



Department of
Environment and Science

Enquiries: Kerwin Swanson
Phone: 07 5626 6848
Ref: 101/0010015 (C-CPLPO-100401112)

1 March 2024

Stapylton Resource Recovery (QLD) Pty Ltd
(ACN 611 003 724)
132-134 Commercial Road
TENERIFFE QLD 4005

CC: GPO Box 888
BRISBANE QLD 4001

Attention: Balfour Irvine, Director

Cc: Mark Dekker
Email: mark@bmigroup.com.au

Cc: Nick Badyk
Email: nick.badyk@bmigroup.com.au

Dear Mr Irvine,

Review of compliance with Transitional Environmental Program, MAN-E-100415910 – Formal Warning.

I am writing to inform you of the outcome of the recent review of the actions and conditions of Transitional Environmental Program (TEP) MAN-E-100415910, conducted by the Department of Environment and Science (the department).

During the review and investigation, the department identified **non-compliances** with the *Environmental Protection Act 1994* (EP Act). Due to the facts and circumstances outlined below, the department has decided to issue Stapylton Resource Recovery (QLD) Pty Ltd (Stapylton) with a **formal warning (E-100503533)**.

Facts and Circumstances

- In accordance with section 340 of the EP Act and to secure compliance with condition G5 of environmental authority (EA) P-EA-100287544, the TEP was approved by the department on 12 April 2023.
- On 30 September 2023, the TEP concluded to be in force.
- Not all actions required under the TEP had been completed by that time.
- On 6 October 2023, the department requested that Stapylton submit a detailed project report for the outstanding actions required to bring the site into compliance with your EA. On 20 October 2023, Stapylton provided the report to the department.
- On 7 November 2023, the department sent Stapylton a pre-enforcement letter for alleged non-compliances with the actions and conditions of the TEP and section 432(2) of the EP Act.

- The department has considered your response to pre-enforcement provided on 17 November 2023.
- Based on your response and information collected by the department during an inspection of your activities on 5 October 2023, the department identified that the following milestones were missed:
 - In accordance with action 1, failed to install a concrete roadway by 31 May 2023 (action 1);
 - In accordance with action 2, failed to install the secondary wheel-wash by 30 June 2023 (action 2);
 - Failed to conduct street sweeping in accordance with condition 1 of the TEP; and
 - In accordance with action 4, failed to commission the wheel-wash by 31 August 2023 (action 4).

In accordance with section 432(2) of the EP Act, the holder of a transitional environmental program, or a person acting under a transitional environmental program, must not contravene the program. The maximum penalty for the identified non-compliance is 4,500 penalty units, totalling \$3,483,000 for a corporation.

In consideration of the full circumstances, including that the works have now been completed, the department has decided to issue a **formal warning (E-100503533)** for the contravention in lieu of other enforcement. Should additional information come to light, or the contravention continue, the department may reconsider its position and take enforcement action in accordance with its enforcement guidelines.

You are also reminded of your obligations under section 319 of the Environmental Protection Act 1994, which sets out the general environmental duty, and requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard, you are encouraged to actively identify all environmental risk factors associated with the activities at the site on an ongoing basis, and to implement strategies and processes to effectively manage them.

Thank you in advance for your time and effort invested in resolving the matters outlined. If you have any questions or concerns, please do not hesitate to contact Kerwin Swanson, Senior Environmental Officer of the department on (07) 5626 6848.

Kind regards,

A handwritten signature in black ink, appearing to read 'K Swanson', with a stylized flourish at the end.

Kerwin Swanson
Senior Environmental Officer
Industry, Development and Southeast Compliance
Department of Environment and Science