

Compliance Assessment Report CAR_NRW0041607

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 30/03/2023 between 13:10 and 14:30.

Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper, accompanied by Lara Cubley, Amy Henderson.

Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 18/04/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

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.

At this time, we do not intend to take any further action.

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

At 13:10 on the 30th March 2023 a site inspection was undertaken by NRW officers Phil Harper, Lara Cubley (Senior Industry & Waste Regulation). Amy Henderson (Industry & Waste Regulation officer) also accompanied the visit.

The health safety and environment manager was present throughout the site inspection. This was an

announced site inspection.

The primary focus of the inspection was containment at the effluent treatment plant.

New Effluent Storage Tank

Since the previous site visit on the 25th January 2023 the concrete base for the tank has been laid and the new tank is on site ready to be built.

Please note: The new effluent tank requires assessment by Natural Resources Wales and is therefore subject to a permit variation prior to use. Design and construction prior to obtaining a permit variation are at the operator's risk.

Continuous pH and temperature Probe.

A new continuous pH probe has been installed at outfall point for the effluent treatment plant. At the time of the inspection the reading was 6.46 which is within permitted limits. Certification demonstrating the pH and temperature probe is MCERTS rated has been sent to Natural Resources Wales.

Unmade Ground Adjacent to Site Boundary

Landscaping works had commenced on unmade ground adjacent to the ETP. Water on the surface of the ground which was affected by previous effluent spills shows signs of nutrification (algal growth).

Please note: Be reminded that improved secondary containment measures which involve the paving of previously unmade areas of the site will be a subject to a permit variation. Design and construction prior to obtaining a permit variation are at the operator's risk.

The sites main sump pumps were being serviced on the day of the inspection. Raw effluent had been allowed to overflow into the emergency pits where a hired sykes pump was being used to pump the effluent from the emergency pits for onward treatment through the plant. The emergency pits contained a small amount of raw effluent.

Tank Levels

During the inspection the Human Machine Interface (HMI) showed that balance tank level was at 55 %. Following receipt of the engineer's report the site was advised to reduce the operating levels of the tank to 50 % in Compliance Assessment Report CAR_NRW0041187 issued on the 21st February 2023. Action 3 of this CAR form required that *"in order to provide sufficient free-board capacity the maximum volume of the balance tank must be limited to 50 % with immediate effect"*. It is encouraging that the tank was emptied by Monday the 3rd of April ahead of repair works. Taking this into account, a score will not be applied on this occasion.

The operator is advised to ensure that efforts are made to comply with actions set out in compliance assessment reports, failure to undertake actions without discussion with Natural Resources Wales could result in enforcement action.

Summary of Actions Required by Regulation 36 Notice

During the inspection the condition of the current secondary containment was inspected with a view to discharge step 7 of the regulation 36 notice which reads as follows:

“Improve secondary containment measures in order to comply with the CIRIA C736 guidance document. For example, sealing any holes within the existing secondary containment.”

Secondary containment is a legal requirement for the site as specified by permit condition 3.1.1 *“There shall be no point source emissions to water, air or land except from the sources and emissions points listed in schedule 3 tables S3.1 and S3.2”*. As an industry standard document, the CIRIA guidance was provided to assist in ensuring that the secondary containment in use on site is appropriate, fit for purpose and complies with Best Available Techniques (BAT).

During the spill events which occurred on the 7th December 2022, 19th December 2022 and the 6th January 2023, raw effluent was able to flow through or around existing walls and kerbs.

During the inspection it was noted that repairs had been undertaken on block walls between the balance and divert tank. Visual repairs included the filling of holes and cracks and as stated by the operator the use of resistant paint in some areas.

During the inspection, a channel adjacent to the divert tank had not been blocked. This channel had been a pathway for effluent on the 19th December 2022.

Following the visit, the operator sent photographs which showed that this concrete channel had been blocked.

Natural Resources Wales now regards that step 7 on the regulation 36 notice is now complete and can be discharged.

With regard to step 6 as follows:

“Remediate unmade ground adjacent to the site bund, ensuring that any waste generated by the remediation works is sent to a site which is permitted to accept it.”

The deadline of the 28th February 2023 has already passed. The operator has already employed a third-party contractor to undertake this work. As such, a flexible approach will be taken in terms of the deadline, provided that communication around the works continue. This demonstrates our reasonable approach to the steps which were set out in this notice.

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.