

REVIEW, CONSULTATION AND CHANGE **Prosecutions**

Dear Deb,

Holidays are upon us and here at E4environment we're looking forward to it. Having just completed our office move (hence the slight delay in this newsletter being published) we feel in need of a rest. Not that it's likely as there is a lot happening in the environmental arena. FiTs are taking off, the new Government is drafting numerous consultation documents and the national assembly's are continuing to drive their waste reduction strategies. Waste is the main topic of this newsletter with information about amendments to the Packaging Regulations and consultations on various aspects of waste. So enjoy a break if you get one - we'll keep you up to date with the on-going environmental debates for when you get back.

Mandy Stoker

REVIEW, CONSULTATION AND CHANGE

Waste is a big issue and targets are getting tougher to reduce it going forward. Scotland has its Zero Waste Plan, the Government has announced it is going to carry out a full review of waste policy in England to examine how England can achieve a fast rate of growth for recycling rates (the terms of reference are still awaited) and Wales continues its consultations on actions designed to change behavior to reduce waste. Much is still guidance but the direction of travel is clear and those companies already taking action to reduce their waste, separate segregate? what they do produce and reuse or recycle as much as they can, will be ahead of the game.

1) Defra has launched a consultation on how to implement the revised EU Waste Framework Directive in England and Wales. The consultation includes proposals on:-
· A legal obligation for those producing waste (other than householders) to deal with their waste in the best way possible for the environment wherever practical (the 'waste hierarchy');
· Statutory targets to recycle 50% of waste from households and to recover 70% from construction and demolition waste by 2020; and
· Setting up where practical separate collections for waste paper, metal, plastic and glass by 2015.
The consultation can be seen at [Transposition of the revised Waste Framework Directive \(Directive 2008/98/EC\)](#) and closes on 16th September 2010.

2) The Welsh Assembly is consulting on proposals to charge 7p on carrier bags from Spring 2011. The mandatory charge is being introduced to reduce the number of single use carrier bags used in Wales (currently 400 million a year in Wales) in order to reduce the number that end up in landfill. The consultation invites responses on the detail of the charge including:-
· A voluntary agreement with retailers to ensure that profits from the charge are passed to environmental or community projects and good causes;
· A charge of 7p for all single use carrier bags - whether made of plastic or paper;
· Exemptions for certain types of bags used to carry unpackaged food or pharmacy medicines. The consultation can be viewed at [A consultation on the draft Single Use Carrier Bag Charge \(Wales\) Regulations 2010](#) and closes on 2nd August 2010.

3) On Monday this week the government announced its intention to involve 'Big Society' into the

environmental arena and use it to shape the government's Natural Environment White Paper (applicable to England only). The White Paper will be Defra's first environmental White Paper in 20 years. Launching the discussion document the Environment Secretary Caroline Spelman said: "The economy and the natural environment have historically been pitted against each other as if they were competing choices, rather than being mutually interdependent. Reducing the deficit and ensuring the economic recovery are the government's top priorities but greater knowledge of the value provided by natural systems and the high costs associated with their degradation means that the economy and the environment cannot be separated."

"This document aims to encourage debate about how best we protect and enhance our natural environment, and the valuable services we derive from it. We are looking for a wide range of views on all of the issues set out in this document, or any others that you think we have missed."

The deadline for responses to this document is 30 October 2010 and details of how to respond can be found via www.defra.gov.uk/environment/natural/



Prosecutions

£47,000 cost for protected eels killed by sewage

Anglian Water Services was fined £20,000 and ordered to pay full Environment Agency costs of £27,837 after pleading guilty to seriously polluting the River Crouch at Wickford, Essex in August 2009. Hundreds of fish and thousands of shrimp were killed by the sewage leak. Among the 666 fish killed were 187 eels, a protected species in danger of decline, particularly in East Anglia. Mr Mark Watson prosecuting said the pollution affected at least 2km of the River Crouch which flows through protected environments with local, national and international conservation status.

£11,390 in fines, cost and compensation for waste company

Able Hire (Leicester) Limited was fined £5000 and ordered to pay compensation and costs totaling £6375 and a victim surcharge of £15 after pleading guilty to a charge relating to an illegal waste operation. Proceedings were brought under the Environmental Permitting (England & Wales) Regulations 2007. Environment Officers inspected land adjacent to Spring Grange Farm, Beeby, Leicestershire in May 2009 and found piles of soils and rubble. There were a number of skips which contained amounts of household and commercial waste. There was also evidence that waste had been burnt in a skip. In addition, a large area of the site had been excavated to create a hard-standing made of brick and concrete rubble which was contaminated with materials including plastic and scrap metals. The company did not hold an environmental permit for the site. An Environment Agency officer involved in the investigation, said: 'Illegal waste disposal activities are a problem, the Environment Agency is pleased that the court is taking the issue seriously, which is reflected in the heavy fine issued to Able Hire (Leicester) Limited today. We hope this will act as a deterrent to others who may consider disposing of waste illegally.'

Packaging offences cost flooring company over £36,000

Karndean International Limited of Evesham pleaded guilty to nine charges relating to failure to comply with packaging waste regulations. The charges were brought by the Environment Agency under the Producer Responsibility Regulations. Karndean International Limited was fined £3,300 for each offence (a total of £29,700). It was also ordered to pay compensation of £3,040 to the Environment Agency for loss of registration fees, costs of £4,026 and a victim surcharge of £15. The packaging regulations require that obligated companies should register with the Environment Agency or a compliance scheme by 7 April each year and provide evidence of waste packaging recovery and recycling. The Environment Agency contacted Karndean International Ltd in May 2009 because they did not appear to be registered. Information received from the company as a result, together with a subsequent interview under caution in November 2009, indicated that the business was obligated in 2006, 2007 and 2008. Speaking after the case Louise Goatcher, an Environment Agency officer involved in the investigation, said "When companies such as Karndean International Ltd do not meet their recovery and recycling obligations our environment suffers and this is not acceptable. Businesses have a responsibility for what happens to their waste. While registering would have cost less than £9,000 for the three years concerned, their appearance in court has cost

them well over £36,000. This case demonstrates that flouting the law does not pay in the end. We will continue to work with responsible businesses to reduce the amounts of packaging waste ending up in landfills, but we will also work hard to seek out and prosecute companies who fail to meet their obligations."

£52,000 fines and costs for Slough company and director for polluting local watercourse with detergent

DS Holdings Ltd, trading as Envirogreen - a waste carrier and its director Neil Stewart has been ordered to pay more than £52,000 after virtually wiping out all the fish living in a tributary of the River Thames. Both pleaded guilty to a total of five offences under the Water Resources Act 1991, Environmental Permitting (England & Wales) Regulations 2007, and the Hazardous Waste (England and Wales) Regulations 2005. The offences included causing pollutants to enter the Chalvey Ditch near Cippenham, operating a regulated facility without an environmental permit, failing to keep a record of the hazardous waste transported and failing to complete a hazardous waste consignment note. The company was fined £23,600 and ordered to pay £15,000 costs and £8,170 compensation to the Environment Agency with a £15 victim surcharge. Mr Stewart was fined £14,000 and ordered to pay a £15 victim surcharge. The court heard that a tanker belonging to DS Holdings Ltd accidentally discharged approximately 4,500 litres of hazardous chemicals into the Chalvey Ditch in Cippenham in September 2009. The discharge caused near total fish mortality in the watercourse as far as its confluence with the River Thames. D S Holdings, trading as Envirogreen, did not have an environmental permit to store hazardous waste brought to the Slough site as part of the company's waste carrier business. Neil Martin, investigating officer for the Environment Agency, said: "My message to companies which transport, store or treat any sort of waste is simple - transport and store it safely and with the appropriate permits, ensuring that it cannot leak. We will not tolerate the pollution of our rivers and neither will the courts."

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