

Cracking down on **WASTE CRIME**

Waste crime report 2012-2013

Version 1, October 2013

We are the Environment Agency. We protect and improve the environment and make it a better place for people and wildlife.

We operate at the place where environmental change has its greatest impact on people's lives. We reduce the risks to people and properties from flooding; make sure there is enough water for people and wildlife; protect and improve air, land and water quality and apply the environmental standards within which industry can operate.

Acting to reduce climate change and helping people and wildlife adapt to its consequences are at the heart of all that we do.

We cannot do this alone. We work closely with a wide range of partners including government, business, local authorities, other agencies, civil society groups and the communities we serve.

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Foreword

Waste crime has an impact on people and the environment. It blights communities and causes pollution. People who handle waste illegally do not invest in appropriate safeguards and can dispose of waste more cheaply than legitimate waste contractors. They undercut legitimate business, reduce tax receipts and pose a direct threat to sustainable growth in the waste sector. Between April 2012 and March 2013, we stopped nearly 1,300 illegal waste sites - mainly by closing them, but also in some cases by bringing them into regulation. On average that's one every 90 minutes of our working week - our best performance yet.

Over the past year we have considerably improved our understanding of the nature and scale of waste crime. We have closed down substantially more illegal waste sites than in previous years. We have also supported the government's Metal Theft Task Force, helping police forces around the country to reduce the level of metal theft by around 50%.

We always try to make illegal activities unprofitable. When we prosecute, we recover assets under the Proceeds of Crime Act whenever we can. As the report makes clear, this isn't always straightforward.

Everyone has a role to play in reducing illegal waste activities. By taking responsibility for the waste we produce all the way to final reuse, recycling or disposal, we can all ensure that it doesn't end up in the hands of illegal operators.



Ed Mitchell
Director of Environment & Business

14 October 2013

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1. Waste crime

- Waste crime has an impact on people and the environment - for example, poorly managed waste can pollute rivers, or toxic fumes can be generated by waste fires.
- Waste crime undermines legitimate business and the investment and economic growth that goes with it. One of its major objectives is tax avoidance.
- We are taking tough action to deal with criminal behaviour and we closed down more illegal sites last year than ever before.
- Everyone has a part to play to help solve the waste crime problem.

What is waste crime?

Waste crimes are committed when people deliberately don't deal with waste in accordance with the law. Their activities can cause harm to people and the environment. Waste crimes can also be committed when people pass on their waste to people who they know will not deal with it properly. Waste crime is committed by a broad spectrum of people for a number of reasons. This includes people whose actions are due to ignorance of the law, those out to make money who are willing to take the risk of being caught, or more serious career criminals involved in a wide range of offending.

The main types of waste crime we deal with are illegal waste sites, large-scale illegal dumping and illegal exports. Sites are illegal if they don't have a permit or don't meet other legal requirements, such as a registered waste exemption. Permit conditions are designed to ensure releases from the site to air, land and water are acceptable and do not cause pollution or harm. Illegal sites usually do not have planning permission and they often blight communities as a result of anti-social vehicle movements, noise, dust and odour, as well as other pollution incidents.

What are we doing about the problem?

During 2012 to 2013, we stopped illegal activity on 1,279 illegal waste sites – more than ever before in a single year. This has been made possible because of our increased use of intelligence, improved partnerships and time-limited investment in an illegal waste site taskforce. This effort is reducing the impact of illegal waste activities on people and the environment and helping to ensure that waste crime does not pay. People who comply with environmental requirements incur costs and are undercut by those who operate illegally. We protect the environment and the legitimate waste industry by tracking down waste criminals and bringing them into regulation or to justice.

We dealt with 107 large, serious and organised incidents of waste dumping. Local authorities have an important role to play in dealing with lower risk waste crime such as fly-tipping. [You can view the official fly-tipping statistics for England \(published on 15 October 2013\) on the GOV.UK website](https://www.gov.uk/government/publications/fly-tipping-in-england) (<https://www.gov.uk/government/publications/fly-tipping-in-england>).

It is illegal to export waste from the United Kingdom for disposal, but some wastes can be exported to certain countries for recycling and recovery. Our role is to ensure that waste imports and exports comply with legal requirements.

Everyone has a part to play....

We work in partnership to deal with waste crime, including with the police, HM Revenue and Customs (HMRC), the Borders Agency, Interpol, the Vehicle and Operator Services Agency (VOSA), the Department of Work and Pensions and local authorities. Many people involved in waste crime are also involved in other illegal activities.

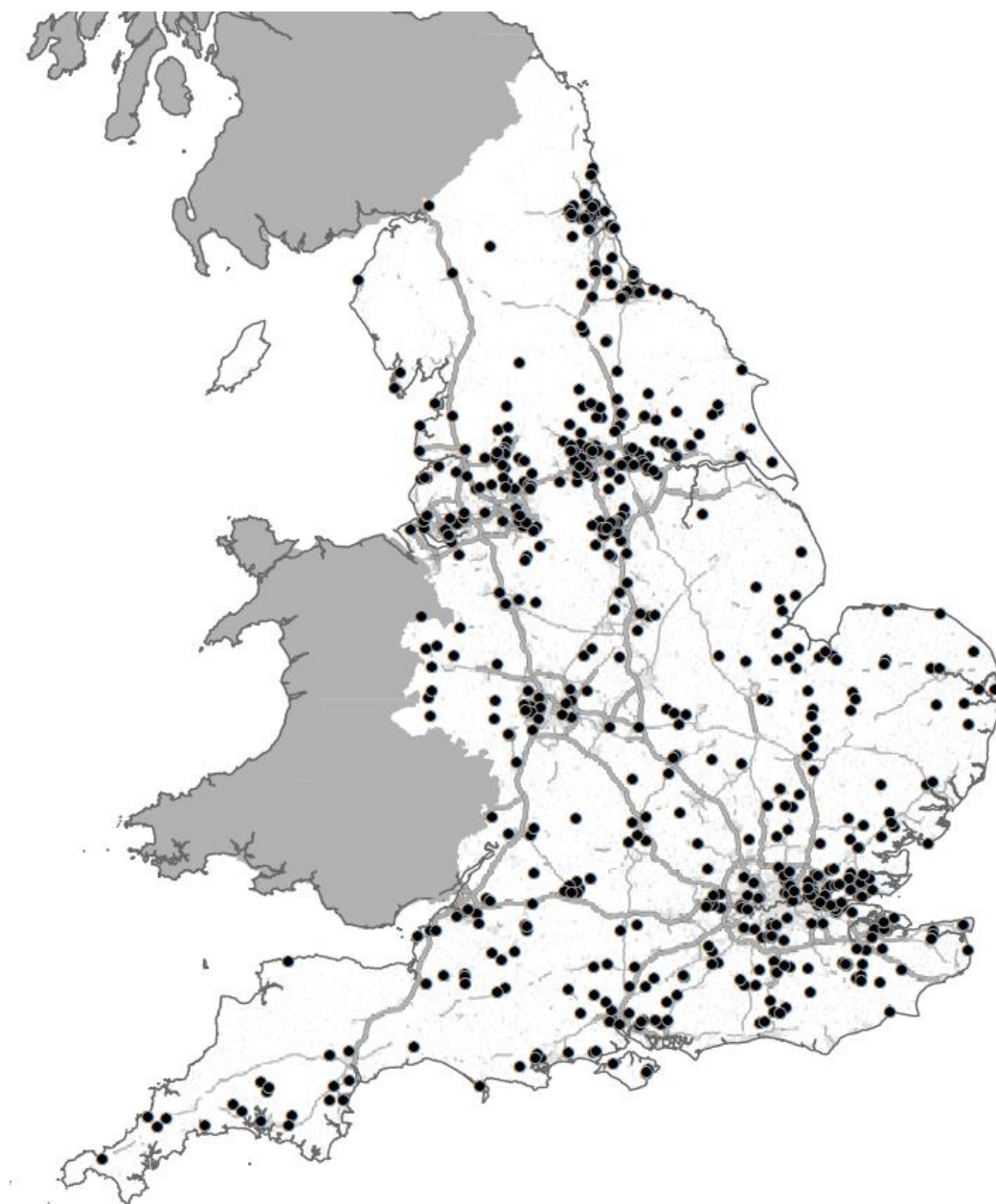
Waste producers also have an important role to play. Any organisation producing waste has a legal duty of care and needs to ensure that it is passed on to a suitable person – usually a waste carrier registered with the Environment Agency. If everyone in the chain producing or handling waste made sure it was managed responsibly, and only passed it on to another responsible person, there would be no illegal waste activities.

What happens where you live?

Waste criminals are dumping waste in towns and cities, using areas around motorways to run large-scale illegal waste operations. But it isn't just an urban problem; waste crime affects rural communities too, causing damage to the environment and harm to people.

At the end of March 2013, we were aware of 820 active illegal waste sites. The map below shows their location. Many are clustered around areas of denser population and key motorway links.

Figure 1: active illegal waste sites, March 2013



2. How we tackle waste crime

Our waste crime priorities

For 2012-2013, these priorities were to:

Identify, disrupt and take effective action against priority offenders

By focussing our resources on offenders linked to multiple crimes, types of crime, or specific sites, we can disrupt their activities and seek to reduce the amount of waste crime.

Reduce the overall risk presented by illegal waste sites

We concentrate on the highest-risk sites first. We assess risk by considering a site's proximity to sensitive receptors – for example, houses and rivers, the type and scale of the facility, and the type of waste it is handling. Our aim is to see a significant and lasting reduction in the risk posed by illegal waste sites.

Prevent and take action against those involved in the illegal export of waste

Exporting waste illegally has the potential to move environmental, health and safety risks to countries which often have much less capacity to deal with them than this country. Exports also deprive the legitimate recycling and recovery industry in the UK of valuable resources.

As noted earlier, it is always illegal to export waste from the UK for disposal, but some wastes can be exported to certain countries for recycling and recovery.

We committed more resources during 2012-2013 to help us understand the scale and nature of illegal waste exports. We focused our efforts on intercepting the shipments we suspected were illegal and worked on this with partners, such as Interpol, VOSA, the Borders Agency and the police.

Prevent illegal dumping and take action against those involved

Our priorities this year were sites involving construction and demolition waste, and waste tyres. Illegal dumping incidents can vary significantly in scale. We deal with the large, serious and organised incidents - those that are 'big, bad and nasty'. This sometimes involves hazardous waste, which has a greater potential to damage the environment and harm people. Local authorities deal with smaller incidents.

Our waste-stream approach

Using a waste-stream approach we seek to:

- consider the 'whole life' of the waste, from production to disposal or recovery, when deciding how we will intervene
- use this knowledge to deal with the root causes of the problems and establish the most effective place to intervene in the chain (from waste producer to the point of disposal or recovery)

Our waste-stream priorities were tyres, construction and demolition waste, end-of-life vehicles, scrap metal, and waste electrical and electronic equipment (WEEE).

Focus on... tyres

A significant proportion of tyres are disposed of illegally.

As well as illegal tyre dumps being unsightly, poor storage can make them more likely to catch fire. This generates emissions of black smoke and hazardous air pollutants, such as dioxins, polychlorinated biphenyls (PCBs) and heavy metals. Oily run-off from fires, or fire-fighting water used to disperse these harmful chemicals, can pollute groundwater. As well as the



environmental problems associated with illegal waste disposal, local authorities have to bear the financial cost of clearing illegally dumped tyres each year. It threatens legitimate tyre disposal and recovery services by diverting waste, and therefore income, from legitimate businesses.

Focus on... metal theft

To help tackle the escalating problem of metal theft, five members of staff have this year supported a multi-agency national task force led by the British Transport Police (BTP).

Our staff provided operational support to the taskforce through our routine regulatory activities. This included inspecting scrap metal sites, illegal waste sites and waste carrier checks. We also shared intelligence with BTP.

The metal theft taskforce has visited over 3,000 scrap metal dealers; made over 550 arrests; seized approximately 350 vehicles; inspected several thousand vehicles at the roadside; and stopped and searched 21 shipping containers heading for export.

As a result, the amount of metal theft crime reported to BTP is 51% lower overall for the year 2012-2013 compared to 2011-2012, and there has been an average 44% reduction in metal theft across the country. The taskforce has also improved its intelligence on criminals involved in metal theft and disrupted many of the organised criminal networks involved.

The cost of tackling waste crime

The waste and recycling sector currently generates over £12 billion per year in the UK and employs over 128,000 people (information provided by Department of Business, Innovation and Skills). Illegal waste operators can create uncertainty for the legitimate waste industry and hold back investment in infrastructure that would result in better environmental outcomes. Waste crime also affects the economy through tax avoidance, money laundering and fraud. Our report, *The Economic Impact of Illegal Waste*, published in December 2012, estimates that waste crime diverts as much as £1 billion per annum from legitimate business and HM Treasury.

Our spend in 2012-2013

During 2012-2013, we spent around £17 million on tackling waste crime. This is about 7% of the Environment Agency's total spend on environmental protection and 20% of what we spent on waste regulation as a whole.

We have also invested nearly £5 million in our illegal waste sites task force over the past 18 months. This money came from savings made elsewhere in our business.

Figure 2: our total spend for environmental protection in England for 2012-2013 was £243 million.

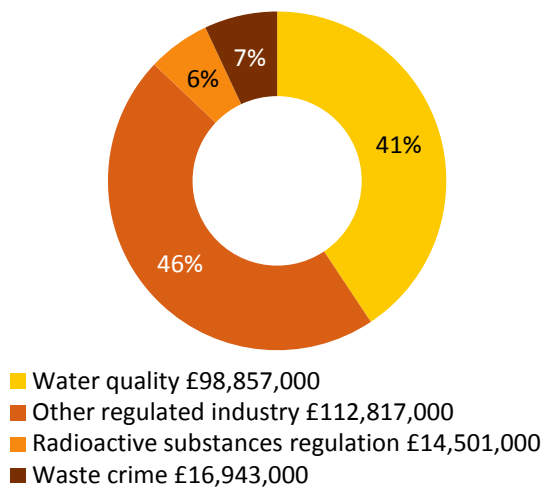
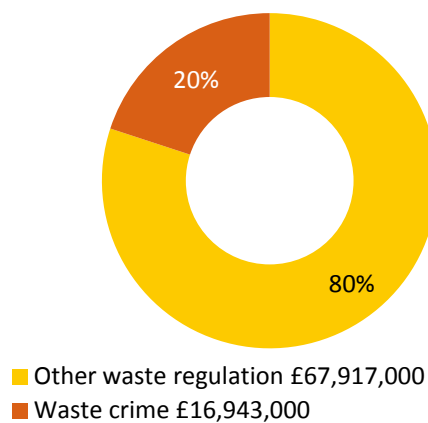


Figure 3: our total spend for waste regulation in England for 2012-2013 was £85 million.



3. The extent of waste crime

The waste industry and legitimate businesses can provide us with important information about illegal waste activity that helps us tackle waste crime. In 2012-2013, we stopped illegal activity on 1,279 sites.

This means on average we stopped illegal activity on an illegal waste site every 90 minutes of each working day of the year.

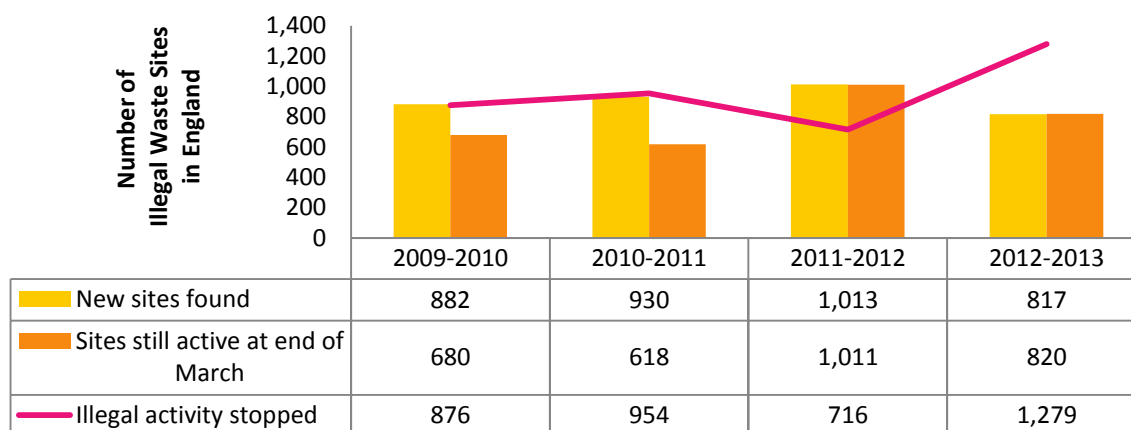
Some of the improvement in our performance for 2012-2013 is due to the additional resource we invested in our illegal waste site taskforce. The extra resource and expertise has enabled us to improve our understanding of the causes and symptoms of illegal waste activities. We can intervene earlier and more effectively and therefore stop more sites more quickly. We have made progress in developing crime prevention and disruption techniques.

Illegal waste sites

We are concentrating our efforts on stopping illegal activity. Our aim is to see a significant and lasting reduction in the number of illegal waste sites in England.

It will be a challenge to maintain this performance in future years, but we will continue to make every effort to find and tackle illegal waste sites in the most efficient, effective way we can.

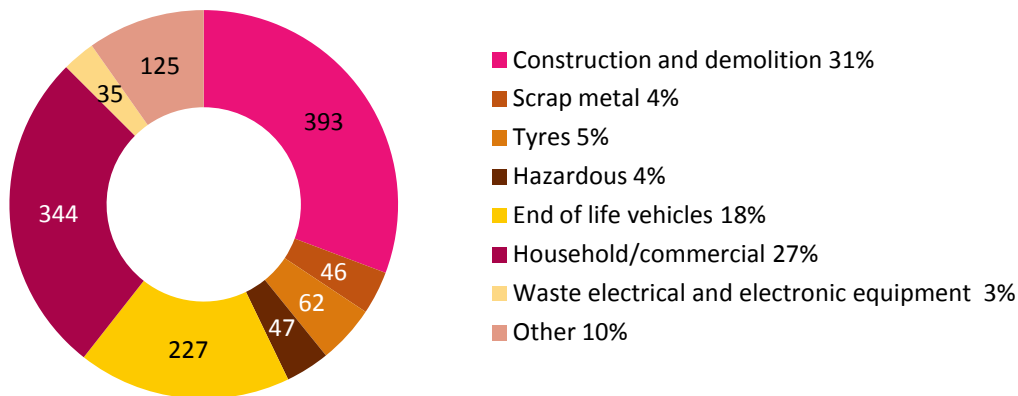
Figure 4: numbers of illegal waste sites



Stopped sites

We stopped illegal activity on 1,279 sites, compared with 716 in 2011-2012. Over 80% of those sites had been on our database for less than 12 months and just over 60% were dealing with our priority wastes - tyres, construction and demolition, end-of-life vehicles, scrap metal, and waste electrical and electronic equipment.

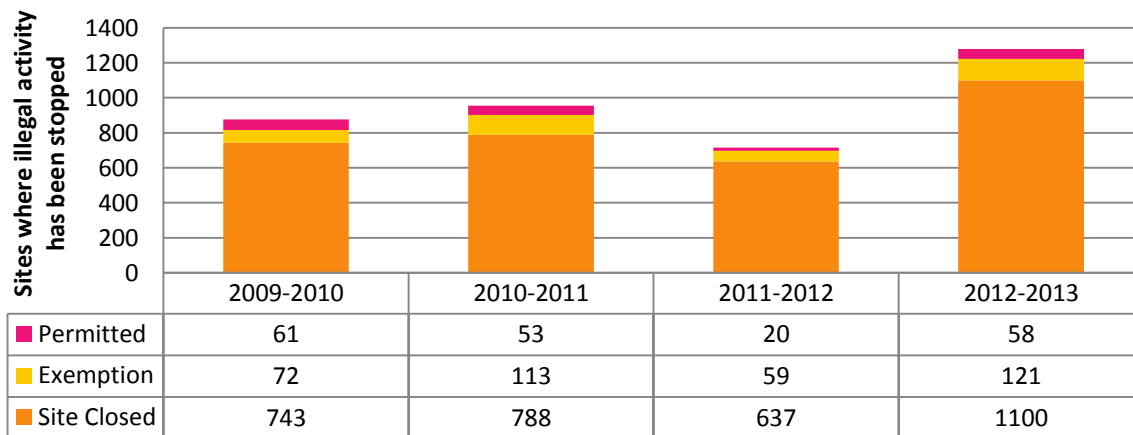
Figure 5: number of sites where illegal activity has been stopped (by waste type)



We stopped illegal activity on sites either by closing them down (1,100 sites), helping the site to move into legal compliance and get the right permit (58 sites), or granting an exemption to operate (121 sites).

We have worked with estate agents and landlords to target rogue tenants; with VOSA and the Road Haulage Association to target waste carriers supplying illegal sites; and with local authority planners on major infrastructure projects to cut off the supply to illegal sites. We also promote the use of SmartWater when clearing waste from illegal sites. It helps us track waste being moved from site to site.

Figure 6: sites closed or brought into regulation



Case study: it's good to talk

For the last eight years, an operator used a number of companies to run a large-scale, illegal tyre processing facility. The site was situated on the coast bordering a Site of Special Scientific Interest (SSSI). We had successfully prosecuted the operator a number of times, which had resulted in a fine on each occasion. However, our intelligence suggested he was boasting locally that nobody could stop him from operating illegally - he appeared to accept the fines as part of the cost of running his business. It was clear that we needed to take a different enforcement approach.

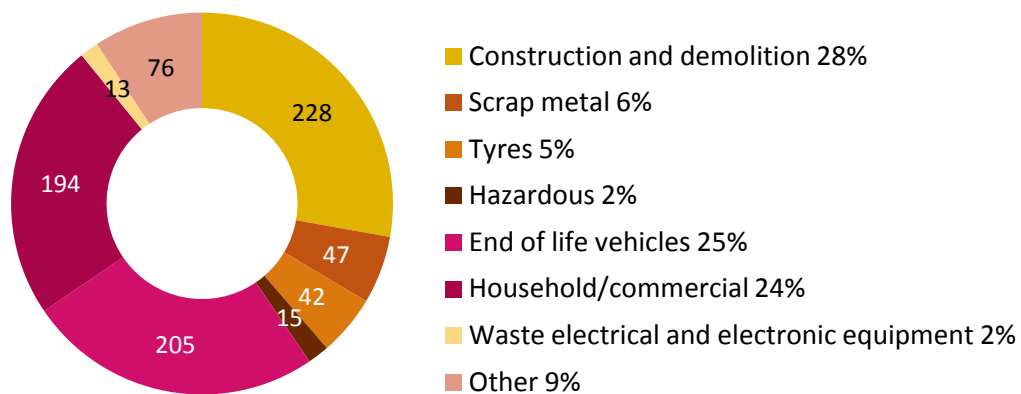
We contacted major producers of waste tyres in the local area and told them that their waste was being disposed of illegally. This significantly reduced the number of tyres arriving at the site and demonstrates how education can be a highly effective form of crime prevention. We also maintained a regular visible presence to send a clear message to the operator that we were serious about stopping his illegal activities.

The operator finally decided that he would like to run a legitimate business from the site, so in early 2013 he cleared the site of its 20,000 tyres, which were a serious fire hazard. The operator improved the site by providing an impermeable surface, and registered an exemption to store a much smaller quality of tyres. However, we recognised the potential for the operator to slip into old habits, so we made frequent inspections. Whilst we found some early problems, our approach brought the site back into compliance.

Active sites

During 2012 to 2013, we worked on around 2,000 illegal waste sites in England. Of the 820 sites in our database which remained active at the end of March 2013, just over two thirds were less than a year old. More sites had construction and demolition waste as their main waste type (28%) than any other. Around 65% of active sites were dealing with our priority wastes for 2012-2013.

Figure 7: number of active illegal waste sites (by waste type)



Illegal waste sites store, treat or dispose of waste. Nearly a third (31%) of active illegal sites were storing waste; around 23% were involved with disposal activities, such as burning, spreading or land filling waste; and 47% were illegally treating waste, which includes composting and recycling waste.

The illegal export of waste

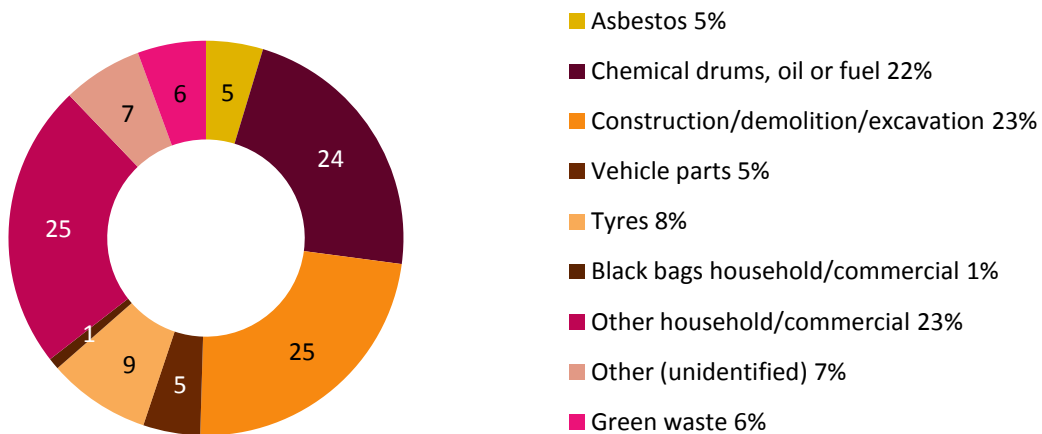
Some of our biggest waste challenges are detecting and preventing waste from being exported illegally. Because illegal waste shipments are incorrectly described, quantifying the market has proved difficult. We use intelligence, information and data provided from a variety of sources to intercept shipping containers at ports.

We continue to work with authorities in countries where wastes are destined, sharing intelligence and best practice. During 2012 to 2013, we inspected 167 shipping containers. Of these, 68 were inspected and used as evidence for prosecution; 65 containers were sent, at the exporters cost, to waste sites for legitimate disposal; and 34 were released for export with no further action. We brought 11 successful prosecutions for waste exports offences in 2012-13.

The illegal dumping of waste

Almost a quarter (23%; actual number of incidents 25) of illegal dumping incidents within our remit in 2012-2013 involved waste from construction, demolition and excavation activities. This a slight decrease from last year. We also saw a significant number of incidents involving chemical drums, oil or fuel (22%; actual number of incidents 24), and tyres (8%; actual number of incidents 9). There were no incidents in 2012-2013 involving clinical waste or electrical equipment.

Figure 8: number of illegal dumping incident (by waste type)



4. Being tough on waste crime

Our intelligence and data analysis, new ways of working and improved collaboration with our partners are helping us to be more effective.

Being tough on serious waste criminals

We prosecute to tackle more prolific and serious offenders. We have changed our focus from reacting to reports of crime to a proactive approach of targeting particular offenders, which has led to a reduction in the number of prosecutions. During 2012 to 2013 in England, we made 171 successful prosecutions and issued 62 formal cautions for waste crime.

Figure 9: prosecution outcomes for England

	2009-10	2010-11	2011-12	2012-13
Number of successful prosecutions	197	262	249	171
Number of formal cautions	100	169	99	62
Number of successful prosecutions for illegal waste exports offences	8	6	11	11
Total fines (£)	£718,411	£1,061,984	£1,367,340	£827,940
Highest fine (£)	£75,000	£170,000	£75,000	£75,000
Average fine	£5,361	£5,364	£7,596	£7,137
Number of custodial sentences	2	5	10	5
Longest custodial sentence (months)	30	16	48	18
Number of suspended sentences	3	5	10	15

All money received in fines goes to HM Treasury but we always seek to have our costs paid. Where appropriate, we seek a Confiscation Order under the Proceeds of Crime Act 2002 (POCA).

Being one step ahead

Case study: paying the price for running an illegal waste site

We began an investigation into an illegal waste site after a police helicopter spotted several skips of waste at a farm. We visited the site and sent a follow-up letter, reminding the owner of the rules and regulations for running a waste management site.

Covert surveillance in April and May 2012 showed that waste was still being tipped, sorted and burned at the site. Waste from a skip was set alight, comprising plastics, painted wood, treated wood and mixed waste. This was a risk to human health and the environment - the farm was less than 150m from a residential property and in open countryside with many small watercourses.



We successfully prosecuted the two defendants, a married couple, for running an illegal waste site. The husband was sentenced to 120 hours unpaid community work, and the wife was fined £500. Together they had to pay court costs of £8,321.

We also made a successful application to the court under the Proceeds of Crime Act to seize the £108,000 gained from the illegal operation. The outcome from our enforcement has stopped the illegal activity and the site has been cleared.

Working in partnership with Crimestoppers

Sharing intelligence with local authorities and other organisations helps us to use resources more effectively and stop more waste crime. This year, we have joined forces with Crimestoppers to encourage people to report illegal activity, without having to reveal their identity.

The Crimestoppers helpline is an independent and anonymous alternative to our incident reporting line. It enables people to report waste crime when they do not want to talk to regulators and law enforcement agencies directly, for fear of reprisals. Crimestoppers' call-handlers have received training from the Environment Agency and are aware of the types of call and crimes that we are interested in.



Many of the reports we received through Crimestoppers have helped us identify companies that are illegally operating or exporting waste abroad, or led to multi-agency operations around the country.

Case study: day of action helps combat waste crime

In March 2013, we spent a day stop-checking waste carriers across the country. We wanted to disrupt the supply of waste to illegal sites, gather intelligence on waste carriers, and provide them with information about their duty of care to ensure waste is taken to legitimate waste sites. We also trialled the use of SmartWater.

We worked alongside the police, VOSA, HMRC and Trading Standards, using social media to communicate outcomes from the day. Our officers distributed information cards to residents and businesses, to drivers at stop checks, and to businesses on visits to permitted and illegal sites. Information cards were also made available in public places, such as libraries, community centres and police stations. These cards raise the profile of our work and encourage people to report waste crime via our incident line or Crimestoppers. They also help to educate people about their waste responsibilities and reassure recipients that action is being taken to tackle waste crime. We are working with partners to distribute the information, thus ensuring even greater coverage.

As a result, the Crimestoppers helpline saw a 15% increase of reports relating to illegal waste.



Not just prosecution

Although prosecution forms a key part of our illegal waste management work, it is not our only approach. We stop illegal activities by taking new and proactive approaches, such as stop notices, injunctions and bail conditions. During 2012-2013 we successfully applied to the court for two injunctions.

In appropriate cases where we prosecute, we can ask the court to impose bail conditions to stop illegal activity. They provide an additional way to stop illegal activity whilst we are waiting for the case to be dealt with by the court. If the defendant does not comply, they are in breach of their bail conditions and will go to court with a strong chance of going straight to prison. During 2012 to 2013, the court imposed bail conditions at our request on twelve separate occasions.

When offenders have committed a crime through ignorance of the law, we provide advice and guidance so they understand their legal obligations. This can be in the form of verbal advice, providing printed information or helping them access our website. This may result in them applying for an environmental permit or an exemption for their activities. During 2012-2013, the vast majority of illegal activity we identified was stopped through advice and guidance and did not require formal enforcement action.

Working with partners

Working with our partners in other agencies means we are able to share intelligence, data and skills, making us more efficient and more effective at catching criminals.

Case study: working in partnership with the police

Unregistered waste carriers have been targeted in North Yorkshire by police traffic officers that we have trained to carry out roadside interviews. Our pre-prepared interview questions have been incorporated into a police document which is now carried by all officers in the event that a vehicle carrying scrap is stopped. We are already seeing results from this approach. In one example, the police stopped a vehicle for having no insurance. The vehicle was loaded with scrap and the driver admitted that he did not have a valid carrier's registration. The police officer interviewed the driver about both offences, prepared a case file and passed it on to us. We prosecuted the offender, who pleaded guilty and was fined and ordered to pay costs.

A major multi-agency operation took place in December 2012, targeting metal theft. We worked closely with ten regional police forces across the north west, along with the British Transport Police, the Border Agency, Border Force and HMRC. We supported joint multi-agency inspections at various sites, and roadside stop exercises to check waste carrier registrations and look for stolen metal. This operation was timed to coincide with the introduction of new legislation which makes it an offence for a scrap dealer to purchase metal for cash.

Operator competence

We can refuse or revoke a permit if the applicant or permit holder has been convicted of a relevant environmental offence and we decide that they are unfit to continue to hold a waste permit. For example, in a recent case involving a man who handled mixed commercial and construction waste, we revoked his waste carriers' registration after he was convicted of running a waste transfer site without the appropriate environmental permit.

Proceeds of Crime Act (POCA)

The Proceeds of Crime Act (POCA) has given courts the ability to remove offenders' assets when they have been gained from crime. We believe POCA can have a considerable impact on any waste crime offender - possibly more than the conviction and sentence.

The amount that a convicted offender must pay is known as a confiscation order. It is based on the amount the court believes has been generated by the defendant's criminal conduct.

We reinvest any funds we receive into our waste crime work. However, the number of confiscation orders has reduced from 26 in 2011-2012 to 12 in 2012-13, reflecting our new advice and guidance approach and the reduction in prosecutions. Figure 12 below shows that we have achieved some substantial confiscation orders over the past two years.

Figure 10: POCA data for England

For England only	Benefit figure agreed by the court	Confiscation order amount	Expected income to the Environment Agency
Total 2011-12	£7,974,949	£2,192,661	£655,352
Total 2012-13	£8,369,769	£1,341,276	£502,978

At the time of writing, £481,669 of the £1,158,330 expected POCA income over the past two years has been paid.

Case study: POCA hits offenders' pockets hard

Two waste criminals were sentenced to prison for non-payment of a confiscation order. One man was jailed for 1,211 days after trying to flee to India. He was trying to evade paying the full amount of a confiscation order for £881,513, following his conviction for running an illegal waste business in 2010. He appealed against the order twice before attempting to go on the run.

A second man is still in prison serving a four and a half year sentence for waste crimes and money laundering. He was jailed for an additional 1,036 days after failing to pay the full amount of a £917,000 confiscation order made in May 2012. Once his sentence has been completed, this defendant will have served the longest time in prison of any criminal for waste related crimes.

Both defendants will still owe the outstanding amount of the confiscation order, even if the full jail term is served.

Challenges ahead

Implement new powers

This year, we must deliver a new public register for scrap metal dealers to help local authorities regulate the industry.

Share information on exports

We are continuing to work with the government to gain access to HMRC's export monitoring data. With access to this data we will be able to:

- increase our knowledge about illegal export activities
- better detect illegal shipments of waste
- target offenders more effectively and prevent shipments leaving the UK

5. Everyone has a part to play in solving the waste crime problem

Deal with your waste responsibly

Make sure you deal with your waste responsibly. This will help us stop illegal activity and stop those who illegally handle waste from getting away with it. Everyone who disposes of waste has a duty of care to ensure their waste is handled correctly. If you don't dispose of your waste correctly you risk being prosecuted and fined. If you run a business or other organisation this could seriously damage your reputation.

- Be wary of people or businesses offering cheap waste removal and disposal. You must have your waste removed by a registered waste carrier. Check with us that your carrier's registration is valid - call us on 03708 506 506, or check the [public register](http://www.environment-agency.gov.uk/research/library/publicregisters/default.aspx) (<http://www.environment-agency.gov.uk/research/library/publicregisters/default.aspx>).
- Complete waste transfer notes to document and describe all waste you transfer to someone else - remember you must keep them for two years.
- Ensure that you store and transport your waste appropriately and securely – don't let your waste escape and pollute the environment.
- Know your responsibilities if you produce, store, transport or dispose of business waste - this is your duty of care. Read more in [our guidance on duty of care](http://www.environment-agency.gov.uk/business/topics/waste/40047) (www.environment-agency.gov.uk/business/topics/waste/40047).

If you're a householder, then you don't need to worry about your regular bin collections by the local authority, but any contractor you hire - like builders, house clearers, gardeners or skip operators - will normally need to be a registered waste carrier to take your waste away.

If you own land and rent or lease it to someone who operates an illegal waste facility, you may be considered responsible for the illegal waste. As soon as you are made aware of the illegal activity, you must take action to deter the activities. You may be subject to enforcement action and could be liable for the cost of clearing the waste, which could run into tens of thousands of pounds.

How to report waste crime

If you have information about waste crime you can report it to us. Please don't ignore it.

We can all keep an eye out for illegal waste operations. Suspicious behaviour may alert you to illegal waste sites. Look out for:

- activity through the night
- increased numbers of lorries entering a site
- smoke
- water pollution

We rely on legitimate businesses and members of the public to help us identify the culprits so we can stop waste crime.

If you suspect someone is disposing of waste illegally or you want to alert us to other illegal waste operations, call our incident hotline on 0800 80 70 60.

If you want to report information anonymously, call Crimestoppers on 0800 555 111.

Alternatively, [you can also submit information using the Crimestoppers online form on their website](https://secure.crimestoppers-uk.org/ams.form.anonymous.asp) (<https://secure.crimestoppers-uk.org/ams.form.anonymous.asp>).

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