

## Compliance Assessment Report CAR\_NRW0043345

**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:** Routine.

**On:** 01/02/2024 between 09:15 and 10:30.

**Parts of permit assessed:** See main text.

**NRW Lead Officer:** Philip Harper.

**Report sent to:** James Colley, General Manager, on 29/02/2024.

### 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  | Ongoing (O)       | 1.1.1(a)         |
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| IR1A - Management - General management  | Ongoing (O)       | 1.1.1(a)         |
| IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits | C3 Minor          | 3.1.1            |
| IR1A - Management - General management  | Ongoing (O)       | 1.1.1(a)         |
| IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits | Ongoing (O)       | 3.1.1            |
| IR1A - Management - General management  | C3 Minor          | 1.1.1(b)         |

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       |
|----------|---------------------------|-------------------|
| IR1A     | See actions in main text. | Already completed |
| IR1A     | see actions in main text. | Already completed |
| IR1A     | See actions in main text. | Already completed |
| IR1A     | See actions in main text. | Already completed |
| IR3B     | See actions in main text. | Already completed |
| IR1A     | See actions in main text. | Already completed |
| IR3B     | See actions in main text. | Already completed |
| IR1A     | See actions in main text. | Already 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.**

**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

**NOTE: Multiple non-compliances against the management system have been identified within this compliance assessment report. Scores against the management system have been consolidated and provided as a single category score 2 in compliance assessment report CAR\_NRW0043296.**

At 9:15 on the 1<sup>st</sup> February 2024 Phil Harper, Senior Industry & Waste Regulation officer and Cheryl Griffiths, environment officer visited Maelor Foods Ltd, Pickhill Lane, Cross Lanes, Wrexham, LL13 0UE. This was an unannounced site visit.

This visit was a follow up visit following the site visit on the 17<sup>th</sup> January 2024 which is discussed in compliance assessment report CAR\_NRW0043296.

### **Turbidity Probe.**

Visual inspection of the control interface found that the connectivity issues at the turbidity probe which were noted during the site inspection on the 25<sup>th</sup> January 2024 were still being experienced. The operator informed

officers that the Effluent Treatment Plant (ETP) provider had been contacted regarding a repair or replacement for the probe.

The reading at the probe at the time of the inspection was 60.5 Nephelometric Turbidity Units (NTU), effluent was being transferred to the emergency pits and not discharged to the River Dee.

The operator is reminded that the Emissions Monitoring Plan describes the turbidity as a key data parameter and that 40 days of data will be stored for key parameters. The site currently does not have this utility and is operating in contravention of its management systems.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

**Action 1: Proceed with repair or replacement of turbidity probe without delay.**

#### Autosampler

Observations regarding the autosampler and composite sample fridge were discussed in detail within compliance assessment report CAR\_NRW0043296.

#### Composite Sample Container

Visual inspection of the sample container found that it had been cleaned.

#### Digital Temperature Display

Visual inspection of the composite sample fridge found that the digital thermometer was still not present.

The lack of a thermometer highlights a continued failure by the operator to adhere to its Emissions Monitoring Plan.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

#### Sludge on Site Hardstanding

During the inspection it was observed that sludge was still present around the main clarifier tank and discharge point, including the sides of structures such as tanks were still covered in sludge. A French drain which runs alongside the open emergency pits and raw sump also appeared to be impacted by feathers and solids.

The odour management plan for the site recognises that decaying sludge has the potential to cause an offsite odour. The continued failure to clean up the spill indicates a continued failure by the operator to adhere to the sites odour management plan, which forms part of the environmental management system.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

#### Removal of Excess Solids from main Clarifier

During an inspection on the 29<sup>th</sup> January 2024 it was noted that a temporary pipe had been installed from the

main clarifier to a Dolav container to remove excess solids which had built up in the later stages of the effluent treatment process. The container was not positioned within a structure and was uncovered.

Officers highlighted to the site's General Manager that the Dolav should be covered and that a procedure should be introduced to provide instruction on how the container should be managed to avoid spillages and odour issues.

During the inspection it was noted that the container had not been covered and was full and overflowing.



This represents a significant failure by the operator to implement effective controls to manage non-routine events.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

The poor management of sludges in containers, resulting in overflow increases the risk of the operator causing pollution to the surrounding environment.

**A category 3 score has been applied against permit condition 3.1.1 under subheading IR3A- Emissions to water, air or land.**

**It should be noted that prior to the issue of the compliance assessment report the dolav has been removed and a full clean down has been undertaken.**

Transfer of Effluent from Emergency Pits into Raw Sump

When officers arrived at the site, final effluent had already been diverted into the emergency pits, due to ETP

operatives unblocking nozzles at the final filter. ETP operatives were observed transferring the effluent from the emergency pits into the raw sump.

In order to transfer the effluent, a submersible pump was being used to pump the effluent onto the hardstanding, allowing it to flow across the surface into a French drain which runs adjacent to the emergency pits and raw sump, before finding its way into the raw sump via a connecting drain.



The transfer of effluent in this manner increases the risk of pollution, due to uncontrolled effluent running onto unmade areas.

This represents a significant failure by the operator to implement effective controls to manage the transfer of effluent from the emergency pits.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

**A category 3 score has been applied against permit condition 3.1.1 under subheading IR3A- Emissions to water, air or land. Note, this score has been consolidated with an earlier score against 3.1.1.**

Formal Water Sample

A formal sample of the final effluent was taken for analysis. The sample was split to provide a sample which was analysed by Natural Resources Wales (NRW) and a sample for which the operator arranged testing. Results obtained by NRW are shown in the table below.

| Parameter | Result | Permitted |
|-----------|--------|-----------|
|-----------|--------|-----------|

|                          |            | Compliance Limit |
|--------------------------|------------|------------------|
| Biological Oxygen Demand | 10.3 mg/l  | 20 mg/l          |
| Ammonia                  | 0.696 mg/l | 5 mg/l           |
| Total suspended solids   | 56 mg/l    | 30 mg/l          |
| pH                       | 7.33       | 6 to 9           |

Sample data for analysis undertaken by NRW indicates that effluent was outside its compliance limit for total suspended solids.

It should be noted that whilst the level for suspended solids appears to be above its respective compliance limit, the permit describes that this is the limit for a flow proportional daily composite and not for a spot sample as taken on the 1<sup>st</sup> February 2024. No permit breaches have been applied with regard to the above data.

#### Staff Competency and Training

During this inspection, new issues were noted which bring the competence of site operatives into question, in particular;

-The transfer of effluent from the emergency pits into the raw sump by allowing it to flow across the hardstanding.

-A lack of cover and failure to empty the Dolav used to collect sludge, which was observed to be overflowing.

**These issues have attracted a further category 3 score against permit condition 1.1.1(b) under subheading IR1A- General Management.**

**Action 2: Actions regarding the training of staff were provided in compliance assessment report CAR\_NRW0043296, NRW has been verbally informed that these actions have already been completed. Please note that completion of these actions is subject to the findings of an upcoming audit.**

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.

**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](mailto: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](mailto: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.