

Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to section 362

ORDER ID	STAT-E-100977563
Date of issue	04 February 2026
Issued to (you)	Chemprod Nominees Pty Ltd [ACN 982143022] Trading as Omega Chemicals <i>For the purpose of this Environmental Enforcement Order (EEO), 'you' means the recipient of this EEO.</i>
Registered address	21 Paw Paw Road, Brooklyn Victoria 3012
Site address (the premises)	32 – 34 Boron Street, Sumner Park QLD 4074
Land reference	Lot 16 and 17 on RP168126 (the premises).
Issued by (the delegate)	Shannon Henderson, Senior Environmental Officer Delegate of the Administering Authority Chief Executive of the Department of the Environment, Tourism, Science and Innovation (the department)
Relevant Grounds	• s359(c) To secure compliance with the general environmental duty. • s359(e)(ii) To secure compliance with a condition of an environmental authority.
Service method	☐ Registered post ☐ Hand delivered ☒ by email ☐ Orally (s369(2))
Contact	If you have any questions about this Notice, please contact: Shannon Henderson, Brisbane Moreton Compliance Centre Email: ESComplianceBrisbaneMoreton@detsi.qld.gov.au Telephone: (07) 3330 5667
Further information	Please read the Information Sheet - Recipient of an Environmental Enforcement Order (detsi.qld.gov.au) for further information (search for ESR/2024/6802 on www.detsi.qld.gov.au). Terms used in this EEO have their meaning defined in the Definitions section of the EEO or, if not defined, in the <i>Environmental Protection Act 1994</i> (the Act).

Why are we writing to you?

You have a proactive **general environmental duty** to prevent and minimise any environmental harm. You also have a proactive **duty to restore the environment** if environmental harm has been caused by you.

The department has responsibility for enforcing the Act.

The delegate for the department is issuing this EEO to you, pursuant to s362 of the Act, to secure compliance with the Act in relation to activities being undertaken at the premises.

This EEO is issued with respect to the activities undertaken at the premises are in contravention of sections 359 and 430 of the Act.

What are you required to do?

The required actions listed below are to be remedied in full by the required dates.

Part A

1. By **20 March 2026** you must engage independent Appropriately Qualified Persons (AQPs) to undertake the requirements of this EEO. The independent AQPs must demonstrate skills and experience in:
 - (a) Technical fields such as soil and groundwater contamination assessment with particular skills relevant to all contaminants of concern.
 - (b) Appropriate qualifications and licences to conduct integrity and leachability testing of below ground infrastructure.
2. By **23 March 2026** you must provide evidence to confirm compliance with requirement 1 in writing to ESComplianceBrisbaneMoreton@detsi.qld.gov.au. The written confirmation must include
 - (a) a copy of the AQP(s) resume(s) identifying the person(s) qualifications,
 - (b) details of relevant professional memberships, and
 - (c) experience relevant to their specific field.

Infrastructure

3. On or before **3 April 2026** the AQP engaged in requirement 1 must commence investigating potential pathways between site infrastructure and groundwater, specifically in the vicinity of GW02. At a minimum, this must include;
 - (a) integrity and leachability testing of all below ground sumps and storage tanks at the premises
4. Within 24 hours of becoming aware, you must notify the department of any infrastructure identified by Requirement 3 to be releasing contaminants to land or waters.
5. By **1 May 2026** you must submit a report detailing the findings of the testing as described in requirement 3 to ESComplianceBrisbaneMoreton@detsi.qld.gov.au. The report must include:
 - (a) A schedule with timeframes in which to repair any faults identified in requirement 3.

Sampling

6. By **8 May 2026** you must install additional groundwater monitoring bores to sufficiently quantify and characterise:
 - (a) Concentration of Contaminants Of Potential Concern (COPC) hydraulically upgradient of the premises; and
 - (b) Concentration of COPCs hydraulically downgradient of the premises,
 - (c) Concentration of COPCs adjacent to the **Spine Street outfall** location within Woolston Creek.

Spine Street outfall: -27.56795,152.93642

7. By **8 May 2026** you must establish additional surface water monitoring locations in the receiving environment of Wolston Creek, specifically
 - (a) At the **Spine Street pipe outlet**

- (b) At the **Spine Street outfall**
- (c) Upstream from the Spine Street outfall location
- (d) Downstream from the Spine Street outfall location

Spine Street pipe outlet: -27.56780,152.93642

8. By **22 May 2026** for a period of 24 months, you must commence and continue to monitor all groundwater bores and surface water locations as follows:
- (a) Monthly for field test parameters, including pH, dissolved oxygen, electrical conductivity, temperature and major cation and anion composition.
 - (b) Quarterly for suspended solids, hardness (as CaCO₃), alkalinity as (CaCO₃) and heavy metals and metalloids (both total and dissolved), including but not limited to:
 - I. Aluminium, Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Mercury, Nickel, Zinc
 - (c) Sampling must be conducted in accordance and with reference to:
 - I. The Act – see <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1994-062>
 - II. The Policy – see <https://www.legislation.qld.gov.au/view/pdf/inforce/current/sl-2019-0156>
 - III. Queensland Water Quality Guidelines (2009) – see <https://environment.qld.gov.au/management/water/quality-guidelines>
 - IV. National Environmental Protection (Assessment of Site Contamination) Measure 1999 – see <https://www.nepc.gov.au/nepms/assessment-site-contamination>
 - V. Guidelines for Contaminated Land Professionals - see <https://www.qld.gov.au/environment/management/environmental/contaminated-land>
 - VI. The Monitoring and Sampling Manual 2009 Environmental Protection (Water) Policy 2009 Version 2 June 2018 -- see https://environment.qld.gov.au/_data/assets/pdf_file/0031/89914/monitoring-sampling-manual-2018.pdf
 - VII. The Using Monitoring Data to Assess Groundwater Quality and Potential Environmental Impacts guideline – see <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/472cc88a-000a-4bb8-a60d-204cfe7e0238/groundwater-quality-assessment-guideline.pdf?ETag=8a92b08348be919b4b721871a30d6afc>

Reporting

9. By **22 December 2026** you must submit a groundwater and surface water monitoring investigation report for the first 6 months of monitoring stipulated by requirement 8, with the intent of identifying potential source-pathway-receptor linkages for contaminants of potential concern. At a minimum the investigation must include:
- (a) An assessment of all results collected under requirement 8 with respect to all guidelines within 8 (c),
 - (b) The location and coordinates of all monitoring bores and surface water locations overlayed on a contextual map including but not limited to:
 - I. Topographical contours at suitable increments, shown with respect to Australian Height Datum
 - (c) The Screening depth of each monitoring bore and a description of the geological unit and aquifer,
 - (d) A description of hydrogeological features of the site and aquifers that includes soil and rock types (including porosity, permeability) and stratigraphy (including faulting and fracture propensity),

- (e) The location of current and historic activities that may adversely impact groundwater and surface water quality
- (f) The location of waste storage, processing, treatment, and disposal locations. Include details for both raw and treated wastes and details of the relevant storage facilities.
- (g) Hydrogeological settings, including depth to groundwater, lateral and vertical extent of aquifers/ water tables, groundwater velocity and groundwater – surface water interaction,
- (h) An indication of the movement (including direction and rate of flow) of groundwater across the premises,
- (i) Any geological barriers that are overlying and underlying aquifers. The hydraulic connectivity within, and between, aquifers,
- (j) Identify and evaluate leachability of potentially mobile contaminants in soils, waste, waterbodies, including migration from secondary sources at the premises.
 - I. Conclusions must be drawn between the results of infrastructure Integrity and leachability testing detailed in requirement 3 and mobility of contaminants of concern.
- (k) Further develop the conceptual site model and draw conclusions as to whether contaminants of potential concern are impacting the receiving environment.

Note: where existing investigations have been completed and are relevant to addressing the requirements of this notice, you may use these investigations to address relevant parts of the notice pending agreement by the AQP and the department.

10. Upon submission of the first investigation report stipulated in requirement 9, you must continue ground water and surface water monitoring and provide the department with interim reports to be submitted to by close of business on the following dates:
 - (a) **22 March 2027**,
 - (b) **22 June 2027**,
 - (c) **22 September 2027**,
 - (d) **22 December 2027**,
 - (e) **22 March 2028**
11. Interim reports stipulated in requirement 10 must include (but are not limited to) the following:
 - (a) Nature, time and date of monitoring,
 - (b) Location and methodologies of the monitoring,
 - (c) Analytical results of monitoring activity including the original certificates of analysis as received and Quality Assurance/ Quality Control (QA/QC) data,
 - (d) Bore logs for installed monitoring bores,
 - (e) Conclusions drawn from the data, and
 - (f) Visual representations that aid interpretation, for example plans of sample sites, diagrams illustrating groundwater elevation and inferred flow directions.
12. By **30 June 2028** you must submit a final investigation report based on all groundwater and surface water monitoring and investigations gathered since the receipt of this notice. The report must make recommendations on necessary measures to manage and mitigate risks to the receiving environment based on the results obtained by the AQP.
13. You must notify the department via email (ESComplianceBrisbaneMoreton@detsi.qld.gov.au) within 24 hours of becoming aware of any non-compliance with the requirements of this notice.

Any submissions required by this EEO are to be sent via email: ESComplianceBrisbaneMoreton@detsi.qld.gov.au or via mail to Department of the Environment, Tourism, Science and Innovation, GPO Box 2454 BRISBANE QLD 4001

Background and relevant matters:

Definitions used in this EEO (that are not exactly as the Act defines or implies them)

Authorised representative	A representative that has been nominated by the person this EEO relates to, for acting on their behalf when dealing with the Queensland Government to manage matters. For more information, read the guideline Authorisation letter to nominate an Authorised Holder Representative (available at www.qld.gov.au using the publication number ESR/2019/5168 as a search term).
Appropriately Qualified Person/s (AQP)	Appropriately Qualified Person/s (AQP) means a person or persons who has demonstrated professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.
Land	This refers to the cadastral reference of the premises referenced in this EEO.
Resource	Waste being a <i>resource</i> is not a waste, only if it complies with an End of Waste Code. For more information, go to End of waste codes Business Queensland .

Grounds for issuing this EEO:

1. The department is the administering authority and has responsibility for enforcing the Act.
2. You are the holder of Environmental Authority (EA) EPPR00667413, effective 12 January 2012.
3. EA EPPR00667413, authorises you to conduct Environmentally Relevant Activity (ERA) – ERA07 – Chemical Manufacturing ; 6(c) Manufacturing, in a year more than 10,000 tonnes to 100,000 tonnes of inorganic chemicals, on land described as Lots 16 and 17 on RP168126 situated at 32 – 34 Boron Street, Sumner Queensland 4074 (the premises).
4. The department is satisfied that you are responsible for the operation and maintenance of the premises under the EA.
5. On **20 March 2025**, Brisbane City Council (BCC) issued you, as the landowner of 36 Boron Street, Sumner with a Notice under Section 326B of the Environmental Protection Act 1994 to conduct an Environmental Evaluation (EE).
6. On **27 August 2025**, BCC received submissions from you, as required under the EE, which included a document titled '*Limited Environmental Site Assessment – Interpretation, Conclusions and Recommendations*' dated 25 August 2025 (**LESA report**) completed by SQP Consulting Pty Ltd.
7. On **10 October 2025**, the department received a notification from BCC containing details of groundwater investigations and the LESA report linking contaminants of potential concern identified at 36 Boron Street, Sumner to the activities of Omega Chemicals at 32 – 34 Boron Street, Sumner. The notification referred the matter to the department on the grounds of

- a. Alleged environmental harm
 - b. On the basis that the alleged harm is the result of an ERA regulated by the department.
8. The LESA details the following findings with respect to the activities of Omega Chemicals at the premises:
 - a. Historic equipment failures have led to spills and off-site discharges, leading to migration of contaminants across and beyond 26 Boron Street, Sumner,
 - b. The Standing Water Level (SWL) was highest at GW02, compared to boundary wells GW01, GW03 and GW04 (see **appendix 1** for monitoring locations),
 - c. GW02 is located adjacent to the effluent pit, process area and main plant tank farm where there are bulk volumes of 98% sulphuric acid, liquid aluminium sulphate and 50% sodium hydroxide,
 - d. Groundwater flow is likely to be discharging radially from GW02 (or a source near GW02) outwards to east and west indicating GW01, GW03 and GW04 are downgradient wells.
 - e. Without additional data, groundwater flow direction cannot be confirmed. Additional data for the north and northeast on L17 and south on L15 would assist in closing the data gap.
 - f. GW02 appears to be a hotspot and a zone of recharge from an on-site anthropogenic acidic source (potentially such as liquid alum and sulphuric acid)
 - g. Impacts at GW02 appear to be less evident at GW01, GW03, GW04, indicating that clear migration pathways exists, and require further delineation
 - h. The ionic chemistry of SW02, the surface water sample location within Wolston Creek, is closely aligned with GW02.
9. Groundwater monitoring wells analysed for inorganic parameters identified that, GW02 recorded the lowest for pH at 3.6¹, while recording the highest for Total Hardness (TH) CaCO₃) 2,440 mg/L and sulphate 7,290 mg/L². While GW03 returned exceedances for Electrical Conductivity (EC) at 25°C)) 22,000 µs/cm³, Total Dissolved Solids (TDS) 14,300 mg/L³ and chloride 7,160 mg/L.
10. Groundwater monitoring wells analysed for metals and metalloids show that GW02 recorded the highest exceedances for aluminium (total: 1490000µg/L, dissolved: 1790000 µg/L), arsenic (total: 172 µg/L, dissolved: 163 µg/L), chromium (total: 346 µg/L, dissolved: 111 µg/L), copper (total: 266 µg/L), mercury (total: 1 µg/L), nickel (total:1070 µg/L, dissolved: 1030 µg/L) and zinc (total: 4400 µg/L ,dissolved: 4400 µg/L)¹.
11. Surface water analysed for inorganic parameters within the receiving environment of Wolston Creek identified exceedances at SW02 (Spine Street pipe outlet) for both pH, 8.44¹and EC 1,230µs/cm⁴.
12. Surface water monitoring locations analysed for metals and metalloids within the receiving environment of Wolston Creek returned elevated results at SW02 (at the Spine Street pipe outlet) for aluminium (total: 510 µg/L, dissolved: 57 µg/L), copper (total: 9µg/L) chromium (total: 2µg/L) and zinc (total: 37µg/L)¹.
13. Refer to Table 1 below for tabulated exceedances against relevant guidelines.

¹ Australian and New Zealand Guidelines (ANZG) for Fresh and Marine Water Quality 2018 (ANZG 2018) 95% species protection – Freshwater

² Australian Government, National Health and Medical Research Council (NHMRC), 2008. Guidelines for managing risks in recreational water. NHMRC, Canberra, Australia

³ Environmental Protection Policy (EPP) for Wolston Creek – lowland fresh waters

⁴ Australian and New Zealand Water Quality Guidelines for Fresh and Marine Water Quality 2000, Australian and New Zealand Environment and Conservation Council (ANZECC) and Agricultura; and Resource Management Council of Australia and New Zealand (ARMCANZ)

Table 1: Inorganic and metal/ metalloid samples collected for surface and groundwater across all locations on 25 July 2025.

Parameter	GW01	GW02	GW03	GW04	SW01	SW02	Guideline
pH	6.94	3.62	6.99	6.9	6.87	8.44	6.0- 8.0 ¹
Electrical Conductivity @25°C µs/cm	1300	9930	22000	15600	330	1230	SW: 380– Low flow 290 – High flow ³
Total Dissolved Solids mg/L	8450	6450	14300	10100	214	800	0-5000 ⁴
Total Hardness CaCO3 mg/L	2150	2440	3370	2050	76	168	2000 ²
Chloride mg/L	4240	169	7160	5140	52	165	2500 ²
Sulfate mg/L	33	7290	39	13	18	165	
Metal/ metalloids - µg/L							
Aluminium (D)	34	1790000	9	29	8	57	0.8 (<pH 6.5) 55 (>pH 6.5) ¹
Aluminium (T)	50600	1490000	62300	49100	580	510	
Arsenic (D)	1	163	1.4	1.1	0.5	1.1	24 (III) 13 (V) ¹
Arsenic (T)	23	172	22	13	2	2	
Chromium (D)	0.7	111	0.4	<0.2	0.3	0.2	31.9 – 48 * ¹
Chromium (T)	86	346	93	71	2	2	
Copper (T)	90	266	133	83	8	9	50.8 – 77.5 * ¹
Mercury (T)	0.1	1	<0.5	<0.5	<0.1	<0.1	0.6 ¹
Nickel (D)	14.8	1030	13	15.4	1.4	1.5	398.9 – 608.6 ¹
Nickel (T)	140	1070	153	128	2	3	
Zinc (D)	20	4400	11	16	22	2	290.1– 442.6* ¹
Zinc (T)	238	4400	249	147	48	37	

* corrected for hardness

14. In addition to surface and groundwater, 12 soil samples were collected on 18 July 2025 from intervals at each borehole. Of the 12 samples, none exceeded the National Environmental Protection (Assessment of Site Contamination) Measure 1999 (NEPM) thresholds for Ecological Screening Levels and Ecological Investigation Levels (EIL)⁵ or Health Investigation Levels (HIL)⁶.
15. The department alleges that you have failed to comply with:
 - a. condition **C1** of EA EPPR00667413; and
 - b. section **319** of the Act.
16. Condition **C1** of EA EPPR00667413 states:
Contaminants must not be release from the licensed place to any waters of the bed or banks of any waters.
17. EA EPPR00667413 defines waters as:
'River, stream lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and any under groundwater, any part-thereof.'

⁵ Adopted for commercial and industrial land use.⁶ Adopted for commercial and industrial land use (D) and low density residential (A) as a conservative assessment.

18. Section 11 of the Act stipulates that:
A contaminant can be— (a) a gas, liquid or solid; or (b) an odour; or (c) an organism (whether alive or dead), including a virus; or (d) energy, including noise, heat, radioactivity and electromagnetic radiation; or (e) a combination of contaminants.
19. The department considers that analytes consistent with the definition of a contaminant (detailed in Table 1), are being released from the licensed place to waters.
20. Section **319** of the Act states that:
A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonably practicable measures to prevent or minimise the harm (the **general environmental duty**)
21. Section 14 of the Act defines environmental harm as any adverse effect, or potential adverse effect on an environmental value (EV). Environmental harm may be caused by an activity whether the harm is a direct or indirect result of the activity; or whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.
22. The EPP Water outlines the local EVs, management goals and water quality objectives (WQO) for Wolston Creek, Basin No.143 (part) including all tributaries of the creek June 2022 - https://environment.des.qld.gov.au/_data/assets/pdf_file/0026/273644/sandy-six-mile-wolston-woogaroo-goodna-creeks-ev-wqo.pdf
23. The relevant EV's for Wolston Creek – Lowland Freshwaters are aquatic ecosystems, irrigation, farm supply/ use, stock water, visual recreation, industrial use and cultural and spiritual values, and for ground waters: aquatic ecosystems, irrigation, farm supply/ use, stock water and industrial use.
24. Through initial investigations, contaminants have been identified at concentrations far exceeding the relevant guidelines, capable of causing potential environmental harm to biota within the Wolston Creek basin.
25. It is the departments position that you have not implemented all reasonably practicable measures to meet the General Environmental Duty as full consideration has not been demonstrated in relation to:
 - a) the nature of the harm or potential harm; and
 - b) the sensitivity of the receiving environment; and
 - c) the current state of technical knowledge for the activity; and
 - d) the likelihood of successful application of the different measures that might be taken; and
 - e) the financial implications of the different measures as they would relate to the type of activity.
26. Given the historical and ongoing nature of the activity and the likely indirect released via groundwater and surface water to adjacent waterways and sensitive receptors, the department considers that it is reasonable to require you to conduct further investigations into contaminants of concern, fulfill the General Environmental Duty and comply with EA EPPR00667413.

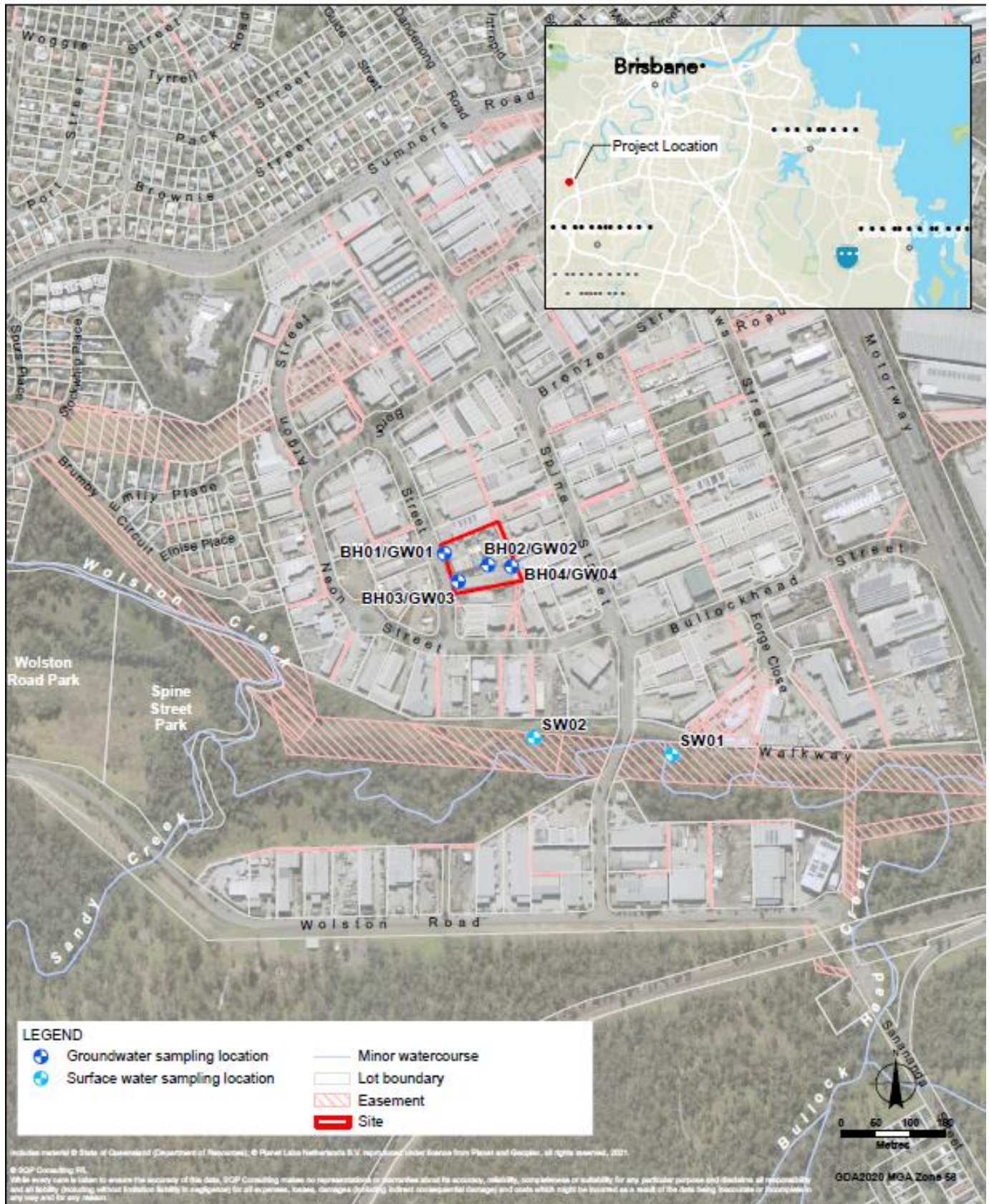
Considerations

The standard criteria, principles of environmental protection, emission criteria and human rights were considered prior to issuing this EEO.

Offences

Failure to comply with this EEO is an offence unless you have a reasonable excuse. The maximum penalties are significant and are provided in s369A of the Act.

Appendix 1: 32-34 Boron Street, Sumner (L15, 16, 17 RP168126) Limited Environmental Site Assessment Chemprod Nominees Pty Ltd trading as Omega Chemicals



Penalties and obligations

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your obligations.

- If you propose to dispose of the place or business to which the EEO relates, you must advise the buyer of the existence of this EEO. **Failure to provide a written notice to the buyer of the existence of the order is an offence.** The maximum penalty is provided in s369C of the Act.
- If you cease to carry out the activity to which this EEO relates, you must give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity. **Failure to provide written notice to the department within 10 business days of ceasing the activity to which an EEO relates is an offence.** The maximum penalty is provided in s369D of the Act.

Right of review and appeal

The provisions regarding reviews of decisions and appeals are found in s519 to s539 of the Act.

A person who is dissatisfied with an original decision made by the department may apply to have that decision internally reviewed. Information about initiating an appeal in relation to this notice is contained within the [Internal Reviews and Appeals Information Sheet](#) (available at www.qld.gov.au using the publication number ESR/2015/1742 as a search term). A request for review or appeal is to be made using the approved form [Application for review of original decision](#) (available at www.qld.gov.au using the publication number ESR/2015/1573 as a search term).

Applications for reviews are to be sent to Permits and Licensing, Department of the Environment, Tourism, Science and Innovation via email at palm@detsi.qld.gov.au, or by mail to the following address: GPO Box 2454, BRISBANE QLD 4001.

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

For a decision that is not an original decision,

there are no formal review and appeal rights for a person who is dissatisfied with the decision made by the administering authority. The person may have other legal rights and may wish to seek legal advice.

Privacy statement

Section 540 of the Act requires the department to maintain a register of certain documents and information authorised under the Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able to take extracts or copies of the documents from the register.

Documents that are required to be kept on the register are published in their entirety unless redaction in part is required by the Act. There is no general discretion allowing the department to withhold documents or information required to be kept on the public register.

For more information on the department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters, please email privacy@detsi.qld.gov.au or telephone 13 74 68.

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.

Interpreter assistance

If you need interpreter assistance or want this document translated, please contact us and advise your preferred language. If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service](#)

