

SESSION 3: PRACTICAL EXERCISE

“INITIATING THE INVESTIGATION”

The Environmental Management Inspectorate has received information that a small electroplating firm, We Plate Anything, has been disposing of waste acids, other process material, and possibly off-spec chemicals by pouring liquids on the ground at night in the rear of its property or putting drums of solids and liquids on a truck and taking it away to be dumped at night. This information came through an anonymous call to a DEAT employee who passed it on to the Environmental Management Inspectorate's pollution and waste arm in DEAT. The caller, who asked for the DEAT employee by name, did not specify a time period concerning disposal, other than to say that it had “been going on for years”. He did not say where the material taken off site for dumping was going. He sounded educated and knowledgeable to the DEAT employee who spoke with him for about 10 minutes.

The Environmental Management Inspectorate has reviewed some DEAT files, and found that regulators have inspected the firm several times in the past 10 years, but the inspection reports document only house keeping violations. The company has not been inspected for the past two years, according to the paper work. When last inspected, We Plate Anything provided documentation showing that it shipped 500 kg of acidic liquid waste to a plant located in a neighboring province every year or so where it was neutralized. The paper work in the DEAT file does not indicate anything about disposal of other chemicals or wastes normally found at an electroplating facility.

Your office and DEAT recently formed a working group to investigate more promptly and efficiently environmental crime. EMI has contacted you to discuss this matter, and see whether it should launch a criminal investigation. Where do you go from here in terms of:

1. Do you have sufficient information, especially about environmental threats, to make a decision? Will you get involved now or tell DEAT to come back later? Why or why not?
2. If your office is interested, what will be your initial steps to further investigate this matter criminally? Does your team possess sufficient technical/scientific resources? Why or why not?
3. What issues exist concerning the informant and the information he provided?
4. What, if anything, would you want/expect DEAT regulators to be doing or not doing to investigate or remedy on-going pollution while you decide whether to get involved or during the initial investigation?