Liability is an important issue for councillors. In France, five local officials are currently under formal examination (one step short of being charged) for "poisoning, deliberately endangering the lives of others, involuntary injury and manslaughter" after investigations found that workers at the plant deactivated the filters at night so the waste would burn faster. For more than 15 years, local officials refused to measure the incinerator's emissions. By the time they got round to it, the first test found the level of dioxins the plant was belching out was 13,000 times the permitted norm. "We found women here had been feeding their babies dioxins for the past decade"
http://www.guardian.co.uk/france/story/0,11882,1485615,00.html

An Internet search reveals the following:

a. The environment Agency's own web site records how on 24th June 2003 Onyx pleaded guilty at Telford Magistrates Court to one charge of failing to take reasonable measures to prevent the escape of waste under its control and one charge of keeping waste in a manner likely to cause pollution. The company was fined £10,000 and ordered to pay court costs of £13,500.

b. Onyx and their parent company Veolia (formerly known as Vivendi), are associated with corruption. Corruption In mid-1996, five out of 13 directors on the main board of Vivendi / Generale des Eaux were under investigation for corruption...In Milan, Italy, 2001: Alain Maetz, a senior manager in Vivendi's water division was convicted for bribery and received a prison sentence of one year and ten months with a conditional discharge. Judges said Mr. Maetz had paid a bribe to the president of the Milan city council during the bidding procedure for the contract for a wastewater treatment plant in the south of Milan. Massimo De Carolis, the then former city council president received an almost three year sentence for receiving the US$2 million bribe. The contract was worth US$100 million.

c. Vivendi subsidiary, waste management company Leigh Environmental (now called SARP UK) were fined £87,500 with seven prosecutions for pollution in 2000. In 1999, Leigh Environmental was also in the UK's Environment Agency's worst ten polluters' list, with fines of £18,000 and three prosecutions. In May 1998, a cloud of nitric-dioxide gas leaked from SARP UK's Killamarsh chemical wastage plant in north Derbyshire. Residents in three separate counties were affected and more than 20,000 people were forced indoors as the 300-foot plume of thick orange gas spread over the area. The Health and Safety Executive and the Environment Agency investigated the incident and SARP UK was prosecuted and fined a total of £270,000.

d. Rockland, Massachusetts terminated Veolia's contract to run the town's sewer plant in February 2004, amid embezzlement charges involving a sewer department official and a local company executive. The men were charged with embezzling more than US$300,000 from the Rockland Sewer Department. The termination came on the heels of a forensic audit that suggested the bidding process by which Veolia was selected to run the plant was rigged, as well as an investigation by the Massachusetts Office of the Inspector General into whether the original bidding process was rigged in Veolia's favor.

e. In Lee, Massachusetts town representatives voted overwhelmingly in September 2004 to reject a proposal from Veolia to take control of the public water and wastewater system. The proposed contract offered by Veolia offered little assurances, the contract was riddled with holes and omissions. The city would have been saddled with any number of costs, ranging from excavation to

testing to administrative tasks. The company reserved for itself the right to set rates for treatment of “trucked-in waste from outside of town”. The contract allowed the town only “limited” access to documents relating to system operations. And the entire proposal lacked a credible cost estimate against which savings promised by Veolia could be measured, calling rather for an “audit and asset valuation” only after the contract had been signed.

f. Onyx are currently being sued in the US by the Sierra Club in relation to air pollution from their waste incinerator in the St Louis area. For details see http://www.sierraclub.org/environmentallaw/lawsuits/viewCase.asp?id=256

g. Vivendi's subsidiary Tyseley Waste Disposal Ltd. was listed by the UK's Environment Agency as the second worst polluter in 1998. Environment Agency director of operations, Archie Robertson said, "The companies included in our Hall of Shame have let down the public, the environment and their own industry".

h. Vivendi subsidiary Norwest Holst Construction Ltd. was prosecuted and fined £50,000 with costs of over £20,000 after an employee died from injuries received when he struck an underground electric cable with a pneumatic drill in September 1998. The court found that site rules were not being enforced, despite the fact that this was high-risk work. No edge protection had been provided and the risk assessment for the work was inadequate.

i. Onyx UK Ltd. was prosecuted and fined £14,500 after contractors were exposed to asbestos during its removal from a property in October 1999. The contractors were not licensed for asbestos removal and inadequate precautions were taken. The risk was described as "significant." Onyx was also prosecuted and fined £3,600 after an employee fell 2.5 meters and fractured his skull and collarbone in October 1998.

j. Vivendi subsidiary Ringway Highway Services Ltd. was prosecuted and fined £50,000 after an employee had his leg amputated after being run over by a chippings spreader in January 1999. It was ruled that Onyx had insufficiently safe reversing systems.

Site Suitability Checklist used to measure the suitability of Crown Farm, Forest Town at a site for an Energy Recovery (Waste Incineration) Facility (an extract from the forthcoming ***Waste Incineration and its Impact on Health, the Environment, and Sustainability*** by Dr. Adam Bostock (PhD in Air Pollution)

1. *Be as close as possible to the source of the waste generated.*
   Assuming waste comes from everywhere in the county, except the city, then the proposed site may, approximately, be in the correct latitude, but it should probably be further to the east of the county to account for the waste coming from Newark. Criterion nearly satisfied.

2. *Be as close as possible to the landfill sites for bottom ash and fly ash.*
   It is assumed that the landfill site will be out of the county. Therefore, this criterion is unlikely to be satisfied.

3. *Avoid road transport where possible (e.g. use rail).*
   Does not satisfy this criterion – all transport is by road.

4. *Accessible through a local network of high capacity roads and good quality junctions, which are unlikely to significantly cause problems with congestion and accidents.*
   The roads leading up to the industrial estate are single carriageways, and access to the estate is via a small roundabout. These roads are not ideal for heavy traffic (one HGV movement every 3 minutes).

5. *Local access roads are not in a residential area.*
   All of the lorries delivering waste and removing bottom ash and fly ash (or APC) must travel through residential areas to reach the industrial estate. Lorries leaving the estate will travel up an incline in a residential area, causing issues in terms of noise and excess diesel emissions. This criterion is not satisfied.

6. *Be as far as possible from residential areas, in all directions (e.g. at least 1 km away).*
   Residential estates, all within about 200 metres, bound this industrial estate on three sides. This criterion is not satisfied.

7. *Be as far as possible from residential areas in the prevailing downwind direction (e.g. for a prevailing south-westerly wind, there should be no residential property north east of the site).*
   Downwind is a residential area and Clipstone. Criterion not satisfied.

8. *Be as far as possible from schools.*
   Downwind is Garibaldi School and playing field. Criterion not satisfied.

9. *Be as far as possible from outdoor areas involving physical exercise (e.g. playing fields, football and rugby pitches, running tracks and other sports venues).*
   Within a few hundred metres there are the following: playing field, children's park, football pitch, rugby pitch, and a running track. Criterion not satisfied.

10. *Be as far as possible from farms (crops and livestock).*
    Downwind there are fields used for growing crops (currently carrots). Criterion not satisfied.

11. *Be as far as possible from allotments.*
    There are two large areas for allotments within a few hundred metres, and two further areas within one or two kilometres. Criterion not satisfied.

12. *Be as far as possible from a population with a high degree of sensitivity to air pollution (e.g. respiratory illness, cardiovascular illness, and asthma).*
    The local population has a high proportion of ex-miners with respiratory diseases. The area has also been one of significant socio-economic deprivation and has been an Objective 2 area for many years. This population is expected to be sensitive to the health effects of air pollution. Criterion not satisfied.

13. *Not located in a valley, nor near other terrain that restricts the dispersal of air pollutants.*
    The site is located in a gently sloping valley with a depth of 25 to 30 metres. Although this could be compensated for, to some extent, by building a stack that is an extra 30 metres taller than normal, it still does not prevent problems arising on days when there is no wind. Criterion not satisfied.

14. *Not near a site of special scientific interest, or other site of relevant importance.*
    There is a SSSI a few kilometres away (Strawberry Hill) - not ideal.

15. *Should be located near an air quality monitoring station, which could be installed after identifying the incinerator site but prior to commissioning of the incinerator.*
    Status unknown.

16. *Not located above a groundwater aquifer.*
    It is suspected that there is an aquifer under the site. The geology map for the area a few kilometres to the west of the industrial estate does show the presence of an aquifer. Criterion not satisfied.

17. *If above an aquifer (which is not recommended), layers should be impermeable.*
    The above geology map suggests unsuitable geology. However, this needs to be confirmed.

18. *If above an aquifer (which is not recommended), the underlying rocks must be impermeable and free from faults, shafts, bore-holes and the risk of instability (over the period of operation).*
    Anecdotal evidence suggests the site is unsuitable. However, this needs to be confirmed.

19. *Not located near important surface waters that support ecosystems sensitive to pollution.*
    A previously reported pollution incident suggests that this could be a problem.

20. *Not located near important surface waters that provide pathways to public water resources (reservoirs and groundwater).*
    There appears to be a water way via Vicars Water to the River Maun. The relevance of this is unknown.

On initial inspection it appears that the Crown Farm site is not suitable for a waste incinerator. However, to quantify the risks, and the potential impacts and costs, further research and analysis would be required.