

**DETAILS OF RELEVANT OFFENCES AND PRECAUTIONS TAKEN TO PREVENT  
RECURRENCE**

**Summary**

Company	Date	Fine
Haul Waste Limited (Viridor Waste Management Limited)	14/2/1995	fined £4,000 and £980 costs
Viridor Waste (Hampshire) Limited	13/12/2001	fined £10,000 plus £1622 costs
Viridor Waste Management Limited	19/9/2004	fine was £42,500 plus £35,668.50 costs
Viridor Waste (Sheffield) Limited	28/9/2005	£2000 plus £1490.94 costs.
Viridor Waste Management Ltd	27/7/2006	£2500 plus costs of £2,914
Viridor Waste Management Ltd	2/8/2006	£100,000 No costs were awarded.

**1. Haul Waste Limited (Viridor Waste Management Limited)**

At North Avon Magistrates Court on 14 February 1995 Haul Waste Limited (Viridor Waste Management Limited's former name) pleaded guilty to two counts under the Duty of Care legislation. The prosecutions relate to offences in 1994 and were brought by Avon County Council. Both prosecutions related to the absence of a waste description on the relevant Transfer Note. The waste was general builders waste and was deposited at a Transfer Station. Haul Waste Limited were fined £2,000 per offence and £980 costs.

Subsequently, the following actions were taken by the Company to prevent recurrence of the incidents:

1. The Company issued revised Duty of Care Procedures to all drivers at the time of the incident (November 1993).
2. The Company revised its procedures in line with the Company's Environmental Management Systems. This included revised waste assessment procedures including completion of Transfer Notes.
3. The Company placed as many customers as possible onto season ticket arrangements.
4. The Company undertake regular audits of all areas to ensure compliance.

In addition, it should be noted that events to which the prosecutions relate did not result in any environmental or health and safety problems.

**2. Viridor Waste (Hampshire) Limited**

At Lyndhurst Magistrates Court on 13<sup>th</sup> December 2001 Viridor Waste (Hampshire) Limited pleaded guilty to one charge of contravening one condition of a waste management licence (not covering waste by the end of the working day) with one further charge (not crushing bulky articles) taken into consideration.

The Company was fined £10,000 plus £1622 costs.

As a result of these actions the Company undertook a full review of operations at the site and the provision of emergency plant cover:

- Certain key items of existing plant were replaced
- Review of closure procedures to be implemented as a result of plant breakdown or as a result of other agencies which have the potential to result in non-compliance with site licence conditions.
- Improved record keeping with regards to the actions taken.
- Closer liaison with the Environment Agency to inform them of potential issues.

### **3. Viridor Waste Management Limited**

At Exeter Magistrates Court on 19<sup>th</sup> September 2004 following a 5 day trial at Honiton Magistrates Court 2 weeks earlier the Company was found guilty of the following seven offences which occurred at the Broadpath Landfill Site, nr Uffculme, Devon - Licence Number: DAW/MR/L/LF/E (237) 03.98 (EAWML 21704):

- i) S33 (1)(a) and (6) of the Environmental Protection Act 1990  
Deposition of leachate on land at Broadpath Quarry  
On or about 26<sup>th</sup> March 2003  
Fine £2500
- ii) Breach of condition 2.140(c) of the waste management licence contrary to S33(6) of the Environmental Protection Act 1990  
Leachate level exceeded 2 metres  
On 2<sup>nd</sup> January 2003  
Fine £7000
- iii) Breach of condition 2.140(c) of the waste management licence contrary to S33(6) of the Environmental Protection Act 1990  
Leachate level exceeded 2 metres  
On 4<sup>th</sup> March 2003  
Fine £7000
- iv) Breach of condition 2.140(c) of the waste management licence contrary to S33(6) of the Environmental Protection Act 1990  
Leachate level exceeded 2 metres  
On 26<sup>th</sup> June 2003  
Fine £5000
- v) Breach of condition 2.150(c)(ii) of the waste management licence contrary to S33(6) of the Environmental Protection Act 1990  
Landfill gas management system shall be designed and constructed to prevent the migration of landfill gas above trigger levels beyond the landfill containment system  
On 10<sup>th</sup> March 2003  
Fine £7000
- vi) Breach of condition 2.150(c)(ii) of the waste management licence contrary to S33(6) of the Environmental Protection Act 1990  
Landfill gas management system shall be designed and constructed to prevent the migration of landfill gas above trigger levels beyond the landfill containment system  
On 9<sup>th</sup> May 2003  
Fine £7000
- vii) Breach of condition 2.150(c)(ii) of the waste management licence contrary to S33(6) of the Environmental Protection Act 1990  
Landfill gas management system shall be designed and constructed to prevent the migration of landfill gas above trigger levels beyond the landfill containment system  
On 9<sup>th</sup> June 2003

Fine £7000

A post conviction plan was completed and has been implemented. This include the following measures:

a) Landfill Gas Control

- The gas collection system has been reviewed and redesigned by a third party consultant. These are currently out to tender and are expected to be substantially completed by 31/12/04. The finalised designs will be submitted to the Environment Agency for approval.
- A substantial number of pin wells (c.40) have been installed as an immediate measure to improve controls.
- Visits by Gas Team personnel are currently being carried out on a daily basis and will continue with great regularity until the full system has been installed.
- The installed system will be regularly monitored and the efficacy formally reviewed by the designer between 3 and 4 months post installation.
- Further works will be carried out, depending on the findings of the report.

b) Leachate Management

- The installed system is transferring to transducer system in order to reduce the level of inherent potential inaccuracy in the monitoring system.
- The contract for the maintenance and servicing the pumps has now been contracted out to a specialist company.
- Viridor are currently engaged in increasing staffing levels for the site. This will allow for improved maintenance of both the leachate and gas control systems.

c) Leachate Containment

- Whilst keeping leachate heads to within permitted levels there should be no chance of overtopping the containment system.
- The site will be regularly checked for outbreaks of perched leachate to ensure that there is no potential for these, if identified, to flow outside the containment system.

It was acknowledged and agreed that there had been no significant effects on either people or the environment. The total fine was £42,500 plus £35,668.50 costs.

**4. Viridor Waste (Sheffield) Limited**

At Sheffield Magistrates Court on 28<sup>th</sup> September 2005 Viridor Waste (Sheffield) Limited pleaded guilty to one charge of contravening Section 34 whereby we allowed waste to leave our control on 5<sup>th</sup> March 2004 causing litter to blow from the Parkwood Landfill Site into the surrounding area.

The Company was fined £2000 plus £1490.94 costs.

As a result of these actions the Company undertook a full review of operations at the site and has made the following provisions to prevent a recurrence of the incident:

- Upgraded written procedures for unusual events
- Installed a windy tipping bay at cost of £50000
- Use a low lying tipping area
- 10 mobile screens

- more cautious approach to closure
- upgraded weather station

## **HEALTH AND SAFETY PROSECUTIONS**

### 1. Viridor Waste Management Ltd

At the City of London Magistrates Court on 27 July 2006 Viridor Waste Management Ltd pleaded guilty on two counts under health and safety legislation. The prosecutions relate to an accident which occurred on 29 June 2005 at the Company's Beddington Lane landfill site, Croydon whereby an operative received crush injuries to his foot when it became entangled with the rear mechanism of the site agricultural tractor.

The details of the prosecutions are as follows;

- A) Breach of Regulation 3 (1) (a) of the Management of Health and Safety at Work Regulations 1999 – failing to make a suitable and sufficient assessment of the risks to the health and safety of the Company's employees.
- B) Breach of Regulation 13 (2) of the Management of Health and Safety at Work Regulations 1999 – failing to ensure employees were provided with adequate health and safety training.

In court, the HSE's case was presented by Mr Andrew Withers, HM Inspector of Health and Safety. The Company's case was presented by Mr Jonathan Watt-Pringle QC and supported by Berrymans Lace Mawer. The Company was fined £1,250 for each offence plus costs of £2,914.

The Company had put forward a number of cases in mitigation which included the redesign of the work activity, updated and improved risk assessments and improved training provision. The injured employee has been rehabilitated back to work.

### 2. Viridor Waste Management Ltd

At Airdrie Sheriff's Court, Scotland on 2 August 2006 Viridor Waste Management Ltd pleaded guilty on two counts under health and safety legislation. The prosecutions relate to an accident which occurred on 14 September 2004 at Bargeddie Waste Recycling yard, Glasgow. Two employees of the Company were struck by the sites wheeled loading shovel sustaining severe injuries to their legs and pelvis. One employee remains permanently incapacitated while the other has returned to work.

The details of the prosecution are as follows;

- A) Breach of Section 2 of the Health & Safety at Work Act 1974 in that the employer failed to ensure the health, safety and welfare of its employees, to properly train its staff and provide plant and machinery maintained in good repair and in efficient working order.
- B) Breach of Section 33 (1) (1a) of the Health and Safety at Work Act 1974 whereby the Company failed to fully comply with an Improvement Notice issued by the Health & Safety Executive on 31 May 2004.

In court, the HSE's case was presented by the Procreator Fiscal. The Company's case was presented by Mr Paul Cullen QC and supported by Shepherd Wedderburn of Edinburgh. The Company was fined a total of £100,000 for both offences. No costs were awarded.

The Company has put in place a wide range of actions and mitigation including new written safe systems of work, employee training and equipment improvements.

Simon Catford  
Director of Human Recourses  
September 2006

## **FORMAL CAUTIONS**

### **Parkwood Landfill – Viridor Waste (Sheffield) Limited**

3<sup>rd</sup> December 2007 - Caution issued by Yorkshire Water Services Limited under Section 121 of the Water Industries Act 1991. INDUSTRY ACT 1991: SECTION 121

#### **DETAILS OF OFFENCE(S):**

1. That Viridor Waste (Sheffield) Limited was the occupier of trade premises at Viridor Landfill Site, Parkwood Road, Neepsend, Sheffield S3 BAG from which premises a trade effluent was discharged on the 2 May 2007 in contravention of a condition of a Consent given under Section 121 of the Water Industry Act 1991, namely the condition that total ammonia (as N) shall not exceed 500 *mg/l* contrary to Section 121 of the Water Industry Act 1991, in that the trade effluent discharged had a total ammonia content of 1219 *mg/l*.
2. That Viridor Waste (Sheffield) Limited was the occupier of trade premises at Viridor Landfill Site, Parkwood Road, Neepsend, Sheffield S3 BAG from which premises a trade effluent was discharged on the 2nd May 2007 in contravention of a condition of a Consent given under Section 121 of the Water Industry Act 1991, namely the condition that monohydric phenols shall not exceed 50 *mg/l* contrary to Section 121 of the Water Industry Act 1991, in that the trade effluent discharged had a phenol monohydric content of 100 *mg/l*.

### **Walpole Landfill – Viridor Waste (Somerset) Limited**

17<sup>th</sup> May 2007 - Regulation 32 (1)(b) of the Pollution Prevention and Control Regulations 2000, made under the Pollution Prevention and Control Act 1999.

#### **DETAILS OF OFFENCE:**

That on various dates between 19 October 2005 and 22 February 2007 the following conditions of permit number BK 6785 were breached:

- 9.3 (by failing to submit groundwater monitoring data and agree groundwater trigger levels as required);
- 5.1.1 (by failing to notify the Environment Agency as required on a number of occasions);
- 5.1.2 (by failing to submit to the Environment Agency written confirmation of notification as required); and
- 4.1.2b (by failing to report results as required)

N.B most matters either pre-date the acquisition of Wyvern Waste or occurred during the integration period up to September 2006.

### **Parkwood Landfill – Viridor Waste (Sheffield) Limited**

25<sup>th</sup> October 2006 - Caution issued by Yorkshire Water Services Limited under Section 121 of the Water Industries Act 1991. Contravened three conditions of the discharge agreement namely – (i) Exceeded the permitted arsenic concentration in the discharge, (ii) Exceeded

the permitted ammonia concentration in the discharge and (iii) not maintaining the discharge apparatus in a satisfactory condition

**Masons Landfill – Viridor Waste Management Limited**

17<sup>th</sup> February 2006. Contravened condition 2.1.2 of the permit whereby a quantity of hazardous waste, namely drums of chemical residues, which was not permitted under the terms of the permit was deposited in the asbestos cell on 3<sup>rd</sup> December 2004. Contrary to regulation 32(1)(b) of the Pollution Prevention and Control (England and Wales) Regulations 2000

**Broadpath - Viridor Waste Management Limited**

13 June 2005. Contravention of S33(1)(a) of the Environmental Protection Act for depositing controlled waste, namely leachate, not in accordance with the conditions of the waste management licence pertaining to the site. Leachate was seen to be ponding in the gas control compound outside the lined area on or around 14<sup>th</sup> January 2005.

**Pilsworth North – Viridor Waste (Exeter) Limited**

8<sup>th</sup> October 2004. Contravention of S85(1) WRA 1991. Water rich in suspended solids was discharged to the Gigg Brook from on site holding lagoons

**Henstridge - Viridor Waste (Bristol) Limited**

16 December 2003. Contravention of licence condition 6.1.2 in that dust was allowed to escape on 9 April 2003

**Warmwell – Viridor Waste Management Limited**

18 December 2001. Contravention of S85(1) WRA 1991 and S33(1)(c) Environmental Protection Act 1990. Relates to the pumping of leachate into an unlined area of the site.



## **ENFORCEMENT NOTICES**

### **Shelford Landfill**

19<sup>th</sup> August 2008. Notice under Regulation 36 of the Environmental Permitting Regulations 2007 requiring details and compliance with managing emergencies outside working hours. Systems were reviewed and revised procedures drafted and implemented. Central service contract in place for out of hours cover.

### **Shore Recycling (Ozone) Limited (Failsworth)**

5<sup>th</sup> August 2008. Notice under Regulation 52 of the Waste Electrical and Electronic Equipment Regulations 2006 requiring the reporting of the Quarterly return (1<sup>st</sup> April – 30<sup>th</sup> June 2008). Confirmation received from the EA that the returns were received on 7<sup>th</sup> August

### **Rigmuir Landfill**

14<sup>th</sup> November 2007. The site was carrying out controlled activities under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 in or in the vicinity of the Rotten Burn. The activities are said to have caused or is likely to cause significant adverse impacts on the water environment, namely potential flooding, loss of habitat and discharge of silt into the water environment, removal of natural vegetation, removal of the natural river bed.

5 steps were identified in the notice which had to be fully complied with by 3<sup>rd</sup> December 2007

### **Dimmer Hazardous Waste Transfer Station**

6th December 2006: The site is not being managed in accordance with the Site Report and Installation Report submitted with the Application. Drums, IBCs and other containers of wastes including oils, contaminated rags, cleansers are being stored in Zone 3. Batteries, and drums, IBCs and other containers of wastes are being stored in Zone 4. Unlabelled drums awaiting verification of contents are being stored in Zone 4.

No wastes other than empty drums contained within the covered skip awaiting removal should be stored in Zone 4. Zone 3 is for storing specific waste streams. Compliance required by 22<sup>nd</sup> December 2006.

### **Whitehead Landfill**

20<sup>th</sup> October 2006: All appropriate measures have not been used or taken to prevent or where that is not practicable reduce fugitive emissions to air from: operational and filled landfill surfaces; and this has resulted in offensive odours beyond the installation boundary.

Notice requires action plan to be submitted and works completed by 20 November 2007.

### **Pilsworth North Landfill**

16<sup>th</sup> October 2006: Failed to submit information as required by an improvement condition by the given date. (nb A revised date had been agreed with the EA). The Notice required the information to be supplied by 13<sup>th</sup> November 2006

### **Walpole Landfill**

20<sup>th</sup> September 2006: Failed to submit information as required by an improvement condition by the given date (20<sup>th</sup> August).

### **Whitehead Landfill**

17<sup>th</sup> January 2006: Compliance with conditions 2.2.4.1, 2.2.4.2. and 2.2.6.1 which require specific measures to be taken to prevent or reduce fugitive emissions to air and to control and prevent offensive odours outside the installation boundary. Measures were specified and complied with within the timescales specified.

### **Parkwood Landfill**

12 September 2005: Compliance with condition 2.1.2 which required the site to ensure that the waste acceptance procedures conform to the requirements of the permit and to provide the EA with details of methodology of complying with the site's acceptance criteria. The notice has been complied with.

Nb The site was stated to be accepting hazardous waste from the Salmon Pastures Treatment Plant. This statement is being challenged by the Company and there may be further developments – ie the matter is not closed.

### **Salmon Pastures**

8 December 2004: Compliance with condition 1.2.2 in that there is in excess of the permitted 1500 tonnes of food and beverage containers stored in the destruction processing plant. Compliance required by 9am on 7<sup>th</sup> January 2005. Confirmation of compliance received

### **Henstridge TS**

30 July 2004: Compliance with Condition 6.1 – dust, fibres and particulates must be prevented from leaving the site.

### **New Inn TS**

8 December 2003: Compliance with Condition 4.6 (d) – waste (gully emptyings) were not being deposited on a hard surface with contained drainage.

### **Parkwood Landfill**

12 September 2005: Compliance with condition 2.1.2 which required the site to ensure that the waste acceptance procedures conform to the requirements of the permit and to provide the EA with details of methodology of complying with the site's acceptance criteria. The notice has been complied with.

Nb The site was stated to be accepting hazardous waste from the Salmon Pastures Treatment Plant. An appeal against the Notice has been lodged by the Company. However, this is currently being held in abeyance by the Planning Inspectorate.

## **ABATEMENT NOTICES**

### **Filton**

Statutory noise nuisance relating to the early collection of waste from the Oldbury Court Road, Fishponds.

Requirement that no collection is carried out before 07.30.

Notice served by Bristol City Council dated 17<sup>th</sup> May 2006

### **Trafford Park**

Statutory noise nuisance relating to the early collection of waste from the Iguana Bar, 115-117 Manchester Road, Chorlton, Manchester.

Requirement to collect only within the hours 06.30 to 20.00 Monday to Saturday with no collections on Sundays or Bank Holidays.

Notice served by Manchester City Council dated 25<sup>th</sup> January 2006

### **St Helens – Viridor Glass Recycling Limited**

Statutory noise nuisance as a result of overnight working.

Requirement is to erect a 5 metre high acoustic screen between the factory and the affected property within 300 days.

Notice served by St Helens Council dated 21<sup>st</sup> February 2006