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\$1.1 million penalty for rogue waste operators

The operators of two unlicensed waste facilities have been fined \$511,000 and ordered to pay a further \$680,000 to the Environment Protection Authority.

The significant penalties in the Environment, Resources and Development Court are a record for an EPA prosecution and involved what was described as 'excursions into criminality'.

The EPA prosecuted D&J Holdings SA Pty Ltd, its manager Kevin Wayne Green and director Shirley Ann Moros over the operation of facilities at Penfield and Direk that received construction and demolition waste without EPA licences.

The defendants had pleaded guilty to two counts each of undertaking an activity of environmental significance without an EPA authorisation, two counts each of causing material environmental harm and three counts of failing to comply with clean-up orders.

In the ERD Court today, D&J Holdings was fined a total of \$241,500, Mr Green a total of \$161,000 and Ms Moros a total of \$108,500.

EPA Acting Director Operations Steven Sergi said the penalties represented a strong deterrent for anyone considering illegal activity in the waste and resource recovery sector.

“Legitimate operators are licensed by the EPA and pay disposal fees that include a waste levy that is in place to incentivise resource recovery and reduce the amount of resources sent to landfill,” he said.

Judge Durrant said the defendants had previously dealt with the EPA over unlicensed sites at Buckland Park and knew they required EPA authorisations to operate waste facilities.

He said their sophisticated business model involved undercutting licensed operators and their case involved serious examples of deliberate offending.

He said there were no controls on the waste received, which included asbestos that was not packaged or controlled in the required manner.

The waste levies that would have been payable if the sites were licensed were \$796,000 for Penfield and \$826,000 for Direk.

In March this year the EPA was granted an ERD Court order to restrain D&J Holdings and Mr Green from operating an unlicensed waste recovery or landfill depot at Burton, or any other site.

In seeking the order, the EPA alleged that at no time had the company or Mr Green held a licence under the *Environment Protection Act 1993* to undertake a prescribed activity of environmental significance.

The three defendants are jointly liable for the \$680,000 payment to the EPA, which was based on an order sought by the EPA in line with an estimate of the economic benefit received by the defendants in committing the offences. It can be used towards remediation of the sites.