



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

Site	Bankwood Lane Industrial Estate		Permit Ref	43452		
Operator/ Permit holder	Eco Power Environmental Limited					
Date	13/02/2020		Time in	10:16	Out	12:20
What parts of the permit were assessed	Permitted area					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	Lee Jepson					
Officer's name	Gareth Thomas, Robert Harrison		Date issued	28/02/2020		

**Section 1 - Compliance Assessment Summary**

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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**

Permit Conditions and Compliance Summary	Condition(s) breached
<b>a) Permitted activities</b>	1. Specified by permit C3
<b>b) Infrastructure</b>	1. Engineering for prevention & control of pollution N
	2. Closure & decommissioning NA
	3. Site drainage engineering (clean & foul) N
	4. Containment of stored materials C3
	5. Plant and equipment N
<b>c) General management</b>	1. Staff competency/ training N
	2. Management system & operating procedures C2
	3. Materials acceptance N
	4. Storage handling, labelling, segregation N
<b>d) Incident management</b>	1. Site security N
	2. Accident, emergency & incident planning N
<b>e) Emissions</b>	1. Air N
	2. Land & Groundwater N
	3. Surface water N
	4. Sewer N
	5. Waste N
<b>f) Amenity</b>	1. Odour A
	2. Noise A
	3. Dust/fibres/particulates & litter N
	4. Pests, birds & scavengers N
	5. Deposits on road N
<b>g) Monitoring and records, maintenance and reporting</b>	1. Monitoring of emissions & environment N
	2. Records of activity, site diary, journal & events N
	3. Maintenance records N
	4. Reporting & notification N
<b>h) Resource efficiency</b>	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

<b>Number of breaches recorded</b>	3	<b>Total compliance score</b> (see section 5 for scoring scheme)	39
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If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Unannounced inspection to determine permit compliance and review progress since Audit conducted in June 2019.

Compliance Director Lee Jepson met upon arrival and prior to leaving site. Shown around operational area by site manager.

Weather: No precipitation at time of inspection with light breeze (rain earlier). Temperature around 8oc.

We were met immediately on arrival by Mr. Jepson who informed us that the company was being subjected to an audit by a 3rd party body. We were told that such was the extent of the audit that nobody was available to show us around the site. Having insisted on at least viewing the site and undertaking our own dynamic risk assessment, we were provided with a member of staff to escort us around the facility. Almost an hour had elapsed before we were able to enter the operational area. Whilst we appreciate ultimately being provided access, you will understand that providing entry in a reasonable time frame provides us with greater surety, that site operations have not been altered in the intervening period.

As acknowledgement of the stretch on site resources, no documents were requested to be viewed on this occasion. During our conversation we were informed that a fire over Christmas, at a site to which wastes were destined, had led to an accumulation of waste at this site. As a consequence there was more waste present than there should be. I issued Mr. Jepson with a Code B Notice of Powers & Rights prior to commencing our inspection.

Operations suspended to enable inspection.

Having entered the permitted area and proceeding to the Western side of the main buildings it became evident that there was significantly more waste present than determined in either the EMS (Environment Management System) or approved FPP (Fire Prevention Plan). Waste plastic both loose and bales for reprocessing, covered an area of conservatively 30m x 30m and to a height of 3m (2700m<sup>3</sup>). [Refer photos 861, 864 & 866]. This is significantly more than the maximum 750m<sup>3</sup> recommended in FPP guidance, the 160m<sup>3</sup> quoted in your approved FPP and confirmed in your email of 01/04/2019. [Or the 450m<sup>3</sup> stated in the FPP Ref: 2019102701 Version: Issue 1, October 2017 which was rejected by ourselves and requires resubmission]

Power lines pass directly over this mass of combustible waste, presenting an additional risk in the event of a fire.

This represents a breach of your Environmental Permit:

### Criteria: c2 Management System & Operating Procedures

Permit Condition(s) breached: 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, closure and those drawn to the attention of the operator as a result of complaints. . .

2.3.1 For the following activities referenced in schedule 1, Table S1.1, the activities shall, subject to

the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2 unless otherwise agreed in writing by the Environment Agency.

Reason for breach: Waste plastic is stored in an area and in quantity which exceeds volumes stated in both the waste storage section of your EMS, as well as the previously approved FPP (Ref 2015081702).

**CCS Category: Category 2** – A non-compliance which could have a significant environmental effect.

A further mass of finer processed waste up to 8m in height in places was observed to the North of the building currently housing the baler [Refer Photos 889,890,893 & 895]. Again conservatively calculating a block within this mass of 50m x 10m x 4m = 2000m<sup>3</sup>. These aforementioned masses of waste are separated by a vehicle access route [Refer Photo 875] which does not appear to maintain a full 6m gap. There is therefore the potential for a fire on one side to spread to the adjacent pile.

This too represents a breach of your Environmental Permit:

**Criteria: c2 Management System & Operating Procedures**

Permit Condition(s) breached: 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, closure and those drawn to the attention of the operator as a result of complaints. . .

2.3.1 For the following activities referenced in schedule 1, Table S1.1, the activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2 unless otherwise agreed in writing by the Environment Agency.

Reason for breach: Processed waste is stored in an area and in quantity which exceeds volumes stated in both the waste storage section of your EMS, as well as the previously approved FPP (Ref 2015081702).

**CCS Category: Category 2** – A non-compliance which could have a significant environmental effect.

####Please note these are conservative estimates and your records should be able to demonstrate how much waste is present on site at any particular time. A re-visit may be necessary to more accurately assess this, if you do not have your own figures.####

In addition to the excess quantity of waste material stored, your EMS states that 'Areas used to store processed waste will be cleared completely at the following intervals:  
One week for combustible materials (e.g. wood, plastics, shredded waste).'

**Criteria: c2 Management System & Operating Procedures**

Permit Condition(s) breached: 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,

closure and those drawn to the attention of the operator as a result of complaints. . .

Reason for breach: The accumulated masses of waste had clearly been present for longer than the one week specified, including deteriorating bales stored adjacent to the baling line. [Refer Photo 891]. Steam was noted from an isolated area of the processed waste, indicating biodegradation. We were later informed that waste pile temperatures are routinely checked with a probe but the current pile sizes make effective monitoring impossible.

**CCS Category: Category 2** – A non-compliance which could have a significant environmental effect.

We consolidate all non-compliances relating to an individual permit condition. This means that during an assessment we only give a permit holder one category and score per permit condition. So, although three non-compliances have been recorded under permit condition 1.1.1, we consolidate them for the purposes of assessing risk or impact and for scoring.

Intermediate Bulk Containers (containing liquid) labelled as antifreeze and odour neutraliser were present without secondary containment. In addition the fuel dispensing pump trailed outside its containment area with evidence of it having leaked/spilled onto the open yard. [Refer Photos 908 & 909].

**Criteria: b4 Containment of stored materials**

Permit Condition(s) breached: 3.1.3 All liquids in containers, whose emissions to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

Reason for breach: Liquids in containers (IBC's) identified without secondary containment or other measures to minimise leakage & spillages.

**CCS Category: Category 3** – A non-compliance which could have a minor environmental effect.

Such is the extent of accumulated waste, it has extended beyond the bounds of your permitted area on the Western side. Additionally an area in the South Western corner of the operational site, contains a separate pile of larger pieces of plastic film and bag waste. [Refer Photos 867 & 898]. (Note the soil/waste bund with fencing does not demarcate your permit boundary). You should refer to schedule 7 of your permit which shows its geographical extent.

**Criteria: a1 Specified by permit**

Permit Condition(s) breached: 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green marked on the site plan at schedule 7 to this permit.

Reason for breach: waste stored outside permitted area.

**CCS Category: Category 3** – A non-compliance which could have a minor environmental effect.

**Minded to serve notice.**

In particular in light of the significant excess quantities of combustible waste present and their potential for catching fire, we are minded under the Environmental Permitting (England and Wales) Regulations 2016, to serve a Regulation 36 Notice. This is a notice to take specified steps in

relation to a breach of permit condition(s).

**Other comments.**

**Criteria: b1 Engineering for prevention & control of pollution**

Large areas of the yard are covered in waste/mud, making an effective assessment of the underlying integrity of the impermeable surface difficult. Your site sits on a Major Aquifer with High Vulnerability making this element of infrastructure particularly important. Note your EMS states:

3.2.1 The fabric of the existing hard standing areas will be subject to daily inspection during the operation of the facility. Any defects will be recorded in the Site Diary.

**Criteria: d1 Site security**

The wider site beyond the active area, was not inspected, so a full assessment of the site security was not undertaken. With sections of the dividing mound and fencing not having been re-instated, access between the two areas is easily undertaken. There is currently an unsecured gap toward the railway line. Due to the curtailed nature of the inspection and not wearing orange reflective jackets, the railway area was only viewed from the edge of the concrete blocks. Some plastics were noted in the trees lining the railway.

As well as offsite, loose waste material was also noted around the cylinder cage. In the event of a fire, this material presents an increased hazard with the potential to heat the cylinders to dangerous levels.

Site security, litter control and general housekeeping will be more closely assessed during our next inspection.

Section 2 – Photographic Evidence

**861 Unprocessed waste beyond building**



**864 Unprocessed waste over 750m3**



**866 Unprocessed waste over 750m3**



**889 Processed waste over 750m3**



**890 Processed waste over 750m3**



**893 Processed waste over 750m3**





Section – Photographic Evidence

**895 Processed waste over 750m3**



**875 Insufficient segregation between piles**



**891 Deteriorating bales processed waste**



**908 Liquid storage without secondary containment**



**909 Spill outside dispensing tank**



**867 Waste outside permitted area**



**898 Waste outside permitted area**







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Site	Bankwood Lane Industrial Estate	Permit	43452
Operator/ Permit	Eco Power Environmental Limited	Date	13/02/2020

**Section 3- Enforcement Response** **Only one of the boxes below should be ticked**

<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>We will now consider what enforcement action is appropriate and notify you, referencing this form.</p>	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	C3	Wastes imported under site operations must be accepted, stored & treated within the confines of the permitted area indicated in schedule 7 of your Environmental Permit	23/04/2020
B4	C3	Stored liquids to be provided with secondary containment or other appropriate measures to contains spills & leaks.	23/04/2020
C2	C2	Quantities and storage of wastes to be in accordance with approved documents including your previously approved FPP (Ref 2015081702). Progress to this to be demonstrable in intervening period.	23/04/2020

## 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**

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.

## 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?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). 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.