

# Final warnings to Exxonmobil Chemical and Shell for environmental non-compliance

✘19 April 2018

Petrochemical companies ExxonMobil Chemical Ltd and Shell UK Limited have been served with Final Warning Letters by the Scottish Environment Protection Agency (SEPA) following an enhanced unplanned flaring event at the Mossmorran complex in Fife, during June 2017.

- Final warning letters served by the Scottish Environment Protection Agency (SEPA) to two of the nation's largest industrial operators served for environmental non-compliance.
- Full review commissioned of environmental permits to operate for both Mossmorran sites.
- Enhanced programme of air quality monitoring announced.
- SEPA Chief Executive tells senior ExxonMobil Chemical Ltd and Shell UK Limited executives "environmental compliance is non-negotiable."

In addition to Final Warning Letters, the environmental watchdog has commissioned a full review of the environmental permits to operate both sites, with a view to strengthening environmental compliance and reducing the impact of flaring on local communities. An enhanced programme of air quality monitoring has also been announced by the regulator, to inform relevant public agencies.

Following an intensive investigation by SEPA, which included formal statements from local residents, the regulator found that whilst flaring is an important safety feature in the event of a process fault, a series of maintenance failures led to elevated levels of unplanned flaring in breach of environmental controls between 12 and 18 June, following the breakdown of a condensate pump.

SEPA found residents were subject to considerable disturbance in their homes from noise, vibration and black smoke over the seven-day period in Summer 2017, during which a total of 74 complaints were received by the agency.

SEPA's Chief Executive, Terry A'Hearn met senior ExxonMobil Chemical Ltd and Shell UK Limited executives directly on site and was clear that "environmental compliance is non-negotiable."

Terry A'Hearn, SEPA's Chief Executive Officer, said:

"Every day, SEPA works to protect and enhance Scotland's environment and compliance with Scotland's environmental rules is simply non-negotiable.

"The impact of unplanned flaring from Mossmorran last year was both

preventable and unacceptable. We're disappointed that both ExxonMobil Chemical and Shell UK caused an environmental impact on local communities which is why we've issued formal Final Warning Letters, have commissioned a full review of environmental permits to operate and an enhanced programme of air quality monitoring.

"It's clear that further actions are required by ExxonMobil Chemical and Shell UK to ensure the frequency and impact of flaring is reduced, but we're encouraged by how both companies have responded, committing to respond positively to a strengthening of environmental controls. We'll be working with the Health and Safety Executive, public health partners and communities to together both strengthen environmental controls and deliver powerful transparency over site operations."

While the Final Warning Letters brings to a close SEPA's regulatory investigation for June 2017, unplanned flaring events which took place in October 2017 and March 2018 are still under investigation.

**ENDS**

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## [Perthshire men prosecuted for illegal landfill site and waste transportation](#)

 11 April 2018

A Perthshire man has been fined a total of £4,000 at Perth Sheriff Court for waste offences at a site just outside Blairgowrie and another received a 200 hour Community Payback Order and a £2,500 Confiscation Order.

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Alistair Roy pled guilty to two charges relating to waste that was deposited, kept and burnt on the site he owns. He pled guilty on 6 December 2016 and was sentenced to a 200 hour community payback order on 26 March 2018. On 6 April 2018 he received a Confiscation Order for £2,500 under the Proceeds of Crime (Scotland) Act 1995.

Derek Mollison, who trades as Mollison Construction, pled guilty on 11 October 2016 to charges relating to the illegal transport and disposal of waste, and failing to ensure the waste was passed to an appropriate person. He was fined a total of £4,000.

The matter was investigated by the Scottish Environment Protection Agency (SEPA) and reported to the Crown Office and Procurator Fiscal Service (COPFS).

Terry A'Hearn, SEPA's Chief Executive, said:

"Every day SEPA works to protect and enhance the environment. We are clear that environmental compliance is non-negotiable. This is at the very core of our One Planet Prosperity Strategy. We have a good track record of compliance in Scotland but unfortunately we do have some people and businesses that occasionally don't meet those standards. When that's the case it's our job to make sure such people are held to account.

"Illegitimate operators and waste carriers like Mr Roy and Mr Mollison not only risk our environment with their illegal behaviour, they also undercut compliant operators by flouting the regulations. We are disappointed that these activities took place, despite the best efforts of SEPA officers, but we are pleased they have been held to account.

"We hope this successful prosecution sends a strong message to everybody operating in Scotland. SEPA is here to make sure that action will be taken if you don't pay attention to your environmental responsibilities."

The offences took place at the site of a partially completed house just outside Blairgowrie, known as Winterpark. The mixed waste was made up of soil and stones, plastic items, wood, tree roots and stumps, metal, gravel, bricks, concrete, tiles, ceramics, plasterboard, garden waste, insulation, clothing, glass, cardboard, electrical goods, furniture, asbestos sheeting and tarmac. Mr Roy did not have a waste management licence for the site which would allow such waste to be kept there.

SEPA officers estimated in the region of 30 tonnes was present, though it is difficult to be precise as some waste has been buried or blended into the profile of the land. Some waste was stored in piles, some of it was buried on site and some was tipped directly into a tributary of the Lunan Burn, which flows into the River Tay. A large quantity (approximately 10 tonnes) of mixed waste was also burned on site by Mr Roy.

Despite several requests from SEPA Mr Roy permitted others to deposit waste at the site and failed to secure it to prevent the further deposit of controlled waste by others. The waste remains on site.

Mr Mollison was reported to the Procurator Fiscal for transporting waste as part of his business without being a Registered Carrier of Waste. SEPA assesses all waste carrier registrations to ensure they are granted to a "fit and proper person". Under what is known as Duty of Care he was supposed to ensure waste he produced as part of renovation of a property in Alyth was kept secure and only given to someone authorised to accept it. He failed to do this and the waste ended up being deposited at Winterpark.

Calum McGregor, SEPA's investigating officer, said:

"Mr Roy was essentially running Winterpark as an illegal landfill site and

waste transfer station. A legal facility would have authorisation from SEPA to ensure protection of the environment, including requirements for containment of potentially harmful emissions to the environment, site security, controls over the type of waste accepted and protection of any nearby watercourses. None of these were in place at Winterpark. In addition, SEPA would never have permitted the waste to be burnt in an open bonfire.

“At the time of the offence Mr Mollison should have been registered with SEPA as a Carrier of Waste. Regulating the transport of waste is essential to ensure that waste is taken to an appropriate disposal or treatment site and to prevent flytipping.

“We hope this case is also a reminder to anyone who entrusts their waste to others. You have a duty of care too – you must ensure your waste only goes to a carrier that is appropriately registered. You can find out more on our [website](#).”

**Ends**

**Notes to editor**

The exact charges Derek Mollison pled guilty to were:

- Between 1 May 2014 and 13 November 2015, both dates inclusive at Perth and Kinross Council Blairgowrie Recycling Centre, Welton Road Industrial Estate Blairgowrie, at Winter Park, by Marlee Mill, Blairgowrie, PH10 6QX, Toutie Studio, Lower Bank Street, Alyth Riverlodge, Balmoral Road, Blairgowrie, and elsewhere you DEREK MOLLISON did in the course of your business, namely Mollison Construction or otherwise with a view to profit transport controlled waste, namely inter alia inert waste comprising soils and mixed excavated material, various spotlights, tiles, various pieces of art work, fittings, plasterboard, a toilet, corner sink, an immersion heater, packaging, and stone blocks when you were not a registered carrier of such waste; CONTRARY to the Control of Pollution (Amendment) Act 1989, Section 1 (1). – **fine £1,500**
- Between 1st May 2014 and 17th April 2015 both dates inclusive at Toutie Studio, Lower Bank Street, Alyth and Riverlodge, Balmoral Road, Blairgowrie you DEREK MOLLISON being a person who produces, carries, disposes and has control of controlled waste, namely inter alia packaging waste, plasterboard, a ceramic toilet, ceramic sink, tiles, electrical items, utility sink unit, and approximately thirty sections of a stone wall comprising rectangular blocks and coping stones, did fail to take all measures applicable to you as were reasonable in the circumstances, on the transfer of said waste, to secure (i) that the transfer was only to an authorised person or a person authorised for transport purposes and (ii) that there was transferred such a written description of said waste as would enable other persons to avoid a contravention of section 33 of the aftermentioned Act or any condition of a permit granted under the Pollution Prevention and Control (Scotland) Regulations 2012 and to comply with the duty under Section 34(1)(b) of the aftermentioned Act as regards the escape of waste in

that you failed to pass waste that you were in control of to an authorised person or a person authorised, you failed to provide any written description of the waste to the person the waste was transferred to and failed to take any steps to ensure that the waste was disposed of or treated at an appropriately licensed facility; CONTRARY to the Environmental Protection Act 1990, Section 34(1)(c)(i) and (ii) – **fine £2,500**

The exact charges Alistair Roy pled guilty to were:

- Between 1<sup>st</sup> May 2014 and 4<sup>th</sup> February 2016 both dates inclusive at in or on land at Winter Park, by Marlee Mill, Blairgowrie, PH10 6QX you ALISTAIR STEWART ROY did keep and knowingly permit to be deposited controlled waste, namely inter alia soil and stones, plastic items, wood, tree roots and stumps, metal gravel, bricks, concrete, tiles, ceramics, plasterboard, garden waste, insulation, clothing, glass, cardboard, electrical goods, furniture, asbestos sheeting and tarmac in and on said land otherwise than in accordance with a waste management licence in that the said controlled waste, including special waste, was kept in piles on the land there, dug into or buried in the land there and left lying in the river or waterway there; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(b)(i) and (1)(a) and (6) as amended
- Between 17<sup>th</sup> April 2015 and 6<sup>th</sup> May 2015 both dates inclusive at Winter Park, by Marlee Mill, Blairgowrie, PH10 6QX you ALISTAIR STEWART ROY did treat and dispose controlled waste, namely inter alia wood, plastic items, plasterboards, garden waste, insulation, clothing, cardboard, furniture and electrical items to be treated and disposed of in and on said land otherwise than in accordance with a waste management licence in that you did burn waste on land there; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(b) – **given 200 hours community payback order for both offences and a £2,500 Confiscation Order**

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## [SEPA invites you to help shape Agency's first sector plans](#)

 26 March 2018

Everyone with an interest in Scotland's environment is being invited to have their say on the Scottish Environment Protection Agency's (SEPA) sector plans for Scotch Whisky, metals and landfill.

The above assets are available for print, online and broadcast media to use to illustrate this story. Please [click through to our media gallery](#) to download them – no registration is required. All related items will be shown

on the same page.

- SEPA's sector plans will drive compliance with environmental regulations
- First sector plans to be consulted on are the Scotch Whisky, metals and landfill sectors
- Sector plans will shape our interactions with every sector and the businesses within them

SEPA's sector plans will be at the heart of everything we do and will shape our interactions with sectors and the businesses in them. In every sector we regulate, we will have two simple aims. We will ensure that every regulated business fully meets their compliance obligations and help as many regulated businesses as possible to go beyond the compliance standards.

Successful businesses in future will be those that use low amounts of water, materials and carbon-based energy and create little waste. Prosperous societies will be comprised of these businesses. This can be Scotland with sector plans driving this ambition forward with a plan being developed for every sector we regulate by the end of March 2021.

We want to hear what people think of our draft plans and once they are finalised we will push on and implement them. Consultees have until **7 May 2018** to respond to the consultation which is available to view on our [Consultation Hub](#).

Sector plans bring a clear and co-ordinated approach to regulation, focusing us on delivery and using our staff more powerfully to engage.

Speaking at an event for all SEPA managers in Perth today (26 March 2018), Terry A'Hearn SEPA's Chief Executive, said:

"SEPA is transforming its regulatory approach in order to create a world-class environment protection agency fit for the challenges of tomorrow.

"Every day SEPA works to protect and enhance the environment. Environmental compliance is non-negotiable and our sector plans will work to ensure that every Scottish business is compliant with environmental law. We'll also work with as many as possible to go even further as the successful businesses of tomorrow will be those who embrace the economic opportunity of sustainable solutions to environmental challenges. This will help businesses to think about creating commercial success from environmental excellence.

"Sector planning will drive our regulatory approach so we want and need the widest possible range of input and review to make sure this new approach is as effective as possible. Communities across Scotland are integral to this. If you have an interest in the environment please read the consultation documents and tell us what you think".

ENDS

## Notes to editors

- A [video](#) of Terry A'Hearn, SEPA's Chief Executive, explaining how our sector plans will be at the heart of everything we do, is available for members of the media to download and use from our media gallery. No registration is required.
  - The video can also be viewed online on [SEPA's YouTube channel](#).
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# [East Lothian man given £40,000 fine and community payback order for illegal tyre site](#)

 23 March 2018

An East Lothian sole trader was fined £40,000 and given a Community Payback Order, to undertake 240 hours of unpaid work, at Edinburgh Sheriff Court on Wednesday 14 March for illegally storing waste tyres.

The above assets are available for print, online and broadcast media to use to illustrate this story. Please [click through to our media gallery](#) to download them – no registration is required. All related items will be shown on the same page.

Alistair Marshall trading as A. M. Transport pled guilty to depositing and keeping waste tyres on his site at Fenton Barns, Drem, and another site at Annfield Farm, Tranent, without the required Waste Management Licence. The case was investigated by the Scottish Environment Protection Agency (SEPA) and a report was sent to the Procurator Fiscal. Mr Marshall pled guilty at the Intermediate Diet on 12 September 2017 and the Sheriff deferred sentence for a period of time.

Mr Alistair Marshall first came to the attention of SEPA officers in April 2013 when they initially attended his site at Annfield Farm, Tranent. At that time, he was allowed to have 1000 tyres but had greatly exceeded that amount. Later that year Mr Marshall made enquiries about licensing requirements for storing waste tyres and was advised by SEPA, that he would require a Waste Management Licence.

In September 2015, SEPA became aware of Mr Marshall storing tyres at another site in Fenton Barns, East Lothian. Upon investigation, SEPA established Mr Alistair Marshall had been depositing and storing tyres there since 2010. There were estimated to be between 65,000 and 75,000 tyres stored at the

site.

SEPA attempted to work with Mr Marshall but despite verbal and written requests for the site to be cleared, Mr Marshall did not comply. An enforcement notice was served, to force him to remove the tyres and he was allowed time to do so. Mr Marshall did not comply and the only option SEPA had was to report the case to the Procurator Fiscal. When the report was submitted the vast majority of the waste tyres remained at the site.

Terry A'Hearn, SEPA's Chief Executive, said:

"Under SEPA's One Planet Prosperity regulatory strategy we make crystal clear that everybody must meet Scotland's environmental laws. Compliance is non-negotiable. We have a good track record of compliance in Scotland but unfortunately we do have some people and businesses that occasionally don't meet those standards. When that's the case it's SEPA's job to make sure such people are held to account.

"We recently had a successful prosecution concluded in which Alistair Marshall trading as A. M. Transport was fined £40,000 and given a 240 hour Community Payback Order. We're very disappointed that the illegal storage of waste tyres took place and that environmental risk was created through this activity, but we're pleased that this company has been held to account.

"We see it as a message to everybody operating in Scotland that if you don't take care of the environment, if you don't pay attention to your environmental responsibilities SEPA is here to make sure that action will be taken. We encourage you to make sure you understand your obligations and carry out your environmental responsibilities in full compliance with the law".

Danielle Smart, SEPA Reporting officer, said:

"SEPA is very clear that compliance with regulations designed to protect the environment is not optional. Waste tyres contain chemicals and other materials that can be harmful to the environment if not disposed of legally. Every day SEPA works to protect and enhance the environment. Depositing and storing waste tyres without a Waste Management Licence is unacceptable and means that controls which minimise the risk of fire and potential risk to the environment are not in place.

"Mr Marshall undercut businesses which operate within the law, diverted waste away from legitimate waste businesses and undermined the regulatory regime. This is unacceptable and we hope that this outcome sends a strong message that SEPA will take enforcement action in line with our enforcement policy against those who persist with such unlawful business practices."



## Ends

### Notes to editors

The exact charges Alistair Marshall pled guilty to were:

- On repeated occasions between 1 December 2010 and 13 February 2016, both dates inclusive, in or on land at Pole Barns, Fenton Barns, East Lothian and at Annfield Farm, Winton Loan, Tranent you ALISTAIR MARSHALL, trading as A M Transport, did deposit controlled waste, namely waste tyres on or in said land without the authority of a waste management licence; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(a)&(6) as amended
- On repeated occasions between 1 December 2010 and 26 August 2016, both dates inclusive, at Pole Barns, Fenton Barns, East Lothian and at Annfield Farm, Winton Loan, Tranent you ALISTAIR MARSHALL, trading as A M Transport, did keep controlled waste, namely waste tyres in or on said land otherwise than in accordance with a waste management licence in that you did keep in excess of 1000 waste tyres without the authority of a waste management licence; CONTRARY to the Environmental Protection Act 1990, Section 33(1)(b)(i) and (6)

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## [SEPA hoping to inspire young people into STEM careers during British Science Week](#)

✘ 16 March 2018

Inspiring young people to follow a career in science, technology, engineering and maths (STEM) is vital to Scotland's environmental regulator.

- Scotland needs young people trained in STEM subjects to tackle the environmental challenges facing humanity now and in the future.
- SEPA highlights science staff during British Science Week.
- A world-class environment protection agency needs skilled staff inspired and trained in these disciplines.

As British Science Week reaches its end on Sunday (18 March) the Scottish Environment Protection Agency (SEPA) is stressing the importance of STEM skills to ensure that Scotland is prepared to tackle the scale of environmental challenges facing humanity now and in the future.

SEPA is creating a world-class environment protection agency fit for the

challenges of tomorrow, and as an organisation dependent on these skill sets, ensuring the future workforce is inspired and trained in these disciplines is essential.

Keen to make sure the wide-range of roles is understood, SEPA has been using social media to highlight just some of the over 400 scientists who work in different areas of the organisation. The intention is to help young people understand what options are open to them.

Recognising that we are over-using our planet's resources – SEPA is acutely aware that the only businesses, societies and nations which will thrive in the 21<sup>st</sup> Century are those which have developed ways to prosper within our environmental capacity. As environmental issues become more central to health, well-being and sustainable economic growth, environmental information will be more needed to make decisions that achieve all three objectives.

Each year, SEPA specialist teams take tens of thousands of samples from land, water and air and analyse these in the field and in our laboratories to help assess the quality of our environment and levels of compliance by licence holders.

SEPA's sampling figures for 2017 include:

- 27,475 samples collected by our National Monitoring Team, of which specialist sampling may involve mussel collection and identification of non-native species
- Field Chemistry collected 525 samples including particulate monitoring around industrial sites.
- Marine Chemistry & Ecology collected 940 samples which could incorporate boat work and shore surveys of plants found at the coast
- Ecology collected 1650 samples, most of which will involve sampling of the river bed and identification of the animals from it

David Pirie, SEPA Executive Director – Evidence and Flooding, said:

It's an exciting time to be working in a scientific field, with huge global challenges that we need talented people to tackle. We need people who can help to build understanding of the world around us, and to seek out innovative solutions to move Scotland forward.

“Engaging young people helps them see the relevance of science and wider STEM subjects in their lives. Whether that's the day-to-day impacts or their future study and career opportunities. We're fortunate in SEPA to have a number of staff who are STEM Ambassadors through the STEMNET programme, giving young people the opportunity to meet people working in these key areas. It also lets our staff showcase the tangible links that STEM disciplines have to almost everything around us. Being able to see the relevance of STEM appears to be a key factor in young people's enjoyment of

science lessons, particularly at secondary level, and it's certainly something we want to encourage.

"STEMNET is a great initiative and I am delighted to see so many SEPA staff members take up the role of ambassadors. We will continue to support this very important project and build on our capacity to deliver valuable scientific knowledge and expertise well into the future.

"Scientific evidence is essential to SEPA's work, and we need to ensure we have staff with the right skills. We have scientific staff working in a range of areas, including chemistry, ecology, flood risk, and hydrology. In addition there are staff with STEM backgrounds working across the organisation from data analysis, and policy to communications and senior management".

Ivvet Modinou, Head of Engagement, British Science Association, said:

Everyone can get involved in science, and British Science Week is the perfect chance for people of all backgrounds, ages and interests to take part in ways that matter to them. Thousands of events happen across the country, but you can also participate from the comfort of your own home, with our fun-filled activity packs and initiatives such as The Plastic Tide – this year's citizen science partnership. We wish everyone a great Week and we hope it inspires a fascination and engagement with science for years to come".

**Ends**