

## Press release: MJ Curle Ltd ordered to pay £32,920 for environmental waste offences

On Thursday 26 January 2017, Stuart Curle, director of MJ Curle Ltd, Sunnymead Farm, Shifnal, Telford, pleaded guilty at Telford Magistrates' Court to operating a regulated facility that was not authorised by an environmental permit, both on behalf of the company, MJ Curle Ltd and separately in his capacity as the director of the company.

The 45-year-old was fined £1,200 and ordered to pay in excess of £25,000 in compensation and costs to the Environment Agency, along with a £120 victim surcharge. Additionally, the company was fined £6,600. The court also ordered that the 1,700 tonnes of waste that remains on-site is to be removed within the next 6 months, by 25 July 2017.

Environment Agency officers visited the site on 13 January 2015 to carry out an inspection. They found a large number of skips containing a variety of waste, including cardboard and green waste. Other parts of the site were used for storing and sorting a variety of waste, some of which originated from demolished conservatories. There was also evidence of waste being burned on the site.

The activities undertaken on the site require an environmental permit. However, the defendant never applied for one. As a result the defendant avoided application and subsistence fees in excess of £14,000. Around 1,700 tonnes of waste were found on the land. To dispose of this legally it will cost MJ Curle Ltd approximately £130,000.

Under caution, Stuart Curle admitted to a range of waste being brought to the site as a result of a business relationship with a local company. He also accepted that MJ Curle Ltd had been collecting skips full of waste and once they were transported back to the site, the waste was sorted and stored. He accepted that the activity required an environmental permit, something which the Environment Agency had warned him about in 2008.

During the hearing at Telford Magistrates Court, the Bench found that the previous warnings given by the Environment Agency to the defendant regarding the illegal activities on the site, in 2008, were a seriously aggravating feature of the current offending. However in mitigation the defence raised the defendant's serious ill health and the financial difficulties that have blighted the family as a result. The defendant also asked the court to take into account the defendant's co-operation with the Environment Agency and his admissions in interview.

Speaking after the case, an Environment Agency officer in charge of the investigation said:

When we entered the site in 2015, there was clear evidence of a deliberate and unlawful waste processing and storage operation. Stuart Curle was previously spoken to by Environment Agency officers about the need to obtain an environmental permit to undertake this activity. Unfortunately he failed to heed that guidance. We are pleased with the outcome of this case and we will actively bring prosecutions where deliberate unlawful processing and storage is identified.

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## **[Guidance: LPG flaring at end-of-life vehicle sites: RPS 202](#)**

If you comply with the conditions of this regulatory position statement (RPS) you can flare LPG removed from vehicles at ELV sites that have an environmental permit.

This RPS will be reviewed by 30 September 2017. You'll need to check back then to see if it still applies or if you need to apply for a permit.

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## **[Press release: Clay company pays heavy price for toxic discharge](#)**

The case was brought by the Environment Agency.

The offence occurred in July 2013 after staff at Rocks Dryers, a site operated by Imerys near Bugle, St Austell, flushed a hazardous substance

called 'Jayfloc 85' out of a redundant storage tank and into drains where it entered a series of settlement lagoons before discharging into Rocks Stream, a tributary of the Par River.

Imerys failed to carry out a risk assessment despite Jayfloc85 being classified by its manufacturer as 'hazardous' and 'harmful to aquatic life'. Guidance on its use clearly states this chemical should not be allowed to enter 'drains/surface waters/ground waters'.

The company has an Environment Agency permit to discharge into the Rocks Stream from a single discharge point. Liquids entering the settlement lagoons undergo a basic treatment. China clay solids held in suspension settle out of the liquid and accumulate in the bottom of the lagoons. Sodium carbonate is then used to adjust the pH before the effluent is discharged. The system is not designed to treat toxic chemical pollutants such as Jayfloc85.

On the day of the offence, the chemical, which is used in the processing of china clay, was flushed out of the storage tank and into the site's effluent system and settlement lagoons via drains.

Imerys did not believe the chemical would harm the environment as it claimed the volume released was relatively small (estimated at 474 litres) and once in the settlement lagoons, it would have been heavily diluted.

The company failed to check the manufacturer's data sheet about the harm Jayfloc85 can cause if it escapes into streams, lakes and rivers. The chemical should have been removed from the site and either used elsewhere or taken to a permitted site for safe disposal.

The Par River, downstream of the discharge point, flows into Par Beach, a designated bathing water popular with holidaymakers.

Chris Barnes, for the Environment Agency, said:

This case demonstrates how important it is for site operators to have effective training and management systems in place to prevent the discharge of toxic chemicals into the environment. Clearly, this wasn't the case at Rocks Dryers where Imerys failed to properly assess the risks of emptying a hazardous substance into the site's drainage system. Had it done so, the company would have soon realised the disposal of hazardous chemical in this way is illegal.

At an earlier hearing Imerys Minerals Limited pleaded guilty to, on around 25 July 2013, discharging poisonous, noxious or polluting matter into inland freshwaters including the Rocks Stream, Rosevean Stream and Par River in contravention of Regulation 12(1)(b) of the Environmental Permitting Regulations 2010.

Appearing before Truro Crown Court on 20 January 2017, the company was fined £75,000 and ordered to pay £25,000 costs.

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