



**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	16/05/2024		Time in	11:10	Out	12:20
What parts of the permit were assessed	Compliance with Regulation 36 Enforcement Notice dated 9 April 2024					
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	23/05/2024		

**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**

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 C2
	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 O
	2. Noise N
	3. Dust/fibres/particulates & litter A
	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>	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.

Cloudy dry, wind moderate/ gusty from north / northeast. Records of barometric pressure indicate that it was 1005mBar falling slowly.

Before attending site Officers met on B5268 Fleetwood Road. A waste "bin" smell was noticeable particularly close to Springfield Terrace. This was subjectively considered to be an intensity score 2 out of 6. Similar odour was noted on site, albeit at a significantly higher intensity.

Off site odour was previously scored as a category 2 breach, against permit condition 3.3.1 and under sub-criterion f1 Amenity - Odour, at the inspection on 2 May 2024. In line with Environment Agency scoring guidance, this further incident has been recorded as an "O" ongoing breach.

On site, Officers wore appropriate PPE, including hardhat and gas alarm. We signed in at the weighbridge and proceeded up onto the site.

### **Compliance with the Regulation 36 Notice dated 9 April 2024**

The notice required:

*Install engineered temporary capping on:*

- the part of the flank of cell 1 from which temporary capping has been removed, and
- the flank of cell 5 adjacent to cells 6 & 8, as shown marked in red on the indicative plan "Jameson Road uncapped flanks" attached to this notice.

*The engineered temporary cap shall be capable of preventing air ingress to the waste mass and minimising odour emissions for a period of at least 12 months. The cap must be made of a material that is physically and chemically suitable for use as a temporary cap and the design and construction must be in accordance with Environment Agency guidance document: "LFE4 - Earthworks in landfill engineering."*

A CQA design / method statement document in relation to the temporary cap was formally submitted 18 April 2024 and approved by the Environment Agency on 19 April 2024.

The design proposed an anchor / tuck trench at the top of the flanks to secure a flexible membrane liner (FML) The design included detail for tying the new FML into the existing capping.

The south facing flank of Cell 1 has had the FML laid and welded. It appears to have been welded to undisturbed capping on along its eastern boundary. The tie into the existing capping (over the tuck trench) has not been completed.

The east facing flank of Cell 5 (adjacent to cell 6) has had FML laid and welded almost to the southern corner. Additional capping on the top of cell 5 needs to be completed before it is possible to tie in over the tuck trench.

Strong landfill gas odours were detected in the vicinity of Cell 1 and Cell 5 (east).

The south facing flank of Cell 5 (adjacent to cell 8) has been graded and has reasonable thickness of cover, however, FML has not been laid.

**The Environment Agency considers that the requirements of the Enforcement Notice have not been achieved.**

This is considered to be a **breach of condition 2.10.1** which states -

*'The operator shall take appropriate measures, including, but not limited to, those specified in any approved landfill gas management plan, to:*

- (a) collect landfill gas; and*
- (b) control the migration of landfill gas.'*

This has been scored as a category 2 (C2) breach of this condition under sub-criterion b1: infrastructure - Engineering for prevention & control of pollution. A category 2 score has been assigned as the uncapped areas of Cells 1 & 5 are producing landfill gas which is not being effectively collected in the landfill gas management system and is causing significant off site odour pollution.

**The Environment Agency are now considering their next steps with respect to this matter.**

Subsequent discussion with the Site Manager about anticipated completion resulted in the CQA engineer stating *"Based on the deployment of approx. 15,000 m2 of liner, all tie-ins and booting protuberances i.e. gas, leachate and fencing, placement of cover as detailed within the CQA Plan, we would require an additional four to five weeks. This timescale is taking into consideration additional time to operate a gas/leachate well shutdown phasing plan something which we have had not to deal with on the current temporary capping flanks."*

It is of note that the CQA plan proposed more capping than was required by the Notice.

### **Submission of Gas Management Plan required by CAR form reference BL9518IE / 05015765**

An updated Landfill Gas Management Plan was requested by 15 May 2024. This was submitted as required and is under review and a full response will be made at the earliest opportunity. Following a preliminary review, the plan appears to be generic and not tailored to site specific circumstances as it does not reference the removal of temporary capping and the measures that will be undertaken to minimise the foreseeable risk of older waste gassing through waste tipped over it.

### **PMD Sweep**

Following on from previous "FID" sweeps referenced on other CAR forms, a Sensit PMD was used to identify or otherwise constrain point sources emissions of landfill gas on the site. This exercise revealed that the tuck trenches are currently a significant source of landfill gas and therefore odour. It is expected that this will be addressed through the completion of the capping works set out in the CQA document discussed above. Installation of gas scavenger points may also prove to be critical in controlling gas and eliminating odour. The second most significant source is the leachate management infrastructure. It is essential that fittings and penetrations into these are in good condition and neither allowing the uncontrolled emission of gas or ingress of air into the waste mass.

The PMD work identified that there are ongoing uncontrolled but foreseeable emissions of landfill gas.

The PMD has also shown that the removal of capping increases landfill gas emissions, which have

been linked with off-site odour complaints. Continued removal of capping on cell 4 (no matter how small an area) to release additional areas for tipping is increasing the risk of offsite odour emissions.

The current level of emissions to air are considered to be **a further breach of condition 2.10.1**

This has been scored as a category 2 (C2) breach of this condition under sub-criterion b1: infrastructure - Engineering for prevention & control of pollution. A category 2 score has been assigned as there are significant emissions of landfill gas from the site and the uncapping of additional areas is further increasing the potential for off site pollution, primarily odour.

This has been consolidated into one single C2 compliance score, alongside the failure to comply with the Enforcement Notice.

### **Odour management plan (OMP) –**

Permit condition 3.3.2 states that -

*'The operator shall:*

*(a) If notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;*

*(b) Implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.'*

**As odour pollution has been detected, and continues to be detected, from activities at the site, a revised odour management plan, cross referencing the Gas Management Plan and the site written management system (EMS) should be prepared and submitted no later than 14 June 2024.**

### **Tipping bay –**

We have previously advised that the use of the tipping bay is not authorised under the current permit conditions.

At the inspection, whilst there were no waste deposits observed in the tipping bay, we detected a noticeable waste odour within this area. This may have been as a result of residual waste which was observed on top of, at the base of, and in the joints between the concrete lego block construction.

You should take steps to remove all residual waste from within this area and clean any impermeable surfaces, to reduce the potential for odour and the risk of pollution.

## **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			
B1	C2	We are not specifying a further compliance date to that specified in the Regulation 36 Enforcement Notice. We will monitor progress to comply with the notice step and record this on subsequent compliance report forms.	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.