Environmental Enforcement Order

Environmental Protection Act 1994

Pursuant to section 362

ORDER ID	**STAT-E-101233560**
Date of issue	1 October 2026
Issued to (you)	Australian Recycling and Equipment Pty Ltd (ACN 606 099 549) *For the purpose of this Environmental Enforcement Order (EEO), 'you' means the recipient of this EEO.*
Registered address	Lock Accountants, 'Waterlook Chambers' Suite 1, 145-147 Queen Street, Cleveland, QLD 4163
Site address (the premises)	38 Boron Street, Sumner, Queensland 4074
Land reference	Lot 14 RP168126
Issued by (the delegate)	Elena Moeller, 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 ☒ Email ☐ Orally (s369(2))
Contact	If you have any questions about this EEO, please contact: Jeffery Choy, 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 compliance with the Act in relation to activities being undertaken at the premises.

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What are you required to do?

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

1. **Upon receipt of this EEO**, you must immediately implement all measures necessary to comply with condition W1 of Environmental Authority EA0002012 by preventing the release of contaminants to waters. These actions include, but are not limited to:
    a. Cease the use of "shredder fluff" for spill management; and
    b. Implement appropriate spill response and secondary containment measures as dictated in Australian Standard (AS) 1940:2017 – *The storage and handling of flammable and combustible liquids*; and
    c. Repair operational vehicles and equipment to stop further oil leaking onto the hardstand or remove them from the premises.
    d. Establish an exclusion zone around all stormwater drains on the premises to ensure unobstructed access at all times.

2. By **5:00PM 16 October 2026,** you must submit a cleanup plan to the department outlining the proposed remediation activities to remove contamination sources at the premises. The plan must include, but not be limited to:
    a. The proposed commencement date for the cleanup activities;
    b. The anticipated duration of the cleanup;
    c. A site plan identifying the areas to be cleaned;
    d. Details as to how you will ensure the totality of the hardstand is cleaned, including the hardstand under existing stockpiles;
    e. Equipment and chemicals used to undertake the cleanup;
    f. Measures and methods to prevent contaminated water generated during the cleanup process from entering the stormwater system;
    g. Details of the wash water collection method and the contractor engaged to transport and dispose of the waste at a facility lawfully authorised to accept it;
    h. Details of how you will determine the cleanup has removed contamination sources.

3. You must not undertake any cleanup works at the premises until the department has reviewed the cleanup plan submitted under requirement 2 and provided written correspondence to you confirming cleanup works can commence.

4. By **2 weeks** after the cessation of cleanup in accordance with the plan developed under requirement 2 you must provide evidence that all liquids, solids and debris generated by the cleanup under this notice have been removed from the premises to a facility that can lawfully accept it. Evidence must be submitted in writing to ESComplianceBrisbaneMoreton@detsi.qld.gov.au and must include waste tracking receipts and invoices.

5. By **5:00PM 23 October 2026**, you must engage an independent Appropriately Qualified Person (AQP) to carry out actions stated in requirements 6 and 7 of this notice. You must provide evidence to confirm compliance with this requirement 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.

6. By **5:00PM 30 October 2026,** you must engage the AQP to undertake an assessment of the existing stormwater management infrastructure at the premises and provide recommendations for the

installation of stormwater treatment measures. The assessment and recommendations must ensure that any proposed treatment system:

a. Will effectively manage all contaminants generated or handled as part of the environmentally relevant activity conducted at the premises, including but not limited to hydraulic oils, fuels, lubricating oils, phenols, PCBs and heavy metals.
b. Is capable of removing and/or treating contaminants prior to the discharge of stormwater from the premises.
c. Achieves the objectives set out in the department's *Urban Stormwater Quality Planning Guideline 2010 (DETSI, 2010)*.

7. By **5:00PM 2 February 2027,** you must ensure that the proposed stormwater treatment system is installed by a qualified person. The installation must be undertaken in accordance with the manufacturer's specifications and be fully operational and capable of treating stormwater generated at the premises as intended.

8. By **5:00PM 12 February 2027,** you must provide the department with written certification from the AQP confirming that the device has been installed in accordance with the approved design, is functioning as intended, and is capable of achieving the required stormwater treatment outcomes.

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	A person who possesses the qualifications, training, knowledge, skills and experience necessary to competently undertake the specified task or provide the required assessment.
Deposits	(1) A person deposits a contaminant in water or at another place if the person— (a) drops, places or throws the contaminant in the waters or onto the place; or (b) releases the contaminant, or otherwise causes it to move, into the waters or onto the place. (2) A person deposits a contaminant at a place if— (a) the person is an occupier of the place or the contaminant is under the person's control; and (b) someone deposits the contaminant at the place in a way mentioned in subsection (1); and (c) the person does not remove the contaminant from the place within a reasonable time after becoming aware that the contaminant has been deposited at the place. (3) A person deposits earth at a place if the person carries on earthworks or another

	activity that exposes the earth at the place. (4) A person deposits earth at a place if— (a) the person is an occupier of the place; and (b) someone deposits the earth at the place in a way mentioned in subsection (3); and the person does not stop the earth being exposed at the place within a reasonable time after becoming aware that the earth has been exposed at the place.[1]
Discharge, discharged	Includes, in relation to discharge from premises, a reference to discharge onto or into land, water, the atmosphere or living things on, in, under, above or part of the premises.
Earth	Means sand, soil, silt or mud.[2]
Land	This refers to the cadastral reference of the premises referenced in this EEO.
Prescribed water contaminant	Means— (1) earth; or (2) a contaminant prescribed under section 440ZF.[2]
Stormwater drainage	Means a drain, channel, pipe, chamber, structure, outfall or other work used to receive, store, transport or treat stormwater.[2]
Waters	In accordance with Schedule 4 of the Act, includes all waters that are within the limits of the State and/or coastal waters of the State.
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.

[1] Defined under s440ZE of the Act

[2] Defined under s440ZD of the Act

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) EA0002012 which authorises Environmentally Relevant Activity (ERA) 62 – Resource recovery and transfer facility operation 1: Operating a facility for receiving and sorting, dismantling, baling or temporarily storing - (a) scrap metal, non-putrescible waste or green waste only.
3. The department is satisfied that you are responsible for the operation and maintenance of the premises under the EA.
4. On 1 September 2026, the department received a notification from Brisbane City Council (BCC) reporting alleged non compliances against the conditions of EA EA0002012 at the premises.
5. On 3 September 2026, authorised persons from the department inspected the premises and observed:
    (a) multiple pools of spilled contaminants released from operational machines and vehicles (Appendix A, Figure 1),
    (b) hardstand contaminated with oil, liquid contaminants, shredded plastic and metal fragments that authorised persons reasonably believe would be mobilised by overland stormwater flow (referred to Appendix A, Figure 2),

(c) the use of unsuitable absorbent material, consisting of shredded plastic “fluff” from recycled wire coatings, to manage liquid spills,

(d) access to stormwater drains obstructed by operational equipment,

(e) inadequate treatment systems for removing contaminants from stormwater runoff,

(f) Intermediate Bulk Containers (IBCs) in varying states of degradation, not stored within a secondary containment system,

(g) an external catchment tray containing greater than 15 litres of chemicals positioned outside the secondary containment system,

(h) An IBC stored on a skip containing a mixture of contaminants and rainwater, reducing available containment capacity; and

(i) IBCs stored close to stormwater drains, creating a potential pathway for any released chemicals and fuels to enter surface waters.

6. On 3 September 2026, authorised persons from the department issued you with a verbal pre-enforcement for alleged non-compliances with condition WT1 of EA EA0002012 and section 319 of the Act.
7. The department considers that the response you provided does not constitute a reasonable excuse to the alleged offence.
8. Based on observations and evidence gathered by authorised persons on 3 September 2026, the department alleges that you have failed to comply with:

    (a) Condition WT1 of EA EA0002012; and

    (b) Section 319 of the Act

9. Condition WT1 of EA00002012 states:

    Contaminants must not be released to any waters.

10. 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.

11. Schedule 4 of the Act stipulates that to release a contaminant to into the environment, includes –
    (a) to deposit, discharge, emit or disturb the contaminant; and
    (b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed; and
    (c) to fail to prevent the contaminant from being deposited, discharged, emitted or disturbed; and
    (d) to allow the contaminant to escape; and
    (e) to fail to prevent the contaminant from escaping
12. EA EA0002012 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 groundwater and any part thereof.'

13. 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)

14. 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.

15. BCC infrastructure mapping and development approvals confirm that stormwater infrastructure at the premises connects to the receiving environment of Wolston Creek, approximately 200 metres South of the premises.

16. 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

17. 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.

18. 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.

19. The department considers that it is reasonable to require you to carry out the requirements of this EEO to fulfil the General Environmental Duty and comply with your EA EA0002012.

Considerations

The standard criteria, principles of environmental protection 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: Authorised officers' observation during inspection at the premises on 3 September 2026.



Figure 1 - Liquid contaminant leaked from operational vehicles



Figure 2 - Liquid contaminants covering large portion of the hardstand surface

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

