

## Compliance Assessment Report CAR\_NRW0043343

**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:** 25/01/2024 between 10:30 and 12:30.

**Parts of permit assessed:** See Below.

**NRW Lead Officer:** Philip Harper, accompanied by Kathryn Bradshaw.

**Report sent to:** James Colley, General Manager, on 29/02/2024.

### 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	Ongoing (O)	1.1.1(a)
IR1A - Management - General management	Ongoing (O)	1.1.1(a)
IR1A - Management - General management	Ongoing (O)	1.1.1(a)
IR1A - Management - General management	Ongoing (O)	1.1.1(a)
IR1A - Management - General management	Ongoing (O)	1.1.1(a)
IR1A - Management - General management	C3 Minor	1.1.1(b)

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	See Actions in Main Text	Already completed
IR1A	See Actions in main text	08/03/2024
IR1A	Actions provided in compliance assessment report	01/03/2024

Criteria	Action needed	Complete by
	CAR_NRW0043296	
IR1A	See Actions in main text	08/03/2024
IR1A	See Actions in man text	08/03/2024
IR1A	See actions in main text	08/03/2024

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.**

**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

**NOTE: Multiple non-compliances against the management system have been identified within this compliance assessment report. Scores against the management system have been consolidated and provided as a single category score 2 in compliance assessment report CAR\_NRW0043296.**

At 10:30 on the 25<sup>th</sup> January 2024 Phil Harper and Kathryn Bradshaw, Senior Industry & Waste Regulation Officers visited Maelor Foods Ltd, Pickhill Lane, Cross Lanes, Wrexham, LL13 0UE. This was an unannounced site visit.

This visit was a follow up visit following the site visit on the 17<sup>th</sup> January 2024 which is discussed in compliance assessment report CAR\_NRW0043296.

#### **Turbidity Probe.**

Visual inspection of the control interface for the effluent treatment plant during the inspection found that a negative reading was being provided by the turbidity probe which is positioned at the final effluent weir prior to discharge at permitted discharge location W1. The Effluent Treatment Plant (ETP) supervisor disclosed that connectivity had been lost between the probe and the interface, though correct values were still being shown on the LCD screen for the probe at its location, the reading at the probe at the time of the inspection was 44 Nephelometric Turbidity Units (NTU).

The operator is reminded that the Emissions Monitoring Plan describes the turbidity as a key data parameter and that 40 days of data will be stored for key parameters. The site currently does not have this utility and is operating in contravention of its management systems.

Further to this, the permit documents discuss how data from the pH and turbidity probes at the final effluent weir will pause the effluent treatment plant in the event that the pH or turbidity (suspended solids) fall out of the permitted range. This is an environmentally protective feature of the effluent treatment plant. Due to the connectivity issues, the automatic pause function is unavailable causing a reliance on personnel to observe the turbidity levels and take action impacting the level of control over what effluent is discharged. Natural Resources Wales views the autopause significant in terms of environmental protection, therefore, whilst connectivity issues are experienced, there is a significant pollution risk of pollution from the site.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

**Action 1: Proceed with repair or replacement of turbidity probe without delay.**

#### Primary Screenings Dolav

A Dolav container was observed outside the raw screenings bay. The Dolav was full of screenings which included feathers and other materials. The container was unattended and uncovered. The operator should be advised that uncovered containers which contain animal materials have the potential to cause odour issues and are likely to attract pests.

The odour management plan describes that;

*“The primary screenings will fall into a skip and full skips will either be covered to minimise odour and keep rainwater out or else be stored inside. The screenings will be transferred into the ABP’s trailer in the offal bays.”*

The container was not covered whilst officers were in attendance. This represents a failure to adhere to the sites odour management plan, which forms part of the environmental management system.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

#### Autosampler

Observations regarding the autosampler and composite sample fridge were discussed in detail within compliance assessment report CAR\_NRW0043296.

#### Autosampler Warning Message

The warning message which was previously identified and highlighted to site management on the 17<sup>th</sup> January 2024 was still showing on the display for the composite autosampler.

#### Composite Sample Container

Visual inspection of the sample container found that it was still very dirty despite the issue being highlighted to management on the 17<sup>th</sup> January 2024.

#### Digital Temperature Display

Visual inspection of the composite sample fridge found that the digital thermometer was still not present.

The autosampler issues identified highlight a continued failure by the operator to adhere to its Emissions Monitoring Plan.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

#### Sludge on Site Hardstanding

During the inspection it was evident that some of the sludge around the main clarifier had been cleaned up. However, it was evident that much of the area, including the sides of structures such as tanks were still covered in sludge. A French drain which runs alongside the open emergency pits and raw sump also appeared to be impacted by feathers and solids.

The odour management plan for the site recognises that decaying sludge has the potential to cause an offsite odour. The continued failure to clean up the spill indicates a continued failure by the operator to adhere to the sites odour management plan, which forms part of the environmental management system.

**This is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

#### Effluent Diverted to Emergency Pits.

During the inspection, ETP operatives had diverted off specification effluent to the open emergency pits. Officers established that ETP operatives had not informed site management that effluent was out of specification for discharge at W1 or that effluent had been diverted to emergency pits. This activity had started approximately 1 hour before observation by officers.

The sites non-conformance and reporting procedure provides the following instruction;

*"If any incident occurs which could impact on the environment if it is not dealt with quickly, the priority is to deal with the incident. Inform your Manager or get a colleague to do this immediately."*

**Failure to follow the non-conformance and reporting procedure is a breach under permit condition 1.1.1(a). A score has been applied in compliance assessment report CAR\_NRW0043296.**

#### Staff Competency and Training

The issues highlighted within this compliance assessment report, show a continued lack of awareness and understanding of the sites environmental permit and relevant sections of the sites environmental management system, in particular the odour management plan, the emissions monitoring plan and the non-conformance and reporting procedure. Site management is reminded of its responsibility to ensure that staff have received the appropriate training to be competent within their role.

**A category 3 score has been applied against permit condition 1.1.1(b) under subheading IR1A- General Management.**

**Action 2: Actions regarding the training of staff were provided in compliance assessment report CAR\_NRW0043296, NRW has been verbally informed that these actions have already been completed. Please note that completion of these actions is subject to the findings of an upcoming audit.**

Kind Regards

**Phil Harper**

**Senior Industry and Waste Regulation Officer NE**

**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.

**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](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.