

Compliance Assessment Report CAR_NRW0041013

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: Report/Data Review, Reason: Routine.

On 31/12/2022.

Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper.

Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 14/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Ongoing (O)	3.6.1(a)
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.3, 4.3.1
E3 - Emissions - Surface water	C3 Minor	3.1.2
A1 - Specified by permit	C3 Minor	2.1.1
A1 - Specified by permit	C3 Minor	2.1.1
A1 - Specified by permit	C3 Minor	2.1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1a

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

Total number of non-compliances recorded	Total non-compliance score
6	24

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
G1	Install MCERTS rated continuous pH probe.	28/02/2023
G4	See Main Text	31/03/2023
E3	See Main Text	01/03/2023
A1	See main text	01/06/2023
A1	See main text	01/06/2023
A1	See main text	01/06/2023

Criteria	Action needed	Complete by
C2	See Main text	01/06/2023

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.

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

The Compliance Assessment Report cover Quarter 4 reporting and Annual Returns.

The annual performance report and quarterly returns for quarter 4 were received as required by permit condition 4.2.2.

Emissions to Water W1

Discharge Volume

The data shows a maximum daily discharge volume of 1544 m³ per day to the River Dee at W1. The permitted limit for discharge volume is 1500 m³ per day. The operator has advised that this exceedance is linked to the quantity of water used in production and has disclosed plans to implement procedures to monitor water usage.

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

Action 1: Implement procedures to limit the use of water during production and ensure future discharge volumes are in line with permit condition 3.1.2 by the 1st March 2023

Action 2: Ensure that uncertainty values are included in future monitoring reports.

Permit condition 4.3.1 (b) states that in the event of a breach of permit condition the operator must immediately (i) inform Natural Resources Wales.

The operator failed to notify Natural Resources Wales immediately that the maximum permitted discharge volume has been exceeded.

A category 3 score has been applied against permit condition 4.3.1 G4 - Reporting and Notification to Natural Resources Wales.

Action 3: Ensure future permit breaches are reported as required by permit condition 4.3.1.

pH and Temperature Probe

This has been covered by CAR_NRW0040800 which was issued following a Operator Monitoring Assessment in November 2022 and the monitor is due to be replaced by the end of February 2023.

The submitted reporting form stated that the pH reading was taken using an MCERTS rated continuous monitor. The information submitted is not reflective of the actual analysis methods used.

A category 3 score has been applied against permit condition 4.2.3 G4- Reporting and Notification to Natural Resources Wales. This score has been consolidated with earlier score applied under G4.

Action 4: Ensure that the methods reported in future monitoring returns show the actual methods used to perform the reported monitoring.

Reporting of other Performance Indicators

Number of Chickens Slaughtered per week.

The permit restricts the number of chickens that can be slaughtered to 1 million a week. The annual report highlighted that this had been exceeded during 2022. The operator was asked to provide further information which highlights that there were three exceedances of this permit condition.

Week Commencing 9th May 2022

Schedule 5 report states that 1,026,834 birds were slaughtered.

“Birds were pulled forward because of a potential welfare issue on the farm with potential overstocking”

Part B states that;

“An essential factory shutdown to carry out upgrade in the factory due the following week mean that birds needed to be pulled forward into this week”

Week Commencing 15th August 2022

Schedule 5 report states that 1,028,689 birds were slaughtered.

“Welfare issue on farm with high temperature in extreme weather the week before. Moved the shift from the previous week to kill birds in cooler temperatures, 27”

Part B states that;

“A report from farms received due to extreme high temperatures birds were dying on the farm, bird welfare was to be taken into account, as these temperatures can’t be predicted.”

Week Commencing 10th October 2022

Schedule 5 notification states that 1,012,163 birds were slaughtered.

“A breakdown in the factory the week before resulted in birds having to be rolled into this week.”

Part B states that;

“Unforeseen circumstances with factory breakdown the week before, meant two loads of birds had to be rolled into this week, due to bird size and stocking densities on the farm.”

Permit condition 2.1.1 “The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

Schedule 1.1 states that activity S6.8 A1 (b), the slaughtering of animals is limited to 1 million birds per week.

The limit exceedances occurred in quarter 2, quarter 3 and quarter 4 respectively a category 3 score has been applied against permit condition 2.1.1 for each quarter.

These issues came to light on review of the annual returns and the operator failed to inform Natural Resources Wales in accordance with permit condition 4.3.1 (b) which states that in the event of a breach of permit condition the operator must immediately (i) inform Natural Resources Wales.

A category 3 score has been applied against permit condition 4.3.1 Please note, this score has been consolidated with previous scores against 4.3.1. under G4- Reporting and Notification to Natural Resources Wales.

Action 5: Review the environmental management system and ensure that contingency measures for birds is included for example in the event of a plant breakdown by the 1st June 2023.

Action 6: On a weekly basis, submit the number of birds killed the previous week to Natural Resources Wales until further notice.

Reporting Errors.

In addition to the aforementioned errors regarding reporting for the pH readings, Natural Resources Wales has identified other errors within the information provided by the report. This has resulted in additional information being required from the operator.

Discharge Volume

Initially incorrect data was submitted to Natural Resources Wales which indicated a discharge volume of 1516 m³ per day.

Schedule 5 notifications which were submitted on the 1st February 2023, after being requested by Natural Resources Wales. The notifications indicate that discharge exceedances occurred on three occasions in 2022.

The Schedule 5 notifications describe the overuse of water in production as the root cause of each breach.

Further clarification was required by Natural Resources Wales by the operator, revealing “water in” had been reported and not volume of water discharged to the River Dee at W1, as required by the permit.

Action 7: The schedule 5 notifications must be reviewed and if required updated Schedule 5 notifications resubmitted to NRW by the **28th February 2023**.

Chicken Products produced Per Week

The weekly maximum of tonnes of chicken products produced was reported as 2458840 kgs. Assuming a

working week of 6 days this value correlates to a daily tonnage of approximately 410 tonnes per day. This reporting requirement corresponds to activity S6.8 A1 (d)(i) which is described as follows ***“Treating and processing of animal raw materials intended for the production of food with a finished product production capacity of more than 75 tonnes per day”*** with the ***“limits specified as follows “From receipt of carcasses to dispatch of final products. Limited to 158 tonnes per day.”***

410 tonnes is a clear breach of the daily limit. However, Natural Resources Wales has identified that an incorrect value has been reported.

Following correspondence with the site it has been established that the figure reported is the weight of the total birds slaughtered by the operator in 2022.

Further information regarding activity S6.8 A1 (d)(i) can be found in Regulatory Guidance Note 2. In particular the paragraph below is shown on page 68.

“Note 6.8.3: “Carcass” means the body of a dead animal. It should be noted that the definition given here is intended for application to Schedule 1 to the Regulations only. Where head and offal are removed at point of slaughter (e.g. for mammals and birds), such material is generally excluded from the production capacity calculation. However, where removal is not standard industry practice, the head and offal would be included in the calculation. It should not be concluded that a dead animal only qualifies as a carcass after removal of head and offal. For example, a dead fish with head and offal intact would still constitute a carcass for the purposes of this section.”

Only carcasses which receive further treatment in the retail department of the site are subject to the constraints described by schedule 1.1.

The operator submitted amended values on the 7th February 2023 which gave a weekly maximum of 26.1954 tonnes. This value is within the permitted limit.

There were a number of issues with the accuracy of the data initially supplied to NRW in the annual returns.

The operator is reminded that it is critical to have a good understanding of the permit and relevant guidance documents. Management systems should be in place to ensure that the correct information is provided to satisfy the requirements of the permit.

The permit breaches highlighted within this CAR form can be attributed to the failure to operate the site in accordance with a suitable management system and a serious lack of awareness of the requirements of the sites environmental permit. This increases the potential risk of significant environmental harm being caused by the site.

It is NRW's intention to carry out an audit of the sites environmental management system to ensure that it is robust enough to secure permit compliance. This will include an assessment of sites procedures and staff competency and training.

A category 3 score has been applied against permit condition 1.1.1a under C2 Management system and operating procedures.

Action 8: Ensure that adequate quality assurance procedures are in place to ensure that the correct

information is provided to satisfy the requirements of the permit by the **31st March 2023**.

Action 9: Ensure that the site environmental management system is robust enough to reduce the likelihood of permit breaches by the **31st March 2023**.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

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.

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 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.