

From: WT Enquiries [mailto:WTenquiriesXXenvironment-agency.gov.uk]
Sent: 05 October 2016 12:30
To: Peter Silverman
Subject: THMG24014 - Waste Transport vehicles - EPA S34

Dear Mr Silverman

Our Environment Management team have been passed your questions regarding waste you witnessed being spilt from a vehicle on the M40 on the 8 August 2016. I apologise with the delay in responding. The team have responded to each point in turn.

- 1) Does this incident fall within your remit?

We do have powers under section 34 of the Environment Protection Act 1990 to take action if someone fails to control waste they are transporting.

- 2) If not yours whose?

Other authorities may have powers under different legislation, e.g. the Police, but we cannot advise on this.

- 3) If yours, would you consider investigating it with a view to a prosecution under EPA S34?

Are you resourced to do this?

We have to prioritise our work and use our limited resources to the best effect. Thames Area of the Environment Agency, based at Wallingford, are not resourced at this time to take prosecutions for this type of offence.

- 4) You may be interested to know that where such incidents take place on a motorway I am trying to persuade Highways England to prosecute under EPA34. They after all have a statutory duty under to ensure their highways are kept clear of litter. Do you have any comments on the viability of this idea?

We cannot comment on another authority's powers or enforcement priorities.

Thank you for your email of 29th September regarding our response to your information request. We are treating your email as a request to review our decision to refuse the information you requested by your email received on 30th August 2016.

We are required to provide you with a response to your request for a review within a maximum of 40 working days which we calculate to be 24th November 2016. However, we will try to respond to you before this date.

Kind Regards

Lauren Giddings
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Environment Agency - Thames
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