

Press release: Bristol company fined for hazardous waste offences

They were fined for illegally supplying thousands of tonnes of hazardous waste to a development site in Avonmouth.

The sentencing follows a 5 year Environment Agency investigation into Churngold Recycling Ltd and 2 of its directors, John Barcham and Lee Phelan. Codenamed 'Operation Durable', the investigation culminated in a 9 week trial at Bristol Crown Court earlier this year.

Churngold operated a waste transfer site at Hallen Yard on the Severn View Industrial Estate, Avonmouth, where it supplied soil and aggregate for the building industry. Waste was collected from sites across the UK and stored and treated at Hallen Yard.

The company operated under a waste management licence, issued by the Environment Agency. This controlled the types of waste accepted at the transfer station and the activities permitted at the site.

In June 2011, Churngold was awarded a contract to remove hazardous waste from a site in Oxford where the car company, BMW, discovered extensive contamination under a building during re-developing its Cowley factory. Trial pits and testing revealed high levels of heavy metals, hydrocarbons and asbestos contaminated materials.

Churngold was paid £750 per load to remove the hazardous waste to its yard in Avonmouth for treatment prior to it being used as a building material. Between July to September 2011, a total of 31,000 tonnes of waste was brought from Cowley to Churngold's waste transfer station in Avonmouth. The volume of waste kept increasing and very quickly exceeded the transfer station's limit of 6,000 tonnes.

Around the same time, Churngold was awarded a contract to supply 60,000 tonnes of aggregate to the site of a new Co-operative supermarket distribution centre at Cabot Park, Avonmouth. The aggregate would be mixed with inert material that had gone through a 'stabilisation process' making it suitable for use as a building material.

On 7 September 2011 Churngold delivered the first load to the Co-op site. Over the next fortnight it transported a total of 64,000 tonnes (2,751 loads) to the new distribution centre site.

Ground-workers at the Co-op site said the Churngold material gave them 'runny and sore eyes'. One worker said it smelt like 'faeces and bleach' and 'took his breath away.' Others described the clay-like material as 'smelling like a hospital'.

Waste from the BMW site in Oxford had undergone partial treatment to remove asbestos materials, but some asbestos remained and it was still hazardous

when it arrived at the Churngold's Hallen Yard in Avonmouth. The company was told the waste required further treatment.

As operations manager, Lee Phelan would have been fully aware of the requirements of the transfer station's permit conditions. Failure by Churngold to fully treat the waste, potentially exposed staff and visitors to Hallen Yard and ground-workers at the Co-op site to health risks from the asbestos.

Churngold's environment manager became concerned after discovering the hazardous nature of the BMW car plant waste. She told Barcham and Phelan it was 'untreatable'. They repeatedly ignored her warnings.

On 22 September 2011 a former Churngold employee notified the Co-op that contaminated material had been delivered to their new distribution centre at Cabot Park. Subsequent analysis revealed the presence of asbestos in 47 of 60 samples, high levels of total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAH) as well as significant levels of leachable lead, cyanide, copper, antimony and total sulphate concentrations that posed a risk to groundwater and nearby watercourses.

Barcham was described as a 'domineering character' who liked to micro manage. Nothing would happen without his say so or knowledge including where treated waste went after treatment. He once told the company's environment manager, 'We don't tell the EA what we are doing, we do it and then tell them how we've done it.'

The company failed to inform the Environment Agency of the massive amount of hazardous material being stockpiled at Hallen Yard or where it had come from. The sheer volume of materials arriving at the site made it impossible to segregate or treat them properly. This caused the site to breach its permit.

The Environment Agency had earlier advised Churngold that waste containing heavy metals remains hazardous even after it has undergone a stabilisation process. The court heard that while Phelan had worked in the waste industry, he had no qualifications or experience of treating hazardous waste.

Work on the Co-op site was suspended on 1 December 2011 following publication of the analysis report. The Environment Agency confirmed the material was illegally deposited hazardous waste and that it should be removed to a suitable waste facility for safe disposal.

The Environment Agency investigation revealed that Churngold had also illegally disposed of hazardous waste including asbestos, railway sleepers, plastic, metal pipes, vehicle tyres and foam pipe lagging at a second site, Minors Farm, Severnside.

Adrian Evans, for the Environment Agency, said:

Hazardous waste must be handled and treated with great care to safeguard human health and the environment. This case shows the Environment Agency will take serious action against people who fail

to comply with the law.

Churngold Recycling Ltd had a culture where commercial gain was given priority over environmental protection. We hope this prosecution sends out a strong deterrent message to others who flout the law.

Churngold Recycling Limited, John Barcham and Lee Phelan faced a total of 10 charges under the Environment Protection Act 1990 and Environmental Permitting Regulations 2010 at a 9 week trial that started in May 2017.

Judge James Patrick QC said “the treatment of the waste was unscientific and amateur” and that the defendants showed a “flagrant disregard for the law”.

The company was found guilty of 4 offences. John Barcham was found guilty of 1 offence and Lee Phelan convicted of 3 offences. There were 3 not guilty verdicts and the jury failed to reach a verdict on the 2 remaining charges.

The judge praised the Environment Agency for the quality of their professional investigation.

Summary of convictions:

Churngold Recycling Ltd:

- Between 1 July to 31 December 2011, failed to comply with conditions of permit at Hallen Yard, Avonmouth, an offence under Reg 38(2) under the Environmental Permitting Regulations: £12,000 fine
- Between 1 September to 31 September 2011, deposited controlled waste at the Co-operative Site, Cabot Park, Avonmouth without a permit contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990: £3,000 fine
- Between 1 January to 31 December 2011, treated, kept or disposed of controlled waste in a manner likely to cause pollution or harm to human health contrary to Sections 33(1)© and 33(6) of the Environmental Protection Act 1990: £5,000 fine
- Between 1 June to 31 December 2011, deposited controlled waste at Minors Farms, Hallen, Bristol contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990: £2,450 fine

John Barcham:

- Between 1 July to 31 December 2011, failed to comply with, or contravention of, a Waste Management Permit condition contrary to Regulation 38(2) of the Environmental Permitting Regulations 2010: 6 months suspended for 12 months and costs of £10,000
- John Barcham ordered to carry out 75 hours of unpaid work

Lee Phelan:

- Between 1 July to 31 December 2011, failed to comply with, or contravention of, a Waste Management Permit condition contrary to

Regulation 38(2) of the Environmental Permitting Regulations 2010: 6 months suspended for 12 months

- Between 1 September and 30 September 2011, deposited controlled waste on land without a permit contrary to Section 33(1)(a) and 33(6) of the Environmental Protection Act 1990: 1 month suspended for 12 months
- Between 1 January to 31 December 2011, treated, kept or disposed of controlled waste in a manner likely to cause pollution of the environment or harm to human health contrary to Section 33(1)(c) and 33(6) of the Environmental Protection Act 1990: 1 month suspended for 12 months
- Lee Phelan ordered to carry out 100 hours unpaid work

News story: UK collaboration at the International Astronautical Congress

The conference, which ran from Monday 25 September to Friday 29 September, saw more than 4,500 space professionals and enthusiasts attend from 84 countries for a week of events, meetings, collaborations and discovery.

Earlier in the week a landmark agreement was signed between Surrey Satellite Technology Limited (SSTL) and Australia's Commonwealth Scientific and Industrial Research Organisation (CSIRO) to provide Australia access to the cutting-edge British satellite NovaSAR-S.

Surrey Satellite Technology Limited (SSTL) will provide CSIRO a 10% share of the tasking and data acquisition capabilities from NovaSAR-S, a small radar satellite due for launch later this year.

Speaking at the conference Graham Turnock, Chief Executive of the UK Space Agency, said: "The UK space sector is in the middle of a renaissance, begun seven years ago under David Williams [former UK Space Agency CEO] here, and carried on over the last six years by a partnership between our excellent UK space industry, represented here by SSTL, and with continued support from the UK government at the highest levels.

"NovaSAR is an exciting opportunity for the UK and for our partners in the mission. Data from orbit has the potential to change the way we understand and interact with our changing environment, strengthening our public services as well as creating new opportunities for commercial services."



UK Space Agency Chief Executive Graham Turnock at the Nova-SAR-S signing between Surrey Satellite Technology Limited (SSTL) and Australia's Commonwealth Scientific and Industrial Research Organisation (CSIRO)

NovaSAR-S is a technology demonstration mission designed to complement much larger, complex radar satellites with a smaller, lighter and more cost effective platform that delivers Earth observation Synthetic Aperture Radar imagery day and night, and through cloud cover. Managing the energy use on board the small SAR platform has been made possible by using a new, highly efficient S-band solid-state amplifier technology and flying an innovative S-band SAR payload developed by Airbus UK in Portsmouth.

The agreement gives CSIRO tasking rights and the ability to access the raw data directly from the satellite, and a licence to use and share the data with other Australian companies and organisations over an initial 7 year period.

The UK Government provided £21 million grant to assist in the development of NovaSAR-S and will also benefit from access to the SAR data, significantly boosting the UK's sovereign Earth Observation capabilities for applications such as ship detection and identification, oil spill detection, forestry monitoring and disaster monitoring, particularly flood detection and assessment.

Press release: Spawning success for new fish pass

Young salmon have been found in the River Derwent at Shotley Bridge in Consett for the first time in 300 years.

The 33 juvenile salmon caught during recent routine sampling by the Environment Agency are the first evidence of salmon spawning this far upstream since a number of large weirs were built to power industry in the region.

Around £750,000 has been invested over the past decade to build fish passes at four of these weirs to allow fish to reach upstream spawning grounds of the Derwent – which is an important tributary of the River Tyne.

The latest, built a year ago at Lintzford in a partnership project between the Environment Agency, Tyne Rivers Trust and Esh Group, was immediately successful, with adult fish seen using it within hours of its completion.

As well as juveniles caught during sampling upstream at Shotley Bridge, the Environment Agency also found record high numbers of juveniles at three other locations downstream.

Great news for river

The Environment Agency's Phil Rippon, Fisheries Technical Specialist, said:

The presence of young salmon this far upstream has shown the immediate impact and success of the new fish pass. To find them so soon after the completion of the pass and during a single routine survey shows that significant numbers have spawned upstream.

It's also likely that many more sea trout and brown trout will also have been able to access their historical spawning grounds. This is great news for the River Derwent.

We've worked really hard together with our partners over the years to make dramatic improvements to water quality right across the country. But there's always more we can do and opening up our rivers to fish migration is vital for future biodiversity and river health.

Efforts have now started to build a fish pass at the only remaining large weir on the Derwent, further upstream at Shotley Grove, which may date from the 14th Century.

The Environment Agency and Tyne Rivers Trust have completed preliminary design work for a fish pass, and are now seeking funding to cover the

estimated building costs of £275,000.

Douglas Phillips, Operations Director for Tyne Rivers Trust, added:

With more funding the Derwent could become a fantastic example of how intervention on a whole river system can improve spawning rates and the health of the river as a whole.

[News story: MMO welcomes National Grid for industry interchange](#)

Members of the Marine Management Organisation's (MMO) marine licensing team recently met with National Grid as part of ongoing improvements being made to the service it provides to industry.

The industry interchange programme involves MMO employees hosting and visiting a range of organisations, delivery partners and devolved administrations to learn more about day-to-day and strategic activities, build awareness of other operating environments and establish relationships.

In September members of National Grid visited the MMO headquarters in Newcastle for a two day event aimed at learning more about the marine licensing process.

Matthew Kinmond, MMO senior marine licensing manager said:

We were delighted to host National Grid for a two day industry interchange in Newcastle. The interchange provided us with an opportunity to give National Grid an insight into the wider work of our organisation, as well as the marine licensing team's systems and processes.

This has improved National Grid's knowledge and understanding of the work involved in determining a marine licence application and the wider work we are undertaking to improve our services. We look forward to the return visit to National Grid, where we can continue to build upon our already positive working relationship.

Sean Stokoe, National Grid consents manager said:

Not only were we made to feel exceptionally welcome but we were given a well-structured and comprehensive insight into the work of

the MMO, and specifically the marine licensing and environmental assessment process.

Particularly apparent, was the willingness of MMO personnel to work closely with us in the future, and technically guide us, so that we can successfully deliver our construction and engineering projects to specification, programme and cost.

Notes to editors:

- The marine licensing team often carries out interchange sessions with customers and organisations with an interest in their work. This provides an opportunity to learn more about how each other operates and strengthens relationships.
- Other organisations MMO has previously carried out interchange activities with include Lafarge Tarmac, Dong Energy, Peel Ports and Cemex.

[Press release: Angler to pay £1,800 after unsuccessful appeal](#)

On 29 September 2017 at North Staffordshire Justice Centre, George Holland of Coppice Gardens, Stone, was ordered to pay fines and costs totalling £1,855.81 after a successful prosecution by the Environment Agency. Mr Holland was fined £660 for threatening behaviour, ordered to pay costs of £1,129.81 and a victim surcharge of £66.

Mr Holland was originally called to court on 24 April 2017 and was proved guilty in absence for 4 offences. However, the case was reopened under a statutory declaration application from the defendant where he proceeded to enter a not guilty plea.

Mr Holland faced charges of wilfully obstructing a constable in the execution of his duty, fishing without a rod licence, failing to state his name when addressed by an Environment Agency enforcement officer and using threatening, abusive or insulting words or behaviour causing that person to believe that imminent violence will be used against him.

Magistrates heard the case and again found Mr Holland guilty of all charges and issued a fine of £660 for threatening behaviour. While found guilty, he did not receive a further penalty for the additional charges. Mr Holland did not attend court on 29 September, so was again proved guilty in absence.

The offences took place on 23 August 2016 at Isaak Walton Fishery, Chebsey.

Andrew Eardley of the Environment Agency said:

It's good to see the courts taking instances of threatening behaviour against enforcement officers seriously and offenders being prosecuted. Thankfully cases where an angler is threatening are very rare; most anglers found without a licence, while not happy, admit they have been caught out.

The majority of anglers fish legally and purchase a rod licence. With an annual licence costing £30 it seems ridiculous that anglers risk a significant fine, and the very small minority feel it acceptable to threaten an enforcement officer.

Money from rod licence sales is invested in England's fisheries and is used to fund a wide range of projects to improve facilities for anglers including protecting stocks from illegal fishing, pollution and disease; restoring fish stocks through re-stocking; eradicating invasive species; and fish habitat improvements. Rod licence money is also used to fund the Angling Trust to provide information about fishing and to encourage participation in the sport.

You need a valid Environment Agency rod licence to fish for salmon, trout, freshwater fish, smelt or eel in England. [Buying a rod licence](#) is easy.

Anyone witnessing illegal fishing incidents in progress can report it directly to the Environment Agency hotline on 0800 80 70 60. Information on illegal fishing and environmental crime can also be reported anonymously to Crime stoppers on 0800 555 111 or [online](#).