



**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	02/05/2024		Time in	10:20	Out	11:30
What parts of the permit were assessed	Operational area, odour					
Assessment	Site Inspection	EPR Activity:	Installation: X	Waste Op:	Water Discharge:	
Recipient's name/position	TRANSWASTE RECYCLING AND AGGREGATES LIMITED					
Officer's name	[REDACTED]		Date issued	09/05/2024		

**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	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	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	N	
	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	A	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
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>	1	<b>Total compliance score</b> (see section 5 for scoring scheme)	31
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.

This was an unannounced site inspection. The weather at the time was dry and sunny with a light to moderate wind from an approximate north easterly direction.

The Site Manager and TCM accompanied the Environment Agency officers during the inspection. A number of images were taken during the inspection, and some are included and referenced within this report.

### Odour –

At 09:50am, prior to carrying out the inspection, an odour assessment was carried out in the residential area south west of the landfill. An odour was detected on Fleetwood Road. This odour was detected from the junction with Rossall Lane to residential property No. 330 (FY7 8SL). The highest intensity score assigned to the odour was 4 – Strong. The odour was constantly present during the period of the assessment and described as mix of a waste odour and a landfill gas odour.

At 10:20am, whilst waiting for site staff to become available, a distinct waste odour and a distinct landfill gas odour was detected when stood next to the site weighbridge.

Whilst on the landfill, waste odours were detected downwind of the operational tipping area and significant landfill gas odours were detected on and around Cell 5, primarily when adjacent to the exposed waste flank and the recent pin well installation.

**It is considered that the off-site waste and landfill gas odour detected on Fleetwood Road was resulting from emissions from the site activities on Jameson Road Phase 2 Landfill Site.**

The Site Manager accepted that gas odours could be detected off site but did not accept that waste odours could be detected off site.

This is considered to be **in breach of condition 3.3.1** of the environmental permit which states –

*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.*

We have previously advised that Environment Agency scoring guidance sets out that –

*'If there is a link between duration and exposure, then we take into account the length of a continuing non-compliance when we determine the risk category and score. This is because the duration may increase the reasonably foreseeable impact. Or in the case of amenity conditions, the actual impact.*

*For example, if a fire occurs which cannot be extinguished within 4 hours and as a result people in the local community are exposed to toxic smoke. We would assess this as at least a risk category*

2, or significant breach, under the relevant permit condition and appropriate sub-criteria on the CAR form. We would award this a score of 31 points for a category 2 or 60 points for a category 1.

Similarly, we would assess an amenity issue which lasts for more than 7 days as a risk category 2 or significant non-compliance and award this a score of 31 points.'

<https://www.gov.uk/government/publications/assessing-and-scoring-environmental-permit-compliance/assessing-and-scoring-environmental-permit-compliance>

**The Environment Agency continues to receive a significant number of reports of landfill odour emissions being detected outside of the site. Landfill odours outside of the site are also being substantiated by Environment Agency officers.**

**Due to the prolonged duration over which the off site odours have occurred, this non-compliance has been scored under sub criterion f1. Amenity - Odour as a C2 breach - a substantiated non-compliance which is having a significant environmental impact.**

**This C2 score applies for the whole calendar month of May 2024. If off site odour is identified again during May 2024, this will be referred to within the CAR form, but will not be scored again. In this event, an 'O' ongoing non-compliance will instead be recorded.**

#### **Site observations –**

Prior to accessing the operational landfill areas, it was confirmed by the TCM that the Cell 6 construction was a designated CDM area, under the control of Landfill Projects Limited and Ayesa.

Cell 6 is accessed by the haul road running to the south of the landfill. There was no requirement for EA officers to access Cell 6 at the time of the inspection.

It was observed that a carbon filter has been installed and located in the area adjacent to the gas engine compound. The operator confirmed that the carbon filter is being used for gas collected from those areas which have had recent deposits of waste.

We spoke with the CQA engineer who confirmed that he was overseeing the temporary capping and that a second CQA engineer was on site overseeing the preparatory works on Cell 6. It has been confirmed that both CQA engineers have been approved by the Environment Agency for the works they were overseeing.

The capping works were observed to be taking place on Cell 1. It was stated by the CQA engineer that there was no intention to provide any further cover application on the steep flanks at Cell 2 and Cell 5, prior to the placement of the capping. It was noted that there were a number of objects, including sections of rebar and timber, which were protruding from the flank, and these will need to be removed prior to the capping works.

Leachate was observed to be ponding at the foot of Cell 1 / Cell 5 and on Cell 6. This matter was identified at the inspection on 24 April 2024 and actions were set out within CAR ID BL9518IE / 0502084. These actions require steps to be taken prior the area being capped. No further score has been assigned through this CAR form.

Bird control was being provided at the time of the inspection by Hire-a- Hawk.

#### **Landfilling activity -**

The current operational tipping area is now extending into the southeastern corner of Cell 4, as confirmed by the TCM. Whilst some intermediate cover was observed to have been deposited on waste tipped on the east of Cell 5, it was noticeable that there was a large area of uncovered waste at the operational tipping face.

A strong waste odour could be detected west of the operational tipping area, and this was considered likely to be the source of the waste odours detected earlier at the site weighbridge and

outside the site boundary on Fleetwood Road.

The operator stated that daily and intermediate cover was being applied regularly onto recent waste deposits. It was requested that images be sent through to the EA officers by close on 03 May 2024 to demonstrate that intermediate cover had been applied across the current tipping area. Images were provided by email from the operator on 07 May 2024.

At the site inspection, the TCM confirmed that the current written management system (EMS) in effect at the site was provided to the Environment Agency by email, following the inspection on 05 February 2024. This has been identified as EMS Version 2, dated 11 October 2023.

It is noted that, as part of the permit variation application submitted to the Environment Agency by email on 23 December 2023, the EMS document included with the application is Version 1, dated 04 April 2023.

Whilst the EMS document includes a Version Control Record, this is specifically to identify the date on which a revision has taken place, and there is no information to detail what specific changes have been made to the text of the EMS between the versions. It is not evident therefore what changes have been introduced between versions 1 & 2 of the EMS.

Section 4.8.3 of the EMS refers to 'Cover, Temporary and Final Capping.' Version 1 of the EMS document states that –

*'The operational working area of **the tipping face on the landfill is typically limited to an area of 15m x 15m**. Cover is placed progressively over the surface of the working face and flanks during the working day subject to the traction needs of vehicles. By the end of each working day all exposed faces are covered with a cover layer of nominal depth 150 mm.'*

Version 2 of the EMS document states that –

*'The operational working area of **the tipping face on the landfill is typically limited to an area of 30m x 30m**. Cover is placed progressively over the surface of the working face and flanks during the working day subject to the traction needs of vehicles. By the end of each working day all exposed faces are covered with a cover layer of nominal depth 150 mm.'*

**There is no explanation or justification as to why it is considered appropriate to amend the EMS to increase the area of the operational tipping face by four-fold, given that waste odours are being detected off site.**

Guidance is available in respect of management plans for landfill sites -

<https://www.gov.uk/guidance/landfill-operators-environmental-permits/develop-and-maintain-management-plans>

In respect of odour, it states that you must '*keep tipping areas as small as possible*'. Increasing the potential area of the operational tipping face from 225m<sup>2</sup> in Version 1 of the EMS to 900m<sup>2</sup> in Version 2 of the EMS, without demonstrating that this increase will not negatively impact sensitive receptors within the vicinity of the site, is not compliant with condition 1.1.1 which states -

*"The operator shall manage and operate the activities:*

*(a) in accordance with a written management system that identifies and minimises risks of pollution..."*

Increasing the area of the operational tipping face does not minimise the risk of odour pollution and is not an appropriate measure to prevent or minimise odour.

Waste odours are being detected off site and the management of the operational tipping face is the key factor in preventing or minimising these off site waste odours. No measurements were taken at

the inspection to confirm the dimensions of the tipping face and as such, we have not assigned a root cause non-compliance score on this occasion.

Images included in this CAR -

- 1 : Carbon filter;
- 2 - 3 : Temporary capping Cell 1;
- 4 : Cell 5 flank - waste protrusions from surface and leachate;
- 5 : Cell 5 flank;
- 6 - 7 : Cell 5 - southern boundary;
- 8 - 12 : Operational tipping area.

**Photograph 1**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020001.JPG>

**Photograph 2**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020003.JPG>

**Photograph 3**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020004.JPG>

**Photograph 4**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020005.JPG>

**Photograph 5**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020007.JPG>

**Photograph 6**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020013.JPG>



**Photograph 7**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020014.JPG>

**Photograph 8**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020016.JPG>

**Photograph 9**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020019.JPG>

**Photograph 10**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020020.JPG>

**Photograph 11**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020021.JPG>

**Photograph 12**

<File not available: \\Client\C\$\Users\gr000008\OneDrive - Defra\TRANSWASTE 020524\P5020022.JPG>

**Section 3- Enforcement Response****Only one of the boxes below should be ticked**

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.

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.

X

**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			
F1	C2	No action specified	N/A

## 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.