

Media Release

Environment Protection Authority



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Heavy penalty and conviction for illegal dumper

The Environment Protection Authority (EPA) has successfully prosecuted and charged an Athelstone man who dumped soil from a swimming pool excavation, in the Black Hill Conservation Park next to his property.

Benjamin Liemareff, 37, had previously pleaded guilty to two counts of unlawful disposal of waste under the Environment Protection Act 1993 but yesterday appeared in the Environment, Resources and Development Court and fined \$18,000.

This incident took place in December 2014 involving the illegal disposal of up to 200 tonnes of waste soil which was dumped over native vegetation, then levelled out and spread over 60 metres along the length of a water course to create the effect of a false water bank.

The dumping of the soil was observed by a local resident and reported to the EPA.

Judge Susan Cole said that although Mr Liemareff engaged a contractor to excavate soil to create a swimming pool, she decided to sentence the property owner because he was aware that soil was dumped in the conservation park but did nothing to stop it.

Judge Cole said Mr Liemareff admitted that he noticed that soil had been deposited in the conservation park and conceded that he should have insisted that the soil be removed.

She said that his conduct in entering into an arrangement with the contractor and subsequently failing to stop him from dumping of the soil from his property into the conservation park was motivated by a desire to reduce the costs of his swimming pool project.

EPA Chief Executive Tony Circelli said this case clearly demonstrates that the responsibility of illegally disposing waste cannot be “outsourced” to another party to avoid the consequences of the law.

“This result should act as a clear deterrent to anyone considering dumping waste illegally and highlights the vital importance people recognising their legal obligations as property owners,” Mr Circelli said.

Judge Cole reminded Mr Liemareff that both offences potentially carried a maximum penalty of \$240,000 or two years imprisonment but took into account his efforts by spending \$20,000 towards clean-up costs and his guilty pleas, agreed to a lesser fine.

She also imposed \$800 prosecution costs and a \$160 Victims of Crime levy.

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