

## EPA Court Prosecutions

Complaint Number	Offender	Offence Date	Provision	Legislation	Sentence	Brief Facts
	Break O'Day Council	10-23/05/96	S 51(1) S 33(1)	EMPCA	\$30,000 Global penalty	PG. Release of at least 80 megalitres of sewage to natural lagoon along with failure to notify EPA Director.
	Pasminco Australia Ltd	19/05/97	S 53(2)	EMPCA	\$3,000	PNG. Release of gases caused by mixing of chemicals in delivery tanker.
	Tasmanian Mines Limited	06/12/97	S 53(2)	EMPCA	\$3,500 + Court Costs	PG. Release of pollutants from tailings dam.
	Peter Lawrence Shuttleworth	Between 31/01/98-01/02/98	S 53(2) S 4(1)(c)	EMPCA <i>Litter Act 1973</i>	\$2,500 Global penalty + Court Costs	PG. Emission of waste motor oil to land.
	Toll Transport Pty Ltd	08/05/98	S 51(2)	EMPCA	\$12,000	PG. Emission of chlorine gas resulting in need to evacuate people in area after failure of employees to follow procedure such that sodium hypochloride was added to hydrochloric acid tank. At least two people taken to hospital.
	Starwood Australia Pty Ltd	08/07/00	S 53(2)	EMPCA	\$3,500 + Court Costs	PG. Emission of wood fibre containing formaldehyde resin from stack at plant.
	North West Rendering Pty Ltd	Various 20/11/00 - 17/02/01	S 45(3)	EMPCA	\$8,500.00 + Court Costs jointly liable for penalty with Reginald John Brown and Dale Lyndon Grey below	PG. Contravention of EPN.
	Reginald John Brown	Various 20/11/00 - 17/02/01	S 45(1)	EMPCA	\$8,500.00 + Court Costs jointly liable for penalty with North West Rendering Pty Ltd above and Dale Lyndon Grey below	PG. Contravention of EPN as per North West Rendering Pty Ltd matter above guilty in accordance with section 60 of EMPCA as an officer of offending corporation.
	Dale Lyndon Grey	Various 20/11/00 - 17/02/01	S 45(1)	EMPCA	\$8,500.00 + Court Costs jointly liable for penalty with North West Rendering Pty Ltd and Reginald John Brown above	PG. Contravention of EPN as per North West Rendering Pty Ltd matter above guilty in accordance with section 60 of EMPCA as an officer of offending corporation.

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	Starwood Australia Pty Ltd	26/05/02	S 53(2)	EMPCA	\$3,500 + Court Costs	PG. Emission of wood fibre containing formaldehyde resin from stack at plant.
	Tasmanian Alkaloids Pty Ltd	10-14/08/00	S 53(1)	EMPCA	\$3,500 + Court Costs	PG. Discharge of approximately 10 megalitres of wastewater from holding dam into natural watercourse.
	Tasman Group Services Pty Ltd	21 -23/01/04	S 53(1)	EMPCA	\$1,500 + Court Costs	PG. Odours from rendering plant. Multiple relevant priors.
	Kingborough Council	14-31/07/03	S 51A(1)	EMPCA	\$9,000 + Court Costs	PG. Discharge of approximately 5 megalitres of raw sewage to recreational beach at Blackmans Bay in Tasmania in circumstances of failure by offender to undertake maintenance of infrastructure.
	Copper Mines of Tasmania Pty Ltd	18/09/03	S51A(2) S 45(3)	EMPCA EMPCA	\$5,000 Global penalty + Court & Technical Costs	Discharge of 4000 cubic metres of mine tailings and wastewater from a ruptured pipeline to Crown Land outside mining lease in circumstances of failure to follow procedure. Spill dispersed to natural waterway with potential for environmental harm. Clean-up undertaken.
	Glenorchy City Council	1-2/03/04	S 51A(2)	EMPCA	\$15,000 + Court Costs	PG. Discharge of approximately 3 megalitres of untreated sewage to River Derwent risking human health and causing harm in circumstances of failure to undertake maintenance due to higher priority infrastructure issues. Appropriate clean up and warning action taken by offender in response.
	Michael Shane Hammond	20/06/04	Reg 10(1)	WasteMgt Reg	\$500 + Court Costs	PG. Disposal of general waste to private land and dam without authorisation.
	Classic Foods Pty Ltd	1-24/10/04	S 53(2)	EMPCA	\$5,000 + Technical Costs + Court Costs	PG. Discharge of effluent from milk processing works causing pooling, odour and other impacts to neighbouring residents. Relevant priors.
	Robert Thomas Wilson	1-24/10/04	S 53(2)	EMPCA	\$2,000	PG. Managing Director of Classic Foods Pty Ltd guilty by virtue of section 60 of EMPCA as a result of Classic Foods Pty Ltd prosecution above.
	North West Rendering Pty Ltd	18/12/03	S 53(1)	EMPCA	\$4,000 + Court Costs	PNG. Odour from rendering plant causing nuisance to neighbours. Relevant priors.

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	Lloyds North Pty Ltd	12- 14/01/05	S 53(2)- two counts S 45(3)- two counts	EMPCA  EMPCA	\$15,000 Global penalty + Court Costs	PG. Multiple emissions of dust and noise from quarrying operations in circumstances where impacted neighbours and in of breach of conditions of relevant Environment Protection Notice. Cooperation provided.
	Aquatas Pty Ltd	8 - 9/02/05	S 51A(2) Reg 8(1)(a)	EMPCA WasteMgt Reg	\$22,000 Global Penalty + Prosecution Costs and Court Costs	PG. Deliberate release to creek and North West Bay of 40,000 litres of untreated wastewater (which unintentionally included associated sludge) (controlled waste) from water treatment plant at fish processing facility. No actual environmental harm, but significant potential. Clean up action undertaken. No prior convictions for environmental offences.
	Ocean Fresh Fisheries Pty Limited ACN 084 397 464	28/07/05	S 8(1)	POWONSA	\$9,600 + Court Costs + Costs Awarded to Crown	PG. Spill to Sullivans Cove, Hobart of between 20 and 120 litres of diesel fuel during vessel refuelling operations as a result of a failure to follow normal bunkering procedures. Attempted clean up by Hobart Ports Corporation. Cooperation provided and admissions made. No known priors.
	National Foods Milk Limited	16/10/05	S 51(2)	EMPCA	\$13,000 + Court & Technical Costs	PG. During maintenance operations liquid ammonia at toxic levels discharged to New Town Rivulet causing the death of at least 300 fish. Cooperation provided.
	Kibbey & Cooper Pty Ltd	16/10/05	S 51(2)	EMPCA	\$15,000	PG. Contractors conducting maintenance operations identified in National Foods Milk Limited matter above.
	Ashley Cecil McDougall	22/11/06	S 51A(2)	EMPCA	\$3,000 + Court Costs	PG. Intentional discharge of a minimum of 18,000 litres of sewage sludge and supernatant to ocean at Sisters Beach by worker at sewage treatment plant. Full cooperation provided and no relevant priors.
	Peter Roger Johnson	On or about 21/3/07	Reg 7	WasteMgt Reg	\$1,200 + Court Costs	PG. Discharge of wash-water containing hydrocarbons to River Derwent caused during drum washing when water allowed to run down stormwater system. Cooperation provided. Two relevant priors.
	Eitzen Chemical (Singapore) Pte Ltd	14/06/07	S 51A(2)	EMPCA	\$20,000 + Court & Technical Costs	PG. Discharge of non- toxic soot from ship owned by offending company onto large area of residential suburbs of Lindisfarne and Rose Bay as well as into River Derwent. Action taken quickly to address problem. No relevant priors.

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	Hindlee Holstein Pty Ltd ACN 009 869 431	On or about 09/11/07	S 51A(2)	EMPCA	\$7000 + Court & Technical Costs	PG. Spill of unknown quantity of dairy effluent to creek following equipment failure, causing environmental harm. Delayed efforts made to avert spill, but failure to take all reasonable action. System improvements made afterwards. No known priors.
	Bright Carrier S.A.	17/12/07	S 8(1)	POWONSA	\$7,500 + Clean Up Costs	PNG. Spill of unknown quantity of fuel oil to waters in Burnie Port as a result of crew error and failure to follow reasonable procedure. Clean up action attempted and paid for by offender, authorities notified immediately and cooperation provided. No known priors.
	Jones Enviro Service Pty Ltd	01/06/2009	S 45(3)- five counts S 32(5) Reg 6(1)(a) Reg 8(1)(a)	EMPCA  EMPCA WasteMgt Reg WasteMag Reg	\$15,000 Global Penalty + Section 65 Prosecution Costs + Court Costs	PG. Controlled waste transporter spilt quantity of sewage sludge waste in circumstances where failed to comply with numerous Environment Protection Notice conditions, which ultimately allowed spill to occur. Clean-up efforts attempted but spill spread- potential for environmental harm. 2 prior convictions for littering offences related to unsecured loads.
	Spectran Pty Ltd	1/07/2011	Reg 8(3)- four counts Reg 31  S95(1)	CntrlWaste Tracking Regs CntrlWaste Tracking Regs EMPCA	\$20,000 Global Penalty + Court & Technical Costs	PG. Controlled waste transporter spilt 6.8 tonnes of sewage sludge waste in circumstances where they failed to carry spill kits, cover load, carry conditions of permit, ensure driver aware of conditions of permit. Clean-up efforts made although 4.8 tonnes of waste was unable to be recovered. Recent priors, although none for similar controlled waste transport spills.
	Philip Stone as trustee for the Service Master Unit Trust trading as Nigel's Pumping Service	2010	Reg 6(1)- two counts Reg 9(1)(a)	WasteMgt Reg WasteMgt Reg	\$5,000 Global Penalty + Court & Technical Costs	PG. Disposal of commercially collected sewage to recreational sewage dump facility, at a quantity higher than that accepted by the facility and without approval. No priors.
	Seafish Tasmania Pty Ltd	2 November 2012- 17 June 2013	51A(2) 45(3) 6(1)	EMPCA EMPCA WasteMgt Reg	\$40,000 Global Penalty + Court, Prosecution & Technical Costs	PG. Unapproved and deliberate disposal of ten million litres of liquid waste from salmon producers to farmland, which escaped to water courses and caused significant environmental harm. Clean up (full remediation) undertaken by offender after EPA became aware. Seven prior convictions for environmental offences.

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	Australian Longline Pty Ltd	5 November 2015	S 8(1)	POWONSA	\$40,000 + Court Costs	PG. Charterer of fishing vessel which spilt approximately 400 litres of Diesel to Derwent River due to failure to check/ close valve during refuelling. Crew acted promptly- clean up attempted as possible, authorities notified and full cooperation. No actual environmental harm, but clear potential for. No priors.
	Kingsley Stevenson	5 November 2015	S 8(1)	POWONSA	\$5,000 + Court Costs	PG. Master of fishing vessel which spilt approximately 400 litres of Diesel to Derwent River due to failure to check/ close valve during refuelling. Crew acted promptly- clean up attempted as possible, authorities notified and cooperation provided. No actual environmental harm, but clear potential for. No priors.
	Huon Aquaculture Company Pty Ltd	8 May 2018 17 August 2015-9 May 2018 1 January 2018-28 February 2018 8 May 2018 12 April 2018 1 January 2018-28 February 2018	S 51A(2) S 45(3) S 45(3) S 45(3) S 45(3) S 45(3)	EMPCA EMPCA EMPCA EMPCA EMPCA EMPCA	\$40,000.00 Global Penalty + Court Costs	Early PG. Purposeful deposition over multiple occasions of 80,000 litres of liquid wastewater to land adjacent to Hospital Bay at Port Huon. Disposal occurred due to equipment breakdown and heavy rain, along with failure of offender to make their employees aware of the terms of an applicable Environment Protection Notice, including by failure to display. Also a failure to properly store nets treated with anti- foulant and a failure to obtain the approval of the EPA for a change to processes. Was a failure by offender to promptly respond when the issue first brought to their attention by the EPA. Offender apologised, cooperated with the EPA, attended to limited clean- up and altered processes to rectify/ avoid future breaches. No actual environmental harm demonstrated, but potential for harm existed, including to rare/ threatened species in a recreational area. Not a case where the offending was committed as a part of the offender actively subverting environmental regulations. No relevant priors.

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	Stephen Albert ARNOLD	22 September 2018	Reg 7(1)(a)	WasteMgt Regs	\$3,500.00 plus Court Costs and any victims of crime levy, plus a compensation order made under section 68 of the <i>Sentencing Act 1997</i>	Early PG. Purposeful dumping of a large ute-load of used tyres into privately owned bushland near Nugent in Tasmania. Originally issued an EIN but elected a Court Hearing. Offender knew he had no permission to dump and did so to avoid disposal fees. Offender was directed to clean- up the dumped tyres and did do so. The offender was wholly cooperative. The offender was of limited financial means, and while he had priors, none were for dumping of waste.
80019/22	Monson Logistics Pty Ltd	19 November 2019 23 November 2019 6 May 2020	S 51A S 51A S 51A	EMPCA	\$45,000 Global Penalty + Court Costs	Three counts of deposit a pollutant reasonably expected to cause material harm. On each date truck wash from the Burnie depot of transport and logistics company, Monson Logistics Pty Ltd, was released into Cooe Creek, causing a 'foaming event'. The material harm from the presence of an anionic surfactant present in the truck wash can result in the water being depleted of dissolved oxygen and fish dying of asphyxia. Foaming events can deplete the creek of fish species for months or even years. No relevant prior convictions. The offender had taken steps at considerable cost to prevent any future incident of pollution escaping from their depot.
90546/22	Willis Bros Pty Ltd	3 October 2020	Reg 7(1)(a) Reg 13(9)	WasteMgt Regs	\$6500 Global Penalty + Court Costs	Deliberate dumping of raw sewerage on the on the side of Mount Paris Dam Road from a pump truck operated by a registered controlled waste transporter. Act was observed and reported by a member of the public. The court noted it was done as a matter of convenience.

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91320/22 91321/22  91319/22 91320/22	Jenkins Hire Pty Ltd  Timothy Jenkins	23 September 2020	51(1), 51B  6(1), 7(1), 9(1), 18(1)	EMPCA  Waste Mgt Regs	<u>Jenkins Hire Pty Ltd:</u> 51(1) – convicted and fined \$10,000. Remainder – convicted and fined \$15,000. Compensation order - \$14,711.00.  <u>Timothy Jenkins:</u> 51(1) – convicted and fined \$10,000. Remainder – convicted and fined - \$10,000.	Jenkins Hire Pty Ltd operates a composting facility near the Plenty River. Timothy Jenkins is the registered CEO and Managing Director of the company. He had a temporary dam constructed on his private land adjacent to the composting facility for the storage of liquid waste (including controlled waste). There was no authority for storage of waste outside of the composting facility. The dam walls failed, releasing waste in the Plenty River. This pollution formed an odorous and fatty 'plug' consisting of fish waste and human effluent. It travelled down the river and into the Salmon Ponds operated by the Inland Fisheries Service. 133,000 fry (juvenile fish) and 71 adult fish were killed. Both the company and Timothy Jenkins were charged with causing material environmental harm (51(1)) and a number of regulatory offences and breaches of the permit. The court noted that the offences were committed because of commercial pressures and were intentional.

EMPCA: *Environmental Management and Pollution Control Act 1994*

WasteMgt Regs: *Environmental Management and Pollution Control (Waste Management) Regulations 2020 (Or 2012, 2010 or 2000 version as applicable)*

CntrlWaste Tracking Regs: *Environmental Management and Pollution Control (Controlled Waste Tracking) Regulations 2010*

POWONSA: *Pollutions of Waters by Oil and Noxious Substances Act 1987*

PG: Plead Guilty