



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	19/10/2023		Time in	10:15	Out	12:45
What parts of the permit were assessed	Emissions of Odour					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	[REDACTED] - Acumen WSL Technical Director					
Officer's name	Robin Bispham, Paula Fenteman		Date issued	30/10/2023		

### 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

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 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 A
	4. Sewer N
	5. Waste N
f) Amenity	1. Odour *C3 2.3.1;
	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>	1	<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.

### 1.0 - Introduction

**1.1** - This CAR Form has been completed following proactive odour monitoring and subsequent site visit undertaken on 19 October 2023. The odour monitoring was proactive and pre-planned but it should be noted that a report of odour pollution was received by the Environment Agency at 09:00 on the morning of the monitoring from a location that was downwind of the Acumen site.

**1.2** - This monitoring forms part of the Environment Agency's response to an on-going Category 2 odour incident that was first identified in May 2023. This odour incident is linked to receipt and storage of biodegradable waste fines by Acumen Waste Services Ltd under permit reference EAWML104658.

**1.3** - Acumen Waste Services Ltd removed the majority (approximately 40,000 tonnes) of the biodegradable waste fines between 11 July 2023 and 5 September 2023. There was then a pause until removal recommenced w/c 16 October 2023, at which point Acumen Waste Services Ltd estimated that there were between 2,000 – 2,500 tonnes of the biodegradable fines left to remove, and that removal will be complete by 27 October 2023.

### 2.0 - Odour Assessment

**2.1** - Two authorised officers of the Environment Agency carried out the monitoring. The findings of the odour monitoring were as follows:

**2.2 - Mill Lane, Riccall** – 10:16 – 10:25, weather conditions were light rain and wet ground conditions. Wind was SE at moderate breeze – 4 on Beaufort scale (lower end, approx. 12mph – branches in trees were moving and the pages of my notebook were being raised). The temperature was 14 degrees centigrade. No odour was detected at this location.

**2.3 - A19 Layby (Jorvik Grill)** – 10:28 – 10:34, weather conditions were light rain and wet ground conditions. Wind was SE at moderate breeze – 4 on Beaufort scale (lower end, approx. 12mph – branches in trees were moving and the pages of my notebook were being raised). The temperature was 14 degrees centigrade. No odour was detected at this location.

**2.4 - Entrance to the Old Stillingfleet Colliery** – 10:40 – 10:47, weather conditions were light rain and wet ground conditions. Wind was SE at moderate breeze – 4 on Beaufort scale (lower end, approx. 12mph – branches in trees were moving and the pages of my notebook were being raised). The temperature was 14 degrees centigrade. No odour was detected at this location.

**2.5 - Cycle track – walked down from Stillingfleet Rd end to SW corner of the EES/Acumen/Biffa site fence** – 10:50 – 11:48 (the duration of this assessment was due to amount of walking involved). Location d/w of Acumen Waste Services Ltd at the point between the 'Mount Fm Bridge' (NGR - SE6182440889) and the next bridge further South (NGR - SE6188740511). Wet ground conditions. Wind was SE at moderate breeze – 4 on Beaufort scale (lower end, approx. 12mph – branches in trees were moving and the pages of my notebook were being raised). At this time it had stopped raining. The temperature was 14 degrees centigrade. A plume of very strong and persistent odour was detected between the two bridge structures along the cycle path.

At the centre of the plume the odour was very strong (intensity assessed as level 5 – very strong odour). The extent and persistence of the odour was assessed as level 5 – persistent and widespread, because it was detected more than 50m from the site boundary and the odour was continually present at strong intensity whilst stood and/or walking in the plume. The offensiveness of the odour was assessed as level 3 – most/highly offensive. The odour was very similar to a typical landfill gas type odour. It was very unpleasant and sulphurous in character. It was similar to the odorous gases associated with the biodegradable fines at the Acumen site that had been previously witnessed by one of the officers carrying out the odour assessment. Both officers wanted to get out of the plume as soon as possible. The sensitivity of the location was assessed as level 1 – low sensitivity (e.g. footpath or road). Despite the low sensitivity the odour detected was still deemed to be at a level likely to cause pollution because the strength and persistence of the odour was so significant that it devalued the amenity of this well used cycle path. There are also some residential premises downwind of the assessment location that were likely to be within the odour plume.

### **3.0 - Site Inspection**

**3.1** - Attended site at 12:05 and met the site Technical Director. The primary purpose of the visit was to assess appropriate measures in relation to emissions of odour. The Technical Director confirmed that action was being taken to remove the remaining 2,000-2,500 tonnes of biodegradable fines from the site. This work had commenced Monday 16 October 2023 and was expected to be completed by 27 October 2023.

**3.2** - This activity was observed at the area of the site from which the biodegradable fines had now largely been removed. The area now resembles a plateau. The surface of the plateau comprised the remaining biodegradable fines. These fines were being scraped up and placed into a windrow type pile to facilitate vehicle loading.

**3.3** - There was a very strong and unpleasant, sulphurous gas odour, similar in character to the odour previously observed downwind of the plateau location on the cycle path, on and downwind side of the plateau area. This odour was not present when standing upwind of the plateau area, i.e. in the vicinity of the site offices/weighbridge and when walking up to the plateau on the upwind side.

**3.4** - This, and earlier off-site observations, mean the off-site odour pollution on the cycle track can be confidently attributed to the activities of Acumen Waste Services Ltd.

### **3.5 - Assessment of Appropriate Measures to Prevent / Minimise Emissions of Odour**

**3.5.1** - It has previously been established that accepting and storing biodegradable fines at the site in a single large pile, for a prolonged period of time, constitutes a failure to employ appropriate measures to prevent, or where that is not practicable, to minimise emissions of odour. This is because storing biodegradable waste in such conditions will inevitably lead the anaerobic degradation of the waste, the formation of odorous gases and leachate (akin to similar degradation products that are produced at non-hazardous landfill sites) as degradation products and, in the absence of adequate containment / mitigation (as is the case here), the release of odour. This was foreseeable and should not have been allowed to happen.

**3.5.2** - Inadequate management of the biodegradable fines is still the primary cause of the odour emissions and the primary failure to employ appropriate measures to minimise and prevent / minimise emissions of odour from the activities.

**3.5.3** - In addition, puddles of odorous leachate were still evident on the flat plateau area of the site, albeit fewer and smaller puddles than have previously been observed. These puddles of odorous leachate are again caused by the degradation of the biodegradable fines and are only present due to the inadequate management of this waste type – quantity stored, duration of storage and the fact that storage was off the designated concrete pad and outside the sealed drainage system.

**3.5.4** - An odour suppressant misting system was seen to be in use. The system comprises fixed and mobile elements. The fixed elements have been sited in order to best protect receptors that are down wind of the prevailing wind direction (which is SW). During this inspection and the preceding odour assessment the wind direction was SE. None of the mobile elements of the misting system had been moved to areas that were downwind of the odorous activity at the time. This is another example of appropriate measures not having been implemented to prevent/minimise odour emissions.

**3.5.5** - Acumen Waste Services Ltd was advised to deploy mobile elements of the misting system to the downwind side of the odorous activity and the Technical Director stated that this would be done as soon as possible.

## **4.0 - Breach**

**4.1** - A category 3 breach of condition 3.2.1 has been recorded because emissions of odour at levels deemed likely to cause pollution were observed downwind of the activities. The odour detected was clearly attributable to the activities of Acumen Waste Services Ltd. Acumen Waste Services Ltd has failed to implement appropriate measures to prevent, or where that is not practicable, to minimise the emissions.

**4.2** - For permit breaches linked to impact on amenity, such as odour, the breach is categorised based on the actual impact, rather than the reasonably foreseeable impact. In this case, at the time of writing, the actual impact, as indicated by our observations and the current impact of the on-going odour incident (informed by the number of odour reports from the local community), has been assessed as Category 3, minor impact. As such, this breach has been assessed as a category 3 breach.

**4.3** - The impact was assessed in line with the Common Incident Classification Scheme (CICS), Version 6.3, page 41, relevant excerpt as follows:

### **Category 3 – Minimal Effect on Human Senses**

*Odour that is...causing a few complaints but not warranting a change in behaviour of those exposed e.g. one or two complaints in one week. Category 3 – Minor effect on amenity value*

*Odour resulting in a minor or transitory effect on local amenities and leisure areas.*

*Likely to involve amenities which aren't generally heavily populated or an odour which does not restrict the use of the amenity. This includes public footpaths.*

**4.4** - Note, we assess on-going amenity incidents and permit breaches as consolidated events across the course of a full calendar month. As this assessment has been made midway through October there is potential for the incident and breach categorisations to change. This will only happen if the actual impact of the breach changes.

**Advice and Guidance** - the potential for emissions of odour is high currently because the odorous material is being moved as part of the removal activity. At the time of this assessment the impact has been mitigated to a large extent by the wind conditions that have existed since the activity recommenced on 16 October 2023. The wind conditions have been such that, for the majority of the time, the emissions have not been carried towards the nearest sensitive receptors. If the wind conditions change such that any emissions are carried towards the business park area, and the emissions are similar to those observed during our 19 October 2023 odour assessment, then the actual impact of the incident is likely to change.

**4.5** - This compliance assessment follows earlier compliance assessments linked to the same issue. Acumen Waste Services Ltd is removing the odorous waste fines in accordance with a compliance action plan. The compliance action plan involves the removal of the biodegradable waste fines from site. Current activity to remove the last 2,000 – 2,500 tonnes of the fines is

another step in delivering the plan. As adequate progress is being made to address the non-compliance the breach referenced above has been suspended.

The root cause of the breach has been recorded and scored in previous compliance assessments – see CAR Forms 104658/0465164 & 104658/0466314.

## **5.0 - Leachate Management and Sealed Drainage**

**5.1** - Generally speaking the picture regarding leachate at the site appeared to have improved and there appeared to be less leachate pooled around the site. The pooled surface water to the north of the Acumen site (between Acumen and the EES inert landfill) on visual inspection did not appear to contain leachate, as has been the case during previous inspections.

**5.2** - The level of leachate in the Acumen lagoon (part of the sealed drainage system) has dropped significantly based on levels seen in previous inspections. The Technical Director stated that significant quantities of leachate were being removed from site currently, from both the Acumen lagoon and the water body across the road and to the South of this lagoon – between the site road and the adjacent closed landfill. Based on visual inspection this water body has previously been contaminated with leachate. The source of the contamination has been a topic of discussion in recent weeks. During this inspection a clear pathway of surface water (on this occasion it looked relatively clean) was observed running off the Acumen site along the surface of the road that runs along the South / Southwest perimeter of the Acumen site to a low point at the Southern boundary from where it was observed running into the water body in question. Similar pathways have been observed during previous inspections. This appears to be a likely pathway by which leachate originating from the Acumen activities has entered and contaminated this waterbody. We are aware that Acumen has been sampling liquid from its own lagoon and this waterbody for some time and we have seen some of these sample results. Based on the sample results we have seen the constituents in each liquid appear to be chemically similar and do not clearly indicate a separate third-party source of contamination.

**5.3** - Our current assessment of this situation is that any contamination that is present in the surface waterbody at the southern perimeter of the Acumen site is present due to the activities of Acumen – surface water contaminated with leachate arising from the activities of Acumen waste services running overland and flowing to this waterbody that collects at this low point. Any contamination that is present therefore needs to be remediated by Acumen Waste Services Ltd.

**5.4** - If Acumen Waste Services Ltd intend to contest this position and maintain that the contamination is the result of third party activities, please let us know as soon as possible, providing any evidence to support its position as soon as possible.

**5.5** - We believe, based on information provided by the Technical Director during this inspection, that Acumen are already removing liquid from this waterbody. Please confirm whether or not this will continue and how the impact of removing the liquid from this waterbody is being assessed.

**5.6** - Leachate levels in the Acumen lagoon have been reduced by a significant amount but to date the clay lining system has not been exposed. The Technical Director explained that it was Acumen's intention to remove all liquid from this lagoon, fill the lagoon in and install two sealed tanks as a replacement to fulfil the requirement for a sealed drainage system. Please provide further details including design drawing and specification for this new system as soon as they are available.

**5.7** – Our compliance assessment in respect of this issue is on-going.

**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	C3	Continue to implement compliance action plan	13/11/2023

## 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.