

Compliance Assessment Report CAR_NRW0042157

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: Site Inspection,

Reason: Incident Response (Incident number 2305304).

On: 10/07/2023 between 11:00 and 12:30.

Parts of permit assessed: See Below.

NRW Lead Officer: Philip Harper, accompanied by Cheryl Griffiths.

Report sent to: James Colley, Plant Manager, on 25/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR1A - Management - General management	C3 Minor	1.1.1a

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

Total 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
IR3B	See main text	Already completed
IR3A	See main text	Already completed
IR1A	See main text	Already

Criteria	Action needed	Complete by
		completed

Compliance 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

At 11:00 on the 10th July 2023 a site inspection was undertaken by NRW officers Phil Harper and Cheryl Griffiths (Environment Officer).

Natural Resources Wales received reports regarding odour on the 29th June 2023 and the 7th July 2023. The site visit was conducted to further understand odour sources in the area.

Odour

A full walk around of the site was conducted including an offsite assessment downwind of the site. No offsite odours were noted.

Emergency Pits

During the site inspection it was observed that the emergency pit had been flooded with raw effluent.

NRW is of the understanding that Sykes pump A failed at 07:30 and so the ETP operator switched over to Sykes pump B which failed to start. An engineer was called, and they had to strip the starter off Pump A to put on Pump B. This was repaired and running by 08:30.

Raw effluent runs from the factory to the reception pit under gravity, therefore, NRW is of the view that if a pump failure occurs at the effluent treatment plant there is limited control to prevent effluent from overflowing from the raw sump, therefore there is potential for a pollution incident to occur.

NRW did not receive notification that an issue had occurred with pumps

Pictures were received by NRW on the 10th July 2023 which showed that the emergency pits had been emptied of effluent and cleaned.

Sodium hydroxide

Officers were informed that a sodium hydroxide spill had occurred near the main scrubber. Sodium hydroxide had run towards a surface drain but was contained by site operatives. NRW understands that the surface drain

leads to the culverted stream outside the site boundary at W2.

The IBC storage area is provided with secondary containment to provide environmental protection.

A schedule 5 notification which was received on the 11th July 2023, stated that extra containment was included within the recent planning application and that storage containers would be added to the annual preventative maintenance schedules.

The lack of secondary containment is a contravention of permit condition 3.2.2. **“All liquids in containers, whose emission to water or land could cause pollution, shall be provide with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.”** A **category 3** score has been applied under subheading IR3B- Emissions of substances not controlled by emission limits.

Q2 Monitoring Return Data

Monitoring return data for Q2 was received as required by permit condition 4.2.3 on the 7th of July 2023.

A review of the monitoring returns was undertaken by Phil Harper, Senior Industry & Waste Regulation Officer on the 18th of July 2023.

Daily Flow Volume

A maximum daily flow volume of 1587.2 m³/ day was provided for May. This value is in breach of the permitted limit of 1500 m³/day for maximum daily flow volume. This represents a minor exceedance.

A **category 3** has been applied against permit condition 3.1.2. **“The limits given in schedule 3 shall not be exceeded”** under subheading IR3A- Emissions to water, air or land.

NRW received a notification for the exceedance on the 2nd May 2023.

Discharge Temperature

A maximum discharge temperature of 29.6 °C has been reported. Whilst not breach of the limits set out by the environmental permit, this represents an approach to the permitted limit of 30 °C.

Action: Investigate the increase in temperature of the discharge waster and report finding to NRW by the 11th August 2023.

All other readings were within emission limits as specified by condition 3.1.2.

Reporting and Notification.

This compliance assessment report discusses occasions when the operator failed to notify inline with requirements of the permit. The sites Incident and Non-Conformance Reporting procedure clearly defines the steps that are to be taken by the operator in the event of an incident at the site. With reference to the pump failure and sodium hydroxide leak, the operator failed satisfy section 8 of the procedure which states the following;

“Senior Management must notify and submit a report to NRW for specified non-routine events including:

- substantiated environmental complaints attributed to the site;*
- non-conformances with licence conditions or limits;*
- any incidents which have or could lead to significant environmental damage.*

This notification must be made immediately and be followed up with a written notification report (Schedule 5 Part A) within 24 hours. The summary of the investigations must also be submitted once complete. Information must be supplied on a version of the form in Schedule 5 of the installation permit.

If an incident occurs which at the time does not carry a risk to the environment, but has potential to, then a call is to be made to the regulator to notify them of the potential risk. This will then enable the regulator to deal with any complaints at the time rather than have to investigate the complaint.”

Failure to notify NRW that these incidents had occurred is a contravention of permit condition 1.1.1 (a) **“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.”** A category 3 score has been applied under subheading IR1A- General management.

Action: Report all future incidents in line with permit and site procedures.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.