

Compliance Assessment Report

Report ID:
CAR_NRW0034856

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

Site	Radnor Hills	Permit Ref	AB3697CN		
Operator/Permit holder	Radnor Hills Mineral Water Company Ltd				
Regime	Installations				
Date of assessment	05/03/2019	Time in	10:30	Out	16:00
Assessment type	Audit				
Parts of the permit assessed	EMS, containment				
Lead officer's name	Frost, Julia				
Accompanied by	McGregor-Andrew, Sian				
Recipient's name/position	Rob Isaac/ QSHE Manager	Date issued	03/04/2019		

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
C2 - General Management - Management system and operating procedures	O	1.1.1

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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

The site's EMS was audited at a high level to ensure it was robust enough to secure compliance with the Environmental Permit. Evidence of implementation / training was not assessed but will be as part of future audits.

The EMS is relatively new with ISO 14001 accreditation achieved in August 2018.

Permit condition 1.1.1 requires that

The operator shall manage and operate the activities:

- a. In accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and*
- b. Using sufficient competent persons and resources.*

We concentrated the audit on the "Operator Performance" section of the EP OPRA spreadsheet. This document had not been updated by the Operator since the permit application. As a result of the site now having an accredited system the score may alter. EP OPRA is used as a basis to calculate the annual subsistence fee, therefore the Operator is recommended to include an annual review of the spreadsheet.

Recommendation 1: The Operator should review the Operator Performance section of the EP OPRA following the audit to ensure that it accurately reflects the site's EMS post permit issue and ISO 14001 accreditation. **This has now been received from the Operator and will be reviewed by NRW.**

Recommendation 2: The Operator should add an annual review of the EP OPRA to their tracking spreadsheet. The updated spreadsheet should be forwarded to NRW by the end of each calendar year so that any impact on the overall subsistence fee can be updated prior to the next financial year.

General EMS

We were advised that the EMS is held electronically with access limited to the Quality and Technical Department. There are no controlled hard copies of the EMS on site.

The EMS consists of a large number of documents which are listed within EMS0000. The system is currently made up of documents with a variety of titles - EMS (document), EMP (programme / procedure), EMF (form), QAC (Quality Assurance Control) and SOP (standard operating procedure). The system is in the process of being rationalised.

There is an Environmental Manual which provides a summary of what is included within the EMS but doesn't provide any detail on site specific aspects or EPR permit requirements.

A number of the documents are in the process of being reviewed and updated following structural changes on site (for instance removal of reference to the Environment Manager). It is recognised that the EMS is an evolving system and that they are likely to change in time. Previous versions of documents were reported to be kept on the system in case they need to be referred to. Changes to different versions were also highlighted which is good practice. EMS0000 is used to track review dates and version numbers. It

was noted that a number of reviews and updates has been carried out but had not been documented in EMS0000.

Recommendation 3: Ensure that EMS0000 is kept up to date to avoid previous versions of the documents being relied on.

There was quite a lot of overlap between a number of the documents within the EMS and on some occasions it was unclear which should be being followed. Over the next 6 months the EMS should be reviewed and where possible the number of procedures reduced to simplify the system and to avoid overlap and confusion.

Recommendation 4: Review, rationalise the number of procedures within the EMS, then implement and train relevant staff by the end 2019.

There is currently no system in place to track non-compliances with the permit or any recommendations raised as part of an audit (either internal or external) or permit reporting requirements.

Action 1: An action tracker should be produced to document all actions raised as a result of internal or external audits, as well as reporting requirements of the permit, by 1 July 2019.

Recommendation 5: This action tracker should be discussed at the appropriate management meetings to ensure that actions are assigned and progressed appropriately, as well as discussing any lessons learned.

EMS019 sets out the relevant personnel's roles and responsibilities in relation to the EMS. There is also reference made to the reporting requirements of the EPR Permit.

The site currently have 3 objectives and targets- zero to landfill, prevent pollution and get ISO 14001 accreditation. These are regularly reviewed and will be reset on an annual basis.

The 2018 reports required by the permit, and some of the improvement condition responses, have not been submitted to NRW within the timescale specified by the permit. There has already been a CCS score associated with this on the CAR form associated with the submissions so this has been categorised as an ongoing breach for the purpose of the audit write up.

Action 2: The Operator shall review the EMS, by 1 July 2019, to ensure that it is robust enough to secure compliance with all of the permit conditions.

Maintenance

The site has template within the EMS that covers the PPM schedule. At the beginning of every year a hard copy is given to the Maintenance Dept who assign the different tasks to the relevant individuals. The hard copy is completed as the work is carried out. Each production line has its own schedule.

There is a separate ETP maintenance tracker system.

During the audit we discussed how the Maintenance Team would highlight any issues observed during PPM. This requirement was not documented, although site believed it would be raised as required at the weekly meetings.

Any issues with respect to the ETP would be raised at daily meetings.

Reactive maintenance is also tracked. The Operator confirmed that when an issue is highlighted at a particular asset then an assessment is made as to whether there are other similar assets that could be affected in the same way.

Recommendation 6: A system should be put in place to ensure that any issues highlighted as part of maintenance (planned or reactive) that could have an impact on environmental compliance are highlighted at the time rather than waiting for the next weekly meeting.

EMF009 is used to document monthly bund checks which are carried out by QA controllers. A laminated sheet is completed during the assessment and used to populate the spreadsheet. There is an action tracker tab which is used to track any actions from all of these checks. Actions are assessed as high, medium or low priority. It was noted that the only actions on the spreadsheet had been assigned as high priority and given a 3 year deadline. This was linked to assessing any changes to the data sheet for the materials stored in each storage area.

Recommendation 7: The Operator should review the wording of the different priorities especially if the timescale is so long into the future.

EMP001 Aspect and Impacts has been used to assess the potential impact of different activities on site. A panel of staff were involved in this assessment. It links back to the principles set out in EMS documents 002 and 005. The scenarios appear to cover normal, abnormal and emergency situations but the scoring has only been based on one of these – some aspects appear to have been considered under normal and others under abnormal / emergency situations. This has led to an inconsistency in result. No aspects have currently been graded as having high or major impact.

Recommendation 8: EMP001 should be reviewed to ensure the scoring is consistent. Where any improvements are highlighted as being required the scoring should be revisited post mitigation and the new impact score assigned.

EMS11 – Identification of maintenance needs – details the infrastructure that has been highlighted as environmentally critical and has the potential to impact on permit compliance.

Competence and Training

A mixture of daily SIC meetings, weekly environment meetings and monthly cascades to senior management are used to alert relevant staff of changes to the EMS. These briefs are documented and recipients sign to say that they have had the training. Staff are not provided with copies of the procedures as part of the briefing. The effectiveness of this will be assessed during future audits

Recommendation 9: The Operator should assess whether this is an effective way of ensuring that relevant staff are aware of procedures and if as, after the briefing, they do not have sight of the relevant documents they are being followed. This should be picked up as part of the internal auditing by the Operator.

A presentation has been delivered to all staff on the EMS and everyone's responsibilities in securing compliance. This is included as part of the induction of new staff.

A training needs analysis has been produced which details which roles require which environmental training. Training is often roled out by email or in a monthly cascade. The adequacy of this was not assessed on this occasion but will form the basis of future audits.

QAC064 is used to track dates of training carried out and details when refresher training is required.

Examples of specific environmental training that have been delivered were spill containment, ETP and permit specific

training.

Contractor training was also reported as being carried out and is documented.

Recommendation 10: The Operator should review this contractor training to ensure that it adequately covers environmental issues and that it is clear to the contractor what he can and cannot do whilst on site.

Emergency Planning

The EMS includes an accident plan and a number of documents that cover how the Operator will react in the event of an environmental emergency.

EMS014 – Spill containment procedure – includes details of what is required in the event of a spillage on site. It should be noted that a “spill action response” is also included in each spill kit on site. The procedure states that it should be followed in the event of a spill or leak of a “harmful substance”.

Recommendation 11: It should be made clear within this procedure that this covers both harmful to people and the environment. (ie it includes spillages of juices that could potentially be harmful if they enter the aqueous environment).

Spill kits – various locations on site. Detailed on plan. Includes spill action response, PPE, kit list, kit, bag for rubbish and details on who to notify if it has been used.

EMS13 – NRW Permit breaches and reporting procedure – this lists what records and reports the permit requires to be made and also refers to the notifications requirements. This document does not include emergency contact details or information on how to submit the required reports. EMS013 refers to another document EMS018 – NRW Annual Reporting Documents – the EMS018 provided at the audit actually covers Spillage Action Response. Emergency contacts were included in EMS004 – Emergency Plan Chemical Spill – but there was no link to this from EMS013. Please note NRW 24 hour hotline is 03000 65 3000.

Recommendation 12: Ensure emergency contact details are held in a central place and that they are checked regularly to ensure they are up to date.

We were shown a number of drainage plans during the audit. There did not appear to be one plan that showed discharges to surface water and to the treatment plant together. They were included on different plans which were to slightly different scale.

Recommendation 13 – Produce a drainage plan that shows both discharges to surface water and effluent treatment plant, as well as locations of spill kits.

Containment and assessment of improvement condition

Permit condition 3.2.3 requires that

All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container

Improvement condition 5 required the Operator to *carry out an assessment of the adequacy and condition of the current bund arrangement on-site. The outcome of this assessment and proposals for further improvements will be in-line with CIRIA 736.*

The response to this improvement condition was submitted to NRW in February 2018 and a number of improvements highlighted by the Operator that would be prioritised and completed by February 2019.

The Operator confirmed that the improvements had all been carried out, taking into account NRW's comments detailed in an email on 18 April 2018.

QAC068 shows all of the storage areas on site, a number of these were visually assessed during the audit.

Diesel Tank

The diesel tank is double skinned and also has a breeze block bund (photograph 1) around it which we were advised would hold 110% of the tank. This bund is covered to avoid it filling with rainwater. The improvement condition response said that a concrete bund would be installed around the diesel tank, this is not the case as the bund is constructed of breeze blocks. The bottom half (approx.) of the bund wall has been sealed and we were advised that it had been integrity tested to ensure it would retain 110% of the tank contents. As the tank is double skinned NRW consider the bund constructed of breeze block to be adequate.

The diesel is piped directly into the factory and, as shown in photograph 2, there is an open surface water drain near to the pipe work.

See overarching actions and recommendations at the end of this section.

Chemical Store

The chemical store is made up of three sections all of which are connected internally. The store is fire and weather proof and is kept locked (photograph 4).

The improvement condition response states that "this chemical store contains storage of acidic, neutral and caustic chemicals. Each type of chemical is independent of the others...the bund may overflow and the contents would flow to the yard outside of the structure...Each store has a bund with the capacity of 500l and meets regulatory requirements"

This area did not appear to be bunded (there were IBCs under each section but it is unlikely that these would capture all of the spillages photograph 3) and any spillages could potentially run into the incompatible area.

See overarching actions and recommendations at the end of this section.

RV8 Chemical Store

This storage area is used to store 2 IBCs of CIP chemicals – one acid and one alkaline (photograph 6). Each IBC sat on its own tray to catch any spillages. There is no bund around this area and concerns were raised if the IBC failed, depending on where the leak was, if the bund would capture the spillage – especially given the close proximity of the surface water drain shown in photograph 5.

This area does not appear to have been included in the improvement condition response or on the site plans.

See overarching actions and recommendations at the end of this section.

Plinth 6

There are a series of storage areas described as "plinths" on site. The improvement condition response said that these areas would include a bund with a capacity of 110% of the largest single container or 25% of total capacity if used to store multiple containers.

CIRIA 736 defines a bund as "a facility (including walls and a base) built around an area where potentially polluting materials are handled, processed or stored, for the purposes of containing any unintended escape of material from that area until such time as remedial action can be taken. Bunds are usually structurally independent from the primary containment tank"

These areas are not considered to be bunds as they do not have walls around the materials stored within them.

There is a drain at the rear of these bunds which would direct any spillages to a designated tank on site which would either be forwarded to the on-site ETP or disposed of offsite. These storage areas are not roofed so any rainwater would also go to the tank.

Plinth 6 stored a mixture of products for destruction and CIP chemicals. As shown in the photographs 7 and 8, the IBCs are being stored right up to the edge and back of the storage area. Concerns were raised in relation to this as failure of these IBCs could result in contamination of the ground outside the concreted area.

See overarching actions and recommendations at the end of this section.

ETP Chemical Store

The storage area for the ETP chemicals is roofed. It stores both acids and alkalis and each IBC sits on its own specifically designed tray. It was noted that the valves were over the front of the tray therefore there is a potential for

spillages that wouldn't be contained if the valves were left open / knocked (photograph 9).
See overarching actions and recommendations at the end of this section.

Out of Date Product

Out of date / off spec products were stored in a number of places around site. Photograph 10 shows an example of this. These were not stored in bunded areas, and in some places were very close to surface water drains.

See overarching actions and recommendations at the end of this section.

Actions and Recommendations following assessment of containment on site

The Operator referred to a risk assessment that had been carried out in line with CIRIA 736(Containment systems for the prevention of pollution) guidance. **A copy of this should be forwarded to NRW for review by 1 May 2019.**

Whilst NRW are considering this RA and assessing whether the site is currently complying with permit condition 3.2.3 the Operator should do the following:

- Ensure that the drains are clearly painted to show whether they are surface water or effluent drains. It was noted that on site red means surface water and blue effluent. This is the opposite way around to standard practice, so the Operator should ensure that all staff are aware
- Provide NRW with details of the capacity of the tank where the "plinth" storage areas are reported as draining to
- Consider what improvements are required to the surface water drains around the storage areas (for example RV8 chemical store and diesel tank pipework into factory)
- Ensure that containers are not stored to the edge (front, back and sides) of any of the plinth areas
- Provide details of improvements to bunding in the chemical store which will ensure any spillages are captured and stop non-compatible chemicals coming into contact
- Ensure that the storage of all liquids on site, including off-spec products and nominally empty containers are stored appropriately.
- Update site plans to ensure all storage areas, bunds and plinths are identified

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034856**

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

Site	Radnor Hills	Permit Ref	AB3697CN
Operator/Permit holder	Radnor Hills Mineral Water Company Ltd	Date	05/03/2019

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.

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	O	See CAR form text	01/07/2019

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.