

Compliance Assessment Report CAR_NRW0039158

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 30/12/2021.

Parts of permit assessed: SEE NOTES

NRW Lead Officer: Emma Pierce.

Report sent to: Environmental Co-ordinator, Environmental Co-ordinator on 24/02/2022.

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 |
| 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 | Assessed (A) | |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 1 | 4 |

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 | See Notes | 18/03/2022 |

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.

At this time, we do not intend to take any further action.

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 October - December 2021 (Q4) and Schedule 5 notification

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.

October 2021:

Returns received on 22nd November 2021 did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.

November 2021:

Returns received on 23rd December 2021 did not report any exceedances of the emission limits specified in Condition 3.1.2 and Table S3.2 for emission point W1.

December 2021:

Returns received on 31st January 2022 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 Notification: Part A & B

Part A received on the 30th September 2021 advising that:

We have been experiencing discrepancies between our daily data and the external analysis with Ammonia and Phosphate concentrations. I have contacted the lab and currently awaiting feedback. There results have been highly anomalous with previous results both internally and externally to be <0.2mg/l.

External ALS sample collected at 6:30am on the 14th September 2021 - gave result of 27.2mg/l ammonia against a limit of 0.5mg/l

External ALS sample collected at 6:30am on the 21st September 2021 - gave result of 27.8mg/l ammonia against a limit of 0.5mg/l

External ALS sample collected at 6:30am on the 21st September 2021 - gave result of 3.5mg/l phosphate against a limit of 0.2mg/l

Internal sample results on the 14th and 21st show these parameters to be well within the emission limit values. Ammonia was 0.14mg/l on the 14th September, and 0.07mg/l on the 21st September. Phosphate was 0.036mg/l on the 21st September.

Measures taken were to notify ALS of the discrepancy between their sample result and the inhouse sample results. All internal practices, calibration of equipment and shelf life of test kits checked.

Part B received advising that:

Response from the external lab for data checks of the external analysis is as follows:

"Repeat analysis was undertaken for both Phosphate and Ammoniacal Nitrogen and they both confirmed the original results. The lab are satisfied with the data provided and have found no issues.

Internal calibration of lab equipment conducted throughout September has been reviewed by the Environmental Coordinator and Quality and Technical Manager. Both found the equipment and calibration records passed within their set tolerance and found no other issues.

Reviewed and monitored sampling procedures conducted by team and found procedures are being followed as required.

Internal and external analysis results after 21st September have been <0.2mg/l and compliant with permit conditions.

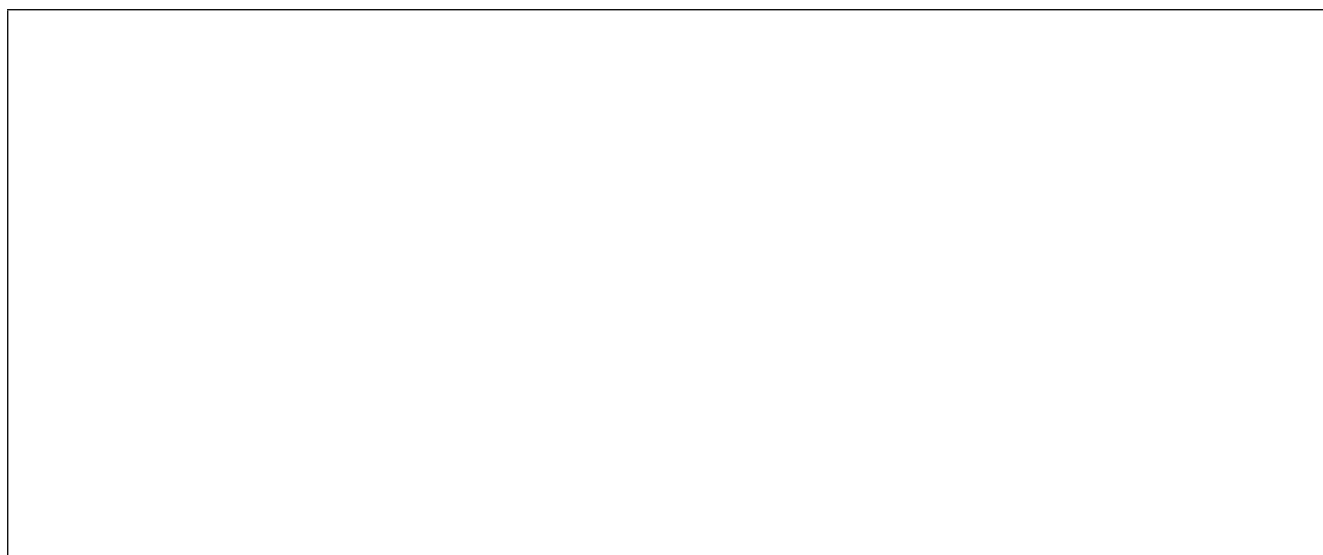
On these two occasions there appears to be an anomaly between the process samples taken daily on site and the external lab sample taken and processed by ALS (MCert accredited). The data provided show that in house sample and ALS results prior to and after these dates (14th and 21st September) correlate and so there is a level of uncertainty and potentially the sample may have been contaminated or another error.

ALS have confirmed following a re-analysis that they believe the results to be accurate. NRW appreciate that Radnor Hills have not had a emission limit breach in their own sampling results on these dates, however the permit compliance sample is carried out by ALS. NRW accept the accuracy provided by a MCert accredited lab and therefore accept these results as accurate.

NRW consider this therefore to be a CCS (C3) non-compliance with a minor environmental impact.

ACTION: By March 18th 2022

1. NRW advise the Operator to investigate and audit ALS and the sampling techniques to ensure that they are still appropriate and in-line with the requirements of the permit.
2. Review internal procedures to ensure there is a plan for managing any future discrepancies between external and internal lab analysis results.



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.