

Compliance Assessment Report CAR_NRW0040961

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 2300090).

On 06/01/2023 between 11:09 and 14:12.

Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper, accompanied by Stuart Ross, Paul Challender.

Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 24/01/2023.

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	C2 Significant	1.1.1a
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.3.1
C2 - General Management - Management system and operating procedures	C3 Minor	3.1.1
C2 - General Management - Management system and operating procedures	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
3	39

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 in main text	31/05/2023
G4	Report all future incidents	Already completed
C2	Actions in main text.	01/02/2023
C2	Ensure Duty of care is followed, with regard to waste produced on site,.	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.

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 6th December 2022 at 9.27am, Natural Resources Wales (NRW) received an incident notification (WIR 2300090) from a member of the public reporting an effluent leak at the Maelor Foods abattoir that was running onto the footpath which runs adjacent to the site's effluent treatment plant.

C2 Management System and Operating Procedures

As the third incident of this nature since the 7th December 2022, local incident procedures were invoked and Officers from NRW attended the site at 11:09 am on the 6th January 2023. Officers were accompanied by the site's General Manager and the sites EHSE Manager.

Officers observed a pool of dark liquid on an area of unmade ground behind the effluent divert tank and adjacent to the site boundary. This had originated from the concreted curbed area located between the effluent balance (primary) and divert tanks that was covered in a dark film of sludge with some ponded liquid. Effluent had escaped the curbed area by flowing through a hole in the concrete floor that was subsequently filled with postcrete prior to Officers arriving on site.

At the time of the inspection Officers found no evidence to indicate that spilt effluent had escaped the site boundary and entered onto the footpath or any watercourse. No visual impact was noted on the watercourse at Emission Point W2. Spilt effluent has potential to enter controlled waters through infiltration of unmade ground.

A Schedule 5 Part A notification was received for the incident on the 9th of January at 11:01, over 72 hours following the event observation time shown on the Schedule 5 notification.

The Schedule 5 report stated the following.

"A temporary Raw Effluent pump was installed which is manually operated. Therefore, the diesel pump was pumping continuously, rather than on and off as would be if it was electric. This resulted in the effluent tanks filling quicker than normal."

The overfilling of the tanks resulted in effluent spilling onto the concrete curbed area. This is the third incident leading to the loss of effluent to the ground at the site within 5 weeks. Refer the compliance assessment reports listed below:

-7th December 2022, discussed in CAR_NRW0040793

-19th December 2022, discussed in CAR_NRW0040850

Visual evidence on site shows that secondary containment around the effluent treatment plant was inadequate to prevent effluent from escaping the area and pooling on unmade ground.

The installation and operation of a temporary pump in the absence of a suitably robust tank level control

system represents a significant failure to manage change and to operate the effluent treatment plant in a manner that prevents or reduces the likelihood of emissions to the environment.

During a site inspection on the 17th June 2022 rust holes were observed in the primary tank and were discussed in CAR-NRW0040070 and CAR_NRW0040381. In email and verbal correspondence following the initial visit in June 2022, the site provided assurance that the levels within the primary tank would be managed to prevent filling past 70 % thus preventing leaking or overtopping. Natural Resources Wales is of the view that this has not been adequately implemented.

The incident indicates that adequate procedures are not in place or are not being followed to manage and control the effluent treatment plant. 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;**

This is the third incident of this nature within 5 weeks, a **category 2 score** has been applied against **permit condition 1.1.1a** under C2 Management system and operating procedures. Failure to operate the effluent treatment plant in accordance with a suitable management system has the potential to result in a significant environmental impact.

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 contaminated land and may lead to an impact on ground and surface water. 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

Emergency Pits

During the inspection it was noted that effluent was being allowed overflow from the raw sump into the uncovered emergency pits before being pumped to the manifold for the primary effluent screen which is within the sump enclosure.



Whilst NRW accepts the use of the emergency pits in emergency event, we do not consider that the servicing of pumps is an emergency. If an external temporary pump is required, site infrastructure should allow for this to be installed in such a way that the emergency pits are not required for the positioning of the pump intake hose i.e. suitable pipework and couplings. Furthermore, the emergency pits are uncovered and if used routinely will increase odour emissions and the likelihood of odour complaints from local residents.

A further score has been applied to the permit against **permit condition 1.1.1a** under C2 Management system and operating procedures. This score has been consolidated to give a single score under C2 Management system.

G4 Reporting and Notification to Natural Resources Wales

Permit condition 4.3 sets out the notification requirements of the permit.

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 Schedule 5 Part A notification was received for the incident over 72 hours after the event and therefore a **category 3 score** has been applied against **permit condition 4.3.1** under G4 Reporting and Notification to Natural Resources Wales.

Waste

The site permit is prescriptive about how waste should be handled by the site.

Permit condition 1.4.1 states the following:

The operator shall take appropriate measures to ensure that:

- a. **The waste hierarchy referred to in Article 4 of the waste framework Directive is applied to the generation of waste by the activities; and**
- b. **Any waste generated by the activities is treated in accordance hierarchy referred to in Article 4 of the Waste Framework Directive; and**
- c. **Where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.**

Further instruction is provided by permit condition 2.3.4 which states that;

The operator shall ensure that where waste produced by the activities is sent to a relevant waste operation, that operation is provided with the following information, prior to the receipt of the waste:

- a. **The nature of the process producing the waste;**
- b. **The composition of the waste;**
- c. **The handling requirements of the waste;**
- d. **The hazardous property associated with the waste, of applicable; and**
- e. **The waste code of the waste.**

Natural Resources Wales is currently investigating whether effluent has been miscoded by the site and transferred to a land spreading deployment without suitable authorisation. Further correspondence will be made regarding this matter when the investigation has concluded.

Failure to ensure that any wastes go to a site which is permitted to accept it, is a failure of the sites duty of care and an offence under the Environmental Protection Act 1990 as well as a potential breach in relation to the environmental permit.

Further information regarding the duty of care can be found using the link below.

[Waste_duty_of_care_code_of_practice.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101444/waste_duty_of_care_code_of_practice.pdf)

Following a discussion between NRW and the Maelor Foods Ltd on the 13th January 2023, a number of actions have been required within a Regulation 36 notice which will follow this CAR form.

Kind Regards

Phil Harper

Senior Industry and Waste Regulation Officer NE

03000 65 3717/ 07890025506

philip.harper@cyfoethnaturiolcymru.gov.uk

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.