

# Selection of Environmental Prosecutions (May 2008 to December 2008)

DATE	PENALTY	BRIEF FACTS
May 2008	Director/Secretary: imprisonment, community service, electronic tagging, compensation and costs.	<p><b>Waste Offence</b></p> <p>A director (and subsequently the secretary) of skip company Cheap Skips Limited had the following sentence imposed by Derby Magistrates' in relation to four charges of keeping waste without a licence:</p> <ul style="list-style-type: none"> <li>• Five month imprisonment (suspended for 12 months).</li> <li>• 250 hours community service.</li> <li>• Electronically tagged from 9pm to 6am every day for six months as part of a curfew order.</li> <li>• £5,000 compensation to the Environment Agency.</li> <li>• £4,308.58 contribution to prosecution costs.</li> </ul>
June 2008	Company: £63,000 (plus £3,516 compensation for unpaid licence fees and £7,890.85 costs)	<p><b>Waste Offences</b></p> <p>Eurowaste Recycling PLC was fined for the illegal keeping and depositing of waste on land without a licence, failing to supply waste transfer notes and failing to remove waste. The offence related to the illegal storage of some 1,300 tonnes of tyres.</p>
June 2008	Company: £40,000 (with £1,813 costs)	<p><b>Waste Offences</b></p> <p>E J Shanley &amp; Son (Trowbridge) Ltd, a scrap metal firm, has been fined after pleading guilty to two offences relating to the deposit, keeping and treating of controlled waste without a licence. The company was operating an illegal waste transfer station. Whilst the Company is authorised to run a vehicle dismantling and treatment business from its premises, under the terms of its exemption, the company must confine its activities to the storage and recovery of waste from end-of-life vehicles. Instead the site was being used for the storage and treatment of mixed household, commercial and industrial wastes, which activities require a permit and are outside the scope of any exemption.</p>
July 2008	Company: £40,800 (with £7,000 costs)	<p><b>Breach of Permit</b></p> <p>A landfill waste company has been fined for breaching conditions of its permit for failing to control the amount of liquid waste residue accumulating at a Wiltshire site. Hills Waste Solutions Limited, formerly Hills Minerals and Waste Limited, operate a landfill site receiving non-hazardous household waste from local authority collections. This operation was permitted under the Pollution Prevention and Control Regulations 2000, which state it must control the level of leachate within the landfill. This leachate is a potentially polluting liquid that accumulates during filling and is the liquid material that develops from decomposing waste. The liquid can contain heavy metals such as arsenic, cyanide and oils. This liquid must be removed and treated on site before being transferred to a water treatment plant operated by Wessex Water. In November 2006, the Environment Agency found the company had failed to monitor leachate levels and implement an emergency leachate management plan as required by the site's PPC permit. An investigation indicated that between January 2005 and September 2006, Hills Waste failed to provide a number of monitoring results for leachate. During this time there were numerous breaches of leachate levels up to ten times greater than that allowed under the sites permit.</p>
July 2008	Company: £30,000 (with £1,710 costs)	<p><b>Water Resources</b></p> <p>Bakkavor Foods Ltd was fined for polluting a nearby watercourse following poor waste management at their premises. The Company had allowed yard surfaces to become contaminated with food waste and milk, which is highly polluting. During the course of cleaning of the yard, food and other contaminants were being flushed into the surface water drain, which resulted in the pollution of the nearby watercourse.</p>
July 2008	Company: £4,500 (with £4,500 costs) Director: £4,500 (with costs £4,500)	<p><b>Waste Offences</b></p> <p>PG and Son (Stone Sales) Limited, which recovers and recycles stone and its director Paul Gledhill were fined for illegally disposing of builder's waste. A significant aggravating feature in this case was the failure to respond to Environment Agency advice and warnings.</p>

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July 2008	Company: £25,000 (with £3,560 costs)	<b>Waste Offences</b> A Riddell & Sons were fined for storing and burning waste without a license.
August 2008	Company: £8,000 (with costs of £4,257)	<b>Breach of Licence Conditions</b> Following odour complaints, a composting site run by Material Change Ltd were fined for various breaches of their licence including failing to record results and failing to record the twice daily monitoring of odours at the site boundary.
September 2008	Five-month imprisonment; six month driving ban; forfeiture of vehicle (tipper lorry).	<b>Waste Offences</b> A Swansea Valley man was imprisoned, given a six-month driving ban (to serve following his sentence), and ordered to forfeit the vehicle used in his illegal activities. This follows various charges involving the unlawful keeping, deposit and disposal of controlled waste. A particularly aggravating feature of this case was that this gentleman had four previous prosecutions for similar offences, including a previous suspended sentence.
October 2008	Record Sentence: 32 months imprisonment (with £20,000 costs)	<b>Waste Offences</b> Following a joint investigation between the Environment Agency and BERR, Harvey Stuart Gibson, a repeat environmental offender, received a 32 month sentence in Reading Crown Court on charges of illegally depositing and disposing controlled waste in contravention of a Waste Management Licence. Mr Gibson, an undischarged bankrupt, also pleaded guilty to managing a company whilst disqualified by a court order, contrary to the Company Directors Disqualification Act 1986. Mr Gibson, who has a string of previous convictions, was the mastermind behind a well-organised, large-scale illegal waste transfer business. Waste was collected from businesses across north London and the Home Counties via his waste transfer business in Watford to a disused quarry in Tidmarsh, Berkshire and a field in Chalfont St Giles, Buckinghamshire. Waste was then burned or buried, coupled with an illegal quarrying operation at Tidmarsh and, it is believed, similar activity in Buckinghamshire.
October 2008	Company: £8,000 (with costs of £5,314) plus costs incurred as a result of clean up.	<b>Water Resources</b> Sevalco who make carbon black - a chemical dye mainly used in the manufacture of tyres and some plastic and liquid products were fined when the main oil delivery pipe to its factory sprang a leak and polluted a tributary of the River Severn. The raw material, heavy oil, is delivered by tanker to docks and pumped via a pipeline to the site. Oil leaked from corroded pipe work and escape into a nearby watercourse. Oil was visible along the whole length of the watercourse (approximately 600m) and was flowing out into the River Severn estuary - a protected area of high conservation value and Site of Special Scientific Interest.
October 2008	Company: £150,000 (with costs of £28,973.00)	<b>Water Resources</b> Anglian Water Services Ltd fined for three separate discharges from its sewage treatment works in Newmarket. The offences occurred because of operational and management failures and failures to respond to alarms. Aggravating features relating to the various offences included the removal, destruction and falsification of information in the site log book, a fish kill, an additional discharge that was taken into consideration for the purposes of sentencing and Anglian Water's attitude to the investigation.
October 2008	Company: £56,000 (plus £6,104 in compensation and costs of £1,805)	<b>Packaging Waste</b> Blowplast Ltd who produce plastic bottles for the dairy industry were fined for various breaches of the Packaging Waste Regulations for failing to meet its requirements to recover and recycle packaging waste between 2000 and 2006.
October 2008	Three Defendants fined a total of £78,000 (with 26,976 costs).	<b>Waste Offences</b> James Penfold, George Penfold and Josephine Pettigrove were fined for knowingly permitting the deposit and keeping of waste at an illegal site from September 2005 to March 2007. The court heard how George and James Penfold collected full skips and brought them back to land owned by Josephine Pettigrove. All three defendants were involved in the running of the skip business, organising the hire and collection of, and payment for skips. On numerous occasions, inspections revealed that there were mixed waste, including asbestos, being deposited and kept on the land even after verbal and written warnings.
November 2008	Company: £18,000 (with costs of £2,494)	<b>Abstraction</b> Laundry firm The Sunlight Service Group Ltd has been fined for the over abstraction of water at least four times in 2007. The company was also charged with failing to record meter readings as specified in its abstraction licence. The laundry firm had a licence to take groundwater from boreholes with limits imposed hourly and daily to restrict the effect on the River Wensum, a designated SSSI (Special Site of Scientific Interest) and European Special Area of Conservation.

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November 2008	Indefinite injunction and £33,173 in costs.	<p><b>Waste Offences</b></p> <p>In November 2007, Mr Brightmore and ARB Agri Plant Limited agreed to be bound by specific promises until further order of the Court relating to import of waste onto a site at Red Hill Quarry. Since then he and the company have broken some of those promises by continuing to import waste onto the site. On 13 March 2008 Mr. Brightmore and ARB Agri Plant Ltd admitted at Liverpool High Court to committing 16 breaches of a court undertaking. A fine of £10,000 (together with £5,000 contribution towards costs) was ordered. On 4 November 2008, Manchester High Court served an injunction to Mr. Brightmore ordering him to cease indefinitely any illegal controlled waste activities at the site. The Environment Agency and Rotherham Metropolitan Borough Council sought the injunction. Mr Brightmore has been ordered to remove all controlled waste kept or disposed of on the Red Hill Quarry site within a period of 6 months. The Injunction also prevents Mr Brightmore and his company from carrying out any plant hire, waste transfer or tipping activities within the Rotherham Borough boundary without the benefit of planning permission. Costs were also ordered to the Environment Agency (£15,173) and Rotherham Metropolitan Borough Council (£18,000).</p>
November 2008	Company: £24,000 (with costs of £6,271.55)	<p><b>Breach of Permit Conditions</b></p> <p>A chemicals factory operated by Croda Europe Limited was fined £24,000 after pleading guilty to three breaches of its environmental permit, following a gas (ammonia) discharge from the site in May 2008. The ammonia, which is used in the manufacturing process, was discharged under pressure through valves which an operator had forgotten to close following cleaning. It was estimated that between 231 and 303kg of ammonia escaped into the atmosphere.</p>
November 2008	Company: £171,000 (with costs of £5,952)	<p><b>Waste Offences</b></p> <p>Haigh Contracts Ltd was fined for various waste offences that occurred between February and November 2007 when waste was deposited, kept and burnt without a waste management licence or an appropriate exemption at a site in Thaxted.</p>
November 2008	Company: £20,000 (with £16,300 costs)	<p><b>Pollution incident</b></p> <p>Hills Waste Solutions Ltd (formerly known as Hills Minerals &amp; Waste Ltd), who operate the Chapel Farm Landfill site was fined for keeping controlled waste in a manner likely to cause pollution of the environment or harm to human health. This relates to an incident in July 2006 when highly polluting landfill leachate leaked from the leachate lagoon on the Hills Waste site into the surface water ditch, a tributary of the River Ray. The leakage occurred through a tear in the lining of the leachate lagoon and the failure of the leachate containment system.</p>
December 2008	Company: £54,000 (plus £5,154 in compensation and costs of £3,094.21)	<p><b>Packaging Waste</b></p> <p>Merisant UK Ltd, the makers of Canderel, were fined for various breaches of the Packaging Waste Regulations for failing to meet its requirements to recover and recycle packaging waste between 2001 and 2006.</p>