

Prosecution Bulletin no. 5/2021

Summary

- A resources company pleaded guilty to one offence of contravening a condition of its environmental authority (EA), contrary to section 430(3) of the *Environmental Protection Act 1994* (EP Act).
- On 11 June 2020, 1.1 megalitres of coal seam gas (CSG) water was released from the company's pump station to the surrounding land. The release was not authorised under the conditions of its EA.
- On 30 July 2021, the company was fined \$60,000 and ordered to pay \$1,750 in legal costs and \$2,292.90 in investigation costs. No conviction was recorded.

Facts

The company holds an EA authorising it to conduct CSG operations near Dalby. The operations involve the separation of water from gas in underground seams, which produces CSG water, a contaminant.

On 11 June 2020, approximately 1.1 megalitres of CSG water was released from the pump station to the surrounding environment, over a three-hour period. The release was not authorised under the company's EA.

On 13 June 2020, the company notified the department of the release and later identified that the cause of the release was the failure of an air relief valve.

Outcome

On 3 July 2021, the company pleaded guilty before the Dalby Magistrates Court to one offence of contravening a condition of its EA, contrary to section 430(3) of the EP Act.

On 30 July 2021, the company was fined \$60,000 and ordered to pay \$1,750 in legal costs and \$2,292.90 in investigation costs. A conviction was not recorded.

In sentencing, the magistrate considered that the release undermined the statutory regime and purposes of the EP Act.

The magistrate noted that although there was no environmental harm resulting from the release, the potential for adverse effects was significant.

The magistrate also took into account the actions of the company to remedy the release.

The outcome is a reminder that all companies conducting environmentally relevant activities, operating under an EA, must comply with their obligations under the EP Act.

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