

## Compliance Assessment Report CAR\_NRW0040800

**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 carried out:** Audit, Reason: Routine.

On 22/11/2022 between 10:00 and 15:30.

Parts of permit assessed: See Below

**NRW Lead Officer:** Philip Harper, accompanied by Lara Cubley.

**Report sent to:** Sean Hutchinson, Health Safety and Environmental Manager on 23/12/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1.a
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.6.1

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

Total number of 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
C2	Immediately ensure that site adheres to management system.	Already completed
G1	Calibrate pH meter. Ensure that visual checks of W2 and W3 are performed.	29/12/2022

Action 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 follows an Operator Monitoring Assessment (OMA) audit of the operator's monitoring provisions for the effluent treatment plant discharge to the River Dee, emission point reference W1 and for visual inspection at W2.

Please refer to the attached OMA report for details of the audit findings, actions, and recommendations (ref. NRW 2022 11 22 Maelor Poultry).

The OMA score is 68 %.

### **C2 Environmental Management System.**

As discussed within the OMA report, document EMS9.1.1.4EMP states that 1 litre of the daily composite should be removed for daily in house analysis. Through conversation with site operatives, it was clear that contrary to the management system a spot sample is being taken from the final effluent. This represents a failure of the site to follow its own environmental management procedures.

This is a contravention of permit condition 1.1.1.a **"The operator shall manage and operate the activities: (a) 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.

### **G1 Monitoring of Emissions and Environment.**

#### **Continuous pH meter.**

The site permit (ref. EPR AB3591ZQ) requires that the discharge is continuously monitored for pH using an MCERTS rated meter. Although discharge point W1 is equipped with an MCERTS rated pH/temperature meter, a high reading was being recorded at the time of the audit as the meter had not been calibrated for some time. It is of the understanding of NRW that instead the reported pH values have been generated by spot sampling using a handheld pH probe. This represents an unauthorised deviation from the sampling requirements set out by the permit and a failure to maintain equipment to the standard required to provide representative results as specified by the permit.

This is a contravention of permit condition 3.6.1 **"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: (a) point source emissions specified in tables S3.1 and S3.2;"** a **category 3 score** has been applied.

**Visual Inspection of W2.**

During the audit, no records were available to show that weekly visual checks at W2 are being undertaken by the site. Further to this, site staff informed NRW officers that the visual checks were not taking place at W2 and W3.

This is a contravention of permit condition 3.6.1 **“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: (a) point source emissions specified in tables S3.1 and S3.2;”** a **category 3** score has been applied.

This score has been consolidated with the earlier score against 3.6.1.

**Actions:**

1. Following the audit, Natural Resources Wales has received correspondence from the operator demonstrating that the pH/ temperature probe will be calibrated.
2. Natural Resources Wales expects that visual checking of emission points W2 and W3 and recording thereof will be implemented by the operator with immediate effect.
3. A procedure for calibration and maintenance of the pH/ temperature probe must be added to the EMS by the 31<sup>st</sup> January 2023.

**OMA Audit 2018 Arising Actions.**

Prior to the audit. The site submitted the list of actions arising from the previous audit (attached to this CAR form). Based on evidence produced in the most recent audit, Natural Resources Wales considers that some of these actions have been completed. However, the submitted actions log does not show any actions as complete.

**Action:**

4. Review the actions log, updating actions that were complete and resubmit to Natural Resources Wales by the 31<sup>st</sup> January 2023.
5. Systems must be put into place to allow for easy availability of continuous monitoring data, for example export and tabulation of the data for easy review by relevant staff by the 31<sup>st</sup> January 2023.

Kind Regards

**Phil Harper**

**Senior Industry and Waste Regulation Officer NE**

**03000 65 3717/ 07890025506**

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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.

### **What are suspended scores?**

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 and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

### **Enforcement response**

Any permit condition non-compliance 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 20 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 – 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.