



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	19/09/2023		Time in		Out
What parts of the permit were assessed	Leachate Management Plan				
Assessment	Procedure review	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	[REDACTED]				
Officer's name	Robin Bispham		Date issued	20/09/2023	

**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	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>	0	<b>Total compliance score</b> (see section 5 for scoring scheme)	0
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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 records the Environment Agency's review of Standard Operating Procedure, Leachate Management Plan, LMP001, Rev 1, dated 04/09/2023 (the LMP), received by the Environment Agency on 5 September 2023. The LMP was provided in response to the following action in CAR Form, 104658/0471624, dated 08/08/2023.

**Action:** *Provide a leachate management plan that covers risks mentioned above and includes arrangements for temporary storage of leachate pending removal. This should consider the temporary provision of fully enclosed and bunded leachate tank(s), increased frequency of removal and mitigation measures that can be used in the meantime to provide reassurance that the leachate is adequately contained. **Deadline 28th August 2023***

The submitted plan contains insufficient detail regarding the information requested in the action, in particular the frequency of leachate removal, and so does not satisfactorily address the action specified.

The Plan is generally disjointed and lacking in the level of detail required to demonstrate adequate management of leachate. The Plan must be reviewed and amended so that it is clear which measures, if any, are temporary measures employed in respect of the current situation with leachate and which relate are routine proposals that will be maintained indefinitely as part of routine operation. The following areas in particular should be considered during the review.

1. Odour potential associated with the leachate – there are several references to odour management in the Plan. These are spread out throughout the document and in places it is unclear how the references to odour relate to leachate management. Currently the leachate is considered to be a potential source of odour because it is stored in open lagoon and appears to contain (or have recently contained) dissolved gas. It is recommended that the Plan contains a specific section dedicated to how AWS will mitigate the odour potential of the leachate on site. If any of the measures specified are considered temporary this should be clearly stated.

2) Section 3.1 of the Plan makes reference to a discharge consent with a comment indicating that this is not being utilised by Acumen during the fines removal project because of the potential to exceed the limits specified. It is not clear from this whether normal operation is for Acumen to utilise the discharge consent for water/leachate discharge from site or whether tankering to a third party site is a temporary measure that will cease when 'normal' operation is reinstated. This needs to be clarified. If it is the intention of Acumen to utilise a discharge consent for water/leachate management during 'normal' operation then full details of the consent need to be included in the Plan, the location of the discharge point and the means of conveyance to that point, all relevant limits and the testing schedule that will be implemented to monitor compliance. There are currently no emissions points specified in Schedule 3 of the permit. If AWS intend to utilise a discharge consent for water/leachate management during routine operation this will need to be considered and a permit variation may be

required.

3) The information in Section 2, Source, Pathway, Receptor is confused in terms of identifying sources of leachate and pathways. This is possibly due to a typographical error that identified sources incorrectly as pathways. In addition, the source, pathway, reception assessment is too vague, for example, leachate and surface water release into the Bentley Drain in extreme weather conditions is identified as a pathway. There are probably several pathways by which this could occur and each should be considered. It may be beneficial to include a site plan to assist with the assessments set out in Section 2.

Section 2 concludes with the statement:

*Under all foreseeable circumstances, there is no risk to groundwater as whilst Acumen has not carried out specific source-pathway-receptor modelling of the underlying aquifer, it is aware such modelling has been undertaken by others and it is not unreasonable to assume the barrier provided natural and emplaced materials will provide sufficient protection against pollution to groundwater and surface water.*

It is unclear how the underlying geology or placed material will protect surface waters. If AWS are saying protection of surface waters is provided by in situ materials then further information detailing how needs to be provided, taking into account that fact that the same section identified a potential pathway to Bentley Drain during extreme weather.

Again, a site plan showing site falls and any existing site drainage may assist.

4) Section 3, Control Measures acknowledges the importance of managing surface water in minimising the quantity of leachate produced – we take this to mean effectively separating ‘clean’ from ‘dirty’ water. Reference is made to channels that have been constructed to direct surface water to the Southern perimeter of the site where it will accumulate in the storage lagoons (note, plural). It is not clear which lagoons are being referred to here. There is then a statement that the storage lagoon (singular) is treated with hydrogen peroxide prior to being removed from site via tanker. There is more than one body of water in the area of the site that is being referred to here and the use of plural / singular references is therefore confusing. One of these lagoons is provided as part of the sealed drainage system associated with the concrete pad and so, if the intention is to separate relatively clean surface water from relatively dirty ‘leachate’, associated with waste stored on the concrete pad, it is important to clarify which lagoon(s) are being used for what purpose. Again, inclusion of a site plan would probably assist.

Section 3 makes reference to treatment of leachate using hydrogen peroxide. We understand that this is a temporary activity associated with the current fines removal activity. We believe that this activity commenced in order to minimise the odour potential of the leachate.

Leachate treatment is not included as an activity on the current permit and must cease as soon as the odour potential of the leachate is back to acceptable levels. The temporary nature of this treatment activity must be clearly acknowledged in the Plan.

Section 3 also contains reference to a pool of leachate underneath cell 1 of the EES landfill. The use of the word underneath is confusing here.

Our understanding is that this is a reference to the large puddle of

leachate that had accumulated on the surface materials to the South of cells 1 of the landfill, rather than a pool of leachate that has infiltrated through the surface materials and is sat underneath the landfill. If our understanding is incorrect please provide further details.

5) Leachate Removal – there are several references to leachate being removed by tanker. However, there is no reference to the rate of removal and how this is determined based on need. This is a key consideration because the need will be variable based primarily on the prevailing weather conditions at the time. This should be linked to the capacity of the system (currently the capacity of the lagoon associated with the concrete pad) and current stocks (established through some form of level indicator). The Plan should be updated to clarify how the rate of leachate removal will be managed in response to need.

It is acknowledged that the plan states that existing surface puddles were tankered off during recent wet weather. The potential for further puddles forming outside the sealed drainage system remains until all fines / sweeper wastes have been removed / relocated onto the concrete pad. This will need to be proactively managed until relevant waste materials have been removed / relocated.

6) Construction of a pumped sump with associated storage tank(s) – Section 3.1 of the Plan states that tankering from the lagoon will continue until all road sweeping material has been relocated onto the concrete pad. At this point Acumen will begin work to construct a sealed sump to collect drainage from the concrete pad and pump it to one or two sealed tanks. In this case the existing lagoon will remain in situ for other surface water from outside the Acumen permit area.

Clarity is required as to how this proposal fits with the information provided in [REDACTED] e-mail of 31/08/2023, in which it is suggested that Acumen are proposing to procure a CIRIA risk assessment / inspection as a means of demonstrating that the lagoon is adequately sealed. Please clarify whether the sump/tank proposal supersedes the proposed CIRIA risk assessment / inspection or whether you are proposing to carry out both.

With regard to the statement that the lagoon will remain to provide a surface water management function for water from outside the Acumen permit area, further clarity is required about what this means.

Presumably there will be a continuing requirement to manage surface water from within the AWS permit area that is outside the concrete pad / sealed drainage arrangements and the lagoon will remain within the AWS permitted area. There will therefore be a requirement for AWS to continue to manage water accumulations within the lagoon.

Further information is required in relation to the design parameters of the pumped sump / tank arrangement, prior to construction.

### **Priority Information Required**

There is a distinction to be made between measures that are being / need to be implemented now (in some cases as temporary measures) to address the current situation – increased volumes of higher strength leachate associated with the degradation of the fine, versus the arrangements that

will be put in place going forward as part of 'normal' operation. The latter is also subject to consideration of what the on-going normal operation is going to be.

### Action

Please could you provide the following:

- Confirmation of what channels have been created to direct water / leachate to the storage lagoon in order to minimise the potential for puddles to form outside the sealed drainage system. Please include a plan to show where these channels run and to confirm which lagoon or lagoons they connect in to.
- Confirmation of whether there is still a perceived need to carry out hydrogen peroxide dosing and, if so, what environmental impact this is attempting to mitigate. Please define how AWS will establish when this activity can cease.
- Confirm what the current rate of leachate removal is and how this will be adjusted in response to need, as determined by the quantity of leachate on site – i.e. the levels in the lagoon and any puddles located elsewhere on site.
- Define a maximum level for the leachate lagoon that is demonstrably within the extent of the containment provided and confirm how you will monitor compliance with this limit. Note, this may require removal of sufficient leachate to exposed to upper extent of the engineered clay.
- Provide an estimate for how long it will take to relocate the road sweeper wastes to the concrete pad.

**Deadline:** 27 September 2023

### Further Information

Once the road sweeper wastes have been relocated to the concrete pad it will be necessary to produce a leachate management plan that clearly explains how leachate will be managed during on-going normal operations. It is likely that this will also need to consider surface water management. A resubmitted plan(s) must as address the points raised above. The leachate / surface water managements plan(s) must take account of the information provided in sections 6.4 & 6.5 (as appropriate) of the relevant section appropriate measures guidance, *Non-hazardous & Inert Waste: appropriate measures for permitted facilities* - [Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/non-hazardous-and-inert-waste-appropriate-measures-for-permitted-facilities).

There is currently defined deadline set for this action because the further clarity is required around the timeline for relocation of waste to the concrete pad. Please submit the requested document(s) within 1 months of completion of the waste relation work.

### 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.

#### 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.