



**This form will report compliance with your permit as determined by an Environment Agency officer**

Site	Jameson Road Landfill - Phase 2 EPR/BL9518IE		Permit Ref	BL9518IE		
Operator/ Permit holder	TRANSWASTE RECYCLING AND AGGREGATES LIMITED					
Date	05/03/2024		Time in	10:00	Out	11:00
What parts of the permit were assessed	Operational Area					
Assessment	Site Inspection	EPR Activity:	Installation: X	Waste Op:	Water Discharge:	
Recipient's name/position	Site Manager					
Officer's name	[REDACTED]		Date issued	20/06/2024		

**Section 1 - Compliance Assessment Summary**

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our [Compliance Classification Scheme](#) (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your [local office](#).

Permit Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	C3	2.1.1
b) Infrastructure	1. Engineering for prevention & control of pollution	C3	2.6.5
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C2	1.1.1
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	C2	3.3.1
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

**KEY: C1, C2, C3, C4 = CCS breach category ( \* suspended scores are marked with an asterisk),**  
**A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored**  
**MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).**

<b>Number of breaches recorded</b>	4	<b>Total compliance score</b> (see section 5 for scoring scheme)	70
If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response			

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

### CAR form reissued date 20 June 2024

This CAR form has been reissued to reflect a change in the Compliance Score of 3 to 2 in relation to permit condition 3.3.1. This is to be consistent with our guidance in relation to scoring amenity issues.

### H&S

Usual PPE (Personal Protective Equipment) was worn – hard hat, hi-viz jacket, gas alarms and safety footwear. Officers signed in in accordance with site rules. We were accompanied by representatives of the site operator at all times. There were a number of pieces of mobile plant and other vehicles moving on site during the visit.

### Inspection

The site has received a number of odour complaints in recent weeks and the primary purpose of the visit was to use a sensitive methane detector to assess likely areas for emissions of landfill gas from the surface of the site. Although the instrument uses entirely different technology and is capable of measuring from 1ppm to 100% by volume of methane it will be referred to as the "FID". Whilst neither comprehensive nor fully logged on this occasion, the results of the survey provide a useful indication of where there are surface emissions of landfill gas.

The FID survey concentrated on 4 areas of the site. These were: a transect across the capped area; an area of previously capped waste that has been overtipped (cell2), covered with soils and has had pin wells installed; the current tipping face; and around the tipping bay.

- Across the capped areas readings varied from 0 – 10ppm and averaged 7-8ppm
- Across the area with pin wells, the readings varied considerably with an average of around 60ppm and a maximum of 130ppm. Landfill gas odour was noted in this area.
- The active tipping face, which has some older waste underlying it average readings were around 12ppm
- Adjacent to the tipping bay at the edge of the grassed area the average was 10ppm and a peak of 15ppm.

### Warning:

Landfill Gas Odour was noted downwind of the site following the inspection. This was similar to the odour noted around the pin wells. This is considered to be a **category 2 breach of permit condition 3.3.1** *Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.* Should this situation persist, the Environment Agency will consider taking formal enforcement action to address this. In the meantime, please provide the following information:

- 1) the current landfill gas management plan for the site by 25 March 2024**
- 2) records relating to the Odour Action Plan set out at section 4.16.3 of the EMS by 25 March 2024**

I noted that the flanks of the waste mass of cell 5 appeared to be very steep and inadequately covered. This is being recorded as a **category 2 breach of condition 1.1.1** *“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 and those drawn to the attention of the operator as a result of complaints”*

as the third paragraph of Section 4.8.2 of the EMS states: *The outer flanks of the waste mass will be engineered to leave slopes of 1:3 to enable temporary capping to be placed to aid surface water management:*

It has been classed as a category 2 breach because the Environment Agency considers there to be a reasonably foreseeable likelihood of significant pollution from the failure of unstable slopes combined with the risk of air ingress into the flank should the recently installed pinwells not be managed carefully. We briefly discussed this and the site manager indicated the intention to get a long reach excavator in to improve cover on this flank. Please provide the following information:

- 3) Action Plan for covering the flank of cell 5, to include but not be limited to: method statement, timescale for work, contingency plan in case of slope failure and loss of containment of deposited waste. by 25 March 2024**
- 4) Method statement for commissioning pin wells, to include but not be limited to: the monitoring frequency, target suction pressure and action/ trigger levels for Oxygen and suction pressure. By 25 March 2024**

I observed the use of the tipping bay where road going vehicles transfer waste into all terrain dump truck. This comprises a concrete pad with concrete "lego" block walls. The site manager commented that works to improve the litter fencing around it were underway. Although described in the EMS, the use of this facility is not included in the permit and as such represents a breach of permit condition 2.1.1 *“The operator is only authorised to carry out the activities specified in schedule 1 table S1.1”* as Table S1.1 does not include code D15 *“Storage pending any of the operations numbered D1 to D14”*

- 5) Cease using the tipping bay until such time as a permit variation has been granted to allow its use. By 19 March 24**

Finally, I note the correspondence between the site manager and my colleague [REDACTED] with respect to the need for CQA proposals for all landfill related infrastructure. For additional clarity, given that risks of odour from overtipping old waste are identified at section 4.3 ii of the Odour Management Plan (prepared by SJ Environmental(Yorkshire) Ltd dated October 2023), installation of pinwells does not amount to emergency works under condition 2.6.8 of the permit. However, I am pleased to note that it appears that that there is now a common understanding of this requirement, although this has been recorded as a category 3 breach of permit condition 2.6.5 which states: *“No construction of landfill infrastructure shall commence until the operator has submitted relevant construction proposals or a written request to use previous construction proposals and the Environment Agency has confirmed that it is satisfied with the construction proposals.”* Please provide the following information:

- 6) Validation plan be provided as set out in email 12 March 2024 by 15 April 2024**

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence\* and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

*\*Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

X

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

#### Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
A1	C3	Cease the temporary storage of waste in the tip[ping bay	19/03/2024
B1	C3	Submission of information agreed by email 12/3/24	15/04/2024
C2	C2	Action Plan for covering the flank of cell 5, to include but not be limited to: method statement, timescale for work, contingency plan in case of slope failure and loss of containment of deposited waste. Method statement for commissioning pin wells, to include but not be limited to: the monitoring frequency, target suction pressure and action/ trigger levels for Oxygen and suction pressure.	26/03/2024
F1	C2	the current landfill gas management plan for the site records relating to the Odour Action Plan set out at section 4.16.3 of the EMS	26/03/2024

## Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence\* and we may take legal action against you.

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.
- A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

**See our Enforcement and Civil Sanctions guidance for further information**

*\*A breach of permit condition **MSA, MSB & TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a <b>major</b> environmental effect	60
C2	A non-compliance which could have a <b>significant</b> environmental effect	31
C3	A non-compliance which could have a <b>minor</b> environmental effect	4
C4	A non-compliance which has <b>no</b> potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

**MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR**

**MSA** requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

**MSB** requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

**TCM** requires the submission of technical competence information.

## Section 6 – General Information

### Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency may also use and/or disclose it in connection with:

- offering/providing you with its literature/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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The Environment Agency will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within 28 days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

A permit holder can challenge any part of the CAR form by writing to the Environment Agency office local to the site within 28 days of receipt. If the issue cannot be resolved by the local office, a permit holder may request an appeal of the regulatory decision by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) within 14 days of receipt of the outcome.

If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary and Health Service Ombudsman phone their helpline on 0345 015 4033.