



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	05/07/2023		Time in	13:05	Out	13:35
What parts of the permit were assessed	Infrastructure and Amenity					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	TCM, Managing Director					
Officer's name	[REDACTED]		Date issued	10/07/2023		

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	A	
	2. Closure & decommissioning	NA	
	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	3.2.1
	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).

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	31
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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.

Scope

This CAR form is related to odour assessment and Acumen Waste Services site visit done on 5th July 2023 at YO19 6ED . Environment Agency's incident hotline received 50 odour complaint reports from public between 1st -5th July, 28 of them received on the 5th July 2023. Odour assessment and site inspection carried out in June 2023 attributed the odour pollution to emissions of gas akin to landfill gas from storage of biodegradable fines material at this site – the following CAR Forms issued in June record relevant details: 104658/0466314 & 104658/0465164. The compliance action plan that was requested in these CAR Forms was received by the 30 June 2023, as requested. The Environment Agency rejected the compliance action plan received in a letter dated 4 July 2023. A revised compliance action plan has been requested but not yet received at the time of writing this CAR Form.

Odour Assessments by Authorised Officers of the Environment Agency

Offsite odour monitoring was carried out on 5th July 2023.

The weather was overcast with sunny spells, temperature between 17-20 degrees and the wind was westerly and varied between 7 to 17 mph.

At 12:07 the odour assessment commenced at Old Stillingfleet Colliery, YO19 6HS located west of the permitted facility. No odour was detected.

At 12:24 the assessment was conducted at Escrick Grange Farm, YO19 6EB located north-west of the permitted facility. A faint agricultural odour was detected that was not associated with Acumen waste services Ltd.

At 12:34 the assessment was conducted at the location of Jorvik Grill A19, YO19 6FD located north of the permitted facility. No odour was detected.

At 12: 44 the assessment was conducted at Escrick Business Park, YO19 6FD located adjacent and east of the permitted facility. A very strong odour was detected in this location that was persistent, widespread and highly offensive. Odour was described as mix of municipal waste and gassy smell resembling of landfill gas. Due to offensiveness and intensity of the odour at this location officer considered the level of odour to be likely to cause pollution at this location given the sensitivity of the receptors. The odour was found to be highly offensive and persistent, making it extremely unpleasant to be exposed to it for the officer even for several minutes. Business park hosts number of businesses where staff is potentially exposed to the odour for extended periods of time during work hours. Officer determined the odour to be offensive and persistent enough to cause significant effect on human senses.

At 13:45 the assessment was conducted at Glade Farm Fishing Pond located south of the permitted facility. No odour was detected in this location.

At 14:05 the assessment was conducted on Mill Lane, Riccall located south of the permitted facility. No odour was detected.

At 14:41 the assessment was conducted at Hollicars Holiday Park, YO19 6EE located east of the permitted facility. No odour was detected.

During the assessment the officer deemed the odour to be at levels likely to cause pollution.

Site Visit

Acumen Waste services Ltd was visited at 13:05 on 5th July 2023 for an assessment of appropriate measures in relation to odour emissions, including their recently upgraded odour suppression system.

At the time of visit, 2 odour suppression systems with multiple nozzles spraying fine mist of mix of water and odour suppressants were deployed. One located at the southern end of the permitted area near the lagoon (Pic 1) and one near the eastern permit boundary (Pic 3), close to site boundary with Plasmor Ltd. Also one smaller deodorising unit was deployed at north side of the site located close to the pile of unprocessed fines (Pic 2).

Officer observed that the odour within the site boundary was less offensive and transient, with virtually no detectable odour present close to the odour suppression units. However, very strong odour was detected during odour assessment at 12:44 conducted at Escrick Business Park, YO19 6FD located adjacent and east of the permitted facility. From officer's observations it was apparent that these units were having some localised impact in respect of odour but they were not effective as a means of preventing off-site odour pollution as evident from the Officer's odour assessment at the business park just prior to inspecting the odour suppression units in operation.

It was apparent that some of the waste fines have been moved to impermeable surface as per action in previous CAR form, however during time of inspection, no waste was being moved. Large quantities of biodegradable waste fines remain in situ and are evidently still producing odorous gas akin to landfill gas as a degradation product.

Environment officer observed lagoon (Pic 4) on the southern end of permitted area that contained dark coloured water and was emitting strong unpleasant odour of decaying waste that resembled of the odour detected on Escrick business park. Discoloration of the water and odour of the lagoon suggested that it may be contaminated with leachate from pile of unprocessed 19 12 12 waste fines nearby. This open lagoon may be contributing to the general odour pollution that was detected off site at Escrick Business Park on 12:44 during odour monitoring.

The Environment Agency Officer is confident in attributing the odour detected off-site on the business park to the activities of Acumen Waste Services Ltd because the odour was similar in character to the odour that the same officer detected on-site, associated with the gas emissions from the piles of biodegradable fines, during the site inspection on 31 May 2023. There were no other credible sources of this odour in the vicinity of the business park.

Appropriate Measures Assessment

It is entirely foreseeable that accepting large quantities of MSW and C&D fines, that contain significant quantities of biodegradable material, and, potentially, aggravating constituents, such as high sulphate bearing materials, for example, gypsum from plasterboard, would degrade to produce highly odorous gas if stored in the manner which Acumen Waste Services Ltd has stored such wastes. As such, until these wastes are removed from site or stored in a manner that prevents and/or minimises odour emissions, Acumen will not be able to demonstrate that it is taking

appropriate measures to prevent, or where that is not practicable, to minimise odour.

As these wastes are still stored on site in significant quantities and in a manner that means odorous gas is being emitted Acumen still cannot demonstrate it is taking appropriate measure to prevent / limit odour pollution due to emissions from the site.

It was noted that an odour masking agent was in use at the time of this site inspection. Although the system has been extended since the previous inspection and may be having limited local impacts, it is an inadequate measure to try to mitigate the pollution that is being caused in this case. The scale of the waste piles and the extent of the passive venting surfaces means that it is highly unlikely we will accept use of odour masking agents, in their own right, as an appropriate measure in this case.

Relevant Permit Conditions and Breaches

Condition 3.2.1

Breach

A category 2 breach of condition 3.2.1 has been recorded against compliance criteria F1 for the month of July 2023.

On 5th July odour assessment was conducted and during this assessment authorised officer of the Environment Agency determined that emissions of odour from the activities on site were resulting in off-site odour at levels deemed to be pollution and that appropriate measures to prevent / minimise these emissions were not being taken at the time, as set out above.

For amenity incidents, such as odour, we assess the breach categorisation based on the actual impact that has occurred. There is an on-going odour incident for the month of July 2023 that is a continuation of the incidents from May and June 2023. This incident has already been assessed as having a category 2 (significant) impact and, as such, the permit breach has been assessed as a category 2 breach.

You have already been notified under condition 3.2.2 that the activities are giving rise to pollution and an Odour Management Plan has been formally requested.

Photograph 1



Photograph 2



Photograph 3



Photograph 4



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	Submit updated OMP to Environment Agency for approval.	21/07/2023

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 major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no 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.