

Press release: Pollution of brook costs Evesham food processing company over £59,000

Walsh Mushrooms, a mushroom packaging and distribution company operating at the Vale Park industrial estate in Evesham, appeared in Cheltenham Magistrates' Court yesterday (31 January 2017) and pleaded guilty to an offence of polluting the nearby Battleton Brook with the effluent of rotting mushrooms.

The company was fined £50,000, ordered to pay costs of £8,888.16, along with a £170 victim surcharge.

The prosecution was brought by the Environment Agency, following reports of pollution of the brook in April and May in 2015. The company was charged with one offence contrary to Regulations 12 (1) (b) and 38 (1) (a) of the Environmental Permitting (England and Wales) Regulations 2010.

On 24 April 2015, an Environment Agency officer visited the Battleton Brook in Evesham following a report it had turned black with a foul odour. The officer found the brook heavily polluted with organic matter, causing low levels of oxygen. Some frogs and a significant number of invertebrates downstream of Vale Park had been killed as a result of the pollution incident.

Officers, along with staff from Severn Trent Water Limited, identified the source of the pollution as a skip full of decomposing mushrooms on the Walsh Mushroom site, which was leaking into a surface water drain. Investigations of the drainage system suggested this had been ongoing for a number of days. Walsh Mushrooms were advised to remove the skip, undertake a cleaning operation, and conduct a full inspection of the site drainage system.

The Environment Agency stated that the company had failed to carry out the site drainage survey within a reasonable time after 24 April 2015. As a result, on 14 May 2015, officers attended the premises of Walsh Mushrooms again to examine the site drainage system and discovered that similar effluent was continuing to flow into it.

A representative of the company was interviewed and accepted that no training had been given to staff regarding the function or maintenance of the site drainage. No training had been given to staff regarding pollution risks associated with storing waste on the site. The company had failed to carry out any environmental risk assessments since it began operating at Vale Park in 2000.

The company, which had no previous convictions, expressed remorse for the incident. It acknowledged its failure to carry out environmental risk assessments or give appropriate training to company staff. The company stated

that it had co-operated with the Environment Agency's investigation and taken steps to remedy the issues at the site. These included the monthly sampling of fluids from the on-site inceptor, the training of staff and the storage of waste mushrooms in leak-proof containers.

Following the outcome of court proceedings, an Environment Agency spokesperson said:

Walsh Mushrooms failed to conduct any assessments of the risks their operations posed to the environment. They did not understand or maintain their drainage system and they failed to provide any training for staff on how to recognise or deal with pollution incidents. As a result of these failings, they caused significant damage to the brook. We will always seek to take action against those whose actions results in pollution of our rivers.

Many companies in the food processing industry fail to appreciate that food wastes can be highly polluting and cause serious damage to the environment. By following sensible environmental management procedures businesses will be better placed to comply with relevant legislation and reduce the risks damaging our stream and rivers.

If members of the public notice any signs of pollution in a river, stream or lake please report it to our Incident Hotline 0870 80 70 60.

Press release: South West Water prosecuted for crude sewage spill in Truro River

South West Water will pay £54,000 in fines and costs for allowing untreated sewage to escape from a pumping station near Truro in Cornwall.

The case was brought by the Environment Agency.

On 16 March 2015 approximately 400,000 litres (88,000 gallons) of sewage was discharged from the Calenick Pumping Station into the Truro River via Calenick Creek.

Located south of Truro at the head of an estuary, the site receives sewage

from surrounding villages and pumps it to Truro (Newham) Sewage Treatment Works for full treatment, including disinfection.

An investigation by the Environment Agency revealed two factors contributed to the illegal discharge.

In 2015 a contractor working on electrical panels at the pumping station forgot to restart the pumps. This meant sewage arriving in the wet well, a storage area within the site, wasn't pumped out.

Shortly before the spill, South West Water received three urgent alarms via telemetry warning that sewage had reached a high level in the sump, yet no pumps were running. The team responsible for sending a crew to the pumping station failed to telephone them with a 'high priority' request to attend the site. Instead, they messaged them electronically, forgetting the crew was at a meeting and wouldn't be able to get to Calenick for some time.

A short while later, further alarms were triggered warning the water company that sewage was now spilling from the pumping station outfall into Calenick Creek. The discharge continued for approximately four-and-a-half hours.

The pumping station lies within a Site of Special Scientific Interest (SSSI) and Special Area of Conservation close to commercial mussel and oyster beds at Grimes Bar and Malpas. Fortunately, the sewage spill occurred during the closed season for shellfish, although there was a risk of possible contamination of shellfish beds.

Mark Pilcher of the Environment Agency said:

It is vitally important water companies have robust procedures in place to ensure their sewage infrastructure assets perform appropriately.

Calenick Sewage Pumping Station is situated at the head of a very sensitive estuary containing important intertidal habitats and commercial shellfish beds. The unpermitted discharge of crude sewage to the estuary because the pump station was not switched on following a site inspection is unacceptable.

South West Water had earlier pleaded guilty to discharging crude sewage from Calenick Sewage Pumping Station contrary to Regulations 12(1)(a) and 38(2) of the Environmental Permitting Regulations 2010.

At a sentencing hearing at Truro Crown Court on 26 January 2017, South West Water was fined £50,000 and ordered to pay £4,000 costs.

Press release: Charity payment after water company permit breach

The Environment Agency has accepted an Enforcement Undertaking which will see Northumbrian Water pay £375,000 to charities in the North East after it breached environmental permitting regulations.

The offer also includes actions for Northumbrian Water to improve its operations and infrastructure.

It follows a sewage pollution incident involving West Wylam pumping station, investigated by the Environment Agency on 18 February 2015.

A blockage upstream of the pumping station resulted in raw sewage overflowing into Park Burn, a tributary of the River Tyne, breaching its permit.

Investigations showed significant water quality impact at Park Burn, with sewage odour and litter visible, and ammonia and suspended solid levels above accepted levels. Surveys indicated there had been no significant impact on the invertebrate population in the burn, and there was no impact on the Tyne, due to the river size and flow of the river.

Northumbrian Water carried out an immediate clean-up of the polluted area after it was reported to them.

Wide range of measures

The Environment Agency is making better use of the wide range of measures that are available to bring sites back into compliance as quickly as possible. Along with prosecutions, it uses enforcement notices, stop notices and civil sanctions to either improve performance or stop sites from operating.

The Environment Agency's use of civil sanctions is in line with recent legislation extending their availability for more offences.

Civil sanctions such as these can be a proportionate and cost-effective way for businesses to make amends for less serious environmental offences. The company must offer to restore or remediate the harm caused by the incident, and demonstrate they will change their behaviour and ensure future compliance with legislation.

Proportionate response

Fiona Morris, Environment Manager with the Environment Agency in the North East, said:

We will always take forward prosecutions in the most serious cases and while we did initially consider prosecution, the company

submitted an EU which we subsequently accepted.

We felt it to be a more proportionate response that would benefit the environment – achieving more than if the company had been convicted and fined.

We work hard to protect people and the environment, and a clear regulatory framework with agreed standards and targets has helped to drive major environmental improvements over the last few decades.

We're continuing to improve our approach to ensure that we remain a fair and proportionate regulator.

The actions offered in the accepted EU, require Northumbrian Water to:

- Make donations to Tyne Rivers Trust (£134,500), Northumberland Rivers Trust (£59,500), Wear Rivers Trust (£48,500), Tees Rivers Trust (£58,500).
- Make a donation of £74,000 to Groundwork towards the Land of Oak and Iron Project.
- Make improvements to site operations and infrastructure, including updated sewerage records, an updated process for asset planning and management and refurbishment of West Wylam pumping station, as well as an accelerated programme of planned upgrades to sewer infrastructure in the area.
- Further inspections and surveys of the impacted area.
- Pay Environment Agency costs.

Failure to comply with an EU may result in the offender being prosecuted for the original offence.

[See the full list of the most recent enforcement undertakings](#)

[Press release: Business checked in pollution patrol](#)

Environment Agency officers visited 30 businesses in Washington, Tyne & Wear in an operation to tackle environmental pollution.

A team of eight officers spoke with business owners on the Swan Industrial Estates and the NEP Business Park to ensure they store and remove waste in accordance with the law as well as carrying out general pollution prevention inspections looking at drainage, and waste and oil storage. They also checked waste transfer notes and whether they were required to be a registered waste

carrier.

During the exercise they identified a drain water pollution violation, a potential illegal waste site and a business that was illegally burning cardboard. Overall they found that most businesses were doing well.

Environment Officer, Katherine Dowling, who led the campaign, said:

It was a very useful and successful exercise. We're working hard to raise awareness and ensure businesses are following their duty of care responsibilities, including making sure any waste they produce is handled responsibly and legally.

This helps minimise the impact on communities and the environment that we all enjoy. It was pleasing to find that most businesses we visited are aware of and operating in line with the regulations.

The Environment Agency regularly receives reports from nearby residents of noise, litter and odour from the Industrial Estate, which is home to several waste operators and other businesses including metal works, fast food outlets, manufacturers, accident repair centres and IT centres.

The patrol specifically targeted non-waste operators in a bid to assess, record and reduce their potential contribution to pollution in the area.

Officers spoke to businesses about rats, litter, noise and odour and gave advice and guidance. All businesses will receive a follow up letter regarding their responsibilities under environmental legislation, which includes ensuring their waste is collected by a registered and licensed contractors with the correct paperwork.

Other follow up actions include writing to landlords and liaising with Sunderland City Council regarding fast food outlets.

Press release: Farmers warned after court issues £19,000 fine

Farmers are being warned of their responsibilities to properly store slurry and silage after a dairy farmer and his company were fined £19,162 for twice polluting a protected watercourse.

John Laing and his company Dalbury Ltd, which operates New Heaton Farm in Cornhill-on-Tweed, Northumberland, was sentenced at Newcastle-upon-Tyne Magistrates' Court on 25 January 2017, after pleading guilty to two charges of polluting a tributary that flows into the River Till and another for

failing to improve a silage storage unit.

Chris Bunting, prosecuting for the Environment Agency, advised the court that little had been done to prevent the continued leaking of silage into the watercourse to date since the initial incident in June 2014.

This is in contravention of the regulations, which requires farmers to ensure that slurry and water stores, silage clamps and diesel tanks are built to minimise the risk of their contents polluting water or land.

Significant negative impact

Environment Agency officers inspected New Heaton Farm on 16 June 2014 after responding to a report of pollution on the River Till tributary 1.5km downstream.

The tributary, which flows into a Site of Special Scientific Interest (SSSI), was showing signs of sewage fungus and discolouration corresponding with pollution caused by silage and slurry. Pollution was subsequently found to extend over 4km downstream and had a significantly negative ecological impact.

On the farm officers found a large amount of silage effluent flowing from a defective silage store into surface water drains that fed directly into the watercourse.

On 10 October 2014, Environment Agency officers served a notice on Dalbury Ltd requiring the company to carry out improvements to the silage in line with regulations. A further inspection on 1 June 2015 revealed that the works had still not been completed and silage effluent continued to leak into the watercourse.

Insufficient funds to fix problem

In mitigation the defendants apologised and explained that the continued cripplingly low price paid to dairy producers over recent years meant the farm had insufficient funds to fix the problem.

Passing sentence, District Judge Kate Meek ruled that the offenders' culpability had been high, and ordered that the defective silage clamp be brought up to standard by 30 June 2017 otherwise further action could be taken.

Neil Paisley, Senior Agriculture Officer at the Environment Agency, said:

John Laing and Dalbury Ltd repeatedly showed a disregard for the law and a disregard for the environment.

Pollution of any watercourse is a serious offence because of the devastating impact it can have on fish, wildlife and ecosystems. We will take action against anyone who fails to act in accordance with environmental laws.

Regulations governing the design of slurry stores, silage clamps and diesel tanks have been in place since 1991 yet we regularly come across new farm structures that are not compliant. Farmers need to be aware of their legal responsibilities.

Anyone planning to build structure must contact the Environment Agency before starting work. Not only will this ensure their plans are compliant, it will save them money in the long run.