

Compliance Assessment Report CAR_NRW0041886

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: Incident Response (Incident number 2303330).

On 22/05/2023 between 10:30 and 13:30.

Parts of permit assessed: 1.1.1(a)

NRW Lead Officer: Philip Harper.

Report sent to: Sean Hutchinson, Health Safety and Environmental Manager on 09/06/2023.

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)

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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	See Main Text	30/06/2023

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.

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

At 10:30 on the 22nd May 2023 an audit and site inspection was undertaken by Natural Resources Wales (NRW) officers Phil Harper and Rebecca Harwood.

NRW received an incident report from a member of the public regarding odour on the 7th May 2023. A Schedule 5 notification was received from the operator on the 9th May 2023. The notification provided the following information;

“At the end of the shift on Friday 5th May the offal trailer was over weight when JG Pears came to collect it. The trailer was put outside to transfer the volume over weight. Once finished due to not having a shunter driver on site at that time of night it was left on the yard covered over until a driver came to site. This was at 04:43am, where it was put inside the building. It was removed from the building at 06:30am to replace it with an empty trailer and put on the yard covered over, JG Pears didn’t collect the trailer until 10:30 on Sat 6th May.”

On review of this information, potential procedural errors were noted by NRW and queries were raised.

Further information was provided regarding the incident. On Friday the 5th May a problem occurred with the vacuum line for transferring offal to the offal trailer. A member of the engineering team switched the line to the full trailer but forgot to switch the vacuum line back after the works had been completed. This resulted in an offal trailer being overfilled by approximately 3.5 tonnes. The JG Pears driver was unable to remove the trailer off site. The weight of the trailer was reduced by emptying some of the contents into Dolavs and subsequently into an alternative offal trailer which remained inside the offal building. However, this required the full trailer to be unsheathed outside the offal building during the transfer. As no shunter driver was available, the trailer could not be pushed back into the offal bay for the transfer or once the transfer had been completed.

The issue was quickly identified by shift staff who alerted senior staff. They authorised the unsheathing of the trailer to allow contents to be transferred.

Once unloading had finished the trailer was kept outside the offal bay but covered until a driver came to site to push it back in. As the trailer was going to be outside for less than 6 hours, the site felt that an odour would not be produced by the offal and that notification to NRW was not necessary.

During the audit, the events of the 5th May were discussed with the Shift Manager, the Shift Supervisor and the Linco Supervisor who were involved at the time of the incident. Information provided by these staff members supports the information provided by the operator.

The staff members demonstrated a good understanding of the site procedures and operating procedures. Following the incident, the staff members were involved in a review of operating procedures relevant to the filling and handling of offal trailers. These are as follows;

Offal Bay Operation

Offal Bay Switch Over

ABP Offal Trailer Collection.

As part of the investigation officers also reviewed EMS9.11.12.3 Incident and Non-Conformance Reporting and the sites Odour Management Plan (OMP).

The sites OMP identifies the storage of offal and animal by products as a potential source of odour providing the following description;

“Potentially offensive odours from decaying but primarily from small traces or residues on surfaces.”

Odours are a complex mixture of organic compounds which may include dimethyl sulphide, dimethyl trisulphide, octanal and nonanal"

The document also states, among control measures that;

"ABP trailers and loading equipment within enclosed building with air extraction at a rate of at least 3 air changes per hour.

ABP trailers covered (sheeted) inside the building before being moved outside for transfer offsite."

The un-sheeting of the offal trailer outside of the offal bay went against the operator's OMP and operating procedures, this is a breach of the sites environmental permit under permit condition 1.1.1. Further to this, the OMP identifies delayed collection of ABPs as having a medium to high risk of causing odours.

The Incident and Non-Conformance Reporting procedure clearly defines the steps that are to be taken by the operator in the event of a permit breach. The audit has found that supervisory staff have a good awareness of the procedure and have acted in line with its instructions. However, the operator did not follow section 8 of the procedure which states the following;

"Senior Management must notify and submit a report to NRW for specified non-routine events including:

- substantiated environmental complaints attributed to the site;*
- non-conformances with licence conditions or limits;*
- any incidents which have or could lead to significant environmental damage.*

This notification must be made immediately and be followed up with a written notification report (Schedule 5 Part A) within 24 hours. The summary of the investigations must also be submitted once complete. Information must be supplied on a version of the form in Schedule 5 of the installation permit.

If an incident occurs which at the time does not carry a risk to the environment, but has potential to, then a call is to be made to the regulator to notify them of the potential risk. This will then enable the regulator to deal with any complaints at the time rather than have to investigate the complaint."

Irrespective of whether the operator considered that the offal would begin to produce an odour prior to its removal from site, the un-sheeting of the offal trailer should have been reported to NRW, even if it was only a temporary measure to resolve the initial issue. **This is a breach of the sites environmental permit** . Further delays in the collection of the offal trailer could have resulted in the offsite odour reported to NRW on the 7th May 2023.

Site Inspection.

As part of the audit a site inspection was undertaken.

Effluent Treatment Plant

During the inspection the effluent treatment plant was visited. The balance tank has received repairs, scaffolding had been erected around the tank prior to painting.

The HMI interface showed no issues in the operation of the effluent treatment plant. Works were under way to improve secondary containment measures around the site boundary. The improvements are being undertaken in line with the CIRIA 736 document and once complete will provide additional protection to the local and wider environment.

Noise Sources.

In addition to investigating the above odour complaint, potential sources of noise were discussed during the

inspection following a noise complaint on the morning of the visit.

On arrival at site there was a notable audible noise detected at the sites car park close to the site boundary and residential properties. The noise was most likely attributable to the sites ammonia plant fans which were operational during the visit. However, the noise level was not regarded as being overly intrusive by NRW officers. It should be noted that noise profiles can be different at night and noises which aren't regarded intrusive during the day can become intrusive at night.

During the site visit other potential noise sources were identified, including an unidentified green box on the Northern face of the building. Correspondence received after the visit showed that the operator was putting plans into place to replace broken vents to mitigate the noise.

NRW is of the view that while operational the ammonia plant fans dominate the soundscape, but this would need to be confirmed by carrying a full noise survey. Any noise survey should be carried out according to British Standard 4142.

During the site visit the operator discussed possible plans to construct a 3.5 m acoustic barrier around the site to mitigate sound from the factory.

NRW is of the understanding that the extension of cladding around the ammonia plant fans is subject to planning permission, and this is included within the phase 2 planning application which has already been submitted by the Operator to Wrexham County Borough Council, demonstrating a willingness to address noise issues.

No offsite noise assessments were made during this inspection.

Offal Bay and Blood Tank

During the inspection the offal bays and blood tank room were inspected. Overall the offal bays were in a clean condition. Some evidence of spilled offal could be seen under the category 3 trailer. There was some blood around the blood tank, other unrelated items were also seen standing in the blood, for example pieces of wooden particle board and a mop and bucket. Officers were informed that maintenance had been undertaken on the blood pumps. Despite being inside a building with controlled air flow, the sites OMP recognises spilled blood as a high risk for odour. The operator is reminded that blood spills should be cleaned up as soon as possible following their occurrence.

During the inspection an offal collection occurred. A shunter driver failed to sheet an offal trailer prior to pulling it out of the offal bay. This goes against the controls set out by the sites OMP. **The site operatives failed to follow the sites management procedure, which is a breach of permit.** After intervention by the sites Health Safety and Environment Manager, the trailer was pushed back into the bay and sheeted before pulling out for washing and removal from site.

Advice and Guidance.

It was noted that empty Dolavs were located in bay 4 for washing. The operator is advised that the number of Dolavs in bay 4 should not be allowed to reach a level where it impedes the sheeting of trailers prior to pulling them out of the offal bay.

No offsite odours were detected by officers during the inspection.

Failures to follow site procedures have been discussed within this report. **These have been consolidated into a single category 3 breach against permit condition 1.1.1 under C2- Management System and Operating Procedures.**

Condition 1.1.1 states the following;

1.1.1 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; and
- (b) using sufficient competent persons and resources.

Actions:

1. NRW's investigation has indicated that shunter drivers are critical for compliance with the environmental permit. The operator is advised to review the availability of shunter drivers and introduce procedures to ensure that shunter drivers are available at short notice when incidents arise. The operator should perform the review and inform NRW of its findings by the 30th June 2023.
2. Implement a handover and hand back procedure between engineering and operations teams to ensure that effective communication is maintained. Evidence of the procedure and training of this to relevant staff should be sent to NRW by the 30th June 2023.
3. Provide toolbox talks to members of site management who have duties on out of hours rotas to reinforce the importance of following the non-compliance and reporting procedures and notifications to NRW. Training sign off sheets to be sent to NRW by the 30th June 2023.
4. For future incidents, if possible, capture any CCTV images that correspond to the incident for submission to NRW as part of the investigation. Update procedures to include this requirement by the 30th June 2023.

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.

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.