

# Lanark businessman fined £1,200 for water pollution incident in Perth

17 August 2018

Businessman Andrew John Bailie was fined £1,200 at Perth Sheriff Court today (17 August 2018) after the discharge of liquid fertiliser into a protected watercourse in Perthshire.

The Scottish Environment Protection Agency (SEPA) received complaints from members of the public on 23 September 2015 who had discovered discoloured water and saw dead fish in the Ordie Burn, which is part of the River Tay Special Area of Conservation.

SEPA officers carried out an investigation and identified that the incident was caused as a result of the spreading operation of the man-made liquid fertiliser Anaerobic Digestate at Little Tulliebelton Farm, near Bankfoot, Perthshire.

Andrew John Bailie pled guilty to failing to comply with the regulations on storing the fertilizer prior to it being spread. Whilst Mr Bailie was not on site during the spreading operation he was aware that the Anaerobic Digestate holding tank was located only three or four metres from the watercourse which is too close in case of any leak or overflow from the tank. This is in contravention of General Binding Rule 18 which states that no fertiliser may be stored within ten metres of a watercourse.

SEPA officers found that during the spreading activity the tank had overflowed due to a blockage and a volume of the liquid fertiliser had spilled into Ordie Burn at that point. As a result of further investigation they also found evidence of pollution having entered the Ordie Burn.

SEPA submitted a report to the Procurator Fiscal.

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

"Every day SEPA works to protect and enhance the environment, and we are clear that environmental compliance is non-negotiable. This is at the core of our One Planet Prosperity Strategy.

"Andrew John Baillie failed to follow the regulations that are in place to protect the environment, and this resulted in pollution to the water environment with significant impact to trout and salmon populations.

"This incident was not only unacceptable, it was also avoidable. In instances like this it is our job to hold such operators to account. We hope this outcome 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."

Calum McGregor, SEPA's Reporting Officer, said:

"Whilst Anaerobic Digestate is a useful fertiliser if used and stored properly, it is a highly polluting liquid which can cause significant harm to fish if it is allowed to enter a watercourse. The discharge of Anaerobic Digestate to the watercourse caused a significant number of fish to be killed, mainly salmonoids, over a 2.2 kilometre stretch of the Ordie Burn and 1 kilometre stretch of the Wynnies Burn. It is expected it will be a number of years before the river fully recovers.

"If Mr Bailie had ensured that the storage of Anaerobic Digestate complied with the regulations, and that those working for him at the site were adequately trained, then this incident could have been avoided. We hope this ruling will serve as a warning to others."

**Ends**

#### **Notes to editors**

The exact charge which Andrew John Bailie pled guilty to was:

Between 21st September 2015 and 23rd September 2015, both dates inclusive, at Little Tulliebelton Farm, Bankfoot, Perthshire, PH1 4DH and elsewhere you ANDREW JOHN BAILIE, being Operations Manager for Digestate Management Services Limited did fail to comply with or contravene a general binding rule, namely number 18, which states that no fertiliser may be stored on land that is within 10 metres of any surface water or wetland, namely a river, burn, ditch, wetland, loch, transitional water or coastal water in that you did store fertiliser on land that was within 10 metres of the Ordie Burn (at National Grid Reference Number 03678 34335); CONTRARY to the Water Environment (Controlled Activities) (Scotland) Regulations 2011 Regulation 44(1)(b) Water Environment and Water Services (Scotland) Act 2003 Section 20(1)