

Compliance Assessment Report CAR_NRW0043330

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: Report/Data Review,

Reason: Routine.

On: 31/12/2023.

Parts of permit assessed: SEE NOTES (Section 4).

NRW Lead Officer: Victoria Griffin.

Report sent to: Radnor Hills, Environmental Co-ordinator, on 26/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	Assessed (A)	
IR3A - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
IR3E - Emissions and monitoring - Monitoring	Assessed (A)	
IR4B - Information - Reporting	C4 No impact	Condition 4.2.2 & 4.2.3

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

Total non-compliances recorded	Total non-compliance score
1	0.1

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
IR4B	See 5. Actions & Recommendations below	28/03/2024

Compliance 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

This Compliance Assessment Report (CAR) has been generated by Natural Resources Wales (NRW) regulating officer to comment upon the Annual Report and Q4 Monitoring Returns.

The Q4 Returns were submitted to NRW on 16/11/2023, 28/12/2023 and 24/01/2024 as required by Condition 4.2.3 of the Permit. The Annual Report and Air Emission Returns were not submitted until 23 February 2024. Condition 4.2.2 of the Permit requires submission by the 31 of January. **This has been scored a C4 breach.**

1. Q4 Monitoring Returns (October to December 2023) - Emissions to Water

- October 2023 - Returns did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.
- November 2023 - Returns did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.
- December 2023 - Returns did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.

2. Air Emissions - Emission Points A1 - A4

Air emissions monitoring was undertaken on 27 July 2023 in accordance with Condition 4.2 Table S3.1.

3. Annual Report

Energy (E1) and water use (WU1) was submitted for the permitted installation as required by Condition 4.2. The report also includes production volumes and waste volumes during 2023.

4. Improvement Conditions

IC8: The Operator collated an inventory summarising the use of current refrigerants at the Installation and provided it to NRW on 26 June 2023. A feasibility study and implementation plan to support the requirements of BAT Conclusion 9 was provided to NRW on the 21 November 2023.

The Feasibility Assessment provides an overview of all refrigerants used on site and their Global Warming Potential (GWP). None of the refrigeration or cooling units at the facility utilise ozone depleting substances. An assessment was undertaken to determine whether the existing refrigerants can be replaced with lower or ultra-low GWP refrigerants. Given the age of the equipment it was concluded that whilst a marginal reduction in GWP could be achieved, the financial and environmental cost of replacing the equipment will not provide a proportionate benefit.

The Operator will continue to ensure that the equipment is serviced and maintained in accordance with manufactures instructions. When equipment requires replacement, it will be replaced with the lowest GWP units available. The Environmental Management System procedure has been updated to ensure the requirements for BAT 9 are met.

NRW agrees that this satisfies compliance with the requirements of the IC.

5. Actions

The ongoing actions are as follows:

ACTION 1. Returns must be provided to NRW in accordance with the timescales required by the permit. Where necessary the Operator must review the sampling, testing and reporting currently undertaken and where appropriate modify to ensure that reporting to NRW is undertaken within the required timescales.

ACTION 2. When replacement of cooling equipment/refrigerants used on site is being planned, it is expected that all new refrigeration systems will use refrigerants with the lowest practical GWP. As with end-of-life system replacements, ultra-low GWP refrigerants should be used wherever possible.

ACTION 3. Refrigeration systems should be regularly reviewed and checked to help with identifying any issues and repairs needed. This will help inform when systems/refrigerants need to take place

ACTION 4. CAR_NRW0042210 (issued to Operator 07/08/2023) required an investigation of the root cause of the BOD breach and provision of the findings to NRW by 31 August 2023. This deadline was extended to the 30 November 2023. To date NRW is yet to receive a response. NRW acknowledges that there haven't been any reported breaches of BOD since 21/02/23 and therefore the investigation of BOD breaches may prove problematic. In the event of a future breach, NRW would require an immediate root cause investigation to be provided as a **Schedule 5 notification in accordance with Condition 4.2.3 of the Permit.**

6. Permit Variation Applications

The application for the MCP permit variation has been Duly Made, however as previously advised, the application must be Determined (permit granted) prior to the new boiler being operated.

A permit variation application for the incorporation of Ferric Dosing System was submitted to NRW in December 2023. The Operator is still awaiting the application to be Duly Made. The application must be Determined prior the Ferric Dosing System being operational.

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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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.