



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	31/05/2023		Time in	10:45	Out	13:20
What parts of the permit were assessed	Specified activities, Infrastructure, Management, Amenity & MRMR					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	[REDACTED]					
Officer's name	[REDACTED]		Date issued	16/06/2023		

**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	C2	2.1.1
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	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C2	1.1.1
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	A	
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	A	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
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	A	
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>	2	<b>Total compliance score</b> (see section 5 for scoring scheme)	62
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 report relates to the planned inspection carried out on 31st May 2023 by [REDACTED] [REDACTED] Officers were met onsite by Acumen's TCM.

Weather at the time of the inspection was dry and overcast. The road leading to the site was free from deposit of mud and debris. Officers observed some dust being generated by vehicles driving along the haul road during the dry conditions, however it was not having an impact offsite at the time.

**Advice and Guidance** – the potential for emissions of dust from the site during the dry summer months is considered to be high. You are advised to review you dust mitigation measures to ensure that you can demonstrate that you are taking appropriate measures to prevent or, where that is not practicable, to minimise emissions of dust. Refer to section 6.3 of the Non-hazardous and Inert Waste: Appropriate Measures for Permitted Facilities guidance.

This report should be read in conjunction with the accompanying Waste Audit Report (WAR).

Your waste returns show that Acumen mostly accept 19 12 12 other wastes and 20 03 03 street-cleaning residues. The TCM explained that street cleaning waste is stored over the winter period to dewater then mechanically treated via a screener in the warmer months. Larger fractions of mixed wastes are removed and transferred off site as 19 12 12, the screened sweeper waste is then transferred off site as 19 12 12 soil substitute.

Waste fines accepted as 19 12 12 other wastes from the mechanical treatment of wastes are coming from multiple waste transfer stations that process household, industrial and commercial waste and construction and demolition wastes. These wastes are being stored on site before being transferred off as 19 12 12 soil substitute. The TCM confirmed that this waste was not being produced to a standard for topsoil. You must ensure that the site you send your waste to is permitted to accept that waste type when correctly classified.

A 'soil substitute' is a material that serves as a direct replacement and performs the same function as topsoil. The Environment Agency accept that to create a soil substitute, you may need to blend wastes with other imported soil substitutes. You must create the resultant soil to an appropriate standard, usually the British Standard specification for topsoil. The soil must also meet the requirements for potentially toxic elements (PTEs) as given in the Sewage sludge in agriculture: code of practice. The soil substitute must not include:

- hazardous waste or dangerous substances
- contaminants such as asbestos fragments, plastics, glass, metals, treated timber, foils and films

Further information on soil substitutes can be found in the following guidance:

<https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/check-if-your-waste-is-suitable-for-deposit-for-recovery#soil-substitutes-other-than-those-containing-dangerous-substances-only-waste-code-19-12-12>

<https://www.gov.uk/guidance/landspreading-benefits-and-risks-of-the-waste-types-you-can-use/19-waste-codes>

### **Odour reports and monitoring**

Environment Agency's incident hotline have received 24 odour complaints in May and 20 more complaints between 1st and 13th June that were associated with Acumen waste treatment facility.

In response to numerous recent odour complaints officers conducted odour assessment on 31/05/2023 between 09:40 am and 10.40 am.

4 locations were chosen for odour monitoring:

Jorvik Grill A19, Selby YO19 6FD  
Escrick Business Park YO19 6FD  
Hollicarrs Holiday Park, York Rd, York YO19 6EE, Hollicarrs Close  
Glade Farm Fishing Pond/ 6ED, York Rd, Riccall, York

Weather conditions were cloudy with a gentle NE breeze and a temperature of 13oC.

No odour was detected in either of the locations mentioned above during the 31 May 2023 odour assessment. However, officers have detected odour onsite and, during a subsequent odour assessment on 16/06/2023, off-site. This site has been identified as the source of odour that local residents / businesses are reporting. The odour reports have been substantiated as an ongoing Category 2 incident based on the number, frequency and nature of reports, and the observations of Environment Agency staff (see below), in line with the Environment Agency's Common Incident Classification Scheme (CICS) guidance. A separate CAR Form will be issues in respect of the 16/06/2023 odour assessment.

### **Inspection**

When we arrived on site we detected a strong offensive odour resembling odour from black bin type waste. There was a wash plant located on the concrete pad, however this treatment activity was not in use during the inspection. The TCM informed us that it was in the process of being dismantled. During time of this inspection no waste treatment activities were taking place, screeners were in position on site but not in use. We observed several lorries bringing in waste and waste was being moved around using an excavator.

Multiple piles of waste were stored on site, of which some were extending beyond impermeable surface. To the left of the bottom of the concrete ramp leading to the permitted area was a large pile of dewatered and screened road sweeper waste. The main body of this waste pile appeared to extend beyond the impermeable surface of the treatment area. The near side of this pile was darker in colour indicating that it was recently deposited. The waste further back in the pile was well vegetated on the surface indicating that it had been in situ for some time (Fig.1).

To the right of the concrete ramp was a pile of larger fraction mixed wastes from the screening of road sweeper waste (Fig.2). This waste pile appeared to be located beyond the impermeable surface of the treatment pad and was weathered indicating that it may have been in situ for some time. To the right of this pile there were three small waste bays separated by concrete blocks (Fig.3). The bays were at capacity with smaller fraction waste fines from the screening of road sweeper waste. These bays were located on the impermeable surface of the concrete pad.

A large pile of unprocessed road sweeping waste was stored to the southwest of the permitted area behind a screener. This waste appeared to be stored beyond the area of concrete impermeable

surface of the treatment pad. Areas of the waste pile were well vegetated on the surface indicating that it had been in situ for some time. To the right of this waste behind another screener was a pile of larger fraction mixed wastes contain a lot of plastics that was also stored beyond the impermeable concrete pad (Fig.4).

To the west of the site there was a very large high pile of waste fines being stored on site (Fig.5-10). This waste is imported into site as 19 12 12 other wastes. Visually this appears to be from the mechanical treatment of household and/or commercial waste and construction and demolition waste (Fig.11-14). This waste was stored in an area on site that extended beyond the impermeable surface of the concrete pad. There were several scavenging birds present that were on top of the waste pile (Fig.15). The presence of scavenging birds indicates the presence of non-inert, organic material within the waste pile.

While investigating the pile officers were able to detect strong intermittent odour similar to landfill gas coming from the waste mass. This offensiveness of the odour led to one of the officers having to remove herself from the location. The officers observed pools of leachate in various locations around the base of the waste pile (Fig.16-17). Waste stored in large pile contained visible pieces of plastic, foam, ceramics, wood and biodegradable organic matter. Officers also detect strong offensive waste odour from the pile similar to black bin type wastes.

To the area to the left of the high large pile also appeared to have mixed waste fines stored in an area beyond the impermeable surface (Fig.18). This area was lower than the main pile but also raised above the surrounding ground level. There was a lagoon situated in the southwest corner above the surrounding ground level that was contained within a bund. We did not carry out a close inspection of this area but observed it from the higher waste pile.

There are multiple permits in the location and there were no clear marked boundaries separating Acumen waste treatment facility from the adjoining sites. It was unclear if Acumen wastes stored on their permitted area were overlapping with the other permitted sites.

#### Permit Breaches:

##### **2.1 Permitted activities 2.1.1 Category 2 breach.**

**The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”)**

##### **Table S1.1 activities ; Limits of activities ;**

“All wastes, including residual wastes produced as a byproduct of the treatment process, shall be stored on an impermeable surface with sealed drainage”.

**Observation:** Multiple piles of waste were stored outside the concrete pad during the time of the inspection. Officers were unable to see clear boundaries of where concrete pad ends due to volume of waste stored on site, however it was clear that some of the piles were extending beyond the pad. Large pile of waste fines and road sweeping waste was stored extending way beyond impermeable surface. These wastes contain biodegradable/non-inert wastes (organic fractions/wood/plastic/metal). There is a significant environmental risk that these wastes types can degrade producing gas and/or leachate. Officers observed possible pools of leachate forming around the base of the large waste fines pile and detected landfill gas type odour. Your permit does not include adequate mitigation to minimise the impacts from leachate or gas and, as such, if the waste types and storage conditions are conducive to their production, as appears to be the case, they present a significant pollution risk.

The Sherwood Sandstone Principal Aquifer underlies the whole of the area within the permit boundary. The geological map shows a clay layer beneath the site, however given that this site is an old clay pit and brick works, the natural clays will have been removed as part of this. There is therefore potential for the Sherwood Sandstone Principal Aquifer (a sensitive receptor) to have little or no protective clay cover remaining on top of it. If the leachate were to get into the Sherwood Sandstone Principal Aquifer it could cause a significant and long-term environmental effect.

**Action:** You must immediately stop importing waste onto the areas outside of impermeable surface and sealed drainage.

Provide a detailed site plan showing the location and extent of the impermeable surface and provide details on the sealed drainage by **30th June 2023**.

Provide a detailed site plan showing where each waste type is currently stored on site including volumes, providing detail on how volumes are calculated by **30th June 2023**.

You must submit a plan for removal of the wastes from the areas without impermeable surface and sealed drainage by **30th June 2023**. Provide evidence of removal to the Environment Agency in form of weekly updates showing the quantity of waste removed, location of site where it was removed from and its destination along with waste transfer notes if moved off site.

Note – given our observations regarding the nature of the waste and the production of leachate and gas, it is unlikely that the waste will be suitable for deposit in an inert landfill site, or any other permanent deposit to land, without further treatment. Your permit permits storage prior to recovery and so the material will have to be sent to a recovery activity. Disposal in the adjacent landfill site is therefore not an appropriate destination for the material you need to remove.

## **1.Management 1.1 General management Category 2 breach**

### **1.1.1 The operator shall manage and operate the activities:**

**(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closures and those drawn to the attention of the operator as a result of complaints; and**

**(b) using sufficient competent persons and resources.**

**Observation:** You have been scored a category 2 permit breach of condition 1.1.1 (a) as the root cause of the non-compliances recorded above.

You are not effectively managing and operating your activities in accordance with a written management system that identifies and minimises risks of pollution, so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.

Observations made during the inspection suggests that the operations on site are not being managed in line with a suitable management system that identifies and minimises the risk of pollution. The type and quantity of waste on site is not being managed appropriately to prevent non-compliant storage arrangements. This creates a risk of polluting emissions in the form of odour, leachate and gas.

The amount of waste fines 19 12 12 stored on site exceeds the suitable storage capacity. Waste was observed to be gassing and producing leachate which should not be present if appropriate waste acceptance procedures were implemented and storage duration adequately limited. This permit allows storage prior to treatment. It was never intended to allow long term, indefinite storage of waste.

As mentioned in the previous observation the waste types on site pose a significant risk to the environment through risk of pollution to underlying Sherwood Sandstone Principal Aquifer. Principal Aquifers are strategically important rock units that have high permeability and water storage capacity and represent areas and groundwater resources that are critical to future public water supplies.

We are also concerned about the potential environmental impact associated with the apparent gas generation / emissions that are apparently taking place. We will attend site shortly to further investigate / assess this issue.

**Action:** You must update your EMS to ensure that it meets the requirements of condition 1.1.1 of the permit. In particular, you must review the elements that cover waste storage, preventing polluting emissions and Duty of Care to ensure that the breaches identified in the CAR Form do not occur going forward. Provide amended versions of the relevant procedures by **30th June 2023**.

You should refer to the following Environment Agency guidance when developing your management system;

<https://www.gov.uk/guidance/non-hazardous-and-inert-waste-appropriate-measures-for-permitted-facilities>

<https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>

### **Summary**

- You must immediately stop importing waste onto the areas outside of impermeable surface and sealed drainage.
- Provide a detailed site plan showing the areas benefiting of impermeable surface and provide details on the sealed drainage.
- Provide a detailed site plan showing where each waste type is currently stored on site including volumes, providing detail on how volumes are calculated
- Submit a plan for removal of the wastes from the areas without impermeable surface and sealed drainage.
- Provide evidence of removal of the waste
- Provide an updated EMS
- Ensure all waste leaving site is correctly classified \_

### **Enforcement Response**

It is an offence under Regulation 38 of the EPR to fail to comply with or to contravene an environmental permit condition. Due to the extent of the non-compliances we are concerned about the risks posed to the environment. The Environment Agency is considering enforcement action in line with our Enforcement and Sanctions Policy. A copy of which can be found here:

<https://www.gov.uk/government/publications/environment-agency-enforcement-and-sanctions-policy/environment-agency-enforcement-and-sanctions-policy>

By the **30th June 2023** provide the agency with an action plan on how you will come back into compliance.

If you have any queries regarding the content of this report please get in touch.

Kind regards

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**Fig. 1**



**Fig. 2**



**Fig. 3**



**Fig. 4**



**Fig. 5**



**Fig. 6**



**Fig. 7**



**Fig. 8**



**Fig. 9**



**Fig. 10**



**Fig. 11**



**Fig. 12**





**Fig. 13**



**Fig. 14**



**Fig. 15**



**Fig. 16**



**Fig. 17**



**Fig. 18**



**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			
A1	C2	<p>You must immediately stop importing waste onto the areas outside of impermeable surface and sealed drainage. Provide a detailed site plan showing the areas benefiting of impermeable surface and provide details on the sealed drainage by 30th June 2023.</p> <p>Provide a detailed site plan showing where each waste type is currently stored on site including volumes, providing detail on how volumes are calculated by 30th June 2023</p> <p>You must submit a plan for removal of the wastes from the areas without impermeable surface and sealed drainage by 30th June 2023. Provide evidence of removal to the Environment Agency in form of weekly updates showing the quantity of waste removed, location of site where it was removed from and its destination along with waste transfer notes if moved off site.</p>	30/06/2023
C2	C2	<p>You must update your EMS to ensure that it meets the requirements of condition 1.1.1 of the permit. In particular, you must review the elements that cover waste storage, preventing polluting emissions and Duty of Care to ensure that the breaches identified in the CAR Form do not occur going forward. Provide amended versions of the relevant procedures by 30th June 2023</p>	30/06/2023

## 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.