

## Compliance Assessment Report CAR\_NRW0046457

**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:** 26/02/2025 between 10:25 and 11:45.

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

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

**Report sent to:** Site Manager, Site Manager, on 11/03/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	C2 Significant	1.1
IR4C - Installations - Information - Notification	C3 Minor	4.3

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

Total non-compliances recorded	Total non-compliance score
2	35

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	04/04/2025
IR4C	Provide a copy of any policies and procedures in relation to site notifications and associated training records to NRW by 4th April 2025.	04/04/2025

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

This Compliance Assessment Form (CAR) has been raised following an arranged site inspection following the ammonia breaches from discharge point W1 in Q4 2024 and delayed notification.

We were met and accompanied around the site by the Environmental Officer. The HSE Managers position is still vacant and the site is currently trying to recruit for this role.

An evidential sample was taken of the flow proportional sample that was available in the autosampler located at the final discharge point, W1. The sample was sent to NRW 's UKAS accredited laboratory and the result was 0.5 mg/l, below the 5mg/l ELV for ammonia. All continuous monitoring was viewed and all were within the limits specified in the permit.

We visited the onsite laboratory where spot samples are analysed using the new Hach Lange spectrophotometer – DR3900. The various test kits were viewed which have been implemented since the breach in ammonia limits. A copy of a procedure to cover this new piece of equipment and different tests - **SOP7.2.271.4** has been provided. Further upgrades to the laboratory equipment are planned. Spot samples are taken once per shift at approximately 10 am and 10pm by ETP operatives and the results logged.

A copy of the internal laboratory results for February were provided with a comparison against the external laboratory results. The external laboratory results are from a flow proportional daily sample and in house results are based on spot sampling. The results for all parameters are higher on the internal results than the external results except for ammonia where the results are higher from the external laboratory. This needs to be considered when nearing the ELV for ammonia during spot sampling to ensure the limit is not breached in the future.

The site has already implemented procedures for managing and controlling ammonia limits - **SOP7.2.338.1**, a copy of which has been provided.

The trial filter press was not currently being used at the time of the visit as it was awaiting repair and the sludge was being tankered off site for land spreading.

Due to the way the external UKAS accredited laboratory contract has been set up, the results from the final effluent samples, which are taken weekly, are sent to the sites Technical Team. These results were not passed to either the site manager or Environmental Officer from the Technical Team. This meant the breach remained undetected for approximately 2 months.

This demonstrates a lack of regard and potential mis-understanding of the importance of

these results by the Technical Team. It also highlights a lack of control in relation to environmental protection and permit compliance within the site's management system.

The site has since set up access to the Environmental Officer and ETP staff to the external laboratories portal to be able to view the results and receive notifications if the samples have breached any of the ELV's.

There is currently no procedure in place for the sampling, sending and retrieving results from the external lab. A procedure is currently being written and going through the internal approval process.

The site determined the root cause of the toxicity issues in the ETP was as a result of the increased concentrations of hygiene chemicals being used inside the factory due to avian flu. The effect of the increased use of hygiene chemicals to the ETP does not appear to have been considered. Environmental impacts and effects to the site permit need to be considered if changes are implemented.

The toxicity in the plant biology was only detected through a routine quarterly visit by a consultant in October 2024 and the plant was re-seeded on 29<sup>th</sup> November 2024 and this was not communicated to NRW either verbally during the last site inspection on 11<sup>th</sup> December 2024 or in writing.

Permit condition 4.3 states the following:

*In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately*

*(i) inform Natural Resources Wales,*

*(ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and*

*(iii) take the measures necessary to prevent further possible incidents or accidents;*

Although actions were taken as soon as the toxicity in the plant was identified, this was not communicated to NRW. A score has been applied as a result;

### **Score (IR4C) Permit Condition 4.3 C3**

#### **Action**

Provide a copy of any policies and procedures in relation to site notifications and associated training records to NRW by **11<sup>th</sup> April 2025**.

Whilst walking around the outside of the site, the doors to the incoming lairage area were open, contrary to the site odour management plan. A full lorry was waiting for entry into this area but it was being cleaned at the time. The doors were shut once we had raised the issue. The doors from the waste out section were all open slightly at the bottom as cleaning was being undertaken in this area. The Environmental Officer explained that the doors had to be left slightly open when cleaning as it has been causing condensation

issues inside the factory. The site is currently looking at HVAC solutions to address this issue. No scores to be applied at this time but it is advised to re-visit your odour and noise management plan to ensure all the controls stated in these documents are being implemented and reviewed if required.

On 24<sup>th</sup> January the site informed NRW that a number of mechanical breakdowns had occurred on the ETP during the week. Although it resulted in very high tank levels no effluent was spilled or discharged into the emergency pits or around the ETP. No ELV's were breached during this time. The site is currently reviewing the planned preventative maintenance (PPM) schedules and assessing the criticality of individual pieces of equipment on the ETP. As the plant has been in operation for a number of years it would be expected that a full PPM is already in place and being followed. This lack of management was previously raised in CAR form NRW0043853.

The ETP is a key piece of plant to ensure permit compliance and protect the environment, notably the River Dee which is a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) as well as providing a source of drinking water. This should be of high importance in the management of the site.

Due to lack of procedures, PPM schedules, poor management controls and failure to detect the ammonia breaches a score has been applied against the management system;

### **Score (IR1A) Permit Condition 1.1 C2.**

We are considering our enforcement response to the category 2 score.

The site does not currently have a certified management system but are looking to achieve ISO14001 in 2026. Until this time the current management system needs a full review to ensure it effectively manages compliance with your permit and protects the environment. This includes the need to identify roles and responsibilities, availability of resources, competency, internal audit plans and an effective training programme to all relevant roles within the business. This review needs to be completed and audited before the site operations increase to 2 million birds per week.

### **Actions**

1. Provide a copy of the procedures that demonstrate how the site manages permit compliance with emission point W1, including how to manage emergency situations when effluent cannot be processed on site and all tanks have reached capacity with associated training records by **11th April 2025**.
2. Provide a copy of the procedures for sampling, sending, retrieving and recording results received from the external UKAS accredited laboratory with associated training records by **11th April 2025**.
3. Provide a copy of the management of change procedure that considers environmental impacts from any changes on site. Provide a recently completed management of change record by **11th April 2025**.
4. Provide an overview of how the site manages the maintenance and repair of equipment critical to pollution prevention including the ETP including the job roles and responsibilities by **11th April 2025**.
5. Provide a copy of the policy/organogram that details which management roles are responsible for implementing and managing the sites environmental management

system and permit compliance by **11th April 2025**.

6. Fully review the sites environmental management system to ensure that it is robust and effective in managing the sites permit and protecting the environment by **2nd June 2025**

### **Noise**

Two noise complaints were received on 14<sup>th</sup> January 2025 (WIRS 2500519) and 7<sup>th</sup> March 2025 (WIRS 2502428) from the same location.

The site conducted a full investigation including taking noise readings on the site and at the reported location, no increased noise levels were detected. No changes to operations or site routines had occurred during these times.

NRW may undertake further investigations into the noise complaints received.

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.