

Compliance Assessment Report CAR_NRW0040739

Permit being assessed: AB3697CN.

For: Radnor Hills, held by Radnor Hills Mineral Water Company Ltd

At: Radnor Hills Water, Heartsease Farm, Knighton, Powys, LD7 1LU.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 24/11/2022.

Parts of permit assessed: SEE NOTES (Section 4)

NRW Lead Officer: Victoria Griffin.

Report sent to: Radnor Hills, Environmental Co-ordinator on 15/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
E3 - Emissions - Surface water	C3 Minor	Condition 3.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	Condition 4.2.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	Condition 4.3.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	Condition 4.3.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	Condition 4.3.2

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

Total number of non-compliances recorded	Total non-compliance score
12	44.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
E3	Investigate and determine reason for breaches of ammonia and provide mitigation options to prevent future breaches.	23/01/2023
E3	Investigate and determine reason for breaches of suspended solids and provide mitigation options to prevent future breaches.	23/01/2023
E3	Investigate and determine reason for breaches of suspended solids and provide mitigation options to prevent future breaches.	23/01/2023
E3	Investigate and determine reason for breaches of Phosphate and provide mitigation options to prevent future breaches.	23/01/2023
E3	Investigate and determine reason for breaches of BOD and provide mitigation options to prevent future breaches.	23/01/2023
E3	Investigate and determine reason for breaches of ammonia and provide mitigation options to prevent future breaches.	23/01/2023
E3	Investigate and determine reason for breaches of phosphate and provide mitigation options to prevent future breaches.	23/01/2023
E3	Investigate and determine reason for breaches of ammonia and provide mitigation options to prevent future breaches.	23/01/2023
G4	Ensure returns are provided to NRW in accordance with the timescales required by the Permit.	30/11/2022
G4	Submit a Schedule 5 Notification Report for all breaches in accordance with the Permit	23/01/2023
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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 and/or suspension or revocation of your permit.

You are non-compliant with your permit.

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

Monitoring of Emissions for January - March (Q1), April - June (Q2) and July -

September (Q3)**Emissions to water:**

Permit condition 4.2.3. requires submission of monthly monitoring reports for discharges to water. The Operator submitted monthly returns up to and including July 2022 to NRW. Monitoring returns for August and September 2022 were submitted in November 2022. NRW has confirmed that monitoring returns are to be sent to the NRW regulating Officer on a monthly basis. **The late returns are in breach of Condition 4.2.3 and Schedule 4(a) and have been scored a C4.**

Q1 January - March 2022

January 2022 - Returns did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.

February 2022 - Returns reported the following exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1:

- Suspended Solids recorded at 9mg/l against a limit of 5mg/l on 8 February 2022
- Ammonia recorded at 6.74mg/l against a limit of 0.5mg/l on 15 February 2022

March 2022 - Returns did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.

The reported exceedances for suspended solids and ammonia have each been scored a C3

Q2 April - June 2022

April 2022 - Returns reported the following exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1:

- Ammonia recorded at 6.37mg/l against a limit of 0.5mg/l on 5 April 2022
- Phosphate recorded at 2.13mg/l and 7mg/l against a limit of 0.2mg/l on the 5 and 26 April 2022 respectively

May 2022 - Returns reported the following exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1:

- Suspended Solids recorded at 16.2mg/l against a limit of 5mg/l on 31 May 2022
- Biological Oxygen Demand (BOD) recorded at 5.6mg/l against a limited of 5mg/l on 31 May 2022.
- Phosphate recorded at 1.14mg/l, 8.27mg/l, 7.12mg/l and 8.67mg/l against a limit of 0.2mg/l on the 10, 17, 24 and 31 May 2022 respectively

June 2022 - Returns reported the following exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1:

- Suspended Solids recorded at 24.3mg/l against a limit of 5mg/l on 7 June 2022
- BOD recorded at 5.69mg/l against a limited of 5mg/l on 14 June 2022.
- Phosphate recorded at 5.51mg/l, 3.4mg/l and 8.15mg/l against a limit of 0.2mg/l on

the 14, 21 and 28 June 2022 respectively

The reported exceedances for ammonia, phosphate, suspended solids and BOD have each been scored a C3.

Q3 July - September 2022

July 2022 - Returns reported the following exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1:

- Phosphate recorded at 4.22mg/l, 5.78mg/l and 2.35mg/l against a limit of 0.2mg/l on the 12, 19 and 26 July 2022 respectively

August 2022 - Returns reported the following exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1:

- Phosphate recorded at 0.979mg/l and 0.29mg/l against a limit of 0.2mg/l on the 2 and 30 August 2022 respectively

September 2022 - Returns reported the following exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1:

- Ammonia recorded at 10.2mg/l against a limit of 0.5mg/l on 6 September 2022

The reported exceedances for phosphate and ammonia have each been scored a C3.

Schedule 5 Notification part A and B for the breaches reported above have not been provided to NRW. **This is in breach of Condition 4.3.2 and has been scored C3 for each of Q1, Q2 and Q3.**

Actions

1. Please investigate the cause of the parameter exceedances for Q1, Q2 and Q3. Please report your findings to NRW by 23/01/2023.
2. Water point sources sampling must be from point source W1 - Effluent Treatment Plant, and analysis be undertaken by an MCERTS accredited organisation or MCERTS certified equipment as identified in the permit. Water monitoring returns to be provided on a NRW template W1, as attached.

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 permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of 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
- review the conditions of your permit.

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	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. 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 (Monday to Friday 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.