



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

Site	Escrick Waste Treatment Facility		Permit Ref	104658	
Operator/ Permit holder	ACUMEN WASTE SERVICES LIMITED				
Date	08/08/2023		Time in		Out
What parts of the permit were assessed	Odour Incident Compliance Action Plan Review				
Assessment	Procedure review	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	[REDACTED]				
Officer's name	Robin Bispham		Date issued	16/08/2023	

**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	N	
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	A	
	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	N	
	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	A	
	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>	0	<b>Total compliance score</b> (see section 5 for scoring scheme)	0
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 CAR Form should be read in conjunction with the accompanying WAR Form, ref: 104658ACUMEN08082023

This CAR Form provides the Environment Agency's written response to the compliance action plan provided by Acumen Waste Services Ltd (referred to as "Acumen" below). The plan has been submitted in response to the non-compliances recorded in CAR Forms 104658/0465164, 104658/0466314 and 104658/0467207, this CAR Form should also be read in conjunction with these previous CAR Forms.

An initial version of the compliance action plan was received on 30 June 2023 but this version of the plan was lacking in detail and included activities that are not authorised by the site's environmental permit. This version of the plan was rejected by the Environment Agency.

This review relates to the second compliance action plan that was received on 14 July 2023 (referred to as "the Plan" below). Updates to the plan have been received up until 1 August 2023. These incremental updates relate to the information provided in Attachment F to the plan, which covers assessment / classification of the waste fines based on sampling data obtained from the producing sites. The information in Attachment F is covered in detail in the accompanying WAR Form.

Implementation of The Plan commenced w/c 17 July 2023, prior to the Environment Agency's full review. The Plan essentially involves removal of the odorous waste at a rate of 500 tonnes per day (approximately 30 vehicle movements per day), five days per week. The Environment Agency confirmed that it was happy for Acumen to start implementing the Plan prior to the Environment Agency's full review provided full compliance with Regulation 34 of the Environmental Protection Act 1990 was ensured in respect of the onward movement of the waste. In order to expediate the removal, and on the understanding that no further treatment had taken place whilst in situ at the Acumen site, the Environment Agency agreed that Acumen could use sampling plans and sampling data from the waste producing sites to inform characterisation of the waste for the purpose of onward movement.

Obtaining an understanding of what producer waste sampling / assessment was available has taken several weeks and is the reason why the Environment Agency's full review of the Plan has taken some time.

The Environment Agency is satisfied that Acumen can continue to implement its plan to remove the problematic waste from the site. The following comments are made in respect of the Plan that has been submitted. Some of these observations will be followed up in future compliance work once the waste removal part of the Plan has been fully implemented.

1. At point 1 in the letter dated 14 July 2023 Acumen confirms that it has stopped accepting 20 03 03 street cleaning residues onto areas outside the impermeable surface. The Environment Agency considers this to mean outside the area of the concrete pad. The Environment Agency is yet to be convinced that any in situ geology constitutes impermeable

surface.

It is the Environment Agency's understanding that Acumen has also voluntarily agreed to cease all acceptance of 19 12 12 fines waste onto site until the waste removal element of the Plan is complete. Any future receipt of 19 12 12 fines waste onto site will need to be carefully considered in terms of composition, quantity and duration of storage prior to whatever treatment activity is intended and considering the proposed downstream disposal / recovery options. The issues covered in point 2 below will also have to be resolved. You are advised to speak to us prior to accepting any further 19 12 12 fines waste onto this site.

2) At point 2 in the letter dated 14 of July 2023 Acumen refers to a Terra Consult Lagoon Construction Document that is provided as Attachment B. Attachment B is a construction quality assurance method statement, dated December 2013, that describes a method for the construction of an engineered clay liner for a lagoon area and associated initial silt trap pre lagoon area. The method statement makes reference to drawing 1918/1/001, which hasn't been provided. This drawing appears to be critical in understanding the extent of the proposed engineering. However, the greater issue is that the document provided is the CQA method statement. In order to provide the evidence of impermeable drainage that the Environment Agency has requested it would have to be accompanied by the subsequent CQA Validation Report confirming the that construction took place in accordance with the plan, that the proposed sampling took place and that the sample result demonstrated compliance with the proposed specification. The CQA Validation report has not been provided.

**Action:** Provide drawing 1918/1/001 that is referenced in the CQA Method Statement provided as Attachment B to the compliance action plan. Also provide the CQA Validation Report demonstrating compliance with the method statement. **Deadline:** 31 August 2023.

The outstanding information regarding the impermeable surface / sealed drainage does not prevent continued removal of the odorous fines waste as the plan no longer relies on long terms storage on the concrete pad. However, failure to satisfactorily address this point would be relevant to continued acceptance of 20 03 03 street cleaning residues.

3) At point 4 in the letter dated 14 July 2023 Acumen provides an outline of the proposed plan to removed the odorous 19 12 12 fines waste. The Environment Agency accepts that an average removal rate of 500 tonnes per day is a reasonable and practical target removal rate. The Environment Agency also accepts that there is potential for increased odour impact during the process of removing the waste. However, removal is considered necessary because odour impact was/is being cause by the passive venting of gas from the undisturbed piles. As such removal is considered an appropriate measure to deliver compliance with permit condition 3.2.1 in the medium to long term. In the short term, additional appropriate measures must be taken to minimise the potential impact due to odour whilst the material is being removed – see point 6 below. Every effort must be made to complete removal as quickly as possible.

4) The Environment Agency acknowledges the information at point 5 in the Plan. Monthly updates are acceptable, however, please provide notification of any new outlets for the material prior to moving any material to them. By new outlets we mean any sites other than those specified as receiving sites in point 4 of the Plan.

5) At point 7 of the Plan Acumen makes reference to information provided in Attachment F. This is information pertaining to the producers' sample results. It was not clear from the information provided how the sampling data was used to inform proper waste assessment / classification. This was because:

1. No sampling plan(s) was provided
2. Only a selection of data was provided and it was not clear which data related to which producers
3. No waste assessment / interpretive information was provided.

This has been requested and submitted incrementally since the Plan was first received on 14 July 2023. Having reviewed the information provided the Environment Agency is satisfied that there is nothing in the producers' sampling data that would confirm misclassification currently, based on the information provided. However, there is a need to carry out further assessment in relation to certain hazard properties and certain key parameters – see actions in accompanying WAR Form. The over-arching Beuparc Ltd sampling plan that has been provided is inadequate and needs to be reviewed and improved. Full comments regarding the sampling plan and the improvements that are required and the need for further assessment are provided in the associated Waste Assessment Form, referenced above.

The Environment Agency understand that Acumen has implemented its own waste sampling strategy to supplement the producer information. To date we have not received results from Acumen's own sampling.

**Action** – Please provide summary data for all Acumen samples with the monthly updates that you have committed to providing. **Deadline:** 31 August 2023 and monthly thereafter.

**In the event of a sample result suggesting a 19 12 11\* classification you must suspend further movements and notify the Environment Agency as soon as possible.**

6) At point 8 of the Plan Acumen describes how it has dealt with the requirement to update the Odour Management Plan (OMP) for the site. A separate OMP covering the period of removal of the odorous fines is provided as Attachment G to the plan and there is a commitment to providing a revision to the OMP once normal operation is restored by no later than 31 July 2023. The EA acknowledges receipt of the full revision covering normal operation by the 31 July deadline (received 28 July 2023). This document has not yet been reviewed. The comments below relate to the OMP provided as Attachment G to the Plan.

a. Section 3 makes reference to wind rose data that has been produced from the on site weather station. Section 5 – monitoring, recording and reporting also references use of the on-site weather station. The on-site weather station is not well located to provide confidence in respect of establishing whether receptors are downwind of the odorous waste piles. Wind speed and directional data could be influenced significantly by the local topography and by the structure of the leachate tank on which it is located. Also note that mechanical anemometers of the type in use at the site are probably not reliable at low windspeeds of <5mph. It may be beneficial to cross reference the data with data from the nearest Met Office weather station.

b. The information in Table 2 of the OMP appears to be incorrect. It suggests there is only 750 tonnes of fines waste on site. The document later confirms that there is approximately 40,000 tonnes of fines waste on site (plan on page 8).

c. There is a confusing reference to an odour cap used at Blaise in Section 5 – Odour Control Measures. Clarity on what this is should be provided along with confirmation as to whether it is an appropriate measure that is being considered for use at Escrick Waste Treatment Facility during removal of the fines waste.

d. The appropriate measures listed in Table 5 are noted. It is the Environment Agency's understanding that stockpiles are not currently covered and that semi permeable membranes / odour caps are not currently in use. Please provide written confirmation if these specified appropriate measures are in fact in operation at Escrick Waste Treatment Facility. An appropriate

measure in respect of the leachate would be to provide a temporary enclosed storage tank to store the leachate in preference to the open lagoon. This option is not considered in Table 5.

e. The Environment Agency's understanding is that the details of the odour suppression system are now out of date because more units have been deployed. It would be useful to update this section to reflect the current situation.

f. There are two Section 5s – the section headings should be corrected to avoid confusion.

g. Complaint Management – we note that it states in this section that members of the public can make direct complaints to Acumen using the specified phone number. Please confirm whether any action has been taken to make local residents / businesses aware of this provision.

**Action** – update the OMP in Attachment G taking into account the above comments. **Deadline:** 23 August 2023.

### Summary

The Environment Agency is satisfied that the Acumen can continue to implement its plan to remove the odorous fines waste from the site on the understanding that:

- Acumen will suspend removals and notify the Environment Agency immediately if information comes to light suggesting the presence of 19 12 11\* material.
- Acumen will address the actions detailed above and below by the deadline specified.

This is a review of a compliance action plan that has been submitted in order to address existing compliance issues for which relevant breaches have already been recorded on previous CAR Forms. As such, no breaches have been recorded in respect of the information provided and the review carried out. Issues have been identified in respect of the producing sites' sampling plan (see accompanying WAR Form). The Teams/Officers responsible for the regulation of the relevant producer sites have been made aware of the review findings in respect of the sampling plan and follow up work will be scheduled to ensure the required improvements are rolled out throughout the Beuparc Ltd group of companies. It would be beneficial to do this once, rather than carrying out separate engagement at each separate site. Please provide contact details of the person with group wide responsibility for compliance.

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



## 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 can raise a dispute through our official [complaints procedure](#).

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.