

Media Release

Environment Protection Authority



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EPA successful conviction for contaminated discharge to stormwater

The Environment Protection Authority (EPA) has successfully prosecuted Gilbert Motors Pty Ltd for the discharge of hydrocarbon-contaminated water, a listed pollutant, from its vacant site at the corner of Morphett Street and Walker Street, Mount Barker.

Gilbert Motors entered a plea of guilty in the Environment Resources & Development Court to breaching the Environment Protection (Water Quality) Policy 2003 in January 2012, when its employee Grant Gilbert discharged the contaminated water to the stormwater drainage system.

The successful prosecution is for a breach of clause 17(1)(b) of the Water Quality Policy in section 34 (2)(b) of the Environment Protection Act 1993. This is a category B offence with a maximum penalty of \$4,000.

A conviction was recorded against Gilbert Motors Pty Ltd with a fine of \$1,200, prosecution costs of \$800 and a victims of crime levy \$160 on this single count.

EPA Executive Director, Operations Andrew Wood reiterated that the EPA was particularly pleased with the conviction, and the fine handed down. "A conviction sends a message of deterrence to those individuals who might consider such illegal action," he added.

Judge Costello acknowledged the defendant's early guilty plea and good record, but did not accept the suggestion by the defence that authorities over-reacted in response to this incident. Judge Costello held that the illegal discharge of this nature in populated areas presented a risk that needed to be dealt with by the authorities, and with caution.

"As South Australia's leading environmental regulator, it is our role to protect the local environment and to ensure that everyone is fully aware of the severe consequences of causing potential harm to the environment, and to members of the public," said Mr Wood.

"The EPA applauds the quick and effective action taken by the Mount Barker Emergency Services and our own Emergency Response Team, in dealing with the successful clean-up.

"The penalty is a stern reminder that we are serious about pursuing those in breach of the Environment Protection Act and that this type of illegal activity will not be tolerated."

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