

Compliance Assessment Report

Report ID:
CAR_NRW0033750

This form will report compliance with your permit as determined by an NRW officer

Site	Maelor Foods Limited	Permit Ref	AB3591ZQ		
Operator/Permit holder	Maelor Foods Limited				
Regime	Installations				
Date of assessment	07/11/2018	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Routine Monitoring and Reporting of Emissions				
Lead officer's name	Ross, Stuart				
Accompanied by					
Recipient's name/position	Michael Howard/ Health, Safety and HR Manager	Date issued	07/11/2018		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C3	1.1
E3 - Emissions - Surface water	C3	3.1.2
	C3	3.1.2
	C3	3.1.2
	C3	3.1.2
	C3	3.1.2
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	3.6.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	7	Total compliance score (see section 5 for scoring scheme)	28
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This Compliance Assessment Report covers a review of routine effluent discharge emissions monitoring data for the period 01/01/18 to 30/03/18 and 01/04/18 to 30/06/18.

Both quarterly reports were resubmitted to NRW following the identification of a number of inaccuracies in the original report as detailed in Compliance Assessment Report reference CAR_NRW0033427 and subsequent to a meeting held 17/10/18 whereby NRW provided Maelor Foods Ltd with further Advice and Guidance on the permit reporting requirements.

It became apparent that Maelor Foods Ltd was reporting process monitoring data in addition to compliance monitoring data and this accounted for the majority of the discrepancies identified. Having reviewed the UKAS laboratory reports for the samples collected during this period I am satisfied that these returns are now accurate.

1. Quarter 1 (01/01/18 - 31/03/18)

The following breaches were identified;

Total Suspended Solids (Emission Limit Value 30mg/l)

68.6mg/l (03/01/18), 53.5mg/l (17/01/18), 62.8mg/l (30/01/18), 46.3mg/l (31/01/18), 54.9mg/l (01/02/18), 82.2mg/l (08/02/18), 47mg/l (16/03/18) & 32.9mg/l (23/03/18).

Biochemical Oxygen Demand (Emission Limit Value 20mg/l)

23.7mg/l (03/01/18), 24.7mg/l (17/01/18), 42.6mg/l (30/01/18), 35.4mg/l (31/01/18), 30.7mg/l (01/02/18), 48.5mg/l (08/02/18) & 23mg/l (16/03/18).

Ammonia (Emission Limit Value 5mg/l)

26.3mg/l (03/01/18), 18.7 mg/l (10/01/18), 11mg/l (30/01/18), 9.93mg/l (31/01/18), 8.25mg/l (01/02/18), 5.65mg/l (08/02/18), 13.3mg/l (09/03/18) & 5.69mg/l (16/03/18).

Phosphate as P (Emission Limit Value 2.5mg/l)

3.86mg/l (03/01/18), 2.80mg/l (10/01/18), 3.56mg/l (17/01/18), 3.53mg/l (19/01/18), 3.53mg/l (23/01/18), 4.15mg/l (30/01/18) 3.69mg/l (31/01/18), 3.25mg/l (01/02/18) & 3.17mg/l (08/02/18).

pH (Emission Limit Value 6 - 9)

pH 5 (24/01/18)

Flow/Volume and Temperature

Compliant throughout the period.

Emission Limit Non Compliance

The emission limit exceedances noted above are in breach of permit condition 3.1.2. These breaches have been consolidated by parameter over the quarter and attract a non-compliance score of 3 (Total 5x CCS 3). Average flow rates during this period were no more than 30% of the permitted discharge volume and therefore the environmental impact is likely to have been minor.

The emission breaches has been attributed to multiple causes but generally relate to unstable conditions within the treatment process during and post plant commissioning. The operator has taken steps to improve plant performance and effluent quality with no further emission limit breaches reported.

You have been issued with a site warning. Further breaches of emission limit values may result in enforcement action.

2. Quarter 2 (01/04/18 - 30/03/18)

All parameters fully compliant with the permitted limits.

3. Monitoring Requirements - Missed Samples

Following a review of laboratory reports and discussion with the operator it was established that weekly compliance samples were not collected during the following weeks;

12/02/2018, 19/02/2018, 26/02/2018, 26/03/2018, 09/04/2018, 28/05/2018, 11/06/2018 & 16/07/2018

Failure to complete monitoring in accordance with the requirements of the permit is a breach of permit condition 3.6.1 and attracts a non-compliance score of 3. Failure to implement adequate procedures for monitoring is a breach of permit condition 1.1 (management systems) and attracts a non compliance score of 3.

Since these breaches were identified the operator has revised monitoring procedures and implemented a sampling schedule. NRW is not aware of any subsequent missed samples. This will be reviewed as part of the next monitoring return.

You have been issued with a site warning. Further permit breaches for failing to monitor emissions in accordance with your permit may result in enforcement action.

EPR Compliance Assessment Report

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Operator/Permit holder	Maelor Foods Limited	Date	07/11/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C2	C3	The operator has taken action - maintain compliance.	08/11/2018
G1	C3	The operator has taken action - maintain compliance.	08/11/2018
E3	C3	The operator has taken action - maintain compliance.	08/11/2018
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Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.