

Compliance Assessment Report CAR_NRW0040850

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: Incident Response (Incident number 2208860).

On 19/12/2022 between 11:30 and 13:00.

Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper, accompanied by Lara Cubley, Jamie Blythin.

Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 23/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1a
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

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
C2	Actions 1, 2, 3 and 4 in main text	31/01/2023
E2	actions 1,2, 3 and 4 in main text	31/01/2023
G4	Submit Schedule 5 Part B notification by the 16th January 2023.	16/01/2023

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

On the 19th December 2022, Natural Resources Wales received an incident notification regarding effluent from the Maelor Foods site on the footpath which runs adjacent to the sites effluent treatment plant. The initial notification from a member of the public was received at 9:38 am on the 19th December 2022. The initial notification stated that effluent could be seen entering the brook, at the location labelled as W2 on the permit. As a consequence of potential pollution to the River Dee, local incident response procedures were initiated and officers from Natural Resources Wales visited the site at 11:30 am on the 19th December 2022. The inspection was accompanied by the sites EHSE manager.

Officers noted evidence of effluent on an area of unmade ground adjacent to the site boundary. However, no effluent was noted outside the site boundary at the time of the inspection.

A schedule 5 part A notification as received for the incident on the 20th at 14:50, over 30 hours following the observation time shown on the schedule A.

The schedule A report stated the following.

"It was identified that the DAF feed pumps were not running. These pumps take the effluent to the DAF. The pumps had failed because of a damaged actuator because of the cold weather recently experienced. Because no effluent was being pumped out of the balance tank/ divert tank, both tanks just filled up and consequently over flowed. The majority of the spillage was contained in the bottom corner of the site, but some water escaped through the earth bund across a footpath. The spillage was cleaned up and taken away by Trade Effluent who responded to out emergency request. The area was cleaned up by 8:25."

Visual evidence on site showed that secondary containment around the effluent treatment plant, in the form of a curb failed to contain effluent on the impermeable surface of the site.

This is the second incident of this nature at the site within 12 days.

Effluent then pooled on unmade ground with solid materials contained by an earth bund. At the time of the inspection no effluent was observed on the footpath outside the boundary. It is understood that effluent went to ground on the opposite side of the footpath to the site in a wooded area, NRW were unable to substantiate this. No visual impact on the watercourse was noted at W2.

As highlighted in car form CAR_NRW0040793 which was issued following the incident on the 8th December:

The incident has been substantiated by the operator in writing within the schedule 5 part A notification. Despite being clear in appearance after seeping through the bund it should be stressed that as raw effluent the water was still likely to contain dissolved pollutants which would have a detrimental effect on groundwater and watercourses.

Permit condition 3.1.1 states that **"There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2."** During the incident effluent seeped through the earth bund onto a footpath which was outside the site boundary. This is considered a point source emission which is not listed within the permit.

A **category 3 score** has been applied under E2 Land and groundwater.

The incident indicates that adequate procedures are not in place or are not being followed around the effluent treatment plant to prevent or reduce the likelihood of emissions. Permit condition 1.1.1(a) **states that the operator shall manage and operate the activities 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;** and

A **category 3 score** has been applied against **permit condition 1.1.1a** under C2 Management system and operating procedures.

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** under G4 Reporting and Notification to Natural Resources Wales.

Actions:

1. As required by CAR form CAR_NRW0040793, Submit a plan with timings for the remediation of unmade ground adjacent to the site bund which was affected during the incident by the 31st January 2023.

2. Submit a plan for improvement of containment around the effluent treatment plant, including unmade ground and deficiencies within the bunding/kerbing around the balance and divert tanks by the 31st January 2023.
3. Submit a plan for assessing and improving the integrity of tanks associated with the effluent treatment plant by the 31st January 2023.
4. Submit a plan to install systems to alert of high volumes within tanks for example an alarm by the 31st January 2023.
5. Submit Part B of the schedule 5 notification as soon as reasonably practicable.

Please note Natural Resources Wales is considering enforcement action in relation to these actions.

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.