

Notice

Environmental Protection Act 1994

Decision to accept an Enforceable Undertaking

This notice is issued by the administering authority pursuant to sections 507 of the Environmental Protection Act 1994 to advise of a decision made on an enforceable undertaking.

Chemprod Nominees Trading as Omega Chemicals
(ACN 005 032 744)

Registered Address:

21 Paw Paw Road
Brooklyn, VIC 3025

Site Address:

32-34 Boron Street
Sumner Park, Qld 4074

Our reference: EPPR00667413

4 December 2024

Take notice: that under the provisions of the *Environmental Protection Act 1994*, this decision notice advises of the administering authority's decision to accept the application for an Enforceable Undertaking (EU) made by Chemprod Nominees Trading as Omega Chemicals (Omega Chemicals) on 30 September 2024. The administering authority is the Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department).

A. Application details

On 30 September 2024, the department received an application for an EU from Omega Chemicals. The application includes a letter from Gillard Accountants regarding the financial capacity of Omega Chemicals and was made in the approved form.

The objectives, as stated in the application for the EU are, to paraphrase:

1. to improve environmental performance by implementing stringent controls to prevent contaminant releases and enhance monitoring systems;
2. to deliver benefits to the environment and the local community through proactive engagement, transparency, and sustainable practices to restore the community's confidence in Omega Chemicals as a responsible environmental custodian; and
3. to provide a benefit to the community and environment through research and rehabilitation of the local catchment of Wolston Creek.

B. Material considered by the department in making the decision

In making the decision, the department had before it;

- a. *Environmental Protection Act 1994*;
- b. Application Form - Enforceable Undertaking, dated 30 September 2024;
- c. The Enforceable Undertaking, as attached to the application form;
- d. Letter from Gillards Accountants dated 30 September 2024;
- e. The department's guideline for Enforceable Undertakings under the *Environmental Protection Act 1994* (ESR/2016/2272); and
- f. Department of Environment and Science Enforcement Guidelines (ESR/2021/5549).

C. Application of legislation to the decision

Section 507 of the *Environmental Protection Act 1994* provides that:

- a. the administering authority may accept a written undertaking (Enforceable Undertaking) made by a person in relation to a contravention or alleged contravention by the person of the *Environmental Protection Act 1994*, other than an indictable offence; and
- b. the administering authority must give the person written notice of the administering authority's decision to accept or reject the EU, and the reasons for the decision.

D. Decision

The administering authority has decided to accept Omega Chemicals' application for an EU. The approved EU is attached to this decision notice.

E. Reasons for the decision

1. The alleged contraventions are not indictable offences.
2. The location the incident occurred has been remediated.
3. The administering authority reasonably believes that the EU will:
 - i. secure compliance with the *Environmental Protection Act 1994*; and
 - ii. enhance the protection of the environment.

F. Additional information

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements of the EU and the conditions imposed, you must also meet your obligations under the *Environmental Protection Act 1994*, and associated regulations. For example:

- you must comply with the following provisions of the Act:
 - general environmental duty (section 319); and
 - duty to notify of environmental harm (sections 320 - 320G);

Notice
Internal Review Decision

- you must also ensure that you do not commit offences in relation to the *Environmental Protection Act 1994*, including but not limited to, the following:
 - causing serious or material environmental harm (sections 437 - 439);
 - causing environmental nuisance (section 440);
 - depositing prescribed water contaminants in waters and related matters (section 440ZG); and
 - placing contaminant where environmental harm or nuisance may be caused (section 443).

Should you have any queries in relation to this notice, please contact Elena Moeller, Compliance Delivery Manager, Industry, Development and Southeast Compliance, of the department on telephone number 07 3330 6345.



Signature

Rob Lawrence
Delegate of the Chief Executive
Department of the Environment, Tourism, Science and
Innovation
Environmental Protection Act 1994



Date

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