

Compliance Assessment Report CAR_NRW0043297

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: 10/01/2024.

Parts of permit assessed: See Below.

NRW Lead Officer: Philip Harper.

Report sent to: Joe Rogers, Health Safety and Environmental Manager, on 05/02/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2C - Operations - Operating techniques	C3 Minor	2.3.1
IR1A - Management - General management	C3 Minor	1.1.1

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

Total 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
IR2C	See actions in main text	16/02/2024
IR1A	See action in main text	16/02/2024

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

This compliance assessment report discusses ongoing ETP performance issues at Maelor Foods Limited which were first reported to Natural Resources Wales on the 10th January 2024.

On the 10th January 2024 Natural Resources Wales received a report from Maelor Foods Limited that a small amount of effluent had been diverted to the open pits due to a blockage in a raw sump pump which was caused by suspended solids entering the raw sump from upstream and that the effluent was being pumped back into the system.

A further update was provided to NRW at 10:20 on the 11th January 2024 to provide an update regarding the situation. It was disclosed that whilst the raw pumps were working correctly, tank levels within the main ETP balancing tank and divert tank were high. Reported levels were 85 % in the balance tank and 50 % in the divert tank. The increased tank levels were reportedly due to ETP pauses and slower effluent treatment rate due to an increased amount of suspended solids in the raw effluent, and a higher than normal starting volume in the balance tank when weekly production started on Monday the 8th January 2024.

The operator was required to report tank levels at ETP shift changeovers until tank levels normalised on the 22nd January 2024, a maximal level of 98 % in the balance tank and 73 % in the divert tank reported on the 13th January 2024, utilising 85.5 % of capacity in permitted tanks.

The permitted use of the balance and divert tanks and provision of contingency have been discussed in detail within compliance assessment report CAR_NRW0043088 following similar issues at the site from the 6th to the 14th November 2023.

A category 3 score has been applied against permit condition 2.3.1(a) under heading IR2C – Operating Techniques.

The occurrence has indicated to Natural Resources Wales that robust production forecasting is not being undertaken at the site to ensure that the effluent produced by the process can be stored and processed in manner which conforms to the controls set out by the operating techniques put forward by the operator during the permit application and in a manner which conforms to the conditions set out by the permit.

A category 3 score has been applied against permit condition 1.1.1 under IR2A – General Management

Compliance assessment report CAR_NRW0043088 required that a procedure was produced to describe how effluent volumes would be managed at the site to ensure that permit conditions were satisfied and that the procedure would be submitted to NRW for review by the 31st January 2024. The procedure was received on 1st February 2024. A review will be undertaken and discussed in a separate compliance assessment report.

The operative has calculated that the site requires 13 % of total tank capacity to provide contingency for 3 hours of effluent at peak flow. NRW advises that if the operator wishes to change the site operating

techniques with regard to contingency volume, then justification should be sent to NRW for consideration.

Over the duration of the ETP performance issues NRW officers have visited the site on multiple occasions. Findings from those visits will be discussed in separate compliance assessment reports which will follow this compliance assessment report.

Action: A full report into the route cause of high tank levels and ETP performance issues must be submitted to NRW for review by the 16th February 2024.

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.

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.