

\$25,000 in fines for storing chemicals

COURT REPORTER

NEW ZEALAND's first prosecution under the Hazardous Substances and New Organisms Act 1996 has resulted in the owner of a Dunedin manicure business being fined \$25,000 and ordered to pay other costs amounting to \$3628.02.

Lien Duong (25) was for sentence in the Dunedin District Court yesterday having admitted four charges under the Act — storing solvents at a site and in conditions not approved, and similarly storing liquid monomer, storing a hazardous chemical at a site not approved, and having more hazardous chemicals than allowed when not an approved handler, on September 10 last year.

Judge Paul Kellar imposed convictions, \$7500 fines on each charge of storing a substance at a site and in conditions not approved, and \$5000 fines on each of the two other charges.

Duong was also ordered to pay \$2154.27 disposal costs, an

analyst's fee of \$1383.75, and a \$90 service fee.

The question of solicitor's costs was reserved.

The reasons for the judge's decision as to penalty were not given yesterday. They would be released later, Judge Kellar said.

When Duong pleaded guilty, prosecuting counsel Sally McMillan said Duong had 778 litres of hazardous chemicals stored in a basement under her house and a basement under her garage, at Mornington, Dunedin.

Duong was allowed to store no more than 100 litres of hazardous chemicals on site. The chemicals were seized and taken to an approved location.

Duong's house was in a high-density residential area. A primary school was about 100m from where the chemicals were stored.

Had Duong's residential premises caught fire, an explosion would likely have occurred. It would have almost

certainly destroyed the building, and projected material some distance. Lives could have been at risk. Toxic combustion products could have been expected to affect people in the vicinity.

In sentencing submissions last month, counsel Max Winders said Duong disputed being aware of the offending and "stockpiling". Duong had no experience in hazardous substances storage. There was nothing surreptitious about her having the chemicals.

She now asked if she was not allowed to have the substances, why Customs had let her have them. The substances possessed were not prohibited. They did not require special import clearance and they were not subject to "tracking regulations".

While the breaches certainly involved risk to Duong and her family, and potential risk to others, there was no actual harm to persons, property or the environment.