

Compliance Assessment Report CAR_NRW0040650

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 26/10/2022 between 12:00 and 13:15.

Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper.

Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 30/11/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1
A1 - Specified by permit	C3 Minor	1.1.1(a)
E3 - Emissions - Surface water	C3 Minor	3.1.2

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

Total number of non-compliances recorded	Total non-compliance score
4	16

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
E2	See main text	20/01/2023
G4	See main text body	20/01/2023
A1	See Below	20/01/2023
E3	See text	20/01/2023

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 Senior Industry and Waste Regulation Officer Phil Harper visited Maelor Foods Ltd, Pickhill Lane, Cross Lanes, Wrexham, LL13 0UE at 12:00 on the 26th October 2022 and was accompanied by the sites Health Safety and Environmental Manager. This was an unannounced inspection carried out in response to site incidents which had occurred over the weeks prior to the inspection. These will be discussed later in the assessment report.

Site Inspection

At the time of the inspection weather conditions were overcast and showery. The focus of the inspection was the sites effluent treatment plant.

Contingency Effluent Storage

During the inspection residual effluent or partially processed effluent was observed within the uncovered emergency pits which are used by the site as contingency storage for the effluent treatment plant in the event of failure. During the incident which was reported to Natural Resources Wales and discussed below, water was diverted to the open emergency pits. Natural Resources Wales was notified that this action had taken place- incident reference WIR2207677.

At the time of the visit the liquids appeared to have become anoxic, having been standing in the pits for approximately 6 days. Natural Resources Wales perceives this as an increased likelihood of odour produced by the site.

Action:

1. In future efforts should be made to empty and clean the uncovered ponds as soon as possible after use, either by reprocessing on site or by removal from the site by a licensed carrier for disposal elsewhere.
2. When notifying Natural Resources Wales of the use of the ponds, also estimate how long effluent will be held, what measures will be taken and further notify Natural Resources Wales when the ponds have been emptied and cleaned so that it can be discounted from potential site odour complaints.
3. Update relevant sections of the environmental management system and the odour management plan which detail the use of the emergency pits for submission to Natural Resources Wales by the **20th January 2023**.

Site Discharge

A sample of the sites final discharge was taken during the inspection and was visually clear of suspended solids and not discoloured.

Balance Tanks

Two 30000 litre tanks are situated at the site's effluent treatment plant, both will be discussed within this report. The balance tank furthest from the site boundary is the balance tank, the tank closest to the site boundary is a divert tank for routine contingency use.

Balance Tank Replacement Project.

A project to replace the balance tank which has been discussed in CAR forms CAR_NRW0040070 which was issued on the 1st of July 2022 and CAR_NRW0040381 which was issued on the 17th of October 2022 is underway. The operator is currently surveying for the construction of the new tank and routes for the provision of utilities have been identified and marked at the site. No active leak visible on the tank.

Divert Tank

On the 20th of October 2022, Natural Resources Wales received a complaint that the divert tank was leaking effluent through the tank wall- incident reference WIR2207677. The picture below has been provided by the site.

It is of the understanding of Natural Resources Wales that measures have been put into place to prevent the tank from filling to the volume where a leak would occur, and that maintenance and integrity testing have been arranged for the tank.

Evidence of the spillage could still be seen on unmade ground adjacent to the tank, although efforts have been made to clear up the spillage it represents a pollution to ground event.

The potential for this spill occurring would have been reduced if adequate secondary containment was present around the effluent treatment plant. Further information on secondary containment can be found within the CIRIA guidance document C736.

A phase 2 upgrade plan for the effluent treatment has been submitted as part of a variation application which has been submitted to Natural Resources Wales. The plan includes improved containment for the effluent treatment plant; therefore, Natural Resources Wales regards that the required improvements are already ongoing.

A **category 3 score** has been applied against **permit condition 3.1.1. "There shall be no point source emission to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2"**.

Action:

4. Continue to monitor the tank for leaks.
5. Submit maintenance records for the divert tank by the **20th January 2023**.

Odour Complaint 8th October 2022

On the 8th October 2022 Natural Resources Wales received multiple complaints regarding odour (WIR2207414, WIR2207435, WIR2207436, WIR2207438) from the site affecting the surrounding area.

Despite being notified by Natural Resources Wales that a complaint had been received on the 8th October 2022, the relevant part A and part B notifications were not received until Thursday the 13th October 2022 following further prompt by Natural Resources Wales.

An investigation report which was received by the site indicated that a CAT 2 trailer had become stuck at the

site due to a brake failure. The trailer should have been removed on Saturday the 8th but could not be moved until the Sunday due to restrictions of wagon movement during Sunday hours. The trailer was pushed back into the CAT2 bays which benefit from air handling and a scrubber system to abate odours.

However, the fan speed for the scrubber unit is programmed to reduce over the weekend to reduce the likelihood of noise complaints. A site investigation report for the 9th of October 2022 which was received on Thursday the 13th indicates that an offsite odour was identified, the odour dissipated when the scrubber fan speed was increased.

Offsite odour was not substantiated by Natural Resources Wales Officers.

Permit condition 4.3 deals with notification by the site to Natural Resources Wales and provides the following information:

4.3.1 (a) 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;

(b) in the event of a breach of any permit condition the operator must immediately

(i) inform Natural Resources Wales, and

(ii) take the measures necessary to ensure that compliance is restored within the shortest possible time;

(c) in the event of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator must immediately suspend the operation of the activities or the relevant part of it until compliance with the permit conditions has been restored.

4.3.2 Any information provided under condition 4.3. shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

Schedule 5 requires that the relevant information is sent immediately.

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

Action:

6. Review and update relevant sections of the sites environmental management system and odour management plan to provide procedural actions to be carried out in the event of future brake failures and send to Natural Resources Wales for review by the **20th January 2023**.
7. Review and update relevant sections of the sites environmental management system to ensure that notification requirements are highlighted to site staff and send to Natural Resources Wales for review by the **20th January 2023**.
8. Provide training to relevant members of staff including tool box talks on incident reporting and the management of odours. Evidence that the training has taken place for example training log sheets

should be sent to Natural Resources Wales for review by the **20th January 2023**.

Discharge to River Dee 15th October 2022.

On Saturday 15th October 2022 Natural Resources Wales received notification that a reddish/ brown discharge could be seen entering the River Dee, accompanying photographs depicted the outfall pipe for Maelor Foods.

The River Dee is a Site of Special Scientific Interest and provides drinking water for Chester. As consequence, the River Dee is sensitive to pollution. Incident management officers had trouble in contacting site management regarding the incident, with the site security lodge showing a lack of understanding regarding site procedures for contacting management staff out of hours.

An internal site investigation which was carried out by the sites found that an operative had identified a fault with the effluent treatment plant noting that the final discharge was discoloured. However, this was not escalated, and the site failed notify to Natural Resources Wales.

Analysis data of the final effluent composite for the 15th of October gives a suspended solids result of 42.4 mg/l compared to the permitted value of 30 mg/l. As this is analysis from a flow proportional daily composite and the site has indicated an incident duration of approximately 4 hours, this indicates that actual levels observed during the incident far exceeded the permitted values. It is also of note that phosphate levels, while not breaching the permit levels were elevated on the 15th October 2022.

Missing data points are apparent for the 14th and the 18th of October 2022. The site procedure for monitoring and measurement requires that water samples are to be tested Monday to Friday with weekend samples only being tested if required. Through correspondence with the site following the incident, it has been established that effluent treatment plant operators failed to perform the analysis on these dates.

Permit condition 1.1.1 states 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”

It is the responsibility site management ensure that staff are sufficiently trained to follow the site protocols within the site permit and environmental management system that are relevant to their role.

A **category 3 score** has been applied against permit condition 1.1.1a.

The incident was not attended by officers on the 15th October 2022 and no impact to fish or the surrounding environment has been noted. As a result a **category 3 score** has been applied against **permit condition 3.1.2** “The limits given in schedule 3 shall not be exceeded”.

A **category 3 score** has been applied against **permit condition 4.3.1** for failure to report the discolouration. Please note, this has been consolidated with the earlier score for breaches against 4.3.1. _

Action:

9. Provide training to relevant members of staff including tool box talks on incident reporting. Evidence that the training has taken place for example training log sheets should be sent to Natural Resources Wales for review by the **20th January 2023**.
10. Provide training to relevant members of staff including tool box talks on their role out of hours, for example security staff. Evidence that the training has taken place for example training log sheets should be sent to Natural Resources Wales for review by the **20th January 2023**.
11. Provide an organisational flow diagram showing environmental roles and responsibilities with deputies within hours and out of hours by the **20th January 2023**.

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.