



This form will report compliance with your permit as determined by an Environment Agency officer

| | | | | | | |
|--|---|---------------|--------------|------------|----------|-----------------|
| Site | Peckfield Landfill | | Permit Ref | BU9726IH | | |
| Operator/ Permit holder | CAIRD PECKFIELD LIMITED | | | | | |
| Date | 29/11/2023 | | Time in | 11:15 | Out | 13:15 |
| What parts of the permit were assessed | Management, Engineering, Emissions | | | | | |
| Assessment | Site Inspection | EPR Activity: | Installation | X | Waste Op | Water Discharge |
| Recipient's name/position | Alex Hornshaw/Director. S Juggins/TCM | | | | | |
| Officer's name | Anthony Sorrell, Kelly Hudson, Roy Thompson | | Date issued | 13/12/2023 | | |

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 | A | |
| b) Infrastructure | 1. Engineering for prevention & control of pollution | A | |
| | 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 | C2 | 1.1.1(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 | C2 | 3.2.1; |
| | 2. Land & Groundwater | N | |
| | 3. Surface water | N | |
| | 4. Sewer | N | |
| | 5. Waste | N | |
| f) Amenity | 1. Odour | N | |
| | 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 | 2 | Total compliance score (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.

Present from the EA: Roy Thompson, Kelly Hudson, Anthony Sorrell.

Present from Caird Peckfield: Alex Hornshaw, Sam Juggins. Other staff were on site but not spoken to with respect to the specifics of this inspection.

The announced inspection was primarily to assess progress on the works being undertaken to address the uncontrolled methane emissions highlighted during a site inspection on 25 October 2023, see CAR form ref: BU9726IH/0479522.

Prior to arriving on site, we detected a constant landfill gas odour at an intensity of faint to distinct (2/3 out of six on the H4 odour scale) whilst driving along the A63 south-east of the landfill. The odour plume was quite narrow and, due to the wind direction, would not be affecting local residents in Micklefield. Had the wind direction been towards Micklefield, we are likely to have received reports from the residents.

Since our last visit, we have received a significant number of landfill gas odour complaints from the residents in Micklefield.

Observations

Assessment against your Action Plan.

We received the Action Plan dated 1 November 2023 and observed that the actions listed under Item 1 were in progress. Whilst on site, we saw bentonite slurry being installed within the inner ring of a leachate well at the southern boundary of Cell 10B, and works to install or re-install a Weholite chamber and seal the geomembrane boot membrane back into the cap at leachate well LW7 in Cell 11A.

Only limited work has taken place with respect to Item 2, the connecting of wells and commencing gas extraction. You advised us that you were having difficulty with Flextricity in agreeing the logistics of access to those areas where they need to be to do the work.

The timescale for Item 1 in the Action Plan was 17 November 2023 and this had not been met. The timescale for Item 2 in your Action Plan was 1 December 2023 and it became apparent to us during the inspection that this would not be met by the next day and you agreed with us that it would not. You advised us that you would discuss the matter with Flextricity.

The strong landfill gas odour experienced was consistent with that experienced during the inspection on 25 October 2023 at the same locations. Therefore, it is evident that landfill gas (including methane) is still emitting from the site. We consider the emissions of methane to be the same or very similar as on the 25 October 2023, and as such that pollution is happening. Failure to complete the Items listed in your Action Plan dated 1 November 2023 has resulted in the emissions continuing. In the context of the permit condition referred to below, "pollution" is deemed to be caused from the methane entering the atmosphere. As a potent greenhouse gas harmful to the environment, methane emissions must be controlled.

The uncontrolled release of landfill gas from the leachate chambers within Cell 11a & 11b and the lack of measures taken to minimise these releases, represents a breach of Condition 3.2.1 of the permit.

'3.2.1: Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.'

Breach

The breach of condition 3.2.1 is recorded in relation to the uncontrolled release of landfill gas from the leachate chambers within Cell 11a & 11b detailed above. Sub Criteria e) Emissions – 1 Air, CCS Category 2.

The failure to adequately address this matter by taking appropriate measures to prevent or minimise the pollution has resulted in the breach being scored as a Compliance Classification Scheme Category 2. This categorisation is due to the extended duration of the emissions of landfill gas leading to a noticeable and sustained deterioration in air quality impacting on the locality.

The appropriate measures are detailed in Steps 1, 2, and 3 of the Regulation 36 Notice sent at the same time as this CAR form.

Where connections are close to uncapped areas, we appreciate that high suction levels cannot be applied because of the risk of drawing air into the system. However, we expect a low vacuum to be applied to any wells in such areas to prevent or reduce the risk of uncontrolled emissions.

Root cause of the breach of 3.2.1

We consider the Root Cause of the breach of 3.2.1 to be the failure to follow your own procedures. You must operate your permitted facility in accordance with an approved management system. The site management system ref: Site Operational Plan V2 2018 was deemed adequate, however, our assessment is that this is not being fully followed.

Breach

I have recorded the following breach of condition 1.1.1 (a) in relation to the failure to follow the Site Operational Plan V2 2018. Sub Criteria c) General Management - 2 Management system & operating procedures.

The breach categorisation has also been increased to a Category 2 for the same reasons as for the 3.2.1 breach above.

Next steps

As the works have not progressed as quickly as planned, we have decided to issue a notice pursuant to Regulation 36 of the Environmental Permitting (England and Wales) Regulations 2016 with respect to the continuation of the uncontrolled emissions. The notice will be specifically linked to the breach of condition 3.2.1 as we believe this is adequate to address the problems currently being experienced on site.

Accepting that the capping works are progressing as planned and that this work should address the surface emissions, the notice specifically concerns the failure to connect the leachate and gas infrastructure in a timely manner. The notice will accompany this CAR form.

Other observations

Action Plan Item 3 – it was apparent that the regulatory layer is now in place across areas of the site where previously it was not. Please continue to ensure the capping regulating layer is closely inspected and approved by the CQA engineer prior to capping membrane emplacement.

Capping work was ongoing, with geotextile rolls being deployed from the upper sections of Cell 10B. Capping completed since the visit on 25 October 2023 included across the Cell 5 and Cell 9B flanks. The remaining uncapped areas are predominantly across the crest areas of Cells 5, 9B, 10B and 11B. Strong landfill gas odour was detected when walking up the access road to the top of the site, which is across the northern section of Cell 5 and into Cell 9B. We were informed that the capping should be finished within four weeks, subject to weather and ground conditions. As mentioned above, this should address the surface gas emissions.

We were informed upon arrival that earlier in the day a frozen knock-out-pot (KOP) outside the gas compound had resulted in the gas engines being knocked out. Both engines were back up and running during the inspection.

- You are reminded of the request in CAR ref: BU9726IH/0479522 to submit revised drawings for the cap installation and LLDPE panel layout.
- It is recommended that the location of the affected KOP is investigated to ensure it is not submerged in water or being affected by freezing conditions. If required, measures must be taken to divert water away from the KOP.

Final comments

In addition to causing atmospheric pollution from landfill gas, this uncontrolled release is also producing odours which are impacting beyond the site boundary.

Please note, you must also follow the other measures as detailed in your management documents e.g. LFGMP dated September 2017, OMP V4.0 dated September.

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 | | | |
| C2 | C2 | None specified. N.B see Reg 36 Notice dated 13/12/2023 accompanying this CAR | N/A |
| E1 | C2 | See Reg 36 Notice dated 13/12/2023 accompanying this CAR. Two deadlines in the Notice; 12/1/24 for Steps 1 & 2, 19/1/24 for Step 3 | 19/01/24 |

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.