

26 July 2019

## Fines for illegal waste depot and abuse of officers

A Ridgehaven father and son have been fined a total of \$31,400 in the Environment, Resources and Development Court over charges relating to an illegal waste depot at Churchill Rd, Cavan.

Trevor Coghlan, 64, pleaded guilty to operating a waste depot without a licence, failing to comply with a clean-up order, four counts of using abusive and insulting or threatening language to an authorised officer, and one count of hindering an authorised officer. He was fined a total of \$24,500.

His son, David Coghlan, 39, pleaded guilty to one count each of using abusive or insulting language and hindering an authorised officer and fined \$4,900.

Environment Protection Authority Chief Executive, Tony Circelli, said the fines sent a strong message to the community.

'This should serve to remind all waste operators that they must have the correct licence in place to run a waste or recycling depot, and that they must comply with their environmental obligations,' Mr Circelli said.

'It also makes it clear that abusing and threatening government officers in the course of their duties is unacceptable and will not be tolerated.'

In delivering the sentence, Judge Costello described Trevor Coghlan's abuse of EPA officers as "crude, aggressive and appallingly offensive behaviour towards persons who were simply trying to do their job".

Trevor Coghlan had been receiving scrap metal for recycling at the Cavan property, and EPA officers found generators, transformers and several mining trucks when they inspected the site in March 2015.

They also found oil-stained soil in several places, including heavy staining next to the workshop and sheds, and near the mining trucks. Large containers of drained oil were being stored on bare earth, rather than in a bunded area as required, with oil staining visible around them.

Mr Coghlan, who was living on the site at the time, claimed that vandals had scaled a fence and drained the oil from the transformers, but in a statement provided to the EPA, he admitted allowing oil to drain directly onto the ground while dismantling machinery.

Samples obtained by the EPA found soil contamination with petroleum hydrocarbons at a level that would make it unsafe for anyone to live or work there.

The EPA ordered Mr Coghlan to cease receiving waste at the site, and issued him with an environment protection order and a clean-up order that required him to have a plan in place by 30 June 2015 to make good the environmental damage.

Mr Coghlan did not comply with the clean-up order, and was abusive and threatening to EPA officers when they telephoned or visited the site to check on progress, and again when officers returned with SA Police to execute a warrant. He also left a highly abusive and threatening voicemail for an EPA officer, which was tendered in evidence.

The charges of hindering an authorised officer related to the execution of the warrant, when the Coghlan's locked a Rottweiler in the office to prevent a search.

In October 2018, the Coghlan's were evicted from the site, which is owned by the Department for Planning, Transport and Infrastructure. DPTI is currently assessing the level of contamination and what clean-up might be required.

The Coghlan's will also have to pay a total of \$1656 in court costs. Trevor Coghlan will pay \$1120 and David Coghlan will pay \$320 in Victims of Crime Levy.