

Written Ministerial Statement

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Environment

Waste Crime: The Threat of Criminality and Organised Crime

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Mr Attwood (The Minister of the Environment): I wish to bring further details to the attention of the Assembly of a major case of environmental crime in the Derry area. When I brought this matter to public attention in June, I had consulted the Speaker and agreed that I should do a written statement to the Assembly as the better way to proceed. Given the range and nature of the issues involved, I believe it is now timely to provide that further update, having already provided a lengthy private briefing to the Environment Committee.

Successful economies in the 21st century will be ones in which natural resources are used for maximum economic and social benefit. This will mean that levels of waste will be continually reduced. Eventually, 'waste' will become an obsolete concept, even if this seems beyond our imagination and ambition.

Until that happens, any residual waste that is still produced will be re-used, recycled or properly disposed of. This is required of us in ethical terms, European terms and domestic terms.

As part of pursuing these aims, environmental crime, whether it is in the guise of waste dumping, fuel laundering or other types, must be eliminated in Northern Ireland, on this island and beyond.

This type of environmental crime undermines legitimate business operators in the waste and other sectors, impinges on our overall economic development and, creates major threats to our unique and precious natural environment.

This is why I have taken decisive steps against environmental crime early in June.

On Wednesday the 5th of June, the Department of Environment (DoE) revoked the licence granted to an operator of a major waste facility in the North West. This followed an unprecedented investigation into allegations of large scale criminal offending involving the disposal of waste.

Following receipt of intelligence last year, I instructed the environmental police within the Department of Environment - the Environmental Crime Unit - to undertake a full scale investigation (known as "Operation Sycamore") into activities at the Derry site. This has been painstaking work with the aim of maximizing the chances of dealing a big blow to serious criminality and a big blow to environmental vandalism.

The scale of the unlawful waste activity is immense and dates back at least until 2009. It is sophisticated in its deception. Material was mangled and shredded to hide its original sourcing, with illegal landfills being top filled with soil and clay to deceive and hide illegal waste.

Not just tens but some hundreds of thousands of tons of waste were illegally deposited in a number of areas of land in the Mobouy area, just outside Derry. The scale of this is clearly well organized – the scale of this means it involves organized crime.

"Operation Sycamore" has to date resulted in the arrest of two individuals in connection with alleged offences and further arrests are expected as the operation continues. A number of individuals, businesses and land folios are the subject of the investigation. Appropriate enforcement notices were served in June, as detailed below.

First, the operator of the waste management facility is now required, over a period of two months, to deliver all remaining waste at the site to a legal landfill site for disposal.

Second, and separately, other notices were served on the landowners of land used for the disposal of waste requiring them to take action to prevent environmental damage by removing polluting liquid from the waste for disposal elsewhere.

Third, further notices were served on certain operators requiring those operators to take action to prevent further damage (that is to say damage which is environmental damage or damage where there are reasonable grounds to believe that the damage is or will become environmental damage) under the Environmental Liability (Prevention and Remediation) Regulations (NI) 2009. These notices require action to be taken to collect and legally dispose of liquid within the infilled waste to stop it causing harm to the environment. It is expected that this legislation will be used further to require additional measures to be taken to prevent environmental damage and also to carry out works to remove and remediate the sites.

I believe that the scale of last month's disclosure requires fundamental intervention by government and others. As a result, I have taken a series of further measures beyond the legal interventions detailed above to address the current situation, including:

1. The creation of a "Waste Crime Taskforce" to co-ordinate and escalate work to address organized waste crime, in a comprehensive, unambiguous manner this is to put the spotlight on this crime like never before and to address the issue like never before.
2. Further support for the ECU in continuing to develop evidence against all involved in the criminality in this case and in other cases. I made a dedicated bid for additional resources in 'June Monitoring' in this respect. The Finance Minister supported this bid, agreed £1.5 million, monies to be used to, in this financial year, to upgrade the work of the ECU and other enforcement activities of the DOE.
3. An immediate review of other waste sites in Northern Ireland, concentrating on a "TOP 25" of locations where risk may exist, based upon current information, intelligence, past record and ongoing enforcement issues. This work involves the ECU and Waste arms of DOE: NIEA
4. Contact and communication in June with Councils and other businesses which used the Derry site, to ensure Councils activated their alternative waste collection arrangements and critically, to require Councils to provide proof of the waste trail in relation to Council collected waste, and to demonstrate that councils have exercised due diligence around the management of waste contracts.
5. Intensive assessment of ground water, water course and river water quality to determine any water quality impact arising from the illegal waste sites. Past assessment of the River Faughan, for example, indicates, currently, no raised levels of pollution. These assessments are extensive, thorough and should help ensure the early detection of water risks, if they should arise.

I directed the new Chief Executive of the Northern Ireland Environment Agency to prioritise these actions and ensure that the Agency's resources and efforts are marshalled for a major effort to tackle environmental crime.

This effort must ensure that all those involved in the 'waste chain', including businesses that generate waste, councils and businesses who collect it, businesses who transport it and businesses who treat, recycle and dispose of it, must fully and properly discharge their waste responsibilities.

6. I also commissioned an Expert Review to be conducted by Chris Mills, the former Director of the Welsh Environment Agency. This work began immediately after the announcement. The work is ongoing.

Mr Mills has extensive experience in environmental protection and in his seven years as Director of the Welsh Environment Agency, he had responsibility for all aspects of the regulation of waste.

Under his leadership, the Welsh Environment Agency closed down over 270 illegal waste sites and pioneered the application of the proceeds of Crime Act 2002 to combat waste crime. To date, 14 Confiscation Orders totalling 14.7 million pounds have been successfully served on offenders. Environment Agency Wales also recently completed a successful campaign to clear over 300,000 illegally dumped tyres.

Mr Mills review will support the DoE's on-going work to create a waste sector in Northern Ireland that complies with the law, protects the environment and underpins resource efficiency by conducting a review into:

- what transpired in relation to the waste facility at the Campsie site and to identify any failures that might have occurred in the regulation of this site, in respect of any sectors of central government.
- the external factors leading to the extensive illegal waste dumping at the Campsie site;
- the lessons this incident provides for the future development and administration of waste management, resource efficiency and enforcement programmes.

The Expert Reviewer will provide a report to the Minister for the Environment and the Chief Executive of the Northern Ireland Environment Agency no later than Thursday 31 October 2013. In addition the reviewer should provide monthly updates and, if at any stage considers an issue to be of high significance, should advise the Minister and the Chief Executive. Whilst the report should focus on the incident in question, it is expected that it will be put into the context of the structures and arrangements for the management and disposal of waste in Northern Ireland.

I wish to emphasise that Mr Mills, my Permanent Secretary and other senior staff all know and have been directed that the approach must be "robust and fearless" Any operation which we can identify and against which there is evidence will be isolated and robust action will follow. In the interrogation of what DOE did around this facility and generally, every stone will be turned.

7. I also can confirm that other appropriate assessments of the waste management facility and adjacent lands are ongoing with the relevant agencies to mitigate risk and damage problems, be it fly infestation, fire risk or other matters.

I wish to confirm that a large number of streams of work are ongoing in relation to the North – West: the purpose is singular to address decisively the immediate and longer term issues that have been identified. The Environment Committee will be regularly updated, both in general and when otherwise needed, as events unfold, as they will.

Last month's revelations about waste dumping in the North West indicate the scale of waste crime and the threat it poses – in environmental damage, illegality, criminality and loss of revenue to the state.

The set of actions I have just outlined represent a wide ranging strategy to put waste crime front and centre in relation to criminality in Northern Ireland.

As I say, all of this requires a comprehensive response. This is why, in a separate streams of work, I have spoken with the Justice Minister, David Ford and senior PSNI in recent times to press home the need for the fullest, comprehensive, co-ordinated and decisive response to the threat. The threat of waste crime and the organised criminality involved means that the crime and assets agencies must treat this threat as a priority. Since early June, the levels of engagement and joint effort have grown significantly between the relevant organisations. This is needed, and more is needed.

The focussed and extensive actions by my Department are critical for success in eliminating environmental crime, but on their own they are not enough. A co-ordinated and powerful response from all agencies is needed and this is a further urgent element of work that I have said we need to take forward together. I shall be working to achieve this wider approach, essential to address the threat of organised crime.

In conclusion, let me re-emphasise what I have been saying over recent weeks. I have been speaking of the threat of organized criminality on the island. The volume of fuel laundering in recent months and the volume of unlawful disposal of waste revealed last month has been the reason.