

## Environmental and Waste Management Group



### July 2019 Newsletter

#### **LEGISLATION, REGULATORS, GUIDANCE & CONSULTATIONS**

##### **Positive effects of Scotland's deposit return scheme**

Nearly 31,000 plastic bottles could vanish from Scotland's streets, beaches and green spaces every single day following the implementation of a deposit return scheme (DRS) in Scotland, according to new figures released by Zero Waste Scotland showing the "dramatic scale" of litter reduction that could be seen. (Read more: [circularonline.co.uk](http://circularonline.co.uk))

##### **The Environment Agency (EA) proposes new guidance on healthcare waste disposal**

The government has set out proposed new guidance for waste firms dealing with the transfer and treatment of healthcare waste. The draft guidance, which was out for consultation until 15 July, came in the wake of the Healthcare Environmental Services (HES) scandal. According to the EA, the proposed new guidance aims to deliver improvements in the design and operation of permitted facilities in the healthcare waste sector and ensure that "appropriate measures are applied consistently". (Read more: [gov.uk](http://gov.uk))

##### **Health and Safety Executive (HSE) Annual Report**

HSE has published its Annual Report and Accounts for 2018/19 highlighting varied achievements over the last year. (Read more: [hse.gov.uk](http://hse.gov.uk))

##### **RR1141: Comparative analysis of manual handling practices in kerbside collection of recyclable waste**

Government targets for reducing waste going to landfill have led to an increase in the processing of domestic waste to reclaim recyclable materials. Manual sorting tasks can occur at the kerbside during waste collection and, if poorly designed, can introduce manual handling risks.

The report describes research to better understand the kerbside collection and sorting methods currently employed by the waste industry and to determine how manual handling risks can best be reduced or controlled. Six detailed case studies are presented showing a range of vehicles and processes in operation. (Read more: [hse.gov.uk](http://hse.gov.uk))

## **EA publish reformed land contamination guidance**

The EA have published an update to the Model procedures for the management of land contamination (CLR11). The updated online guidance is called: Land contamination: risk management (LCRM) and the EA are looking for feedback on the technical content and structure for a period of 6 months.

CLR11 was introduced as a research document in 2004. It soon became the principal guidance for managing the risks from land contamination. It has never been updated. CLR11 was archived from GOV.UK in 2016 as part of the smarter guidance project. Archived content can be used for historical reference but it does not represent official EA or government guidance - it cannot be used or relied upon as such. CLR11 is too significant, widely used and referenced to leave in the National Archive. (Read more: [gov.uk](http://gov.uk))

## **EA warns landowners are 'sitting targets' for organised waste crime gangs**

The EA is warning landowners in south-east England to be vigilant after investigations revealed that 'baled waste crime' is on the increase in the area. Nationally organised waste crime has been flourishing over the last two years and the agency reports the number of incidents of large scale dumping of baled waste on privately-owned sites across Kent, Surrey, Sussex and Hampshire since 2017 have been rising.

The waste is often plastic, building, commercial or household rubbish that cannot be recycled and which has no monetary value. The waste is typically compressed into a block or 'bale' and concealed by plastic strapping, according to the Agency. During 2017, the EA investigated the dumping of 18,244 bales of waste, which it estimated saved criminals up to £1,277,000 for the correct disposal of the waste. This led to the arrest of several men last year in connection with ongoing investigations into organised waste crime. (Read more: [gov.uk](http://gov.uk) and see below)

## **Guidance on 2020 Fgas ban published**

A new guidance document has been published which aims to help businesses that use refrigeration or freezer units using hydrofluorocarbons (HFC) as refrigerants prepare for the upcoming ban on the use of HFCs with a global warming potential (GWP) greater than 2500, which will come into force on 1 January 2020.

The UK and EU have published legislation that aim to phase out the use of HFCs by 79% by 2030. The ban affects refrigeration systems containing HFCs equivalent to over 40 tonnes of carbon dioxide.

Regulation (EU) 517/2014 on fluorinated greenhouse gases is enforced by the:

- Fluorinated Greenhouse Gases Regulations [SI 2015/310](http://SI 2015/310), in England, Scotland and Wales; and
- Fluorinated Greenhouse Gases Regulations (Northern Ireland) [SR 2015/425](http://SR 2015/425), in Northern Ireland.

(Read more: [acrib.org.uk](http://acrib.org.uk))

## **Storing and treating asphalt waste: RPS 157**

Guidance from the EA on when you can store and treat asphalt waste without an environmental permit for a waste operation, installation or mobile plant. (Read more: [gov.uk](#))

## **European Commission and ECHA to scrutinise all REACH registrations by 2027**

The European Commission and the European Chemicals Agency (ECHA) are taking action to make sure that REACH registration dossiers are compliant with EU legal requirements. The increased level of compliance will result in improved industry data on chemicals and safer chemicals use in the EU.

The new Action Plan envisages a significant increase in the number of compliance checks carried out on registration dossiers. The Commission is proposing an amendment to REACH to increase the minimum required number of compliance checks from present 5% to 20% of registration dossiers in each tonnage band. The proposal is planned to be adopted before the end of this year. (Read more: [ec.europa.eu](#))

## **In case you missed it...**

The code of practice on 'Collection of waste electrical and electronic equipment (WEEE) from designated collection facilities (DCFs)' has been updated. (Read more: [gov.uk](#))

## **INCIDENTS AND PROSECUTIONS**

### **£126m fine for Southern Water**

Southern Water has been fined £126m for spills of wastewater into the environment from its sewage plants and for deliberately misreporting its performance. The penalty will see customers get a rebate of at least £61 each.

The EA has launched a criminal investigation into the case. The Agency has the power to take court action if companies' actions hurt the natural environment. The EA has not confirmed if the prosecutions were into Southern Water itself or individuals employed by the company, with the investigation understood to be at an early stage and no court action imminent.

"What we found in this case is shocking," said Rachel Fletcher, the Head of Water Regulator Ofwat, while Southern said it was "deeply sorry". (Read more: [shponline.co.uk](#))

### **Northumbrian Water to pay £1.179 million for environment offences**

Five separate Enforcement Undertakings (EU) have been agreed with Northumbrian Water after the company accepted responsibility for environmental offences in County Durham (West Cornforth, Crook Beck and Chilton) and Marske-by-the-Sea (Longbeck – two offences).

The acceptance of an EU offer is often a direct alternative to prosecution, in cases where the environmental impact was localised, and where the EA is satisfied that the offending by Northumbrian Water Limited wasn't intentional.

The EA expects financial contributions to go towards environmentally focussed work located in and around the geographical area where the offences occurred. (Read more: [gov.uk](#))

### **BiFFa Waste Services convicted of breaking the law on overseas exports**

The EA has prosecuted Biffa Waste Services Ltd for sending to China waste collected from households, such as used nappies and food packaging, that the company claimed was waste paper. The export of unsorted household recycling waste from the UK to China has been banned since 2006.

After a three-week trial, a jury at Wood Green Crown court found Biffa guilty of two breaches of the law in May and June 2015. Paper can legally be sent to the People's Republic, but heavily contaminated other waste cannot. Biffa will be sentenced in September. (Read more: [gov.uk](http://gov.uk))

### **Middlesbrough-based company fined £19,000 for odour pollution**

A Teesside firm specialising in anaerobic digestion has been prosecuted by the EA for odour pollution from its Middlesbrough based plant. BioConstruct NewEnergy Ltd were fined in total £19,670 after pleading guilty to offences which occurred in July 2018.

Jamie Fletcher, Area Environment Manager for the EA, said: "We take issues that greatly impact upon the local community very seriously and in the case of BioConstruct NewEnergy Ltd it affected people on a variety of different levels. The odours emitted were so intrusive that it made families from the nearby registered travelling community site actually leave their homes for over four weeks. We have to act when insufficient maintenance planning results in wide spread disruption and potential hazardous impact on the environment. All of these repercussions were preventable with appropriate management and consideration for people in the surrounding area." (Read more: [gov.uk](http://gov.uk))

### **Arrest made following Home Counties waste mountains**

Further to the item above referencing organised waste crime gangs a man from Maidenhead, in Berkshire, was held at recently by Thames Valley Police in connection with large-scale illegal waste tipping across the southern England. (Read more: [gov.uk](http://gov.uk))

### **Jail sentences for serial Home Counties fly-tippers**

A trio of waste criminals have been given prison sentences, one suspended, of between 8 and 13 months and told to pay back nearly a quarter of a million pounds after fly-tipping a court heard was "on a commercial scale." The men, from east London or Essex, were convicted of dumping hundreds of tonnes of waste at several locations across Barking, Havering, Hertfordshire and Essex between 2012 and 2014.

Emma Viner, area enforcement manager for the EA, said: "[the men] had no concern for the cost to the landowners or taxpayers, less still, the harm dumping hundreds of tonnes of waste would have on the environment. This highly-organised operation broke the law on a commercial scale, but that same law caught up with them in the end. The prison sentences laid down in court by the judge show crime does not pay, also proven by more than £200,000 recovered from the men in a proceeds of crime order or court costs." (Read more: [gov.uk](http://gov.uk))

### **Waste site director given suspended sentence for operating illegally**

The sole director of Rhino Recycling Limited has been sentenced to 12 months' custody suspended for 18 months and also ordered to complete 160 hours' unpaid work in the community after operating the site in Pershore illegally.

The cost of making the site, which was around the size of 3 football pitches, compliant would have been about £450,000. But in not doing so, the director avoided those costs, plus more than £17,000 in fees to the EA. After the company was dissolved and the site abandoned, the cost of clearing it was in excess of £100,000.

Speaking after the case, an EA officer in charge of the investigation said: "We tried to work with the company for two and a half years in an effort to get them to operate in a safe way and legal manner. By ignoring our advice, activities on the site posed a significant risk to the environment. This prosecution shows that we will take action on reports of unlawful waste activities on sites that we regulate, and will pursue non-compliant operators through the courts." (Read more: [gov.uk](https://www.gov.uk))

### **Rowanoak directors found guilty of waste crime**

The EA has successfully brought those responsible to account for abandoning 2,000 tonnes of waste at Shaw Road, Dudley in 2016. Sentencing is expected later in the year. Speaking after the case, the EA officer in charge of the investigation said: "Waste crime is a serious offence with tough penalties. It can damage the environment, blight local communities and undermine those who operate legally. We aim to disrupt, prevent and investigate illegal waste activity and take enforcement action where we can. In this case, those found guilty, by being in breach of their permit, continued to operate their site illegally and continually ignored the EA's efforts to reduce the waste. The EA use all the enforcement powers available where we believe environmental offences have been committed." (Read more: [gov.uk](https://www.gov.uk))

### **Enforcement Undertaking**

Seearo Group Ltd, based in Hertfordshire, a demolition and excavation company has paid £10,000 to two environmental charities after admitting it had contravened the Environmental Permitting (England and Wales) Regulations 2016 by burning waste. Seearo Group Ltd offered to contribute £5,000 to The Woodland Trust and £5,000 to Wild Trout Trust, which will use the money for a conservation project that will help improve river habitats in Cambridgeshire.

As part of the EU, Seearo also committed to all management within the company receiving waste training from industry experts WAMITAB at a cost of £5,000 and the hiring of consultants through a membership with CL:AIRE, costing £35,000. The company also registered its hub and cluster sites, at a cost of £12,000, and agreed to pay the EA's costs of nearly £7,000. (Read more: [gov.uk](https://www.gov.uk))

## **OTHER TOPICS OF INTEREST**

### **Refuse crews pilot hi-vis shorts to improve comfort**

Refuse crews from three Cambridgeshire councils have started wearing high-visibility shorts during roadside collections in a new trial to help keep them cool. (Read more: [ioshmagazine.com](http://ioshmagazine.com))

### **Sprinklers praised after fire at Southwark MRF**

Fire crews have urged businesses to consider the use of sprinkler systems to prevent major fires, after a small blaze was extinguished at Veolia's MRF in Southwark in June. Four fire engines and around 25 firefighters were called to the site to when a fire, believed to have been caused by ignition of a lithium battery contained within mixed recyclable waste, was reported.

The sprinkler system at the site came into operation during the incident and helped to limit the damage caused, according to the London Fire Brigade, which has urged other businesses to install sprinkler systems to prevent future fires from escalating. (Read more: [letsrecycle.com](http://letsrecycle.com))

### **Landmark environmental apprenticeship degree scheme launches**

The Technical Apprenticeship Consortium (TAC) has officially launched the first degree-level apprenticeship for the environmental sector. The apprenticeship provides a new route into environmental management and consultancy which combines academic education with practical project experience. (Read more: [environment-analyst.com](http://environment-analyst.com))

### **Public concern over environment reaches record high in UK**

Public concern about the environment has soared to record levels in the UK since the visit of Greta Thunberg to parliament and the Extinction Rebellion protests in April. The environment is now cited by people as the third most pressing issue facing the nation in tracking data from the polling company YouGov that began in 2010. Environment was ranked after Brexit and health, but is ahead of the economy, crime and immigration. (Read more: [theguardian.com](http://theguardian.com))

### **HSE Innovation in Battery Technology**

HSE Training and Events will be hosting 'Innovation in Battery Technology – Safely Enabling the Industrial Strategy' in November 2019. This one-day event will bring together industry, academia, government and regulators to share knowledge, experience and insight into current lithium ion battery safety research and to discuss how the latest evidence base can be used to overcome the health and safety challenges of innovating and regulating this growing area of technology. Further updates from HSE to follow.

### **IOSH 2019**

For the practitioners, the leaders and the innovators in safety and health; the global conference for safety and health professionals, 16-17 September 2019. (Read more: [ioshconference.com](http://ioshconference.com))