Compliance Assessment Report CAR_NRW0040793

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 2208684).
On 08/12/2022 between 13:45 and 14:30.
Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper.
Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 22/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	3.2.1
E2 - Emissions - Land and groundwater	C3 Minor	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

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
B1	Measures must be put into place to prevent effluent from passing through bund wall.	31/01/2023
E2	Decontaminate unmade ground within the permitted, adjacent to site boundary.	31/01/2023
G4	Submit Schedule 5 Part B notification by the 2nd January 2023	02/01/2023

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

Incident Notification.

On the 7th 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 was received from a member of the public at 15:20.

Initial notification was also received from the site at 15:30 by way of a phone call to officer Phil Harper, whereby it was agreed the part A notification could be issued the following morning.

The Schedule 5 part A notification was received at 11:06 on the 8th of December, within 24 hours of the occurrence and deemed acceptable by Natural Resources Wales in line with permit condition 4.3.2.

The part A notification refers to the failure of the raw sump failure with the description as follows.

"Due to the pump failure, we had to use the Emergency pits. Some liquid escaped to the rear of the ETP in the bottom corner. Some of the liquid seeped through the earth bund onto a footpath outside the fence. This liquid was clear water. With reference to the complaint report there was no tank overflowing on site, at the time Trade Effluent were finishing off cleaning the balance tank."

Site Inspection.

At 13:45 on the 8th December 2022 a site inspection was undertaken by NRW officer Phil Harper in response to the notification.

At the time of the inspection the effluent treatment plant was operational. NRW were informed that a pump failure caused the raw effluent sump to overflow. All critical pumps at the site have a standby to provide contingency. However, on this occasion the standby pump failed to start for 90 minutes.

Initially effluent was contained within the hardstanding and kerbing provided around much of the effluent treatment plant.

It was observed that an unknown quantity of raw effluent was able to find its way through part of the bund in which there is a hole to allow for pipework associated with the scrubber to pass through. Following the incident efforts have been made to seal the hole using a foam sealant.



Failure to ensure that the pipe was sealed is a permit breach, in contravention of permit condition 3.2.1 as effluent was not contained. "**Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.**" A **category 3 score** has been applied.

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.



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.

Natural Resources Wales is of the view that the area of unmade ground adjacent to the bund is likely to have become contaminated during the incident, leading to the potential to cause greater pollution if left un-remediated.

Following the inspection, the Operator was requested in writing by NRW to ensure that the emergency pits were empty of effluent and n cleaned thoroughly in addition to any affected surfaces at the effluent treatment plant by Wednesday the 14th December to reduce the likelihood of odours from the site. Due to cold weather this was not possible and an extension was agreed.

Actions:

1. Ensure that clean down of the emergency pits and affected area of the effluent treatment plant is performed as soon as permitted by the weather and that Natural Resources Wales is notified when this has taken place.
2. Submit a plan describing a permanent method of sealing the hole around the pipe photographed above and instigate by the 6th January 2023.
3. 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.
4. Submit Part B of the schedule 5 notification as soon as reasonably practicable.

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.