

NATIONAL VICTORIA

# EPA crackdown sees court fine firm \$125,000 for passing off contaminated soil as cleanfill

By [Debbie Cuthbertson](#)

Updated December 27, 2017 – 3.54pm, first published at 9.52am



They were employed to evaluate the risks of industrial waste at a Croydon residential development.

But Watson Environmental Assessments instead deliberately passed off 800 tonnes of lead-contaminated soil as harmless cleanfill, a magistrate has ruled.



EPA staff inspect drums containing toxic materials at CMA's Campbellfield warehouse.

The company is one of several to be fined this month as part of legal action taken by Victoria's Environment Protection Authority.

At Moorabbin Magistrates Court on December 21, magistrate Timothy Gattuso ordered the Bentleigh-based company to pay a \$125,000 fine for illegal activities that put the environment at risk.





Drums containing toxic materials including liquid mercury, mercury-contaminated powders and byproducts, leaking batteries, and suspected x-ray machine parts were found.

He also ordered the company to pay costs of \$20,000 to the Environment Protection Authority, which brought the case to court.

In August 2015, EPA officers responded to reports that Category A lead-contaminated waste had been dumped at the Carroll Road landfill at Clarinda, which was not licensed to receive it. (There are no landfills in Victoria with a license to receive Category A waste.)

Watson Environmental Assessments issued three reports categorising the material as cleanfill, even though the soil had been categorised as Category A waste in previous environmental reports.

"I am satisfied to the requisite standards that this misstatement was deliberate and intentional," Mr Gattuso said.



A witness reported seeing forklifts carrying pallets of drums, large containers and skip bins into the property.

"In reclassifying the waste in the manner it did, the accused displayed a blatant disregard for the standard of care required for assessments of this nature."

It was important to send a strong and clear message that such a "significant breach of trust" would not be tolerated, Mr Gattuso said, even though the company has [gone into liquidation](#).



EPA chief Nial Finegan at the scene of the Coolaroo fire in July. JUSTIN MCMANUS

Asked how the penalty would be enforced now that the company has been dissolved, the EPA said payment of the fine was "ultimately a matter for the company's administrators and the court".

In a separate case brought by the EPA in Broadmeadows Magistrates Court on December 14, a Campbellfield recycling firm was ordered to pay \$60,000 and costs of \$52,000 over a 200-tonne stockpile of industrial waste.

The court found CMA Recycling P/L had stored prescribed industrial waste at an unlicensed site.

The Category A waste, found at its CMA Ecocycle branch in Reo Crescent, Campbellfield, included mercury, barium, cadmium and selenium.

The waste was linked to CMA's licensed mercury and silver recycling facility nearby, which handled photographic waste, X-ray film, fluorescent light bulbs, dental amalgam waste and mercury contaminated materials.

The EPA inspected the site after reports of elevated mercury and silver levels in nearby waterways.

"A witness reported seeing forklifts carrying pallets of drums, large containers and skip bins into the property from trucks, and from the company's recycling facility in the same street," EPA chief executive officer Nial Finegan said.

"Waste arrived in large plastic bags, boxes, drums and a skip bin; the drums were estimated to weigh 80 tonnes."

An expert consultant said the stockpile posed a high risk to the community, as CMA was not licensed to accept prescribed industrial waste at the site and did not have risk-management measures in place for that type of waste.

Like Watson Environmental Assessments, CMA Recycling is in liquidation. The waste has since been cleaned up by the owner of the property, according to the EPA.

Mr Finegan said the EPA had increased its focus on prosecutions in recent years. Its teams had made "a real impact in 2017" by bringing "polluters to account", and would do more on that front in 2018, he said.

Yet in many instances in which a company collapses, including in CMA's case, its landlords are left to clean up the contaminated mess left behind, an investigation by *The Age* published in August found.

The Campbellfield site was occupied by CMA Ecocycle, which was placed into insolvency but is now owned by an unrelated business that uses the same name, *The Age* reported at the time.

The new owners voluntarily helped cover the cost of recycling the mercury in the warehouse, which reduced the estimated clean-up bill from more than \$1 million.

"CMA was a well-known operator in the area, so we didn't think we'd have any problems," Lili Sandiford, a member of the family that owns the warehouse, told *The Age*.

"The Environmental Protection Agency says we were responsible because it's our land. The whole thing has turned into a nightmare," said Ms Sandiford, who was forced to pay the \$330,000 cost of removal and remediation.



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