



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

Site	Environmental Services (Yorkshire) Waste Transfer and Treatment Facility - EPR/V	Permit Ref	VP3137TV		
Operator/ Permit holder	Healthcare Environmental Services Ltd				
Date	18/07/2019	Time in	10:10	Out	11:15
What parts of the permit were assessed	Inspection of waste marked as Radioactive				
Assessment	Site Inspection	EPR Activity:	Installation: X	Waste Op:	Water Discharge:
Recipient's name/position	BDO LLP (HES LTD in liquidation)				
Officer's name	Louise Gorman, Arnold John	Date issued	08/08/2019		

**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 Condition	Compliance	Condition(s) breached	
<b>a) Permitted activities</b>	1. Specified by permit	N	
<b>b) Infrastructure</b>	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	
<b>c) General management</b>	1. Staff competency/ training	N	
	2. Management system & operating procedures	C2	1.1.1;
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	C2	2.1.1;
<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	N	
	2. Noise	N	
	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>	2	<b>Total compliance score</b> (see section 5 for scoring scheme)	62
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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.

This was a pre-arranged visit to the site in relation to the waste marked as radioactive discovered by Sharpsmart employees and notified to the Environment Agency on Monday 15th July 2019. Louise Gorman attended the site with Arnold John, Environment Agency Technical Specialist in Radioactive Substances Regulation, along with Sharpsmart employees Tommy Condron and Steve Cooper.

Sharpsmart are currently the tenants on this site. Healthcare Environmental Services Ltd (in liquidation) remain the permit holders. Tommy and Steve are now present at the site during working hours.

The building was still entirely full of pallets and eurocarts of healthcare waste as per my last visit to the facility on 28th May 2019. Tommy Condron informed me that they had been tidying and reorganising parts of the site but that no waste had been removed or processed.

We proceeded to the caged area designated as 'quarantine area' next to the maintenance room. This area was substantially clearer than during my last visit. Tommy Condron directed us to a yellow Healthcare Environmental bin marked as 'clinical waste only'. Inside the yellow bin was a number of yellow bags and a sharps bin. The sharps bin was labelled with a radioactive marking. Arnold John checked the bin for any radioactivity using a Ramgene detector. The monitor showed 0.08 microsieverts per hour which is consistent with expected background levels of radiation. The date on the sharps bin was 12/06/17. Arnold John advised that the half life of the radioactive sources handled by the relevant NHS trust was such that any waste of that age would now be considered 'cold' and no-longer radio-active. This was supported by the monitoring that he undertook.

Tommy and Steve were advised that the entire bin should be treated with caution however and should go straight for incineration.

**Sites authorised to receive radioactive wastes require a Radioactive Substances Regulation permit. Healthcare Environmental Services Ltd do not have a permit authorising them to receive radioactive wastes. The deposit and storage of waste marked as radioactive at this facility is therefore a breach of Regulation 12(1) and 38(1)(b) of the Environmental Permitting Regulations 2016 .**

**We will now consider what enforcement action will be taken in respect of this breach.**

As there has been no obvious change to the amount of healthcare waste stored at the site I believe that our previous calculations (See CAR report for visit on 01/2/19) that indicate that the total quantity of waste on site is 437 tonnes remains valid. The vast majority of this waste is incineration only waste which is being stored pending transfer for off-site disposal (activity reference A5).

Permit condition 2.1.1 sets a limit of 70 tonnes in relation to the relevant waste storage activity. The quantity of waste on site remains in breach of this permit condition.

The fridge for storage of anatomical waste was closed and turned on. The leak of coolant from the fridge is still occurring. Sharpsmart staff are regularly applying absorbent granules to manage this.

I observed and photographed wastes in the building dated back to June 2017. Permit condition 2.1.1 states that waste must not be on site for longer than 7 days, the photographs below demonstrate that waste has been on site for longer than 7 days. This is a breach of permit condition 2.1.1

I observed a number of pallets where containers were buckling and the stack was becoming unstable. Containers were observed stored on their side and not upright. A number of Eurocarts remain stacked 2 high.

**A category 2 breach of permit condition 2.1.1 has been recorded against subcriterion C4 - Storage, handling, labelling and segregation of waste relating to the issues outlined above.**

**ACTION: Steps should be taken to ensure wastes stored in accordance with the permit conditions and guidance document EPR5.07. All wastes on site in excess of permit limits and storage times should be removed to a suitably authorised facility for disposal.**

**A Category 2 breach of Condition 1.1.1 has also been recorded against subcriterion C2 – Management systems & operating procedures.** This states that the operator shall operate the facility in accordance with a written management system that identifies and minimises the risk of pollution. The evidence above shows that the site continues to fail to comply with Document EPR 5.07 with regard to storing sharps bins in an upright, stable and controlled manner, and the companies own management system Stock is not being managed such that the oldest waste is removed first. No action has been taken over several months to resolve the issues of accumulated waste at this site.

The poor management of the waste together with the hazardous nature of the waste gives us serious cause for concern. It is reasonably foreseeable that there would be a significant impact on the environment and/or human health in the event of a fire at the site or escape of hazardous materials from rigid packages.

Photographs 1 & 2 – overview of warehouse.



Photograph 3 – container labelled as radioactive.



Photograph 4 & 5 – wastes over 7 days old.



Photographs 6 & 7 – deteriorating waste storage



	Environment Agency	<b>EPR Compliance Assessment Report</b>		Report ID: VP3137TV/0338311	
<b>This form will report compliance with your permit as determined by an Environment Agency officer</b>					
Site	Environmental Services (Yorkshire) Waste Transfer and Treatment Facility - EPR/V		Permit	VP3137TV	
Operator/ Permit	Healthcare Environmental Services Ltd		Date	18/07/2019	
<b>Section 3- Enforcement Response</b>			<b>Only one of the boxes below should be ticked</b>		
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.					
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	Comply with the requirements of your Management System and Guidance EPR 5.07.	ASAP
C4	C2	Resolve issues with inappropriate waste storage. Remove all waste which has been on site longer than 7 days for disposal at an appropriately permitted facility.	ASAP
		Consult appropriately qualified persons to assess the waste labelled as radioactive and dispose of this material to a suitably authorised facility.	8 <sup>th</sup> August 2019.

## 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.