

From: Peter Silverman

Sent: 30 August 2016 19:17

To: 'Incident Communication Service' <Incident_Communication_ServiceXXenvironment-agency.gov.uk>

Cc: 'Quinn, Cathy' <Cathy.QuinnXXenvironment-agency.gov.uk>

Subject: Waste Transport vehicles - EPA S34

Background

In 2003 I reported an incident of waste falling from a skip lorry on the A40 to your Agency. You took the operator to court and the case was heard at Acton Magistrates Court in 2004. I was the only witness. The operator was fined several thousands of pounds. I assume the action was brought under EPA S34.

On 20/09/2012 I reported a similar incident on the M4 involving a waste transport vehicle to you. You gave it the reference 1039251. I referred to it as being a breach of EPA S34 (Duty of care etc. as respects waste). In spite of progressing the matter a number of times it was only on 15/07/2013 that I was told by Cathy Quinn that the incident had been logged on a data base held by your Environmental Crime Team (the record of this had been lost) but no further action had been taken at the time. I was told that EA would now write to the operator advising them of the “duty of care” requirements.

On 06/05/2016 I rang the EA hotline to report [Waste falling from transporter on M40](#). I was told that the EA only dealt with licensed waste sites and was told to ring the police. Thames Valley Police said that it was not a matter for them.

In answer to a [freedom of information enquiry](#) I was told on 16/05/2016 that this type of incident would normally be a matter for local and other authorities and that in the previous two years the EA have not prosecuted or cautioned any offenders for the escape of waste from transport vehicles.

According to the [protocol agreed between the EA and the Local Government Association on illegal waste activities](#) it is surely the EA's job to investigate and take the appropriate enforcement action against registered waste carriers and not the job of Local Authorities. This is evident when you compare paras 2.9 and 3.7.

New Incident

I rang your hotline 0800 80 70 60 earlier today (30/08/2016) to report another incident involving waste falling from a waste transporter on the M40. I spoke to Paul at about 15.20. He said it was an “unsafe load” issue and not part of your remit and suggested I contact the Police. I said I believed that it was a breach of EPA S34 and should be considered by the EA. I explained that I had taken a video of the incident using my dash-cam and I wanted to submit it to you and get it in writing that such an incident was not part of your remit. He referred me to your general enquires line who suggested I write to yourselves i.e. Incident Communications.

The video which includes at the end the date, time and location of the incident (or series of incidents) and the registration number of the vehicle can be seen via this link: <http://goo.gl/PvpLtl> .

Questions

Does this incident falls within your remit?

If not yours whose?

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

Are you resourced to do this?

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?

Information request

Please send me a copy of the communication sent to the operator under **reference 1039251 – see above.**

Kind regards

Peter Silverman

www.cleanhighways.co.uk

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Read our report - [Solving the litter problem](#)

View our 2 minute video [Duty to keep highways clear of litter](#)