



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	13/07/2023		Time in	11:00	Out	15:00
What parts of the permit were assessed	Amenity, Management & Emissions					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	TCM					
Officer's name	[REDACTED]		Date issued	26/07/2023		

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	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	A	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	A	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	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	0	Total compliance score (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.

Introduction

This Compliance Assessment Report has been produced following an odour assessment and site visit at Acumen Waste Services Limited on 13th July 2023. This CAR should be read in conjunction with CAR Form 104658/0465164 issued on 16th 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 waste fines that contain significant quantities of biodegradable material.

The Environment Agency's incident hotline received 62 odour reports between 1st -13th July 2023. Odour assessments and site inspections carried out previously have 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 record relevant details: 104658/0467207, 104658/0466314 & 104658/0465164. A revised compliance action plan for addressing the non-compliances was received from Acumen Waste Services Limited on 14th July 2023. This plan is currently being reviewed at the time of writing this CAR and a response will be provided separately.

Odour Assessments by Authorised Officers of the Environment Agency

Offsite odour monitoring was carried prior to the site inspection on 13th July 2023.

During the odour assessment the weather was dry, warm and cloudy with sun. There was a gentle breeze with 11-12mph westerly winds. The temperature at the time was between 18 – 19 degrees.

At 11.00 the odour assessment commenced at Old Stillingfleet Colliery, YO19 6HS located west of the permitted facility. No odour was detected.

At 11.24 the assessment was conducted on Mill Lane, Riccall located south of the permitted facility. No odour was detected.

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 11:43 the assessment was conducted at Glade Farm Fishing Pond located south of the permitted facility. No odour was detected in this location.

At 11:54 the assessment was conducted on the cycle path located directly to the west of the permitted facility. No odour was detected in this location.

At 12:19 the assessment was conducted at Glade Road, Hollicars Holiday Park, YO19 6EE located east of the permitted facility. No odour was detected.

At 12:36 the assessment was conducted at the location of Jorvik Grill A19, YO19 6FD located northeast of the permitted facility. No odour was detected.

At 12: 54 the assessment was conducted at Escrick Business Park, YO19 6FD located adjacent and east of the permitted facility. A very strong odour similar to landfill gas and also described as

decomposing mixed municipal waste was detected here. The odour was highly offensive, persistent and widespread. The Business Park hosts number of businesses making it a sensitive receptor as staff are potentially exposed to the odour for extended periods of time during work hours.

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

Site Visit

Following the odour monitoring officers carried out an inspection of the permitted site at 13:25 for an assessment of appropriate measures in relation to odour emissions and to discuss the compliance action plan being drafted by Acumen. We were met on site by the TCM along with representatives from Acumen Waste Services Limited and Beauparc. Comments on the compliance action plan will be provided separately from this report.

During the inspection we observed three odour suppression units in operation on site. The smaller odour cannon was located along the eastern boundary of the site and was not in operation when we first observed it (Fig.1). However, the cannon was seen to be in operation shortly after. Both multiple nozzle odour suppression systems were in operation, one located near the eastern boundary (Fig.2) and one located to the south near the lagoon (Fig.3). The odour suppression systems had a masking fragrance that could be described as cotton fresh. This masking agent was not detected at any point during the offsite odour monitoring. Although they may have some localised impact on site in respect of odour, they were not an effective measure for mitigating offsite odour pollution.

Large quantities of biodegradable waste fines remain in situ which are evidently still producing odorous gas akin to landfill gas as a degradation product. Officers detected a very strong offensive odour while inspecting the waste. The operator has stopped further movements of waste fines from the main pile to the new pile located on the concrete pad. This is to prevent the double handling of the waste as the intent is to now remove the waste from site. We did not witness any further deposits of waste fines which confirms the operator's commitment to cease accepting this waste stream during the period of non-compliance.

The larger fraction 'trash' mixed waste identified in Fig.2 and Fig.4 on CAR form 104658/0465164 has been removed from site (Fig.4-5). The site continues to receive and process road sweeper waste with the non-compliance related to storage to be addressed in the revised compliance action plan.

During the walkover officers observed the lagoon situated along the southern boundary of the site running parallel to the closed Biffa landfill site (Fig.6-8). The lagoon contained dark coloured water that was emitting a strong waste like odour. The discolouration of the water and associated odour suggested that it has been heavily contaminated with leachate from the waste fines stored on the Acumen site. There is no clear boundary marker between the site and the adjacent closed landfill. When a comparison is made to the site plan on the permit it appears that the lagoon may be wholly or partly within the Acumen permit boundary, further investigation is required to establish the boundary. Due to the leachate contamination the surface water must be removed for treatment offsite. Before the water is removed you must carry out a full WM3 assessment to correctly classify the waste and establish if it has any properties. If the lagoon is located outside of the Acumen permit boundary then you must engage with the operator of the closed landfill to arrange for its disposal. Measures should be put in place to prevent further polluting runoff contaminating the lagoon and to control leachate run off from the waste piles on site.

The Environment Agency Officers are confident in attributing the odour detected off-site during the odour monitoring to the activities of Acumen Waste Services Ltd. The odour was similar in character to the odour that the same officers detected on-site during this inspection and previous inspections. 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.

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. Although the system has been extended 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.

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.

Relevant Permit Conditions and Breaches

Condition 3.2.1

Breach

A category 2 breach of condition 3.2.1 has been recorded against criteria F1. We consolidate ongoing amenity non-compliances into one risk category and score per calendar month. This breach has been consolidated into the permit breach previously recorded for the month of July 2023.

On 13th July an odour assessment was conducted and during this assessment authorised officers 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.

Actions

- Identify the permit boundary for the site and establish if the southern lagoon is situated within the permitted area. _
- Carry out a full WM3 assessment of the contaminated water within the lagoon and remove offsite for treatment.
- Liaise with the operator of the adjacent permitted closed landfill if the lagoon is within

their boundary and notify them of the contamination.

- Explore the use of further appropriate measures to minimise the impact of odour from waste stored onsite.
- Put measures in place to contain and prevent leachate run off.
- Provide the OMP within the previously agreed deadline.

Provide a response to the actions above by 27th July 2023.

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

Kind regards,

[Redacted signature block]

Fig. 1



Fig. 2



Fig. 3



Fig. 4



Fig. 5



Fig. 6



Fig. 7



Fig. 8



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			

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.