

Environment Protection Authority v Simon Feodoroff

Statement of Agreed Facts

The Defendant, Simon Feodoroff, is the employee and son in law of David Mitchell.

David Mitchell owns a waste collection and transport business based in Ballina. The business trades as 'Northern Septic Grease and Oil Removal' ("Northern Septic").

Among other waste, the business collects grease trap waste from various restaurants, clubs and bars in Ballina and neighbouring Shires. In the normal course of the business, this waste is transported to Ballina Council's waste facility, Richmond Waste.

David Mitchell holds an EPA licence to transport such grease trap waste.

Northern Septic also holds a licence with Ballina Council to dispose of a fixed quota of grease trap waste at Council's waste facility. The licence requires Northern Septic's trade waste vehicles to be fitted with a GPS tracker system. In this way, Council's database, 'Waste Track' records the locations and times at which waste is transported and deposited by Northern Septic.

Northern Septic owns a holding tank situated on premises at 925 Ellangowan Road, Coraki. The premises are owned by David Mitchell's brother, Stephen Mitchell. Northern Septic occasionally stores grease trap waste at the Coraki premises on those occasions when its quota at Council's waste facility is exceeded. Periodically, Northern Septic empties the holding tank on the Coraki premises and transports the stored waste to a facility in Yatala, Queensland.

At approximately 4:16pm on 22 February 2006 the Defendant drove a Northern Septic trade waste vehicle (registration AF30VS) to the holding tank at 925 Ellangowan Rd, Coraki, and emptied a load of grease trap waste into the tank. The Defendant then washed the vehicle tank, whose carrying capacity was 10 tonne, with water with the intention of depositing the wash-down water into the holding tank. The Defendant found that the holding tank was then full and did not have remaining capacity for the wash-down water. The Defendant drove the vehicle to a location at the rear of property and disposed of approximately 500 to 1,000 litres of wash-down water, contaminated with grease waste, on to the ground in a ditch (the ditch).

At approximately 2:01pm on 27 March 2006, the Defendant again drove a Northern Septic trade waste vehicle (registration YXK307) to the same location at 925 Ellangowan Rd, Coraki. The vehicle's tanks contained grease trap waste which the Defendant emptied into the holding tank on the property. The Defendant found that the holding tank was full when his vehicle had approximately 500 litres of grease waste remaining. The Defendant drove to the rear of the property and emptied the remaining grease waste, of approximately 500 litres, onto the ground in the ditch. The Defendant then washed the vehicle tank, whose carrying capacity was 8 tonne, with water at the holding tank before returning to the rear of the property and disposing of approximately 500 to 1,000 litres of wash-down water contaminated with grease waste in the ditch.

On 22 February 2006 and 27 March 2006, the ditch at 925 Ellangowan Road, Coraki was not a place that could lawfully be used as a waste facility for the above waste.

Richmond LAC police officers attended the premises on 28 March 2006 in connection with a separate incident. During their visit, Detective Saad observed vegetation die back and an overwhelming smell of grease waste at the location. Richmond LAC notified the Environment Protection Authority (“EPA”) Pollution Line of the incident.

EPA investigators then attended and inspected the premises on 26 April 2006 and 3 May 2006 and took GPS coordinates of the site of the dumping. EPA investigators observed a significant amount of die back occurring amongst the grasses, ferns and other low lying vegetation, much of it being inundated in thick sludge like grease waste. This area covered approximately 220 square metres in total.

Analysis of samples of waste collected by EPA investigators at the site revealed that the waste dumped by the Defendant had the potential to rapidly deoxygenate waters, and in turn kill biota. EPA investigators observed 80 metres of dead vegetation along a watercourse leading down a slope and away from the location of the dumping.