



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	27/06/2023		Time in	10:00	Out	16:00
What parts of the permit were assessed	Infrastructure, Management & Amenity					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	TCM					
Officer's name	[REDACTED]		Date issued	27/06/2023		

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	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	A	
	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	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	NA	
	2. Energy	NA	

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
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.

Introduction

This CAR Form should be read in conjunction with CAR Form 104658/0465164, that was issued on 16 June 2023. The compliance assessments set out in that CAR Form and the compliance assessments set out below are both linked to the storage of a large pile(s) of mixed fines waste that contains significant quantities of biodegradable material. As discussed on site, as the compliance issues are linked, any proposed remedial actions should be considered holistically and, as agreed on site, Acumen Environmental Services Ltd should submit a single compliance action plan that aims to address both compliance issues, that is:

1. The issues around storage on impermeable surface and sealed drainage recorded in CAR Form 104658
2. The issues around odour recorded in this CAR Form.

It is understood that Acumen Waste Services Ltd has been working on a compliance plan that seeks to address both issues since the earlier CAR Form was issued, which is why we have included the same deadline for submission of the plan in this CAR Form.

This CAR form records the Environment Agency's current assessment in respect of emissions of odour.

Odour Assessments by Authorised Officers of the Environment Agency

Offsite odour monitoring was carried out on the following dates:

16th June 2023

During the odour assessment the weather was calm and sunny. The wind was 2mph in a south westerly direction. The temperature varied between 11 - 12 degrees.

The odour assessment commenced at 05:50 at Old Stillingfleet Colliery, YO19 6HS located west of the permitted facility. A very faint localised agricultural odour was detected.

At 05:58 the assessment was conducted at Escrick Grange Farm, YO19 6EB located north-west of the permitted facility. No odour detected.

At 06:05 the assessment was conducted at the location of Jorvik Grill A19, YO19 6FD located north of the permitted facility. A very faint localised agricultural odour was detected.

At 06:08 the assessment was conducted at Escrick Business Park, YO19 6FD located adjacent and east of the permitted facility. A strong odour was detected in this location that was persistent, widespread and moderately offensive. The odour was described as gas like.

At 06:12 the assessment was conducted at Hollicars Holiday Park, YO19 6EE located east of the permitted facility. A strong odour was detected in this location that was persistent, widespread and moderately offensive. The odour was described as gas like.

At 06:15 the assessment was conducted at Glade Farm Fishing Pond located south of the permitted facility. A strong odour was detected in this location that was persistent, widespread and moderately offensive. The odour was described as decomposing waste.

At 06:22 the assessment was conducted on Mill Lane, Riccall located south of the permitted facility. A very faint odour was detected here which was transient and potentially offensive. The odour was described as decomposing waste.

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

17th June 2023

During the odour assessment the weather was clear, dry and sunny. The wind was 3mph in a westerly direction. The temperature varied between 11 - 13 degrees.

The odour assessment commenced at 06:10 at Escrick Business Park, YO19 6FD located adjacent and east of the permitted facility. A faint waste odour was detected here which was transient and potentially offensive.

At 06:18 the assessment was conducted at Glade Farm Fishing Pond located south of the permitted facility. A faint waste odour was detected here which was transient and potentially offensive.

At 06:25 the assessment was conducted at the entrance to Hollicars Holiday Park, YO19 6EE located east of the permitted facility. A faint waste odour was detected here which was transient and potentially offensive.

At 06:30 the assessment was conducted on Mill Lane Riccall located south of the permitted facility. A very faint waste odour was detected here which was transient and potentially offensive.

At 06:35 the assessment was conducted around the area of YO19 6FD located south of the permitted facility. A very faint waste odour was detected here which was transient and potentially offensive.

At 06:46 the assessment was conducted at the entrance to Old Stillingfleet Colliery, YO19 6HS located west of the permitted facility. A Very strong waste odour was detected here which was persistent, widespread and highly offensive.

At 06:50 the assessment was conducted around the area of YO19 6EB located north-west of the permitted facility. A very strong waste odour was detected here which was persistent, widespread and highly offensive.

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

After the assessment was completed an onsite inspection at the permitted facility (Acumen Waste Services Limited) was conducted at approximately 07:00. During the on-site inspection numerous piles of mixed waste were identified.

There was also evidence of potentially polluting fluid which appeared to be leachate from the on-site waste piles. In various places it was evident the movement of heavy plant equipment around the piles of waste had created pathways for the leachate to gather in pool below the stored waste. There was also evidence the flow of leachate had created channels allowing the fluid to pool in various locations below and to the south of the stored waste. This fluid was very dark in colour with

a film of waste type scum and oil on the surface. Plastics and other waste type materials could be seen in this fluid.

The waste type odour was very persistent around all these areas of fluid/leachate with an extremely high intensity.

A strong odour of decaying general mixed waste was detected throughout the site. The odour was strongest at the western side of the waste piles.

Left site at approximately 07:40

The odour of decaying general mixed waste detected on site was the same as the of decaying general mixed waste odour detected during the off-site odour assessment.

21st June 2023

During the odour assessment the weather was calm, dry and sunny. The wind was 6mph in a west north westerly direction. The temperature varied between 21 - 22 degrees.

The odour assessment commenced at 20:15 at Old Stillingfleet Colliery, YO19 6HS located west of the permitted facility. No odour was detected.

At 20:35 the assessment was conducted at Escrick Grange Farm, YO19 6EB located north-west of the permitted facility. No malodour detected, only the smell of grass.

At 20:53 the assessment was conducted at the location of Jorvik Grill A19, YO19 6FD located north of the permitted facility. No odour was detected.

At 21:00 the assessment was conducted at Escrick Business Park, YO19 6FD located adjacent and east of the permitted facility. No odour on the business park but officer did detect the offending odour driving on the A19 as they approached the Hollicarr caravan park.

At 21:07 the assessment was conducted at Hollicars Holiday Park, YO19 6EE located east of the permitted facility. A distinct odour similar to landfill gas was detected here which was persistent but fairly localised and moderately to highly offensive. This odour was the same landfill gas type odour that the officer detected on a previous visit to the Acumen site.

At 21:15 the assessment was conducted at Glade Farm Fishing Pond located south of the permitted facility. No odour was detected.

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

23rd June 2023

During the odour assessment the weather was calm, dry and cloudy. The wind was 5mph in a south westerly direction. The temperature was 19 degrees.

The odour assessment commenced at 09:35 at the location of Jorvik Grill A19, YO19 6FD located northeast of the permitted facility. A distinct odour similar to landfill gas was detected here which was persistent, widespread and highly offensive. This odour was the same landfill gas type odour that the officer detected on a previous visit to the Acumen site.

At 09:58 the assessment was conducted at Old Stillingfleet Colliery, YO19 6HS located west of the permitted facility. No odour was detected.

At 10:20 the assessment was conducted on Mill Lane, Riccall located south of the permitted facility. No malodour was detected, only the smell of flowers.

At 10:37 the assessment was conducted at Glade Road, Hollicars Holiday Park, YO19 6EE located east of the permitted facility. No odour was detected.

At 11:03 the assessment was conducted at Escrick Business Park, YO19 6FD located adjacent and 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.

Gazomat Survey – 23 June 2023

The emission survey was carried out using a Geotech TDL 500 methane detector. The TDL works on the principle of infrared absorption spectroscopy to detect surface methane concentrations at the parts per million (ppm) level. Typical background surface methane levels in the UK are below 5 ppm and for the purposes of the type of emission survey at this site, we would only consider readings above 10 ppm to be significant (allowing for measurement uncertainty). The infrared beam is tuned to a methane specific absorption wavelength and is therefore unresponsive to other hydrocarbons. The serial number of the unit is 2110911. The unit is calibrated every two years in accordance with the manufacturer's recommendations, the last calibration being undertaken in November 2022.

The survey was carried out because it is believed that Acumen Waste Services Ltd is storing waste in a manner that has resulted in the production of odorous gas as a degradation product, which is resulting in odorous emissions from the site. Understanding which wastes stored/deposited under this and adjoining permits is/are producing gas will assist with attribution of the off-site odours that have been detected by Environment Agency officers and with assessing what remedial measures may be necessary/appropriate.

Although not permitted as a landfill site the waste types (including significant quantities of MSW and C&D fines – 191212), the quantity of waste, the storage arrangements and the storage duration have created a situation that is analogous to a non-hazardous landfill, resulting in production of gas that is similar to landfill gas. Methane is a major constituent of landfill gases. Although methane is itself odourless it is being used in this context to identify the presence of gas resulting from waste degradation (indicating significant quantities of biodegradable material in the waste stockpiles) and as a surrogate for odorous components of the gas that are also be present, as determined by olfactory observations during the survey.

Summary of the Survey Findings

The survey assessed near surface methane concentrations by holding the Gazomat wand to the surface of the waste and also 'ambient' concentrations by holding the Gazomat wand above head height. This can help to determine whether the instrument is reading gas emissions from a specific waste surface or 'drift' emissions from a different location. Where readings were in flux the probe was kept in situ until a maximum level was established – this is referred to as 'peak' readings below. Each area tested was assessed at several locations to establish a general pattern but data logging was not carried out. A full data logged survey may be carried out at some point in the future.

Ambient methane concentration recorded outside the Acumen site office was 1.5ppm, which is consistent with known background levels in the UK.

Acumen Waste

Three distinct areas were assessed.

1. A pile of material that contained significant quantities of MWS fines (as indicated by the presence of significant quantities of plastic and other biodegradable material) that had been recently moved onto the concrete pad. This pile was downwind of the main

pile – see 2 below. There was a strong waste odour associated with this pile. Near surface methane readings fluctuated across the flanks and top surface of the pile.

Peak near surface readings ranged from 50ppm to 1800ppm, at different locations.

Ambient readings ranged between background levels, i.e. 1.5ppm to 100ppm. Note, given the location of this pile the ‘ambient’ readings could have been influenced by drift from the main pile – see 2, below.

2. The large pile of ‘undisturbed’ material that contained significant quantities of MWS fines (as indicated by the presence of significant quantities of plastic and other biodegradable material). There was a very strong, persistent and unpleasant gas odour throughout the survey of this waste pile. In some areas the smell was so strong it was nauseating and time spent in certain locations had to be minimised due to the strength of the odour. Near surface methane readings fluctuated across the flanks and top surface of the pile. Peak near surface readings ranged from 80ppm to 2600ppm, at different locations. Ambient readings ranged between background levels, i.e. 1.5ppm to 150ppm. These ambient readings are unlikely to have been influenced by drift from other areas.
3. A large pile of road sweeping residues located on the concrete pad. Peak near surface readings fluctuated between 4 to 10ppm.

NOTE: *the Gazomat survey results and olfactory assessments for the undisturbed and recently moved piles of waste may suggest that the waste is producing less gas and is less odorous having been moved to the concrete pad. This has also been suggested by Acumen staff. Care needs to be taken in making this conclusion. If there is any significant difference, it may be as a result of the conditions within the material having been disturbed and resulting in the interruption of methanogenesis. If this is the case, it may be a short lived effect and reversed when the conditions for methanogenesis are re-established in the ‘new’ pile.*

No single point on the Acumen MSW fines waste piles was shown to be emitting percentage levels of methane. However, methane was being emitted at some level from all the near surface locations that were assessed. Given the size of the pile(s) and their large surface areas it is likely that a significant amount of gas is being emitted (Note, this survey did not quantify emissions in terms of rate per unit area). Olfactory observations show that this gas is highly odorous. It is therefore likely that it will continue to cause off-site odour pollution whilst the piles remain in situ and are allowed to passively vent the gases they are producing.

The passive venting of this gas is not only resulting in pollution due to odour, it is also a polluting emission in terms of climate change because it contains methane, which has high global warming potential.

Escrick Waste Services Ltd Waste

Two distinct areas were assessed.

4. The area to the West and North of the main Acumen pile that is currently covered by Escrick Waste Services Ltd’s standard rules permit, ref 402437. No gas odours were detected. Very occasional and slight waste odour was detected but this was probably drift from the Acumen site. Near surface readings were generally between background, i.e. 1.5ppm and 4ppm, with very occasional peaks between 100-200ppm.

5. The area to the North of the main Acumen pile that is currently covered by Escrick Waste Services Ltd’s inert landfill permit, 406424. No gas odours were detected on this site. The only waste odour detected was a ‘soil’ type odour associated with the soils that have been deposited on this site. Both ambient and near surface readings on this site were at background levels, nothing greater than 2ppm detected.

The Gazomat survey has shown that the Acumen waste piles that contain significant quantities of MSW and C&D fines are degrading to produce gas. Olfactory observations by authorised Officers of the Environment Agency, present during the survey, confirm that the gas is highly odorous and similar in character to the gas odour detected off site, by the same officers, prior to the survey. The survey also shows that these waste piles are the only credible source of this odour in the vicinity, given that the waste associated with the adjoining Escrick Environmental Services Ltd permits was not producing appreciable levels of methane and were not odorous.

It is clear that the Acumen waste piles that contain significant quantities of MSW and C&D fines, and that are degrading to produce gas, are the source of the off-site odour that is being reported by members of the local community and that has been detected at levels deemed likely to cause pollution by authorised officers of the Environment Agency, as set out above.

The Environment Agency is confident in attributing the off-site odour pollution that is occurring to the activities carried out under this permit by Acumen Waste Services Ltd.

Appropriate Measures in Relation to Odour

In order to record a breach of condition 3.2.1 an authorised officer of the Environment Agency has to determine that emissions from the site activities have resulted in odour outside the site at levels deemed likely to cause pollution. Officers of the Environment Agency have done this in June 23, as set out above. It also has to be established that the operator is not taking appropriate measures to prevent, or where that is not practicable, to minimise the odour. The Environment Agency's assessment of appropriate measures for the June 23 breach of condition 3.2.1 is set out below.

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.

The materials are also producing leachate as a degradation product and as a result of rainwater infiltration through the piles. This leachate is in itself odorous and so appropriate measures need to be applied to the management of the leachate to limit odour emissions. Whilst leachate is being allowed to collect in open puddles / lagoons on site Acumen will not be able to demonstrate that it is taking appropriate measures to prevent, or where that is not practicable, to minimise odour.

It was noted that an odour masking agent was in use at the time of this site inspection. This is a wholly 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.

While these biodegradable waste piles / open pools of odorous leachate remain in situ and are allowed to passively vent gas/odour we will not accept that Acumen Waste Services Ltd is taking appropriate measures to prevent/minimise odour emissions from this site.

Leachate

During the walkover we identified various pools of leachate coming from the waste fines and we observed gas bubbles coming through the surface of the liquid. Leachate was observed along the northern, western and southern flanks of the waste pile. We observed leachate coming from the western and southern flanks that was flowing through a surface pathway leading to the southern end of the permitted site. There is a lagoon situated along the southern boundary between the site and the adjacent closed landfill. There was no clear boundary marker and it was unclear if this

lagoon fell within the permitted area. There was evidence of a pathway for surface water to enter this lagoon and with the presence of leachate there is the risk the lagoon could be contaminated.

There is a lagoon located to the southeast of the site that we observed leachate flowing into. We were informed that this lagoon forms part of the sealed drainage system of the site and is clay lined, although not Construction Quality Assurance specification. The lagoon was heavily contaminated with leachate and was dark in colour. We took investigative samples of the leachate from this lagoon, along the southern flank of the waste fines pile and from a pool to the south-eastern corner of the pile.

Relevant Permit Conditions and Breaches

Condition 3.2.1

We will consider compliance with condition 3.2.1 on a consolidated monthly basis. This means that if, in any given month, an authorised officer of the Environment Agency determines that emissions from the activities are resulting in off-site odour at levels deemed to be pollution and that appropriate measures to prevent/limit the odorous emissions are not being taken, as set out above, a breach of the condition will be recorded.

Breach

A category 2 breach of condition 3.2.1 has been recorded against compliance criteria F1 for the month of June 2023, because, during this month authorised officers of the Environment Agency determined that emissions of odour from the activities on site, namely storage and treatment of biodegradable fines, 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 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.

Action – Provide a compliance action plan detailing how Acumen Waste Services Ltd will address the polluting odour emissions from the site and demonstrate how it will implement appropriate measures in respect of preventing / minimising odorous emissions from the large piles of material that contained significant quantities of MWS fines (as indicated by the presence of significant quantities of plastic and other biodegradable material) and the open pools / lagoons of odorous leachate that have accumulated on site. **Deadline 30 June 2023**

Note – this action plan should be a single consolidated plan that also seeks to address the issues set out in CAR Form 104658/0465164.

Condition 1.1.1

The root cause of this breach is similar to the root cause of the breach of condition 2.1.1 that was recorded on CAR Form 104658/0465164, issued 16 June 2023.

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, nonconformances, closures and those drawn to the attention of the operator as a result of complaints; and (b) using sufficient competent persons and resources.

You have not operated the site in accordance with a management system and/or with sufficient competent staff to minimise the risk of pollution from odour emissions.

As this root cause has already been recorded and because the deadline for submitting an update to your EMS, that was set in CAR Form 104658/0465164, has not yet expired, a second breach of condition 1.1.1 has not been recorded on this CAR Form.

Condition 3.2.2

This CAR Form constitutes formal notification under condition 3.2.2 that the activities are giving rise to pollution outside the site. You are required to submit an Odour Management Plan to the Environment Agency for approval by **no later than 31 July 2023**. You will be charged for our review of this Odour Management Plan.

Note, elements of the odour management plan will need to deal with the current acute issues associated with the on-going incident. This will need to be considered in respect of your proposed compliance action plan that is due 30 June 2023 and the Environment Agency’s response to it. The odour management plan will also need to consider how the activities will be managed under ‘normal operating conditions’ in order to prevent / minimise odour. It may be beneficial to submit the odour management plan in two parts, one covering the current situation in respect of the on-going incident and another considering normal operating conditions.

Advice and Guidance

As discussed on site, we strongly advise that, in order to adequately address this situation, in an acceptable timeframe, you will need to remove most of the biodegradable materials from site. This permit was never intended to permit long term storage of large quantities of biodegradable material in this way. The infrastructure is not present to adequately mitigate the risk. Treating the material on site would increase the potential for odorous emissions during the treatment process(es) and prolong the time required for storage, increasing the potential for gas production / odour emissions. Any proposal that includes further prolonged storage and or treatment on site would need to be accompanied by very robust justification as to why it is necessary. From on-site discussions it is apparent that some of the options Acumen Waste Service Ltd are considering result in further activities on site. You are advised to prioritise and fully consider options that minimise further treatment of the waste on site and the subsequent need for further permissions. Any option needs to provide adequate environmental protection, significantly reduce the impact of odour emissions on local communities and businesses and bring the site into compliance with the permit as soon as possible.

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	Provide a compliance action plan detailing how Acumen Waste Services Ltd will address the polluting odour emissions from the site and demonstrate how it will implement appropriate measures in respect of preventing / minimising odorous emissions from the large piles of material that contained significant quantities of MWS fines (as indicated by the presence of significant quantities of plastic and other biodegradable material) and the open pools / lagoons of odorous leachate that have accumulated on site.	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 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.