Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to section 362

ORDER ID	**STAT-E-101151417**
Date of issue	11 September 2026
Issued to (you)	NIPLODGE PTY. LTD. Trading as: Brisbane Drum Exchange ACN 071 890 214 *For the purpose of this Environmental Enforcement Order (EEO), you' means the recipient of this EEO.*
Registered address	ROBERTS AND COWLING, 5 MCILWRAITH AVENUE, NORMAN PARK, QLD, 4170
Site address (the premises)	149 Queensport Rd, Murarrie QLD 4172
Land reference	Lot 159 on Plan SP233749
CC to	McInnes Wilson Lawyers
Issued by (the delegate)	Sarah Rowe, Principal 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 ☒ Also by email ☐ Orally (s369(2))
Contact	If you have any questions about this EEO, please contact: Brisbane Moreton Compliance Email: ESComplianceBrisbaneMoreton@detsi.qld.gov.au
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 *Environmental Protection Act 1994* (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

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compliance with the Act in relation to activities being undertaken at the premises.

The delegate reasonably believes that you are a prescribed person for a contamination incident (pursuant to sections 360 and 361 of the Act) at the premises and has issued this EEO to you under section 362(2)(a) of the Act to prevent or minimise contamination, rehabilitate or restore the environment, assess the nature and extent of the environmental harm or risk of environmental harm and keep the department informed.

What are you required to do?

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

Requirements in Part B 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. **By 18 September 2026,** you must engage an independent Appropriately Qualified Person (AQP) to carry out the actions stated in requirements 4 and 5 of this notice. 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) qualifications,
   (b) details of relevant professional memberships, and
   (c) experience relevant to their specific field**.**

2. **By 25 September 2026,** you must commence the cleaning and removal of all material impacted by the incident at the premises detailed in the grounds of this notice. Cleaning and removal will include the following at a minimum:
   (a) Pressure washing of infrastructure, hardstands, bunding and operational equipment at the premises,
   (b) Removal of debris from the premises that has come into contact with contaminants associated with the incident detailed in the grounds of this notice,
   (c) All liquids, solids and debris generated by pressure washing and cleaning at the premises must be collected and disposed of at a facility that can lawfully receive it.

3. **By 14 October 2026,** you must provide evidence to confirm that all liquids, solids and debris generated by pressure washing and cleaning under the requirements of this notice have been lawfully removed from the premises to a facility that can lawfully receive it.

4. **By 16 October 2026,** you must undertake validation sampling of the stormwater infrastructure and hardstand at the premises to confirm all, liquids, solids and debris referred to in requirement 2 has been removed and that the stormwater infrastructure and hardstand at the premises affected by the incident detailed in this notice has been appropriately cleaned and is and non-polluting. Validation sampling must include at a minimum
   (a) Sampling of overland flow from the premises expected to release via stormwater infrastructure by conducting a wash down test where clean (reticulated potable) water is applied to a representative selection of hardstand areas with that water being captured (prior to it entering the triple interceptor) and tested for contaminant key indicator species, and
   (b) Sampling of stormwater infrastructure to confirm the absence of residual contaminants within treatment devices by conducting a soak test of the triple interceptor where the final chamber of the interceptor is filled with clean (reticulated potable) water and tested for contaminant key indicator species.

5. **By 23 October 2026,** you must submit a report prepared by the AQP that confirms compliance with requirements 2, 3 and 4 of this notice.
    (a) The report must be submitted in writing to in writing to ESComplianceBrisbaneMoreton@detsi.qld.gov.au

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)*

Appropriately qualified person (AQP)	A person (or persons) who has professional qualifications, training, skills and experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis in relation the nominated subject matter using the relevant protocols, standards, methods or literature.
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).
Effectiveness	In this context, means effectiveness in minimising environmental harm, including by remediation of contamination, and avoiding future releases of hydrocarbon products to the environment.
Land	This refers to the cadastral reference of the premises referenced in this EEO.
LNAPL	Light non-aqueous phase liquids or phase separated hydrocarbons.
NEPM	National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013), made by the National Environment Protection Council under the Commonwealth *National Environment Protection Council Act 1994*.
Suitably Qualified Person (SQP)	Defined under section 564 of the Act and means a person who has qualifications and experience relevant to performing the function. For further information about the requirements of an SQP, refer to the Qld Government website at https://www.qld.gov.au/ (using 'suitably qualified person' as the search term).
Resource	Waste being a *resource* 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) EPPR03468515.

3. EA EPPR03468515 authorises you to conduct Environmentally Relevant Activities (ERA) -
    a. ERA 55 - Other waste reprocessing
    2(a) - Operating a facility for receiving and either reprocessing or treating, in a year, the following quantity of category 2 regulated waste - 5,000t or less
    b. ERA 55 - Other waste reprocessing or treatment
    3(a) - Operating a facility for receiving and either reprocessing or treating, in a year, the following quantity of category 1 regulated waste - 5,000t or less
    c. ERA 57 - Regulated Waste Transport
    Transporting regulated waste
    d. ERA 62 - Resource recovery and transfer facility operation
    1(c) - Operating a facility for receiving and sorting, dismantling, baling or temporarily storing category 2 regulated waste
    e. ERA 62 - Resource recovery and transfer facility operation
    1(d) - Operating a facility for receiving and sorting, dismantling, baling or temporarily storing category 1 regulated waste

4. The department is satisfied that you are responsible for the operation and maintenance of the premises under the EA.

5. On **5 June 2026**, the department received correspondence from Queensland Fire and Emergency Services (QFES) reporting a large warehouse fire at the premises (the incident), specifically: approximately 150,000 – 200,000 Litres of contaminated fire water entered the onsite stormwater network and was actively releasing to a nearby waterway via a drainage system under the Gateway Motorway.

6. Authorised persons attended the premises and identified the release pathway that drained from the premises, through Transurban land and discharged to the Bulimba Creek Wetlands. This observation was confirmed with infrastructure mapping provided by Brisbane City Council (BCC).

7. Authorised persons observed that water within the Transurban drains was black, oily and had a noxious odour, see **Appendix A**.

8. On **5 June 2026** authorised persons collected samples of the contaminated firewater from the stormwater drain located at -27.457146, 153.108312 (sampling point 1/ SW1) and sent them to a NATA accredited laboratory for analysis. The results showed elevated levels of the following contaminants against the relevant guidelines, refer to Table 1 for tabulated exceedances.

    a. MCPA recorded a concentration of 12,100 µg/L against the default guideline value (DGV) of 7.7 µg/[1].
    b. Zinc recorded the highest concentration of all tested metals, resulting a result of 5,480 µg/L (D) against the DGV of 8.0 µg/L[1].
    c. Naphthalene (polycyclic aromatic hydrocarbon) recorded a concentration of 219 µg/L against the DGV of 16 µg/L[1].

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

d. Toluene recorded a concentration of 10,900 µg/L against the DGV of 180 µg/L[1].
e. Ethylbenzene recorded a concentration of 5,560 µg/L against the DGV of 80 µg/L[1]
f. Electrical conductivity recorded a value of 12,700 µs/cm against the moderately disturbed, low flow water quality objective (WQO) of 490 µs/cm[2].

9. Authorised persons conducted a secondary round of sampling at SW1 on 8 June 2026 for the same analytes. Results indicate that while there is an observable decline in the concentration of contaminants, the exceedance factor of DGV remains considerable.

Table 1: Exceedances against the relevant guidelines for sampling point one over 5 and 8 June 2026

Parameter	**SW1**		**Guideline Value**
	05 June 2026	**08 June 2026**	
Electrical Conductivity @25˚C µs/cm	12,700	1,220	**FW: 490[2] – Low Flow 290[2] – High Flow**
Phenoxyacetic Acid Herbicide µg/L			
MCPA	12,100	1,070	**7.7[1]**
Polycyclic Aromatic Hydrocarbons µg/L			
Naphthalene	219	<LOR	**16[1]**
Aromatic Hydrocarbons µg/L			
Toluene	10,900	156	**180[1]**
Ethylbenzene	5560	46	**80[1]**
Metals µg/L			
Arsenic (T)	35	2	**24[1]**
Arsenic (D)	32	2	
Cadmium (T)	2.4	0.1	**0.2[1]**
Cadmium(D)	0.7	<LOR	
Chromium (T)	175	28	**6.7[1]**
Chromium(D)	136	30	
Copper(T)	182	16	**1.4[1]**
Copper(D)	52	6	
Lead(T)	85	4	**3.4[1]**
Lead(D)	23	3	
Nickel (T)	35	5	**11[1]**
Nickel(D)	30	5	
Zinc (T)	10600	501	**8[1]**
Zinc(D)	5480	395	

(T) – Total Metals
(D) – Dissolved Metals

10. The department alleges that you have failed to comply with:
    a. Condition P2-WT1 of EA EPPR03468515; and
    b. Section **319** of the Act.

11. Condition P2-WT1 of EA EPPR03468515 states:
'Contaminants must not be released to any waters in a manner that causes or is likely to cause environmental harm.'

12. EA EPPR03468515 defines waters as:

[2] Environmental Protection (Water and Wetland Biodiversity) Policy 2019, Brisbane River Estuary Environmental Values and Water Quality Objectives, Part of Basin 143.

'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.'

13. 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.'

10. The department considers that analytes consistent with the definition of a contaminant were released from the premises to waters.

11. 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**)*'

12. 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.'

13. The EPP Water outlines the local environmental values (EV), management goals and water quality objectives (WQO) for the receiving environmental value zones of the outfall location being Bulimba Creek Fresh waters and Bulimba Creek Estuary. Basin No. 143 (part) including all tributaries of the zones June 2022 - https://environment.des.qld.gov.au/__data/assets/pdf_file/0026/273626/brisbane-river-estuary-ev-wqo.pdf

14. The relevant EV's for the Bulimba Creek Fresh waters and Bulimba Creek Estuary are aquatic ecosystems, irrigation, farm supply/ use, stock water, human consumer, primary recreation, secondary recreation, visual recreation, and cultural and spiritual values.

15. Through investigations, contaminants have been identified at concentrations far exceeding the relevant guidelines, capable of causing potential environmental harm to biota within the Bulimba Creek Wetlands.

16. It is the departments position that you must implement all reasonably practicable measures to meet the General Environmental Duty to provide full consideration 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.

17. In summary, the delegate considers you have contravened section s359(c) and s359(e)(ii) of the Act and it is reasonable to require you to secure your compliance with the general environmental duty and with a condition of an environmental authority.

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 A:



Photograph 1: Black residue staining Transurban stormwater drains, captured by authorised persons on 5 June 2026.

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 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



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