

Cracking down on waste criminals: £49,000 fines for Strathblane landfill operator and Cumbernauld waste management company

 30 May 2018

The operator of a Strathblane landfill site was fined £37,000 at Stirling Sheriff Court on Wednesday 8 May after landfilling inappropriate waste at their site for over two and a half years. A Cumbernauld-based waste management company was also fined £12,000 for failing in its Duty of Care. The latest figures mean a new total of six SEPA led waste crime prosecutions in the last 12 months resulting in £120,000 fines, £47,211 in Confiscation Orders and five Community Payback Orders totalling 1,150 hours.

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- £37,000 fine for Muirhouse Landfill Limited, Strathblane.
- £12,000 fine for Dow Waste Management Limited, Cumbernauld.
- Six SEPA led waste crime prosecutions in last 12 months.
- Five waste crime fines, five Community Payback Orders and two Confiscation Orders in last 12 months.

Muirhouse Landfill Limited pled guilty to two charges of failing to comply with six different conditions of their permit, one of which was that the site could only be used for landfilling inert waste. Dow Waste Management Limited (which recently changed its name to Dow Group Limited) pled guilty to failing to properly describe their waste when completing waste transfer notes, and failing to have a system in place to identify problems.

A report on both companies was sent to the Procurator Fiscal following investigations carried out by the Scottish Environment Protection Agency (SEPA).

Anne Anderson, SEPA Chief Officer, said:

“Every day SEPA works to protect and enhance Scotland’s environment and we’re clear that compliance is non-negotiable.

“SEPA is committed to cracking down on waste criminals and with the site receiving inappropriate wastes, it’s right that Muirhouse Landfill Limited was fined £37,000. This type of criminality has a serious impact on the local environment, legitimate waste operators and the local community as well as

the public purse in lost landfill tax revenue.

“It’s also encouraging that Dow Waste Management Limited (now Dow Group Limited) was fined £12,000 for on occasions failing to properly identify and describe their waste which made it more difficult for people dealing with those wastes further down the line to satisfy themselves that they could accept the waste. SEPA staff worked hard to bring the perpetrators to justice and these sentences recognise that significant effort.”

Muirhouse Quarry in Strathblane was licensed as an inert landfill site by SEPA in March 2007. Inert waste does not degrade so does not pose a hazard to human health or the environment when disposed of. Examples are gravel, sand, and stone. As a result inert landfill sites require different environmental controls than sites that accept waste that does degrade, because degradable waste produces landfill gas and leachate (a highly polluting liquid created when water filters through waste and collects decomposing materials).

In 2009 SEPA received a complaint that inappropriate waste was being disposed of at the site. SEPA takes reports of pollution very seriously, and on visiting the site officers found timber, plastics and polystyrene, which the site was not licensed to accept. They instructed the site to remove the materials, which was done, and were told that steps would be taken to ensure it did not happen again.

Following further substantiated complaints in 2011, SEPA officers witnessed waste being accepted outside the licence times and without being checked before disposal, an intensive investigation approach was taken. Specialist waste officers were sent onto the site and they inspected more frequently and at unusual times, whilst carrying out a full audit against each and every condition of the permit. On 10 October 2011 an enforcement notice was served in relation to 15 breaches of permit conditions, requiring these be remedied by 1 November.

Around the same time concerning groundwater results were submitted by the operator, as required in their permit. These showed that levels of Chemical Oxygen Demand were between 12 and 18 times the permitted limit.

SEPA’s own scientists therefore carried out full environmental monitoring of gas, soil and leachate on and around the site, and found the levels were typical of those found at non-inert landfills. As the site did not have the infrastructure in place to deal with that type of waste, SEPA suspended the permit on the grounds that the site was presenting an imminent risk of serious pollution.

The suspension notice required the operator to fully assess the site (in order to quantify the extent of the problem) and thereafter to remove the risk of pollution. None of the requirements in the statutory notice were complied with and the suspension remains in place. When it became apparent that the company was not prepared to carry out even the initial assessment, SEPA arranged to hire excavation plant and carry out sample digs around the site – at its own expense.

In March 2012, over three days of excavations, SEPA dug approximately 30 trial pits. Of these 30 pits there were 21 containing inappropriate waste types, including wood, plastics, polystyrene, carpet, metals, papers, letters, cardboard, toys, shoes, books, clothing, tyres, hessian sacks, catalogues and magazines. Many of the pits also had an odour of landfill gas and black-coloured leachate.

SEPA's point of contact (and the named technically competent person) for this site was, until October 2011, one of the company's directors. As he was also a director of Dow Waste Management Ltd, the investigation came to identify that on occasion Dow Waste Management Ltd's waste transfer notes had not properly identified and described the nature of their waste, nor was there a system in place to identify notes that weren't properly completed. This makes it difficult for people to whom the waste is transferred to know how and where it can be disposed of legally.

Ends

Notes to editor

- Chemical Oxygen Demand is a measurement of the oxygen required to oxidize organic matter in water. The higher the levels the more organic material in the sample, which will reduce dissolved oxygen levels in the water. This means there is less oxygen available for aquatic life.

The exact charges Muirhouse Landfill Limited and Dow Waste Management Limited (now Dow Group Limited) pled guilty to were:

1. On various occasions between 05 March 2009 and 18 November 2011, both dates inclusive, at Muirhouse Quarry, Milngavie Road, Strathblane, G63 9AH you MUIRHOUSE LANDFILL LIMITED, being a permit holder in terms of regulation 7 of the aftermentioned regulations, and being an operator of said permit, did fail to comply with a condition of said permit namely 4.2.1 which stated that the operator shall ensure that the site landfill is only used for landfilling inert waste in that you did landfill non-inert waste inter alia wood, plastics, polystyrene, carpet, metals, papers, letters, cardboard, toys, shoes, books, clothing, tyres, hessian sacks, catalogues and magazines and you did fail to ensure that the site landfill was only used for landfilling inert waste; CONTRARY to the Pollution Prevention and Control (Scotland) Regulations 2000 Regulation 30(1)(b) as amended, and the Pollution Prevention and Control Act 1999 Section 2.
2. On various occasions between 05 April 2009 and 20 February 2012, both dates inclusive, at Muirhouse Quarry, Milngavie Road, Strathblane, G63 9AH you MUIRHOUSE LANDFILL LIMITED, being a permit holder in terms of regulation 7 of the aftermentioned regulations, and being an operator of said permit did fail to comply with a condition of said permit which stated at condition 4.7.1 that any vehicles delivering waste to the permitted installation shall not be permitted to proceed to the infilling area unless the operator has assessed the waste at the

entrance to the Permitted Installation and is satisfied that the waste is compliant with the terms of the Permit, condition 4.7.2 which stated that the Operator shall visually inspect the waste at the point of deposit and shall be satisfied that the waste falls within the type and quantity of the waste permitted, condition 2.2.1 which stated that the site shall only receive waste and waste operations shall only take place after 0800hrs Monday to Friday and after 0900 hrs on a Saturday, condition 4.5.1 which stated that the operator shall ensure that all waste accepted for deposit at the site landfill has been characterised such that all information necessary for the safe disposal of the waste in the long term is available and condition 4.5.3 which stated that the operator shall keep a register showing the quantities of waste deposited, the dates of its delivery and details of the characterisation of said wastes in that you did; i) fail to assess waste at the entrance to the Permitted Installation and allow non-compliant waste to proceed to the infilling area ii) fail to visually inspect the waste at the point of deposit and fail to be satisfied that the waste was permitted, iii) receive waste and allow waste operations to take place on site earlier than the permitted daily time iv) fail to characterise waste accepted for deposit at the site landfill v) fail to keep a register of such information and between 10 October 2011 and 20 February 2012 did fail to comply with condition 10.1.5 which stated that the operator shall carry out groundwater sampling and monitoring as required within the permit and did fail to carry out said ground water sampling and monitoring; CONTRARY to the Pollution Prevention and Control (Scotland) Regulations 2000 Regulation 30(1)(b) as amended, and the Pollution Prevention and Control Act 1999 Section 2.

3. On various occasions between 5 April 2009 and 5 April 2011, both dates inclusive, you DOW WASTE MANAGEMENT LIMITED being a person who treats, keeps and disposes of controlled waste, namely household, commercial and industrial waste, at 23 Lenziemill Road, Lenziemill Industrial Estate, Cumbernauld, G67 2RL did fail to take all such measures applicable to you in that capacity as were reasonable in the circumstances to prevent any contravention by any other person of a condition of a permit granted under regulation 7 of the Pollution Prevention and Control (Scotland) Regulations 2000 in that on various occasions you did fail to properly identify and describe the nature of your waste when completing waste transfer notes in respect of transfers and did fail to have in place a system to identify said waste transfer notes which were not properly identified or described: CONTRARY to the Environmental Protection Act 1990, Section 34(1)(aa) and (6).