

## Compliance Assessment Report CAR\_NRW0038436

**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:** Audit, Reason: Routine.

On 20/05/2021 between 10:30 and 16:30.

Parts of permit assessed: Emissions monitoring Q1 2021

**NRW Lead Officer:** Sian McGregor-Andrew, accompanied by Emma Pierce.

**Report sent to:** Rob Isaac, Technical and Quality Manager on 11/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	C3 Minor	3.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1 and 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
2	4.1

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	operator has made changes to the effluent plant and final effluent quality is within permitted limits	Already completed
G4	amend procedures to ensure Part A information is submitted immediately in relation to emission limit breaches	30/07/2021

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 Jan-Mar 2021 (Q1)

#### Emissions to water.

Permit condition 4.2.3 requires submission of monthly monitoring reports for discharges to water. All reports were received within the required timescales and included all the required parameters.

**January 2021** returns received on 17/02/21 reported the following exceedances of emission limit values specified in Table S3.2 for emission point W1:

On 12/01/21 6.6 mg/l BOD was present in the W1 final effluent sample, exceeding the 5mg/l limit.

On the 26/01/21 9.5mg/l BOD was present in the W1 final effluent sample, exceeding the 5mg/l limit.

**February 2021** returns received on 05/03/21 reported the following exceedances of emission limit values specified in Table S3.2 for emission point W1:

On the 02/02/21 9.9mg/l BOD was present in the W1 final effluent sample, exceeding the 5mg/l limit.

On the 09/02/21 7.98mg/l BOD was present in the W1 final effluent sample, exceeding the 5mg/l limit.

On the 16/02/21 8.92mg/l BOD was present in the W1 final effluent sample, exceeding the 5mg/l limit.

On the 23/02/21 5.3mg/l BOD was present in the W1 final effluent sample, exceeding the 5mg/l limit.

These breaches of emission limit values have been consolidated into a **CCS category 3 breach of condition 3.1.2**

The deterioration in final effluent quality was discussed by telephone. The cause of the elevated BOD was believed to be the weak incoming production effluent due to lack of demand for products containing syrups and adjustments to aeration were put in place to improve effluent quality.

**March 2021** returns received on 13/04/21 did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.

#### Schedule 5 notifications

Part A/B notifications were received on 17/02/21 and 05/03/21 with the January and February monitoring returns for the respective BOD emission limit exceedances detailed above.

Condition 4.3.2 requires that notification of breaches of emission limit are made immediately to NRW including the information in Part A of the Schedule 5 notification form, with Part B information to be submitted as soon as practicable afterwards including the causes, remedial and

preventative actions taken.

**Action:** Please review the relevant site procedures and forms to ensure that Part A information is submitted as soon as monitoring results indicate an exceedance of permitted limits. The Part B information can be provided with the monthly returns or as soon as the root cause analysis information is available.

The schedule 5 Part A/B notifications relating to the issues with final effluent BOD in January and February also noted that a trial of daily composite sampling for final effluent, rather than spot sampling was taking place.

**Action:** Please provide a report of the outcomes of that trial by **30/08/2021**

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](mailto: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](mailto: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.