

Compliance Assessment Report CAR_NRW0042415

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: Site Inspection,

Reason: Routine.

On: 05/09/2023 between 10:30 and 12:30.

Parts of permit assessed: See Below.

NRW Lead Officer: Philip Harper, accompanied by Carter Shone.

Report sent to: Joe Rogers, Health Safety and Environmental Manager, on 18/09/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	C3 Minor	1.1.1
IR3A - Emissions and monitoring - Emissions to water, air or land	Action only (X)	
IR3C - Emissions and monitoring - Odour	Action only (X)	

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

Total 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
IR1A	Actions in main text	06/10/2023
IR3A	See main text	06/10/2023
IR3C	See main text	Already completed

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.

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 5th September 2023 a site inspection was undertaken by NRW officers Phil Harper and Carter Shone.

Odour

A full walk around of the site was conducted. No odours were noted.

Emergency Pits

The emergency pits were empty at the time of the inspection.

pH and Temperature Probe.

During the inspection a final effluent discharge temperature of 30.2 °C was noted. This is in breach of the permitted temperature limit of 30 °C. The pH and temperature probe is housed within a black metal container which is sited in direct sunlight. At the request of NRW officers, site operatives were able to measure the effluent temperature at the final effluent weir which is located before the pH and temperature probe and at the discharge point which sits after the pH and Temperature Probe. The measured temperatures were 26.8 °C and 28.9 °C respectively.

At present onsite observations indicate that the reading of 30.2 °C is not representative of the actual discharge temperature of the effluent, therefore a score has not been applied within the compliance assessment report.

Action: Provide the following information to NRW by the **6th October 2023**.

1. 2 weeks' worth of temperature monitoring data taken by lab operatives and from the HMI, up to and including the 5th September.
2. 1 weeks-worth of temperature data after the 5th September where the temperature is measured at the weir, the outlet and the temperature provided by the pH and temperature probe is provided for comparison.
3. A report detailing an investigation into the observed increase of temperature which includes detail about any trials including data from providing shade for the probe housing.

No other issues were noted during the site inspection.

Report of Offsite Odour 6th September 2023 Incident Report Number 2306952.

On the 6th September 2023 Natural Resources Wales received the report of a rotting offal smell, following the passage of a HGV carrying waste from the site.

An incident investigation report from Maelor Foods Ltd provided the following information.

Operating Conditions at the time of the Complaint.

"At the time of the complaint, a CAT 3 trailer had left the site (10.34 am). This had been a part trailer left from the previous night which was filled up in the morning before leaving site."

The report then goes on to provide the following investigation summary.

"It looks like the odour complaint is due to a CAT 3 trailer leaving site just before the time of the complaint. No other issues seen around the site."

Maelor Foods OMP states *"Duration of storage of material on site is critical in warmer weather as odour potential can increase due to accelerated odorous decay of organic materials and residues. All ABP materials are collected daily under normal; operations".*

The standard plan is to remove CAT 2 daily during the warmer weather but only to remove Cat 3 once full, apart from Saturday where all waste is removed offsite at the end of production.

There were 3 collections on Tues 5th Sep of CAT 3 product during the day/evening and 1 collection of CAT 2 at the end of the shift."

This is contrary to the site odour management plan which states that *"All ABP materials are collected daily under normal operations with a maximum residence time of 48 hours in abnormal events."* Further to this, the operator has not informed NRW that abnormal events have occurred.

NRW officers did not attend the incident, therefore an offsite odour has not been observed by NRW officers.

Advice and Guidance: The operator is reminded that it is critical that site procedures are adhered to all times. Procedures for the operation of the offal bays should be reviewed to ensure that the instructions provided to operatives complement the management techniques that are set out by the environmental management system and accompanying documentation. NRW is the opinion that the sections related to ABP removal time scales is unclear and would benefit from being reviewed to ensure that it is clear to all plant operatives and ensures effected odour control.

Reports of Offsite Noise Received from the 8th to 11th September 2023, Incident Report Number 2307036, WIR 2307081, WIR 2307106 and WIR 2307168.

On the 8th September 2023 Natural Resources Wales received a complaint regarding noise from the Maelor Foods site. The report claimed that residents of Cross Lanes had been woken by the noise coming from Maelor Foods which was likened to an aircraft.

An initial response from Maelor Foods Ltd indicated that a fire escape door had been left open on the North Western side of the building due to hot weather, the response is shown below;

"We believe that the noise complaint is due to a fire escape door on the northwest facing side of the building (facing Cross Lanes) having been left open at some point during the night. The door was closed at the time of the investigation but could have been used for access. The noise described by the complainant is like the noise

heard during the investigation, with plant running and the door open. No other issues identified around the site.

Corrective actions:

All staff to be briefed at the earliest possible opportunity that the fire door is not to be used for access.

Signage to be placed inside and outside of door instructing that door is only to be used in the event of an emergency – immediate.

'Break-glass' mechanism to be fitted to the inside of the fire door to prevent use unless in the event of an emergency within two weeks."

A noise survey was undertaken by Maelor Foods Ltd on the 11th September 2023. With the results disclosed below.



"Off-site checks were made at 14:30, 18:00 and 21:30 yesterday at the locations marked on the attached map. Plant could be heard clearly from location 1 and faintly from location 2. Noise that could be heard at Locations 3, 4 and 5 were rainfall and general traffic on the B5130.

14:30

1 – 71dB

2 – 50 dB

3 – 52dB

4 – 49dB

5 – 53dB

18:00

1 – 72dB

2 – 52dB

3 – 53dB

4 – 48dB

5 – 49dB

21:30

1 – 69dB

2 – 49dB

3 – 42dB

4 – 43dB

5 – 40dB

During the 18:00 check at location 3 we arranged for the fire escape door to be opened and closed. Noise from site could not be heard.

Signage has been placed internally and externally on the door to prevent unauthorised use and teams have been briefed regarding the issue."

An up to date noise management plan was provided to Natural Resources Wales as requested. General control measures are described by the document which highlights that doors are to be kept closed to minimise noise break-out from all warehouse, factory and utility areas.

Advice and Guidance: The operator is reminded that it is critical that site procedures are adhered to all times. Noise management procedures should be reviewed to ensure that the instructions provided to operatives complement the management techniques that are set out by the environmental management system and

accompanying documentation.

Action 1: Further information is required to allow a review of the data by Natural Resources Wales. In particular what model of sound level meter was used to collect the noise data and its class and a more detailed description of what “plant noises could be heard and locations 1 and 2. Maelor Foods Ltd is advised that further noise monitoring should be undertaken at night.

On the 13th of September 2023 officers from Natural Resources Wales conducted a visit to the area. The purpose of the visit was to identify potential locations to undertake a noise assessment as described by British Standard 4142 and to determine whether there was potential for properties on the B5130 to be affected by noises from Maelor Foods Ltd. Sound levels were not measured using a sound level meter at this stage of the investigation.

The exercise was conducted at 13:30, background noises were dominated by traffic noises and farming activities which were ongoing in the area.

The observation made during the exercise found that there is line of sight from properties on the B5130 to the roof area of Maelor Foods. Of particular note in many cases there is line of sight towards the refrigeration plant which is located on the North West corner of the facility.



Reversing buzzers from vehicle movements at Maelor Foods were audible at properties on the B5130 despite the contribution from background noise. A droning and humming noise was also audible, though at this stage

of the investigation can not be attributed to activities at Maelor Foods.

Action 2:

- Provide information regarding the status of the refrigeration plant around the time of the complaint at 2:30 am to 3:30 am, including information about whether the fans were on and at what power.
- Provide information regarding the operational status of the main scrubber e.g. fan speeds.
- Provide information regarding the operational status the plant within the offal bay mezzanine.

Information to be provided by 6th October 2023.

During the investigation an offsite odour was noted at location 2 on the map above. Natural Resources Wales was notified that the emergency effluent pits had been flooded with treated effluent due to a fault with the effluent treatment plant at 11 am on the morning of the 11th. This was to ensure that the effluent could be retreated to ensure compliance with the environmental permit. Notification was received from the site by way of a phone call at 16:18. Efforts should be made to improve the time taken by site operatives to notify Natural Resources Wales that the emergency pits have been used. Maelor Foods is encouraged that in the first instance a phone call to the sites lead officer during hours or to the incident hotline (03000 65 3000) would be sufficient in the first instance.

Natural resources Wales did not visit the site on the 13th of September, therefore, was unable to determine the source of the odour, no score has been applied.

Action 3: Site management should ensure that odour monitoring both on and offsite is undertaken at regular intervals, especially when abnormal events occur at the facility, for example the use of the emergency pit. This should also be incorporated into the sites environmental management system.

The content of this CAR form has highlighted that site procedures are not being adhered to, in particular the failure to remove offal on a daily basis as required by the sites odour management plan and the failure to close doors as required by the sites noise management plan.

This is a contravention of permit condition 1.1.1 (a) **"The operator shall manage and operate the activities 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 under subheading IR1A- General management.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

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.

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.