

# Prosecution Bulletin no. 1/2022

## Summary

- On 19 August 2022, a company operating in the Gladstone region pleaded guilty to two offences of contravening a condition of an environmental authority (EA).
- Two related incidents, in October 2020, resulted in the release of sodium hydroxide (caustic) to land on the industrial site.
- The company was fined \$57,000 and ordered to pay legal costs of \$1,500 and investigation costs of \$2,707.42.

## Facts

The company holds an EA which authorises a number of environmentally relevant activities including mineral and bulk material handling, and chemical storage at an industrial facility in the Gladstone region.

On the afternoon of 20 October 2020, while unloading a caustic shipment, a small release to land occurred from a small hole discovered in the caustic supply line.

The amount of 50%-grade caustic released from the pipeline was estimated to be less than 20 litres and was contained in an area beneath the pipeline.

On 21 October 2020, following a risk assessment, the section of the pipeline with the small hole was sealed using a clamp.

Fresh water was pumped into the pipeline from the wharf to the bladders with the objective of carrying out a leak test on the line, to confirm the integrity of the clamp.

As part of the leak test, fresh water was pumped into a section of line. There was some residual raw caustic in the line prior to the start of the pumping.

Due to a drain valve at the pump station bund (bladders) being open when the line was prepared for the leak test, it is estimated that approximately 130,000L of diluted caustic overflowed from the 15.7m<sup>3</sup> bund and sump onto the surrounding area.

The company undertook a clean-up of the affected areas.

## Outcome

On 19 August 2022, the Gladstone Magistrates Court accepted the company's plea of guilty to two offences of contravening a condition of an EA, contrary to section

430(3) of the Environmental Protection Act 1994 (Qld).

The company was fined a total of \$57,000. It was also ordered to pay legal costs of \$1,500 and investigation costs of \$2,707.42. Convictions were not recorded.

In sentencing the company, the court noted the importance of complying with EA conditions, and the need for procedures that are robust enough to account for human error.

The sentence imposed is a reminder to all operators that the Department of Environment and Science, as the regulator, will take strong action, including prosecution, when EA conditions are contravened.

It is also a reminder to operators that they are responsible for ensuring that rigorous processes and procedures are in place to manage risks on a site.

## August 2022

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