

## Press release: Rogue recycler found guilty for mattress mountain

The operator of a waste mattress and bed recycling site in Smarden has been found guilty for failing to comply with relevant waste exemptions as well as failing to comply with an Enforcement Notice issued by the Environment Agency. Sentencing is due on 3 February 2017.

The charges were brought against Mr Lewis Bertram, trading as Eco Matters, Units Y & E2 Smarden Business Estate, Smarden, Ashford, Kent after an Environment Agency investigation discovered that he was operating outside of the terms of registered waste exemptions, posing a pollution and fire risk to the surrounding environment, neighbouring units and residential properties. Mr Bertram pleaded not guilty to the charges presented at Magistrates court early in 2016 and elected for the case to be heard at Crown Court. The jury returned guilty pleas to all three charges brought before the court.

Mr Bertram had been operating a mattress recycling business at the two units, which lie within close proximity to several residential properties, since July 2013. Environment Agency visits in December 2014 and January 2015 found that the activities were not compliant with the terms of the registered waste exemptions. Environment officers informed Mr Bertram that he was committing an offence by operating the site outside of the terms of these waste exemptions and gave Mr Bertram the opportunity to comply with the specific conditions and relevant objectives in the first instance.

Further visits to monitor the situation on site in March and early April 2015 revealed that activities on site were continuing to be conducted outside of the terms of the exemptions and the volume of waste stored on site continued to increase. The Environment Agency de-registered the waste exemptions and Enforcement Notices were issued on Mr Bertram in March 2015 instructing that all waste be removed from Unit E2 and the volume of waste at Unit Y to be reduced to the 1,000 tonne limit of textiles permitted for storage under the waste exemptions by 29 May 2015.

Mr Bertram maintained a not guilty plea in relation to the non-compliance with these two notices to clear the waste for which the charges will be referred back to a magistrate's court.

No further waste had been brought to site by Mr Bertram since the de-registration of the exemptions in May 2015. However, further visits to the site conducted by environment officers in June 2015 revealed that Mr Bertram had not complied with the Enforcement Notices requesting for the removal of waste from site.

The Environment Agency worked closely with Kent Fire and Rescue Service throughout 2015 and 2016 to monitor the fire risk posed by the site and to ensure that the situation on site did not get any worse.

The site at Units Y and E2 are still full of waste mattresses, divan bed bases and their associated parts which we will continue to deal with to ensure that they are removed by those responsible.

Alan Cansdale, Environment Manager from the Environment Agency said:

His actions showed blatant disregard for local residents and businesses putting the environment and local amenity at risk. Mr Bertram ignored numerous opportunities given to him by our officers to bring the operations back into compliance.

Waste exemptions are designed for activities deemed to be of low risk to the environment and have strict conditions that must be complied with.

While we will work closely with businesses to help them comply with such legislation, in cases where individuals consistently operate illegally and in this case outside the terms of an exemption, we have no hesitation in prosecuting them to make sure that waste crime doesn't pay.

There are photos available on our [flickr account](#)