

Still Treading Carefully

THE MAT CROCKER INTERVIEW: PART II

In the second part of our interview with the Environment Agency's (EA) head of waste and illegals, **Mat Crocker MCIWM**, we follow up on the questions about preventing waste crime, producer responsibility and Duty of Care, starting with waste exports...

Last issue we asked Mat Crocker about how the EA is tackling waste crime, especially in the face of budget cuts, what waste producers can do to help the situation and how effective enforcement action has been. We continued our chat, picking up on the topic of waste exports... so we asked Mat outright: What are the Agency's concerns in relation to waste exports?

"Firstly, not all waste leaving the UK is illegal. The global market in recyclable materials can have environmental and economical benefits. Increasingly recyclable materials are being sent to other countries for incorporation in manufactured goods. Our focus has to be on ensuring that high quality recyclables end up in the right place," he explained. "Organised criminals are exporting hazardous or contaminated waste, describing it as second-hand goods for re-sale, or as waste for recycling, when it is in fact neither. The waste can be harmful to human health and sent to countries in Asia, Africa and South America that do not want it and don't have the capacity to deal with it safely.

"Waste exports and imports can be a relatively complex process and, therefore, those contemplating it need to be sure they are acting legally and are aware of the requirements. Waste producers and brokers in particular need to be aware that their waste is being exported, to know where the final destination is and that there are end user contracts in place. Illegal storage and abandonments of waste purporting to be RDF has been well

documented, so waste producers and others upstream need to be more aware of how their waste is to be managed," Mat continued.

Okay, forgetting where the waste goes, what about the place we take it to... what about the issue of exempt sites?

"If waste is going to a business that is registered as exempt from the need to hold an environmental permit, and that business is compliant with that exemption and can handle that waste within the terms of its exemption, then there shouldn't be a problem," Mat replied, but we know it's not always that simple.

"I think problems arise because many people confuse waste exemptions with waste permits and think they're the same thing; they're not, and their associated risks are very different. A site that has a permit will be visited by the Agency and will be monitored for compliance and its performance scored as to how well it is complying. A business can then use this information to help decide whether to send their waste there. We are trying to make this performance more accessible to business to check through our National Compliance Indicator pilot scheme," Mat explained.

"Waste exemptions were designed to apply to relatively low-risk activities, and relatively small quantities of waste. An exempt site doesn't have a permit and has registered that fact. They will not be formally assessed in the same way as a permitted site, as they are considered as lower risk. An operator that registers an exemption and fails to comply with the criteria of that

exemption – AT ANY TIME – is carrying out an illegal activity.

"Most often exempt sites fall foul of their exemption criteria because they handle too much waste. Waste producers sending their waste to exempt sites should therefore assure themselves that the quantity, nature and frequency of their waste is not likely to result in the site exceeding its exemption criteria. In short, waste producers sending waste to exempt sites should perhaps take extra care to ensure they are complying with their Duty of Care obligations."

A Good Indicator

HAVING MENTIONED the National Compliance Indicator scheme, we pushed Mat to explain further how this will help waste producers decide where to send their waste, and he said that it aims to show how compliant an operator is with their environmental permit on a site specific basis. "We're trying to make it easy for anyone to use compliance information to help inform their decisions, such as assisting with contract tendering, on-going performance and aiding Duty of Care compliance. However, this information is not intended to replace any checks individuals and businesses should make themselves before entering into an agreement," he explained, adding that it does not cover exempt sites.

From 1 April 2014 the dataset was made available on the EA's Datashare platform (at <http://www.geostore.com/environment-agency>). Registration is required and if you are a

private individual or a non-commercial organisation, such as a local authority, the data is free to download, while a fee is required for commercial operations, "...but we have kept that fee at the lowest level possible," Mat added.

It's all very positive, so we pushed Mat on what the EA is doing to promote the improved management of waste, not just enforce the non-compliant and illegal operators.

"Our area staff work with local customers to offer guidance and advice specific to their waste operations, to make sure they have the right permits or exemptions in place and are only working with others along the waste management chain that are operating legally and understand how to check the legal compliance of those businesses. Guidance on waste management, duty of care and the new electronic duty of care system [Edoc] are available online," Mat replied.

"At a national level, we work with business sectors and the waste industry, via organisations such as CIWM and ESA, to communicate messages and senior staff speak at relevant conferences and events. But we do also expect that the 'industry' plays its part in disseminating information to its members and to their customers."

And how exactly can Edoc help? How can that lead to better waste management practice?

"Edoc is designed to transform the way non-hazardous waste transfers are recorded," Mat explained. It eliminates the need for paper waste transfer notes, saving time, effort and money in fulfilling the legal Duty of Care for waste. "It can provide real time information on what is happening to your waste," he added.

Shut Down

OF COURSE, in tackling waste crime the outcome may be that a permitted site is closed down. But is this good news?

"It is estimated that waste crime diverts as much as £1bn per annum from legitimate business and HM Treasury. When rogue operators of permitted sites can't – or often won't – comply with the terms of their environmental permits, it can cause significant environmental problems. It also means that by operating illegally they can save large sums of money and

gain an unfair competitive advantage on compliant businesses.

"Revoking a permit is not something we would do lightly and we would try to seek compliance from the operator first, but ultimately, sometimes, it is the only option left," Mat said.

So why is it sometimes so difficult to close an illegal waste site? You find it, you shut it down, if compliance isn't an option...

"Sometimes it is difficult to recognise that an illegal waste site even exists," Mat explained. "They sometimes operate so blatantly that a local community assumes it must be legitimate. There is an assumption that the Agency knows about an illegal site, when in fact we don't. Illegal sites can be hidden away out of sight from the casual observer and remain undetected for quite some time. The longer an illegal site operates, the more likely it is that an operator will grow accustomed to the income from their illegal activities, and this can make it much harder to deal with. And some illegal waste sites generate real health and safety risks for our officers, meaning it is sometimes necessary to work in partnership with others, such as the police when tackling the site." It's not as straight forward as simply find it, then shut it down.

So can the "Waste Stream Approach" help in reducing waste crime? This means identifying wastes which present high environmental risks, considering the root cause of problems they present and then using this understanding to make the best interventions up or down stream to protect the environment.

"By engaging effectively with problem sites and with industry sectors we are looking to determine better, more effective interventions," Mat confirmed. "For example, by looking 'upstream' and to waste producers, will help reduce waste crime, resource losses and negative environmental impacts such as recurring incidents and poor site performance by making upstream holders more aware of their Duty of Care obligations and the impacts of their decisions elsewhere in the waste chain."

Having mentioned working in partnership earlier, does Mat think the Agency needs to do more of this? "Like



everyone else, we have to work with increasingly limited resources; we can also all learn lessons and best practice from others," Mat replied. "We are always seeking to work with partners who have a common interest in tackling illegal waste activities and, in this way, we can maximise our efforts whilst minimising the resource used.

"With our work on the deliberate mis-description of waste over the next two years, HMRC is going to be a key partner. We need to continue to work with trade partners, such as CIWM and ESA, to ensure we communicate the most up-to-date regulations and practices to industry. I would like to take this opportunity to remind everyone that it is not the role of the Environment Agency now to produce the sorts of guidance industry have become used to. We will support and work with industries to produce their own guidance, and this is just one example of how we must all work together."

And vitally, how can people report waste crime concerns? "We are an intelligence-led organisation and depend on information passed to us by others. Legitimate business is undercut by illegal operators and I would therefore encourage legitimate business to let us know of illegal sites," Mat summed up.

You can report information directly to the Environment Agency on 0800 807060 or anonymously via Crimestoppers on 0800 555111. In the words of one old school TV crime stopper... "keep 'em peeled". ■

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