed tributary) to Pendinas Reservoir. Condition 7 of the licence requires that water abstracted is measured using a continuous integrating flow recorder on the catchwater near it's point of discharge to Pendinas Reservoir. At the time of the inspection water could be seen and heard entering the intake chamber. HD staff confirmed that water was not going to Pendinas Reservoir but was being sent to "waste". This was bypassing the meter, and apparently joining the ditch that flows from the bottom of one the north-easterly dam of Pendinas Reservoir to the Nant y Ffrith Reservoir, which would eventually flow into the Nant y Ffrith, a tributary of the Alyn. Although water is being released back into the environment, it is being released into a different catchment. This is a breach of condition 4.1 of the licence, because water is not being abstracted for the purpose on the licence, and condition 7 of the licence, because the water abstracted is not being measured. It will also cause a breach of condition 8 of the licence because records of water abstracted will be inaccurate.

Condition 9.2 of the licence states that no abstraction of water shall take place which will have the effect of reducing the residual flow in the Afon Abersychnant to less than 136.38 cubic meters per day immediately below the intake. This equates to 1.58 litres per second. The drawings appended to the licence, referenced in condition 3.1 show that 2 valves through the dam wall will provide this compensation flow and that the weir will provide compensation flow when water levels are high. The intake is situated above the valves in order to ensure that the compensation flow is satisfied before abstraction occurs. A v-notch is situated downstream of the weir. The licence drawing states that there should be "70mm of compensation flow over the v-notch, this is regulated by the valves through the weir". During the visit, the height of flow through the v-notch was measured as being 45-50mm, taking into account drawdown curve of the surface of the water. This is a breach of condition 9.2 of the licence, because under these conditions the compensation flow would not be delivered.

At the time of the visit, both of the valves designed to deliver the compensation flow were not delivering any flow to the watercourse, all of the compensation flow was flowing over the top of the weir. This is unacceptable, as should the flow in the Abersychant drop by a small amount, the watercourse immediately downstream could completely dry up and be un-noticed due to the remote location.

After leaving the intake, we visited Pendinas WTW. Operatives explained that water was not being delivered to Pendinas Reservoir because the high manganese in the Abersychnant was making the water difficult to treat, but that they wished to keep the water in the pipe between the Abersychnant and Pendinas flowing to prevent stagnant / anoxic water collecting in the pipework which is also difficult to treat. They explained that they do not rely on the height of the flow of the water over the v-notch to measure the compensation flow because of the drawdown curve of the surface of the water over the v-notch but refer to a metal marker on the wall of the main dam that is the shape of an arrow.

Visited Pendinas Reservoir. Read meter in manhole. No flow going through meter. Reading 3260830m³.

Returned to the intake the following day with Jacob McMahon. We were initially unable to see any marker on the wall of the dam, but JM cleaned algae / moss from the wall to reveal a metal arrow. The surface of the water in the pool between the main dam and the v-notch was reaching part way up the arrow and it is not clear whether or which part of this is an accurate means of measurement, and whether it has been checked lately given the moss / algae coverage. Distance between v-notch and bed of watercourse downstream too shallow to measure with bucket / container.

Peter Evans confirmed on 20th July that the compensation valves had been cleared and adjusted. Peter Evans confirmed verbally on 24th July that all of the water in the Abersychnant is now continuing downstream as compensation flow.

Hafren Dyfrdwy need to ensure that all operatives involved in managing this abstraction are familiar with the Abstraction Licence. The compensation release relies upon manual operation of the valves in low flows. These should never be shut below the minimum required to allow the compensation flow through and should be checked regularly enough to ensure that the compensation flow is delivered.

AMENDED 05/12/18 - This form comes with a warning. At the time of the inspection Dee Valley Water were the named licence holder. However the company's name had changed to Hafren Dyfrdwy Cyfyngedig on 29/06/18. No application had been made to change the name on the licence at the time of the visit. Note that this was a name change only, via an administrative variation and the company number remained the same. The licences were not varied until 05/12/18.



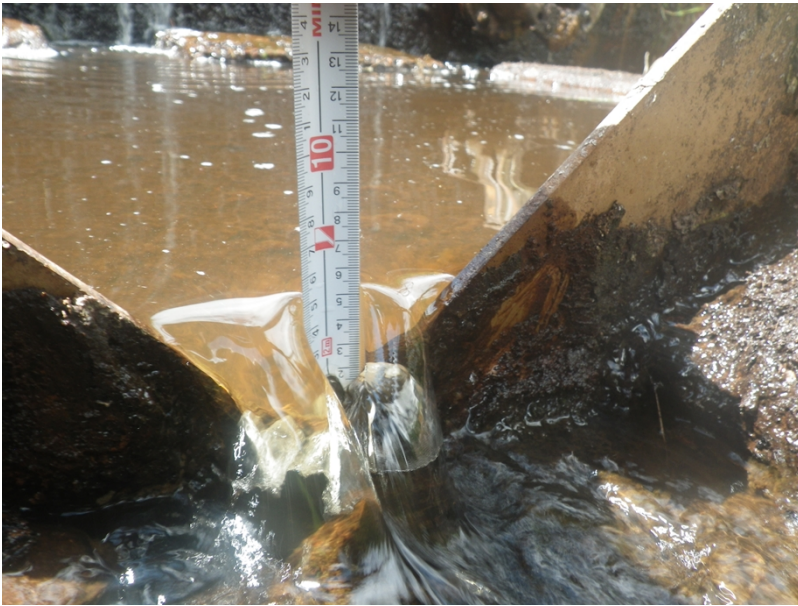
Compensation flow arrangement



Left valve designed to deliver compensation flow



Right valve designed to deliver compensation flow



Measurement of compensation flow over v-notch

EPR Compliance Assessment Report

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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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C2	C3	Ensure that all involved in operating the abstraction are fully aware of licence and that this site is visited regularly enough to ensure compliance with licence conditions at all times.	20/07/2018
G1	C3	All water abstracted to be metered.	24/07/2018
A1	C3	Comply with licence condition	24/07/2018

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.