

Compliance Assessment Report CAR_NRW0038822

Licence being assessed: 23/65/8/0016.

For: Afon Dwyfor at Garndolbenmaen, held by Dwr Cymru Cyfyngedig.

At: .

Type of assessment: Report/Data Review, Reason: Incident Response (Incident number 2105006).

On 05/06/2021 - 06/06/2021.

Parts of licence assessed: Provisions of License

NRW Lead Officer: Simon Roberts, accompanied by Jenny Rees-Jones.

Report sent to: Joanne Cullen, North Area Water Resources Manager, on 25/01/2022.

1. Summary of our findings (full details in section 4)

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-C1 - Surface/groundwater level and protected flow - Minimum hands-off flow/level requirements	C4 No impact	Date of non-compliance 5/6/21 & 6/6/21 of permit condition h(ii) – other conditions subject to which abstraction is authorised – When the residual flow measured at the Authority's Dolbenmaen Gauging Station situated at NGR 499 429 following an authorised daily abstraction at point 'A' is equal to or less than: b) a rate of 13.0 mgd (59.1 tcmd) between 23rd May and 31st August inclusive then the daily volume of regulation water released from Cwmystadrlllyn Reservoir – in addition to the uniform compensation water discharge stipulated in provision 3(i) of licence number 23/65/8/19 – shall be not less than

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
		the daily abstraction at Dolbenmaen.

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WR-C1	Comply with Permit Conditions. Provide NRW with plan of how DCWW will manage abstraction at Afon Dwyfor in order to ensure permit conditions are complied with, i.e. that abstraction amount is released from Cwmystadrlllyn reservoir in addition to compensation discharge.	Already completed

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 or civil sanctions being imposed depending on the circumstances of the offence.

You are non-compliant with your licence.

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 CAR Form is issued in regards to a non-compliance of Permit Condition h(ii) – other conditions subject to which abstraction is authorised – When the residual flow measured at the Authority's Dolbenmaen Gauging Station situated at NGR 499 429 following an authorised daily abstraction at point 'A' is equal to or less than: b) a rate of 13.0 mgd (59.1 tcmd) between 23rd May and 31st August inclusive then the daily volume of regulation water released from Cwmystadrlllyn Reservoir – in addition to the uniform compensation water discharge stipulated in provision 3(i) of licence number 23/65/8/19 – shall be not less than the daily abstraction at Dolbenmaen.

On the 9th of June 2021 NRW were made aware of a non-compliance on the 5th and 6th of June 2021 at Dolbenmaen WTW which has a permit (23/65/8/0016) to abstract water from Afon Dwyfor.

If residual flow at the Dwyfor gauging station was equal to or less than 59.1Ml/d (flow was approx. 46.5 Ml/d on the 5th and 43.02Ml/d on the 6th) then DCWW should have released the daily abstraction amount of 2.59Ml/d from Cwmystadrlllyn Reservoir in addition to the

uniform compensation water discharge of 3.01MI/d (provision 3(i) of permit 23/65/8/19).

Total release should have been 5.6MI/d for both the 5th and 6th of June 2021.

Non-compliance in that DCWW failed to release the required 2.59MI/d abstraction amount over 5th and 6th of June 2021 under condition h(ii) of Permit 23/65/08/0016.

NRW Hydrology have confirmed mean daily flows at Dolbenmaen gauging station for the 5th and 6th of June were –

5th June: 0.539m³ per second (46,569m³ per day (or 46.56MI/d)).

6TH June: 0.498³ per second (43,027m³ per day (or 43.02MI/d).

Based on the mean flow rates, the abstraction rate of 2.59MI/d equates to 5.5% of the mean flow on the 5th, and 6% on the 6th of June.

NRW would like to request that DCWW submit a plan** to NRW of how this issue will be resolved, and how DCWW can assure they are compliant with their permit conditions for abstraction, ensuring that the appropriate flows are released from Cwmystadllyn reservoir at all times.

**already submitted by Joanne Cullen to EO Dwyfor Meirionnydd in email dated 7/10/21.

Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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 licence is issued to you under the Water Resources Act 1991 as amended by the Water Act 2003. You have a responsibility to comply with the conditions of your licence 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.

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 resource action criteria (used in section 1 and 2):**WR A: Abstraction specified by Licence**

- WR-A1 Source of supply
- WR-A2 Points of abstraction
- WR-A3 Means of abstraction
- WR-A4 Purposes of abstraction
- WR-A5 Period of abstraction
- WR-A6 Quantities
- WR-A7 Land
- WR-A8 Other specified on licence

WR B: Abstraction measurement and records

- WR-B1 Means of measurement
- WR-B2 Recording
- WR-B3 Reporting

WR C: Surface / Groundwater level and protected flow

- WR-C1 Minimum hands-off flow/level requirements
- WR-C2 Flow/level measurement devices
- WR-C3 Recording
- WR-C4 Reporting

WR D: Environmental monitoring and information

- WR-D1 Recording
- WR-D2 Reporting
- WR-D3 Notifications

WR E: Fish and eel passage

- WR-E1 Infrastructure specified by licence
- WR-E2 Maintenance and records

WR F: Discharge

- WR-F1 Point of discharge
- WR-F2 Infrastructure
- WR-F3 Measurement
- WR-F4 Recording
- WR-F5 Reporting

WR G: Impoundment specified by licence

- WR-G1 Inland water to be impounded
- WR-G2 Manner and extent of impoundment
- WR-G3 Point(s) of impoundment
- WR-G4 Construction and removal requirements
- WR-G5 Other specified on licence

WR H: Borehole infrastructure

- WR-H1 Infrastructure and accessibility
- WR-H2 Maintenance and calibration

Enforcement response

Any licence condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution or civil sanctions. 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 (Mon to Fri 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.