

Compliance Assessment Report CAR_NRW0043853

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: Audit,

Reason: Routine.

On: 08/03/2024 between 10:00 and 13:00.

Parts of permit assessed: See Below.

NRW Lead Officer: Philip Harper, accompanied by Victoria Griffin.

Report sent to: James Colley, General Manager, on 08/04/2024.

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

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|---|-------------------|------------------|
| IR2C - Installations - Operations - Operating techniques | C3 Minor | 2.3.1(a) |
| IR1A - Installations - Management - General Management | Ongoing (O) | 1.1.1 |
| IR3A - Installations - Emissions and monitoring - Emissions to water, air or land | C3 Minor | 3.1.2 |
| IR3A - Installations - Emissions and monitoring - Emissions to water, air or land | C3 Minor | 3.1.2 |
| IR3E - Installations - Emissions and monitoring - Monitoring | C3 Minor | 3.6.1 |
| IR1A - Installations - Management - General Management | C3 Minor | 1.1.1(a) |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 5 | 20 |

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 | Already completed |
| IR1A | See actions in main text. | Already completed |
| IR3A | See actions in main text. | Already completed |
| IR3A | See actions in main text. | Already completed |
| IR3E | See actions in main text. | 30/04/2024 |
| IR1A | See actions in main text | 30/04/2024 |

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.

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

This compliance assessment report (CAR) follows an audit which was undertaken at Maelor Foods Limited, Pickhill Lane, Cross Lanes, LL13 0UE on the 8th March 2024. The purpose of the audit was to review the processes and procedures that had been implemented at the site following effluent treatment plant (ETP) performance issues which were experienced by the site during January and February 2024. The ETP performance issues followed This CAR is connected to compliance assessment reports that discuss findings on the following dates;

-CAR_NRW0043297, corresponding to a notification from the operator on the 10th January 2024.

-CAR_NRW0043296, corresponding to a site inspection which was undertaken on the 17th January 2024.

-CAR_NRW0043343, corresponding to a site inspection which was undertaken on the 25th January 2024.

-CAR_NRW0043344, corresponding to a site inspection which was undertaken on the 29th January 2024.

-CAR_NRW0043345, corresponding to a site inspection which was undertaken on the 1st February 2024.

-CAR_NRW0043346, corresponding to a site inspection which was undertaken on the 7th February 2024.

-CAR_NRW0043560, corresponding to a site inspection which was undertaken on the 12th February 2024.

Site Inspection.

A site inspection was undertaken during the audit. At the time of the audit the site was clean and tidy and the emergency pits were empty.

Inspection at the human-machine interface (HMI) found that the suspended solids level was fluctuating between 28 mg/l and 31.5 mg/l. This was rectified immediately by cleaning the turbidity probe. Levels following the probe cleaning were around 6.5 mg/l which is well within the compliance limit.

The permitted compliance limit for suspended solids is 30 mg/l, therefore, 31.5 mg/l falls above the permitted compliance value. As this was demonstrated to be a false reading no score will be applied in this compliance assessment report. As per observations on the 12th February 2024, however, no audible or visual alarms were noted on the control interface.

Action 1: Confirm that the control panel is showing an alarm when the measured effluent parameters fall outside the permitted limit by the **29th April 2024**.

During the inspection, a member of the quality assurance team was observed taking water samples from the composite sample container at the autosampler. The quality assurance operative showed a good understanding of the process and procedures around sample collection including what equipment should be present within the sample fridge and how to escalate issues that have identified with the equipment.

A formal water sample was taken from the composite sample for analysis. All permitted parameters were found to be within their respective limits.

The effluent treatment laboratory space was visited during the inspection. A folder containing relevant sections of the environmental procedure was observed in an easy to access location within the lab, with relevant training records also being present for inspection.

Preventative Maintenance.

As requested by NRW, a preventative maintenance schedule for the ETP was sent to Natural Resources Wales (NRW). The schedule highlights preventative maintenance tasks and their associated frequencies. The frequencies provided are Daily, Weekly, Monthly, Quarterly, Semi-Annual and Annual. Engineering logs were inspected during the inspection. The site was unable to provide evidence that showed that daily preventative maintenance tasks were being undertaken. ETP operatives inform engineering staff that daily tasks have been undertaken by way of an electronic tick sheet. A sample of tick sheets were reviewed during the audit. Of the inspected sample it was found that none of the tick sheets had been marked as complete.

Following discussions on site and as requested by an email to the operator on the 8th March 2024, NRW has been informed that daily preventative maintenance tasks have now been included in daily key performance indicators for the site.

Root cause analysis of the effluent treatment issues at the site was found to be due to a lack of air pressure in the Dissolved Air Flootation (DAF) system. This caused poor mixing of the polymer to create the sludge blanket, therefore, the aeration tank became overloaded with return activated sludge (RAS) waste.

Poor aeration could have multiple causes which can be identified by carrying out sample checks at the DAF.

The occurrence of the observed ETP performance issues indicates that regular process checks and maintenance are not being undertaken at the site. The operator was not able to provide evidence to counter this observation.

Permit application documents describe that daily process checks and preventative maintenance regimes will

be implemented across the site. This is a failure to implement the agreed site operating techniques.

A category 3 score has been applied under subheading IR2C Operating techniques against permit condition 2.3.1(a).

Failure to ensure that maintenance schedules and process checks are being completed are symptomatic of poor site management and a poorly defined operating procedures.

This a breach under permit condition 1.1.1(a) and 1.1.1(b) a score has been applied in compliance assessment report CAR_NRW0043296.

Staff Training

During the audit, the operator was able to demonstrate that an extensive review of staff training requirements had been undertaken. An extensive training regime is ongoing at the site with training completed for critical staff. An ongoing review is underway to identify operatives in other parts of the process who would benefit from awareness of various ETP procedures. The operatives identified will also receive training.

Review of Management Systems and Procedures

The operator was able to evidence that an extensive review of management systems had been undertaken, with some new procedures having introduced and improvement of existing procedures.

Effluent Quality

The site's permit requires that analysis is undertaken on a 24h composite sample on a weekly basis. CAR_NRW0043292 requested that data corresponding to third party analysis of the weekly composite sample closest to the 17th January and the spot sample taken on the 17th January be submitted to NRW for review. Data corresponding to the requested samples was received on the 27th February 2024. In addition, data for further composite samples was received.

| Date Sample Taken | Biological Oxygen Demand (BOD) (mg/l) | Total Suspended Solids (mg/l) | Ammonia as N (mg/l) | Phosphate as P (mg/l) |
|-------------------|---------------------------------------|-------------------------------|---------------------|-----------------------|
| 12/01/2024 | 4.66 | 9.40 | 1.69 | <0.14 |
| 17/01/2024 | 3.82 | 12.20 | 6.87 | <0.14 |
| 18/01/2024 | 13.60 | 38.10 | 19.70 | <0.14 |
| 24/01/2024 | 4.09 | 17.70 | <0.2 | <0.14 |
| 30/01/2024 | 7.25 | 23.50 | 0.39 | <0.14 |
| 01/02/2024 | 7.90 | 30.30 | 0.46 | <0.14 |
| 07/02/2024 | 6.21 | 45.50 | 0.51 | <0.14 |
| 08/03/2024 | 3.38 | 22.00 | 0.50 | 0.50 |

Results which are in breach of permit conditions are shown in yellow. These results have been obtained using a 24h composite sample and are subject to non-compliance scoring. Treated effluent from the site is discharged to the River Dee at emission point W1. The River Dee is an important SAC river in Wales and

provides drinking water for downstream populations. Increased loading from ammonia has the potential to cause a serious detrimental effect. It should be noted however, that high river levels were observed over the duration of the ETP performance issues. No evidence of pollution to River Dee was observed.

Total Suspended Solids: Breaches of the total suspended solids limit of 30 mg/l were observed on the 18th January 2024 and the 7th February 2024.

A category 3 score has been applied against permit condition 3.1.2 “The limits given in schedule 3 shall not be exceeded”.

Ammonia as N: Breaches of the total ammonia limit of 5 mg/l were observed on the 17th and 18th January 2024.

A category 3 score has been applied against permit condition 3.1.2 “The limits given in schedule 3 shall not be exceeded”.

In House Testing of Effluent

In house testing of effluent is undertaken at different stages of the process to aid process control. During the visit on the 17th January 2024 a formal sample of the final effluent was taken and split on site. The sample retained by Maelor was analysed in the onsite laboratory and by a third party UKAS accredited testing house. The other half was analysed at the NRW analytical laboratory in Swansea which, is also UKAS accredited. The results are shown in the table below.

| | Maelor in house laboratory | Third part UKAS accredited testing house | NRW analytical laboratory UKAS accredited. |
|-------------------------------|----------------------------|--|--|
| Total Suspended Solids (mg/l) | 28.4 | 41.5 | 42 |

The data shows that the results obtained at Maelor are considerably lower than those obtained at the UKAS accredited testing houses. The audit found that a review of the analytical processes at Maelor has been reviewed and in addition that operatives have been observed undertaking analytical methods. Accurate representation of the suspended solid content of effluent at different parts of the process is essential to ensure that ETP process issues are detected and dealt with accordingly. On review of the data NRW is concerned that that the in-house data is not reflective of actual suspended solids levels in the effluent, and that potential permit breaches are being missed.

Action 2: To validate in-house data, conduct the following investigation.

Remove a sample of composite sample and undertake the in-house analytical methods, prior to sending the effluent to third party testing house for analysis.

Submit in-house and third-party data to NRW for review by the **29th April 2024**.

Visual Checks at Emission points W2 and W3.

A operator monitoring assessment audit (OMA) was undertaken at the site in November 2022. The OMA audit found that visual checks were not being undertaken at emissions points W2 and W3. Records were requested during the audit for checks at W2 and W3. Review of the documentation found that weekly visual checks have not been undertaken at W2 and W3 since May 2023.

These checks are a permitted monitoring requirement.

A category 3 score has been applied against permit condition 3.6.1(a) "The operator shall, unless otherwise agreed in writing by natural resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit: point source emissions specified in tables S3.1 and S3.2." under subheading IR3E for Monitoring.

Failure to undertake the visual checks at W2 and W3 shows that procedures were not updated following the OMA in 2022. This demonstrates a lack of awareness around the site's management system.

A category 3 score has been applied under subheading IR1A Management.

Actions 3: Undertake a review of that procedures are in place to ensure that visual checks at W2 and W3 are undertaken by the **29th April 2024**.

Action 4: NRW requires that all weekly check forms which are produced during the weekly checks at W2 and W3 during each quarter are sent to NRW for review with the quarterly monitoring return data.

Management of Effluent Procedure

A new procedure for the management of effluent was received from the operator on the 7th March 2024. This procedure aims to uphold regulatory compliance, minimise environmental impact and ensure the safe and responsible management of effluent during both routine and emergency situations.

The operator was able to demonstrate that the procedure had been trained out to staff, with an ongoing review to identify other staff members who would require an awareness of the procedure.

Alongside the procedure, the operator has provided effluent flow calculations to support a change in operating techniques regarding the operational volumes of effluent in the two permitted balancing tanks on site.

NRW is currently reviewing the request to amend operating procedures in conjunction with the new management of effluent procedure and will accept or reject the request in due course and separately to this compliance assessment report.

Actions Arising from CAR Forms

Over the duration of the ETP performance issues at the site, actions for the operator were provided in CARs. The status of actions are shown for each CAR in turn below.

CAR NRW0043297, corresponding to a notification from the operator on the 10th January 2024.

All actions completed.

CAR NRW0043296, corresponding to a site inspection which was undertaken on the 17th January 2024.

All actions completed.

CAR NRW0043343, corresponding to a site inspection which was undertaken on the 25th January 2024.

All actions completed.

CAR_NRW0043344, corresponding to a site inspection which was undertaken on the 29th January 2024.

“Action 2: Send procedures concerning the removal of solids into a Dolav or similar container to Natural Resources Wales (NRW) for review by the 8th March 2024.”

A procedure to satisfy the above action has not been received by NRW.

Action 5: Send the above procedures to NRW without delay.

CAR_NRW0043345, corresponding to a site inspection which was undertaken on the 1st February 2024.

All actions completed.

CAR_NRW0043346, corresponding to a site inspection which was undertaken on the 7th February 2024.

All actions completed.

CAR_NRW0043560, corresponding to a site inspection which was undertaken on the 12th February 2024.

“Action 2: Confirm that the control panel is showing an alarm when the measured effluent parameters fall outside the permitted limit.”

Action still outstanding, this action has been superseded by **action 1** of this compliance assessment report.

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.