



Section 65  
*Environmental Protection Act 1986.*

## **ENVIRONMENTAL PROTECTION NOTICE**

Reference No: 202312  
Amendment 1 dated 31 October 2023

### **PERSON TO WHOM THIS NOTICE IS GIVEN:**

Chemsol Australia Pty Ltd (ABN 92 408 345 112)  
64 Cocos Drive  
BIBRA LAKE, 6163 WA

### **PREMISES TO WHICH THIS NOTICE RELATES (the Premises):**

The Premises the subject of this Environmental Protection Notice (Notice) is situated on:

- (a) Lot 208 on Plan 23173 as shown on Certificate of Title Volume 2155 Folio 676, also identified as 64 Cocos Drive, BIBRA LAKE, WA otherwise known as Chemsol Australia Pty Ltd.

### **Reasons for which this notice is issued:**

This Notice is given to Chemsol Australia Pty Ltd under section 65 of the Environmental Protection Act 1986 (EP Act) because I suspect on reasonable grounds that there has been, and is likely to be, an emission from the *Premises* that has caused or is likely to cause pollution.

A fire on the *Premises* between 8 October and 9 October 2023 involving multiple chemicals, including hazardous chemicals, resulted in the discharge of chemical wastes to the environment. This discharge and the resulting impacts to the environment meet the definition of pollution for the purposes of the EP Act. Chemical wastes and contaminated firefighting run-off has been emitted from the *Premises* on to Cocos Drive and has collected in stormwater infrastructure and in a sand compensation basin north of the site adjacent to 2 Cascara Corner (Lot 222), BIBRA LAKE, WA. The timely recovery of this waste is required to mitigate a potential risk of harm to human health and the environment.

I am satisfied that because Chemsol Australia Pty Ltd is the occupier (the occupier) of the Premises from which the emissions have occurred, that you are the appropriate person to whom to give this Notice.

## REQUIREMENTS OF THIS NOTICE:

Terms used in this Notice have the meaning defined in Appendix 1.

The requirements of this Notice are amended by the removal of the words with a strikethrough and the insertion of that underlined. Completed and/or due dates passed are marked with the timeframes removed.

From the date of issue of this Notice the person to which this Notice is given must:

1. ~~Within three days from the date this Notice is given~~ On or before 30 October 2023, the persons to which this Notice is given must recover liquid wastes, including but not limited to residual discharged chemicals and hazardous materials including contaminated firefighting runoff (collectively termed *waste*) that has been discharged outside of the *Premises* boundary.
2. The person to which this Notice is given must notify the CEO within 24 hours of being provided lawful approval to access the *Premises*.
3. ~~Within ten 20-10 days of~~ being provided with lawful access to the *Premises* the date this Notice is given, the person to which this Notice is given must remove all residual waste materials from the *Premises* and take it to an appropriately authorised facility for treatment or disposal.
4. The person to which this Notice is given must notify the CEO within 24 hours of all residual waste being removed from the *Premises* in accordance with Requirements 1 and ~~2~~ 3.
5. The person to which this Notice is given must ensure that any recovered waste is transported to authorised waste facilities for treatment or disposal by a licensed controlled waste carrier.
6. ~~Within ten days from the date this Notice is given~~ On or before 10 November 2023, the person to which this Notice is given must recover all impacted or contaminated soil, sludge or solid debris from outside of the *Premises* boundary, including from within the compensating basin adjacent to 2 Cascara Corner (Lot 222), BIBRA LAKE and ensure the recovered material is transported to a suitably authorised facility for treatment or disposal.
7. ~~Within fourteen 24-30 days from the date of this Notice~~ upon which lawful access is provided to the *Premises*, the person to whom this Notice is given must, provide the following information to the CEO:
  - a. The mass (tonnes) and volume (m<sup>3</sup>) of all waste material removed from the *Premises* and from outside the *Premises* boundary under Requirements 1, ~~2~~ 3 and ~~5~~ 6 of this Notice;
  - b. Details of the suitably authorised facility (or facilities) where each waste type has been taken, and the licenced controlled waste carriers engaged to transport these wastes.

8. ~~Within 30 days from the date of this Notice~~ On or before 11 December 2023, the person to whom this Notice is given must, provide the following information to the CEO:
- a. A report prepared by a *suitably qualified and experienced* environmental consultant providing evidence of the successful remediation of the impacted compensating basin located adjacent to 2 Cascara Corner (Lot 222), BIBRA LAKE, including analytical results for validation samples analysed by a NATA accredited laboratory.

## OTHER REQUIREMENTS

9. The CEO may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such variation will not result in an unacceptable risk to human health, the environment or any environmental value.

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Ruth Dowd  
**Executive Director – Compliance and Enforcement**  
Department of Water and Environmental Regulation  
for the Chief Executive Officer  
under Delegation No. 143 dated 7 June 2019

~~13 October 2023~~  
31 October 2023

## **IMPORTANT INFORMATION:**

A PERSON WHO IS BOUND BY THIS ENVIRONMENTAL PROTECTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Note that under section 118 of the *Environmental Protection Act 1986* that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this Notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this Notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT.

## APPENDIX 1:

### DEFINITIONS

**In this Notice, unless the contrary intention appears –**

**‘Act’** means the *Environmental Protection Act 1986* (WA);

**‘CEO’** means Chief Executive Officer, Department of Water and Environmental Regulation;

**‘CEO’** for the purposes of correspondence means;

Chief Executive Officer  
Department of Water and Environmental Regulation  
Locked Bag 10  
JOONDALUP DC WA 6919  
Telephone: (08) 6364 7000  
Email: [compliance@dwer.wa.gov.au](mailto:compliance@dwer.wa.gov.au)

**‘NATA’** means National Association of Testing Authorities

**‘Suitably qualified and experienced’** has the definition provided in Schedule B9 of the National Environmental Protection (Assessment of site contamination) Measure 1999, available at <https://www.legislation.gov.au/Details/F2013C00288>

**‘Day’** means calendar days