Notice

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.This Environmental Protection Order, issued under the powers conferred by section 24AA of the Acts Interpretation Act 1954, replaces the Environmental Protection Order issued to Lantrak Waste and Recycling Pty Ltd on 3 December 2012.

Lantrak Waste and Recycling Pty Ltd
1-6 Wedgewood Drive
SWANBANK QLD 4305

Reference: CA25687 / EPPR00703413

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to Lantrak Waste and Recycling Pty Ltd (Lantrak) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The EPO is issued in respect to the activities of the construction and demolition (C&D) stockpile management at Lantrak on land described as Lot 5 on Plan SP225229 situated 1 Memorial Drive, Swanbank (the said premises) and replaces the former EPO dated 3 December 2012.

A. Grounds

This EPO is issued on the following grounds:

- To achieve compliance with condition W18, W16 and W12 of environmental authority (EA) EPPR00703413;
- To manage the construction and demolition stockpile located on the said premises to reduce fire potential; and
- To ensure the potential for nuisance arising from the management and disposal of the construction and demolition stockpile is reduced.

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

- On 3 December 2012, an environmental protection order was issued to Lantrak in relation to the management of a construction and demolition waste stockpile amassed at the southern boundary of Lot 5 on plan SP225229 (the C&D waste stockpile identified in attachment 1).
- During the night of 23 - 24 December 2012, the C&D waste stockpile at Lantrak caught fire. On the morning of the 24 December 2012 the department was notified of the fire via telephone call.

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- On 4 January a Clean-up Notice was issued to Lantrak, and subsequently re-issued due to a technical defect observed in the appeal provisions of the notice. The Clean-up Notice required Lantrak to dismantle and extinguish the C&D waste stockpile by 5pm 18 January 2013.
- Due to safety concerns raised by Lantrak's staff the C&D waste stockpile could not be dismantled or interred into landfill as it was smouldering and potentially aflame. On 11 January 2013, following a meeting between representatives of the department, Lantrak and its consultants, Workplace Health and Safety and Qld Fire and Rescue Services to discuss the dismantling of the C&D stockpile, the Clean-up Notice was re-issued subject to different requirements.
- The department's acceptance of the revised strategy for the management of the fire (outlined in the Management Plan prepared by Hugh TAYLOR of Taylor Mining services Pty Ltd and reflected through the conditions of the final Clean-up Notice) had the consequential effect of preventing compliance with the EPO in terms of disposal of the stockpiled waste by 3 March 2013 (3 months after the EPO was issued). The fact that the waste was now going to be allowed to 'burn out' in an anaerobic environmental also meant that the composition of the waste may change and that there was a reasonable prospect of formation of potentially hazardous compounds that may, ultimately, necessitate different disposal requirements.
- On 28 February 2013 Lantrak responded to the EPO and requested an extension to the timeframes to inter the stockpile. This request was accompanied by several supporting documents. While the department did not re-issue the EPO, it was accepted that it would be unreasonable to take compliance action against Lantrak for failure to comply with the EPO given the department agreed to the steps Lantrak had proposed to manage the imminent risks of unlawful nuisance arising from the stockpile fire.
- The agreed Management Strategy states the progressive phased work required to rectify the C&D waste stockpile fire and comply with the EPO as follows:
    - Phase 1 involves monthly monitoring of the clay capping for cracks, depressions, sinking or erosion areas, temperature monitoring by use of a laser type temperature gun, and monitoring of the containment bund for sediment build up or potential failure areas;
    - Phase 2 involves continuing the Phase 1 monthly monitoring as well as temperature monitoring by use of temperature probes driven into the capping material until a safe reopening temperature of less than or equal to 70 °C is achieved for at least two consecutive months;
    - Removal Phase as stated in the Management Strategy, involves the complete removal of the C&D waste stockpile to a properly prepared and approved landfill cell.
- This environmental protection order replaces the order issued on 3 December 2012 to reflect the agreed management strategies for the C&D waste stockpile and imposes timeframes by which compliance must be achieved.

B. Requirements

In accordance with this EPO, you are required to do the following:

1. The recipient of this EPO must ensure that all wastes received at the said premises are sorted and interred by the close of the second business day after receipt.
2. The recipient of this EPO must manage the C&D waste stockpile by (Phase 1) ensuring monthly monitoring of the clay capping for cracks, depressions, sinking or erosion areas, temperature monitoring by use of a laser type temperature gun, and monitoring of the containment bund for sediment build up or potential failure areas.

3. The recipient of this EPO must continue Phase 1 monitoring, in the manner described in the Taylor Mining Services report titled: *Proposed Management Strategy to Deal with Capped Burning C&D Stockpile – Lot 5 SP225229* and dated 28 February 2013 with the addition of temperature monitoring by use of temperature probes driven into the capping material until a safe reopening temperature of less than or equal to 70 °C is achieved for at least two consecutive months at all five probe location on the stockpile.
4. The recipient of this EPO must ensure that all waste from the C&D waste stockpile is interred into a landfill cell that is lawfully entitled to accept the waste and in accordance with any conditions pertaining to the receipt and disposal of waste in that landfill cell (whether at the approved place or another licensed landfill) by **16 October 2015**.
5. The recipient of this EPO must ensure all movement of waste from the C&D waste stockpile is recorded and a record of the following information is kept at Lantrak:
    a. name of the transporter;
    b. date, quantity and type of waste transported; and
    c. the registration number of the vehicle being used to transport the waste; and
    d. the place where the waste was taken for disposal.
6. The recipient of this EPO must prevent the release of dust and smoke from the C&D waste stockpile and at all stages during the handling of the waste until it is interred in a landfill cell.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the Act;
- this order remains in force until further notice from the administering authority.

D. Penalty

Failure to comply with an EPO is an offence.

- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units.
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units.

Failure to provide written notice to the buyer is an offence.

- The maximum penalty for a corporation is 250 penalty units.

Failure to provide written notice within 10 business days of ceasing the activity to the department is an offence.

- The maximum penalty for a corporation is 250 penalty units.

Section 2B of the *Penalties and Sentences Regulation 2005* prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).[1]

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 appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (EM1866). You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to the notice, please contact Eleanor Read on telephone number (07) 3894 8162.

Signature

21 August 2015

Date

David Darvall
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

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[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

Attachment 1 – Location of C&D waste stockpile

