Compliance Assessment Report CAR_NRW0040070

Permit being assessed: AB3591ZQ.
For: Maelor Foods Limited, held by Maelor Foods Limited
At: Maelor Foods Limited, Pickhill Lane, Cross Lanes, Wrexham, Wrexham, LL13 0UE.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 17/06/2022 between 10:30 and 12:20.
Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper, accompanied by Emma Pierce.
Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 01/07/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	3.2.3
F1 - Amenity - Odour	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
A1	See main text body	31/08/2022
G4	Ensure incidents are reported inline with condition 4.3.1	Already completed

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

Natural Resources Wales Officers Phil Harper Senior Industry & Emma Pierce, Specialist Advisor, Incident Management visited Maelor Foods ltd, Pickhill Lane, Cross Lanes, Wrexham, LL13 0UE at 10:30 am on the 17th June 2022. This was an announced inspection which was accompanied by Sean Hutchinson, Health Safety and Environmental Manager.

A1 Specified by Permit

A1.1 Leaking Balance Tank

During the inspection officers were made aware that one of the balance tanks associated with effluent plant had developed a leak which discharges when the tank is more than 85 % full.

The tank is a steel overground storage tank with a capacity of 30000 L and was constructed prior to the construction of the abattoir at the site. The operator has claimed that this is a double walled tank. As the secondary containment has been breached the tank can no longer be regarded as bunded. Further to this, the capacity of the tank has been impacted and the tank no longer can be regarded as having freeboard capacity. The CIRIA Guidance document C736 advises that a minimum of the 250 mm of freeboard should be provided as buffer capacity for all containment tanks.

Permit condition 3.2.3 states 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 ad spillage from the primary container".

Further information regarding storage tanks can be found within the "how to comply with your environmental permit" guidance document. Page 29 states that appropriate measures for storage tanks include regular maintenance and procedures to a written procedure.

Further guidance from the CIRIA Guidance document C736 advises that as a general guide:

- Daily/ weekly inspections of storage tanks are completed by operations staff
- There is a formal inspection of the containment facilities by the works engineer every 6 to 12 months
- A detailed inspection of the containment facility is conducted by a competent person or persons every 5 years.

It has come to the attention of Natural Resources Wales that the site has no procedures in place regarding formal inspection of the storage tanks.

Currently the DAF plant is operating at 50 % capacity to avoid filling the balance tank to a volume where the

tank is actively leaking. This is not an appropriate measure to assurance that the tank will not be overfilled.

Officers are of the understanding that a plan is in place to reconstruct the leaking tank. However, this is dependent on the outcome of a planning application with a predicted lead time of 18 months. Natural Resources Wales regards this time frame as unacceptable and a repair for the tank must be arranged to prevent further unconsented discharge.

The leak is an unconsented discharge which poses a pollution risk to an area of unmade ground adjacent to the site balance tanks. However, no active leak was observed at the time of the inspection. A **category 3 score** has been applied against **permit condition 3.2.3.**

Action 1: Balance tanks associated with the effluent treatment plant must be inspected for integrity by a competent person by 31st August 2022.

Action 2: Written procedures for the inspection of site storage tanks should be included within the site environmental management system and adhered to.

Action 3: Suggested measures for assuring that the balance tank does not leak should be submitted to Natural Resources Wales by **Friday the 22nd July 2022.**

Action 4: The leaking balance tank must be repaired by **31st August 2022**.

A1.2 Sodium carbonate leak at scrubber

During the inspection a leak was observed from the pipework around the scrubber unit which is associated with the effluent treatment plant. Due to the ambient temperature evaporation had occurred to leave a white crystalline deposit which was understood to be sodium carbonate. This discharge was flowing across a concrete pad before reaching unmade ground. Though the scale of the leak was small, this is an unconsented discharge which poses a pollution risk to groundwater. Some efforts to repair the pipework were observed but were not adequate to stop the leak.

Action: Review condition of pipework around site. Maintain and inspect pipework according to site procedures.

A **category 3 score** has been applied against **permit condition 3.2.3.**

A1.3 Diesel Leak

The diesel bowser adjacent to the site weighbridge was inspected. It was noted that the bund contained a quantity of spilled diesel. Evidence that diesel had been spilled onto the ground and the external brickwork of the bund was also observed. In both cases it appeared that no effort had been made to clean up the spillage.

Although spilled diesel was to an area with sealed drainage which benefits from an interceptor, failure to adequately contain and clean up spillages or to effectively maintain bunds can lead to pollution.

Action: Adequately inspect and maintain site bunds, adhere to site spillages procedure.

A **category 3 score** has been applied against **permit condition 3.2.3.**

Scores for breaches as specified by permit have been consolidated to give a single category 3 score.

F1 Odour

No odours which could be attributed to the site operations were noted outside of the site boundary.

F3 Dust/fibres/particulates and litter

No dust or litter outside of the site boundary.

F4 Pests/birds and scavengers

No vermin observed on site. All anti vermin closures on openings were in place and in good condition.

F5 Deposits on road

No deposits or mud on the road outside the site.

G4 Reporting

Permit **condition 4.3.1(a)** starts that "**In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately (i) Inform Natural Resources Wales, (ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and (iii) take the measures necessary to prevent further possible incidents or accidents**".

Natural Resources Wales has not received schedule 5 notifications for observations discussed in section A of the CAR form.

A **category 3 score** has been applied against **permit condition 4.3.1.**

Action: Ensure notifications are issued to Natural Resources Wales.

Water Resources

The site benefits from an abstraction licence WA/067/0007/0015. A separate CAR form will be issued.

Kind Regards

Phil Harper

Senior Industry and Waste Regulation Officer NE

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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.

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.