

Press release: Court gives waste offender time to clean up site

Colin Barnes had previously failed to clear the site ahead of the court hearing on Wednesday 25 January after his environmental permit was revoked.

Barnes, who traded as CT Barnes Autos, was taken to court by the Environment Agency after failed attempts to get him to comply with the law.

King's Lynn magistrates deferred sentencing him and have given him six months to clear the site. He is due back in the court on 26 July.

The permit held by Barnes, aged 59, of Podmore Lane, Scarning was revoked by the Environment Agency after he continually failed to run the site in line with the conditions in his permit. Following the revocation Barnes was required to remove the large amounts of waste remaining on site.

Mrs Megan Selves, prosecuting, said the deadline for removing all the waste was extended three times to dates suggested by the defendant, as waste officers tried to support him to do the right thing. But despite removing some of the waste, most of it remained two years later.

She told the court that Barnes had an environment permit to store waste vehicles and parts but it was revoked on 15 September 2014. All the waste should have been removed by 3 November 2014.

Barnes failed to respond to advice given by Environment Agency officers and despite agreeing to deadlines for when he could remove the waste, he has failed to comply and the waste remains on site,

He has repeatedly flouted the law and undermined the legitimate waste management industry.

Magistrates heard that Barnes had operated the site since 1977 as a vehicle repair and service business until 2006 when he obtained a permit and began depolluting and dismantling vehicles which had come to the end of their lives.

Since the issuing of the permit there has been a history of non-compliance so the permit was revoked.

Barnes told investigating officers that since the revocation he had been removing some of the waste but had to rely on others as he did not have a waste carriers licence at the time and they sometimes took a long time to collect it as the value of the waste had decreased.

After the hearing Environment Agency officer Rob Brodie said:

Unregulated waste activities can impact both visual and amenity and can cause harm to the environment and human health.

These offences were committed over 21 months and despite advice and guidance from us and agreements to extend deadlines for the removal of waste, very little of it was removed.

Mrs Selves said Barnes had a history of non-compliance with warnings from the Environment Agency and has previous convictions for similar environmental offences.

Barnes pleaded guilty to:

Between 4 November 2014 and 2 August 2016 on land at Willow Lodge, Podmore Lane, Scarning, Dereham, Norfolk NR19 2NS you did operate a regulated facility, namely a waste operation for the storage of waste motor vehicles and vehicle parts, without being authorised by an environmental permit granted under Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2010.

Contrary to Regulation 12(1)(a) and 38(1)(a) Environmental Permitting (England and Wales) Regulations 2010

News story: Appointments to the Marine Management Organisation board

Tony Delahunty and Terence Jagger have been appointed to the Board of the Marine Management Organisation (MMO) by Environment Secretary Andrea Leadsom.

Additionally, Board Member Nigel Reader has been reappointed and three other Board Member positions have been extended by one year.

The new appointments will run from 1 February 2017 until 31 January 2020. Nigel Reader will remain from 1 February 2017 to 31 January 2019. Board Members receive a remuneration of £11,804 for a minimum of 36 days per year.

The appointments have been made in accordance with the Governance Code on Public Appointments. All appointments are made on merit and political activity plays no part in the selection process.

In accordance with the original Nolan recommendations, there is a requirement for appointees' political activity (if any declared) to be made public. Tony Delahunty and Terence Jagger have not declared any political activity.

The MMO was created under the Marine and Coastal Access Act 2009 to deliver the Government's policy objectives for clean, healthy, safe, productive and biologically diverse oceans and seas. In addition to managing fisheries around England, the MMO works to prevent illegal and unregulated fishing worldwide.

Biographies

Tony Delahunty

Tony Delahunty is a fisherman and businessman with over 40 years' experience of working in the inshore fishing industry. He has represented and championed fisheries management issues locally, nationally and internationally throughout his career driven by a lifelong commitment to the sustainable management of our seas.

He has experience in Board and Chair roles, in both the public and private sectors, including his appointment as National Chair of the National Federation of Fisherman; Chair of the Sussex Inshore Fisheries Conservation Authority and Vice Chair of Sussex Sea Fisheries Committee.

Tony has been a member of Selsey Lifeboat since 1978 serving as a crew member, senior helmsman and deputy coxswain and currently serves as deputy launch authority.

Terence Jagger

Terence Jagger's early career was in investor relations/financial communications and strategy development with a number of major international companies, including Shell, Burmah Oil and Unigate. After a Masters degree in Finance, he joined the Ministry of Defence as a civil servant; his roles included managing a PFI programme, leading the QinetiQ privatisation, Director Financial Management, Command Secretary to the RAF, and political advisor to the NATO commander in Afghanistan.

From 2011-2015, Terence was Chief Executive of Crown Agents, the international development company working in Africa and Asia, where he also was deputy Chairman of Crown Agents Bank and Crown Agents Investment Management.

He has previously served as a non-executive or trustee of the UK-Japan 21st Century Group, the Met Office, the Gloucestershire and the London Wildlife Trusts and the London Library. He is currently Chair of Bath Spa University, a director of the London Pension Funds Authority, a member of ACOBA, and a trustee of Tree Aid.

Press release: MJ Curle Ltd ordered to pay £32,920 for environmental waste offences

On Thursday 26 January 2017, Stuart Curle, director of MJ Curle Ltd, Sunnymead Farm, Shifnal, Telford, pleaded guilty at Telford Magistrates' Court to operating a regulated facility that was not authorised by an environmental permit, both on behalf of the company, MJ Curle Ltd and separately in his capacity as the director of the company.

The 45-year-old was fined £1,200 and ordered to pay in excess of £25,000 in compensation and costs to the Environment Agency, along with a £120 victim surcharge. Additionally, the company was fined £6,600. The court also ordered that the 1,700 tonnes of waste that remains on-site is to be removed within the next 6 months, by 25 July 2017.

Environment Agency officers visited the site on 13 January 2015 to carry out an inspection. They found a large number of skips containing a variety of waste, including cardboard and green waste. Other parts of the site were used for storing and sorting a variety of waste, some of which originated from demolished conservatories. There was also evidence of waste being burned on the site.

The activities undertaken on the site require an environmental permit. However, the defendant never applied for one. As a result the defendant avoided application and subsistence fees in excess of £14,000. Around 1,700 tonnes of waste were found on the land. To dispose of this legally it will cost MJ Curle Ltd approximately £130,000.

Under caution, Stuart Curle admitted to a range of waste being brought to the site as a result of a business relationship with a local company. He also accepted that MJ Curle Ltd had been collecting skips full of waste and once they were transported back to the site, the waste was sorted and stored. He accepted that the activity required an environmental permit, something which the Environment Agency had warned him about in 2008.

During the hearing at Telford Magistrates Court, the Bench found that the previous warnings given by the Environment Agency to the defendant regarding the illegal activities on the site, in 2008, were a seriously aggravating feature of the current offending. However in mitigation the defence raised the defendant's serious ill health and the financial difficulties that have blighted the family as a result. The defendant also asked the court to take into account the defendant's co-operation with the Environment Agency and his admissions in interview.

Speaking after the case, an Environment Agency officer in charge of the investigation said:

When we entered the site in 2015, there was clear evidence of a deliberate and unlawful waste processing and storage operation. Stuart Curle was previously spoken to by Environment Agency officers about the need to obtain an environmental permit to undertake this activity. Unfortunately he failed to heed that guidance. We are pleased with the outcome of this case and we will actively bring prosecutions where deliberate unlawful processing and storage is identified.

Guidance: LPG flaring at end-of-life vehicle sites: RPS 202

If you comply with the conditions of this regulatory position statement (RPS) you can flare LPG removed from vehicles at ELV sites that have an environmental permit.

This RPS will be reviewed by 30 September 2017. You'll need to check back then to see if it still applies or if you need to apply for a permit.

Press release: Clay company pays heavy price for toxic discharge

The case was brought by the Environment Agency.

The offence occurred in July 2013 after staff at Rocks Dryers, a site operated by Imerys near Bugle, St Austell, flushed a hazardous substance called 'Jayfloc 85' out of a redundant storage tank and into drains where it entered a series of settlement lagoons before discharging into Rocks Stream, a tributary of the Par River.

Imerys failed to carry out a risk assessment despite Jayfloc85 being classified by its manufacturer as 'hazardous' and 'harmful to aquatic life'. Guidance on its use clearly states this chemical should not be allowed to enter 'drains/surface waters/ground waters'.

The company has an Environment Agency permit to discharge into the Rocks Stream from a single discharge point. Liquids entering the settlement lagoons undergo a basic treatment. China clay solids held in suspension settle out of the liquid and accumulate in the bottom of the lagoons. Sodium carbonate is

then used to adjust the pH before the effluent is discharged. The system is not designed to treat toxic chemical pollutants such as Jayfloc85.

On the day of the offence, the chemical, which is used in the processing of china clay, was flushed out of the storage tank and into the site's effluent system and settlement lagoons via drains.

Imerys did not believe the chemical would harm the environment as it claimed the volume released was relatively small (estimated at 474 litres) and once in the settlement lagoons, it would have been heavily diluted.

The company failed to check the manufacturer's data sheet about the harm Jayfloc85 can cause if it escapes into streams, lakes and rivers. The chemical should have been removed from the site and either used elsewhere or taken to a permitted site for safe disposal.

The Par River, downstream of the discharge point, flows into Par Beach, a designated bathing water popular with holidaymakers.

Chris Barnes, for the Environment Agency, said:

This case demonstrates how important it is for site operators to have effective training and management systems in place to prevent the discharge of toxic chemicals into the environment. Clearly, this wasn't the case at Rocks Dryers where Imerys failed to properly assess the risks of emptying a hazardous substance into the site's drainage system. Had it done so, the company would have soon realised the disposal of hazardous chemical in this way is illegal.

At an earlier hearing Imerys Minerals Limited pleaded guilty to, on around 25 July 2013, discharging poisonous, noxious or polluting matter into inland freshwaters including the Rocks Stream, Rosevean Stream and Par River in contravention of Regulation 12(1)(b) of the Environmental Permitting Regulations 2010.

Appearing before Truro Crown Court on 20 January 2017, the company was fined £75,000 and ordered to pay £25,000 costs.