
11 May 2022

Conviction and fine for using unlicensed waste depots

A civil engineering and construction company will pay \$500,000 for the clean-up of unlicensed depots where it delivered waste.

SEM Utilities has been convicted in the Environment, Resources and Development Court of two counts of causing an environmental nuisance and fined a total of \$12,600 for offences under the *Environment Protection Act 1993*.

The additional \$500,000 payment will be held in trust by the Environment Protection Authority (EPA) or the owners to access for remediation of the sites at Penfield and Direk.

The first count in the prosecution by the EPA involved SEM delivering more than 35,000 tonnes of concrete, bitumen, brick, pavers, rubble and soil from its commercial operations between September 2017 and April 2018 to a site at Pellew Rd, Penfield.

In early 2018 this site was closed after intervention by the EPA.

The second count involved the delivery of 42,000 tonnes of waste between April 2018 and April 2019 to a site at Helps Rd, Direk.

Both sites were operated by D&J Holdings Pty Ltd and Kevin Green, and neither had the required EPA licence. The prosecution of these operators is continuing.

EPA Director Operations Andrew Pruszinski said the EPA submitted that the offending was a serious example of environmental nuisance because of the commercial nature of SEM's operations, the ongoing depositing of waste, the volume of waste and the fact that SEM did not have a reasonable basis to believe the operators were authorised to receive the waste.

"This outcome should send a strong message to anyone disposing of waste to ensure the receiving site has the appropriate EPA licence. The costs of having to remove waste can far exceed any disposal fees avoided," he said.

All licensed waste and recycling depots are listed on the [EPA website](#).

Judge Durrant said in sentencing that SEM was contrite, had taken responsibility for its actions and was unlikely to reoffend.

The company has paid the first half of the clean-up money to the EPA and the remainder will be paid within 12 months.