

Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to section 362

ORDER ID	STAT-E-101023022
Date of issue	2 July 2026
Issued to (you)	Anglo Coal (German Creek) Pty Ltd ACN: 081 022 415 <i>For the purpose of this Environmental Enforcement Order (EEO), you means the recipient of this EEO.</i>
Registered address	Level 11, 201 Charlotte Street BRISBANE QLD 4000
Site address (the premises)	ML1831, ML1894, ML1998, ML70047, ML70311, Middlemount QLD 4746
Land reference	ML1831, ML1894, ML1998, ML70047, ML70311
CC to	Anglo Coal (Roper Creek) Pty Ltd Jena Pty Ltd Marubeni Resources Development Pty Ltd Mitsui German Creek Investment Pty Ltd
Issued by (the delegate)	 Louise Pinn, Compliance Delivery Manager 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 EEO, please contact: Jack Thompson, Senior Environmental Officer, Rockhampton Compliance Centre PO Box 413, ROCKHAMPTON QLD 4700 Email: CWES_Rockhampton@detsi.qld.gov.au Telephone: +61 (07) 4837 3499
Further information	Please read the Information Sheet - Recipient of an Environmental Enforcement Order 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.

The department has responsibility for enforcing the Act.

The delegate for the department is issuing this EEO to you, pursuant to section 362 of the Act, to secure compliance with the Act in relation to activities being undertaken at the premises.

The delegate reasonably suspects that you have not met your general environmental duty (GED) under section 319 of the Act, and that you have contravened section 430 of the Act at the premises. The delegate has issued this EEO to you under section 362 of the Act to remedy the contravention, avoid further contraventions, and keep the department informed.

What are you required to do?

The required actions listed below must be completed in full by the required dates.

Requirements take effect from the date of service and remain in force until the date specified, unless this EEO is amended, repealed, finalised or stayed beforehand.

1. You must submit all reports and documents required by this notice to the department via email to CWES_Rockhampton@detsi.qld.gov.au.
2. By **2 October 2026** you must submit to the department a report that includes, but is not limited to:
 - (a) Catchment delineation for AQL ROM Dam and Switchyard Dam.
 - (b) The results of initial bathymetric surveys of AQL ROM Dam and Switchyard Dam to determine the current storage capacity of each structure, and a comparison of the current storage capacities of these structures against their respective design capacities. These surveys must be conducted prior to any works undertaken in accordance with this EEO.
 - (c) An assessment of AQL ROM Dam that establishes the capacity required in this structure to ensure compliance with the GED and the EA during rainfall events up to and including a **24 hour storm event with an ARI of 1 in 10 years**.
 - (d) An assessment of Switchyard Dam that:
 - (i) establishes the capacity required in this structure to ensure compliance with the GED and the EA during rainfall events up to and including a **24 hour storm event with an appropriate ARI as determined by an AQP**; and
 - (ii) identifies alternative **measures**, other than desilting, required to be implemented to ensure compliance with the GED and the EA with respect to the Switchyard Dam catchment, during rainfall events up to and including a **24 hour storm event with an appropriate ARI as determined by an AQP**.
 - (e) If alternative **measures** other than desilting, identified in accordance with requirement 2(d), are preferred, then the report must include an evaluation of the preferred **measures** with timeframes for implementation. Timeframes for implementation must be no later than **30 October 2027**.
 - (f) Details of all calculations and assumptions used in establishing the required dam capacities, alternative **measures**, and timeframes under requirement 2(c)-2(e).
3. By **30 October 2026** you must have implemented **measures** within the Switchyard Dam catchment to minimise and mitigate the potential for adverse environmental impacts and unauthorised MAW releases from Switchyard Dam resultant from the upcoming 2026/2027 wet season.

4. By **30 November 2026**, you must have completed desilting of AQL ROM Dam such that adequate capacity is achieved in this structure in accordance with requirement 2(c).
5. By **8 January 2027**, you must complete a final bathymetric survey of AQL ROM Dam. This survey must be conducted after desilting works in accordance with requirement 4 are finalised.
6. By **30 October 2027**, you must have either:
 - (a) completed desilting of Switchyard Dam such that adequate capacity is achieved in this structure in accordance with requirement 2(d), and restored representative water quality telemetry at Switchyard Dam; **OR**
 - (b) if alternative **measures** other than desilting, identified in accordance with requirement 2(d), are preferred, you must have finalised implementation of these **measures**.
7. If you opt to complete requirement 6(a), then by **30 November 2027**, you must complete a final bathymetric survey of Switchyard Dam. If applicable, this survey must be conducted after desilting works in accordance with requirement 6(a) are finalised.
8. By **30 November 2027** you must have updated all relevant site management plans for the premises, including but not limited to Site Catchment Map(s), Water Management Plan, and Erosion and Sediment Control Plan, to reflect:
 - (a) All works completed and **measures** implemented under the requirements of this EEO.
 - (b) Any operational changes at the premises incidental to the requirements of this EEO.
9. By **7 January 2028** you must submit to the department a report that includes, but is not limited to:
 - (a) The results of the final bathymetric survey of AQL ROM Dam completed under requirement 5.
 - (b) If you opt to complete requirement 6(a), the report must include the results of the final bathymetric survey of Switchyard Dam completed under requirement 7.
 - (c) A timeline and summary of all works carried out in accordance with the requirements of this EEO.
 - (d) Identification of any changes in the catchments of AQL ROM Dam and Switchyard Dam from those identified in accordance with requirement 2(a).
 - (e) Written evidence, and photographic evidence if applicable, demonstrating compliance with each requirement of this EEO.

Grounds for issuing this EEO:

The department is issuing you with an EEO pursuant to section 362(1) of the Act as it is satisfied that the following enforcement grounds exist:

1. In accordance with section 359(c) of the Act, it is considered necessary to issue an EEO to secure compliance with the general environmental duty (GED). The GED is detailed in section 319 of the Act and states:

*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**).*
2. In accordance with section 359(e)(ii) of the Act, it is considered necessary to issue an EEO to secure compliance with a condition of an environmental authority (EA). Specifically, conditions A1, C2, and C9 of EA EPML00732613, which state:

A1: *The holder of this environmental authority must:*

- (a) *install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority;*
- (b) *maintain such measures, plant and equipment in a proper and efficient condition;*
- (c) *operate such measures, plant and equipment in a proper and efficient manner; and*
- (d) *ensure that all instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority are properly calibrated.*

*C2: Unless otherwise permitted under the conditions of this environmental authority, the release of mine affected waters to waters must only occur from the release points specified in **Table C1: Mine Affected Water Release Points, Sources and Receiving Waters** and depicted in **Appendix 1 – Release Points (RPs) and Monitoring Points (MPs) for German Creek Mine**.*

*C9: Notwithstanding any other condition of this environmental authority, the release of mine affected water to waters in accordance with condition **C2** must only start when natural flow in the receiving environment meets the trigger values specified in **Table C4a: Flow Triggers to start Mine Affected Water Release** for the release points specified in **Table C1: Mine Affected Water Release Points, Sources and Receiving Waters**.*

The facts and circumstances forming the basis for these grounds are:

1. You occupy land described as German Creek Mine on mining leases ML1831, ML1894, ML1998, ML70047, and ML70311, in the locality of Middelmount, QLD, 4746.
2. You are the holder of EA EPML00732613, effective 14 June 2024, which authorises environmentally relevant activity (ERA) Schedule 3 13 – *Mining black coal* and ancillary ERAs over ML1831, ML1894, ML1998, ML70047, and ML70311.

Relevant to Aquila Run of Mine Dam

3. On 12 January 2026, you notified the department of a mine affected water (MAW) release from the Aquila (AQL) Run of Mine (ROM) Dam at the premises into German Creek, which commenced at 2200 on 11 January 2026.
4. On 17 January 2026, you notified the department of a second MAW release from AQL ROM Dam into German Creek, which commenced at 1230 on 16 January 2026.
5. On 5 March 2026, you submitted an investigation report to the department providing further written advice regarding both release events above. This report stated that the estimated discharge volume from AQL ROM Dam for the duration of the two releases was 277ML.
6. AQL ROM Dam is not specified as an authorised release point in Table C1 of the EA, and there is no authorised release point in the EA associated with this structure.
7. Based on this information the department alleges that you have failed to comply with condition C2 of the EA by conducting a release of MAW to waters from a location other than a release point specified in Table C1. Specifically, by releasing approximately 277ML of MAW from AQL ROM Dam into German Creek over 11-17 January 2026.
8. On 20 April 2026, you advised the department that a bathymetric survey of AQL ROM Dam conducted in July 2020 showed a reduction from the design capacity of approximately 4.6ML. On 29 April 2026, you advised the department that a bathymetric survey of AQL ROM Dam conducted in July 2024 showed a reduction from the design capacity of approximately 14ML. You advised that AQL ROM Dam had not been desilted.
9. The department considers that the release of MAW to waters from AQL ROM Dam is not permitted

under any condition of the EA.

10. As such, in accordance with the GED, you must take all reasonably practicable measures to prevent a release from AQL ROM Dam; and in accordance with condition A1 of the EA, you must maintain in a proper and efficient condition all measures necessary to prevent a release from AQL ROM Dam.
11. Based on this information, the department alleges that you have failed to comply with condition A1 of the EA by failing to maintain, in a proper and efficient condition, all measures necessary to ensure compliance with condition C2 of the EA. Specifically, by failing to desilt AQL ROM Dam and maintain the structure at its design storage capacity, or at an appropriate capacity as assessed by an AQP.

Relevant to Switchyard Dam

12. On 20 February 2026, you notified the department of an uncontrolled MAW release from Switchyard Dam at the premises into German Creek, which commenced at approximately 1600 on 19 February 2026.
13. On 27 March 2026, you submitted an investigation report to the department providing further written advice regarding this release event. The report stated that the estimated discharge volume from Switchyard Dam for the duration of the release was 262ML.
14. In accordance with condition C2 of the EA, Switchyard Dam overtopped through its spillway and the associated release point included in Table C1 (RP1c).
15. For release point RP1c, Table C4a specifies the receiving water flow criteria for commencement of MAW release as 0.6m³/s recorded continuously at Haul Road Dam Gauging Station (G/S).
16. On 6 May 2026, you advised the department that flow recorded at Haul Road Dam G/S at commencement of the release from Switchyard Dam (1600 on 19 February 2026) was 0.2m³/s, peaking at 25.5m³/s at 0900 on 20 February 2026.
17. Based on this information the department alleges that you have failed to comply with condition C9 of the EA by commencing a release of MAW to waters in accordance with condition C2 when natural flow in the receiving environment did not meet the trigger value specified in Table C4a. Specifically, by commencing a release of MAW from RP1c at 1600 on 19 February 2026 when natural flow at Haul Road Dam G/S was less than 0.6m³/s (0.2m³/s).
18. Authorised persons under the Act conducted an inspection of the premises on 20 March 2026. During this inspection, you advised the department that due to significant buildup of coal fines in Switchyard Dam, water quality telemetry had been lost for this structure.
19. The department considers that the significant loss of capacity in Switchyard Dam due to buildup of coal fines increases the likelihood of future non-compliant MAW releases from RP1c.

Relevant to All

20. Operations under EA EPML00732613 have been assessed in accordance with the environmental risks associated with carrying out those activities at the premises. Complying with the conditions of your EA is a legal requirement under section 430 of the Act and constitutes part of your GED as reasonably practicable measures required to prevent and minimise environmental harm which may be caused by the activities.
21. On 30 April 2026 the department met with you to discuss compliance concerns regarding several MAW releases conducted in 2026. These concerns included loss of capacity in AQL ROM Dam and Switchyard Dam, AQL ROM Dam not being an authorised release point, and lack of flow in the receiving environment at commencement of the release from Switchyard Dam.
22. On 20 May 2026 the department met with you to discuss your proposed management strategies for AQL

ROM Dam and Switchyard Dam and any planned works for these structures.

23. On 10 June 2026 the department met with you to discuss your proposed timeframes for planned works involving AQL ROM Dam and Switchyard Dam.
24. On 17 June 2026, the department provided you with draft EEO requirements for your review and comment. You provided comments on the draft EEO requirements on 24 June 2026. The department has considered your comments in finalising the required actions of this EEO.
25. On 1 July 2026, the department provided you with a final draft of the EEO requirements. On 2 July 2026, the department met with you to discuss the EEO requirements and to provide an opportunity for you to make any final comments on the associated completion timeframes. The department has considered your comments made during this meeting in finalising the required actions of this EEO.
26. Based on the facts and circumstances above, the department considers it necessary to issue you an EEO to secure compliance with the GED and conditions A1, C2, and C9 of your environmental authority EPML00732613.
27. The department has considered the standard criteria and human rights when making this decision.

Offences

A person who is bound by this EEO and who fails to comply with a requirement of this EEO, without a reasonable excuse, commits an offence under the Act.

The maximum penalties are significant and are provided in section 369A of the Act.

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 section 369C 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 section 369D of the Act.

Right of review and appeal

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 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](#).



Appendix A: Definitions used in this EEO

24 hour storm event with an appropriate ARI as determined by an AQP	24 hour storm event with an appropriate ARI as determined by an AQP means the maximum rainfall depth from a 24 hour duration precipitation event with an appropriate average recurrence interval as determined by an AQP. <i>For example, an AQP completes an assessment and determines that an appropriate immunity for a dam structure would be a storm event with an ARI of 1 in 5 years. At the location of the structure, an Intensity Frequency Duration table for a 24 hour duration event with an ARI of 1 in 5 years identifies a rainfall intensity of 6mm/hour. The rainfall depth for this event is therefore 24 hour x 6mm/hour = 144mm.</i>
24 hour storm event with an ARI of 1 in 10 years	24 hour storm event with an ARI of 1 in 10 years means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 10 years. <i>For example, at location XX, an Intensity Frequency Duration table for a 24 hour duration event with an ARI of 1 in 10 years identifies a rainfall intensity of 8.2mm/hour. The rainfall depth for this event is therefore 24 hour x 8.2mm/hour = 196.8mm.</i>
Activity	Activity means the ERA(s) to which the EA relates.
Administering Authority	The administering authority is the Department of the Environment, Tourism, Science and Innovation, or its successor.
Appropriately Qualified Person (AQP)	Appropriately qualified person (AQP) means a person or persons who has 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 relevant protocols, standards, methods, and/or literature.
AQL ROM Dam	Aquila Run of Mine Dam.
ARI	Average recurrence interval.
EA	EA means environmental authority.
ERA	Environmentally relevant activity. ERAs are prescribed in the <i>Environmental Protection Regulation 2019</i> .
GED	GED refers to the general environmental duty, as laid out under section 319 of the <i>Environmental Protection Act 1994</i> .
Measures	Measures has the broadest interpretation and includes, but is not limited to, any or any combination of the following: works, structures, plant, equipment, physical objects, maintenance, monitoring, procedures, strategies, actions, directions and competency.
You	You refers to Anglo Coal (German Creek) Pty Ltd, holder of EA EPML00732613, and recipient of this EEO.