

Compliance Assessment Report CAR_NRW0042771

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: Report/Data Review,

Reason: Routine.

On: 07/11/2023.

Parts of permit assessed: See Below.

NRW Lead Officer: Philip Harper.

Report sent to: Joe Rogers, Health Safety and Environmental Manager, on 15/11/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	C3 Minor	1.1.1a
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2
IR3A - Emissions and monitoring - Emissions to water, air or land	C3 Minor	3.1.2

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
IR1A	Review operating procedures concerning the monitoring of the final discharge at W1 and the arising actions.	22/12/2023
IR3A	See main text	01/12/2023
IR3A	See main text	01/12/2023

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

Quarterly Monitoring of Results- Q3 (July– September, due 30th September 2023).

Monitoring return data for Q3 was received as required by permit condition 4.2.3 on the 24th of October 2023.

A review of the monitoring returns was undertaken by Phil Harper, Senior Industry & Waste Regulation Officer on the 7th of November 2023.

Maximum Daily Discharge Volume

A maximum daily flow volume of 1573.7 m³/ day was provided for September. 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 18th September 2023.

The stated measures to be taken were as follows;

“Disciplinary investigation to be carried out to understand why procedure was not followed and to hold person who did not follow procedure to account. Area inspections carried out pre-start, during and end of shift to make sure that all equipment using water is checked to ensure no wastage. ETP operatives and engineers to be retrained regarding ETP checks. Training will include an instruction to stop discharging if discharge volume reaches 1500 m³ on any given day.”

Action 1: Report the findings of the investigation to NRW by the 1st December 2023.

Maximum Temperature of Final Effluent at Discharge

A maximum discharge water temperature was reported as 30.2 °C. Elevated temperature levels were observed by NRW during site inspections on the 7th July 2023, 29.6 °C and on the 5th September 2023 30.1 °C. Temperature data has been provided by the operator and has been reviewed against the report findings.

A report detailing the findings of an investigation into the elevated temperatures was submitted to NRW on the 29th September 2023. The findings are as follows.

“Recorded temperature on the HMI did not exceed 30 degrees Celsius until Friday 8th September at 13:00pm.

Recorded temperature on the ETP Process data spreadsheet exceeded 30 degrees on the 5th September (30.2 observed during NRW’s site inspection) on the 7th September (30.1) and on 11th September (30.2).

Additional checks made by ETP operatives found increased temperatures further back in the Process meaning that warmer water was coming from the factory.

Shading the unit in the days following the site inspection did not have a noticeable effect on the temperatures recorded.

All checks made by ETP operatives found that water was under 30 degrees Celsius at the W1 discharge point into the river.

Recorded temperatures on the HMI and on the ETP spreadsheet began to fall on the 12th June. We believe that this was due in part to Engineering resolving an issue with the water temperature setting on the Pluckers which reduced the volume of hot water to drain.

We also believe that this was due in part to a decision to sacrifice 30 % recycled process water at 30 degrees and replace the 30% with water extracted from the borehole at 14 degrees, which will have reduced the overall temperature of the water going to the ETP.

Corrective Actions were also provided by the operator.

“In future, if recorded temperatures reach 29 degrees, 30 % recycled process water will be replaced by 14 degree water extracted from the borehole and operations will be checked to make sure that hot water is not being used unnecessarily.”

Elevated temperature readings at W1 were identified by NRW on the 7th July 2023 and the operator was provided with an action to investigate the cause. As operational differences have been identified by the operator a score will be applied.

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.

Action 2: The report investigation states the following *“Recorded temperatures on the HMI and on the ETP spreadsheet began to fall on the 12th June. We believe that this was due in part to Engineering resolving an issue with the water temperature setting on the Pluckers which reduced the volume of hot water to drain.”*

Provide clarity whether the provided date of the 12th June is correct by the **1st December 2023**.

Action 3: Implement the corrective actions with immediate effect.

The content of this CAR form has highlighted that site procedures are not being adhered to. NRW would like to remind the operator that it is the responsibility of management to ensure that site operating procedures are being adhered to by operatives. In addition site operating procedures should be sufficient to allow for

breaches and approach to limit values to be investigated in a timely manner.

This 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 4: Review and update procedures regarding the use of effluent monitoring data to inform site operations to ensure that permit breaches do not occur.

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

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

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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.

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.