Notice

Environmental Protection Act 1994

Decision to approve a draft transitional environmental program

This notice is issued by the administering authority pursuant to section 340 of the Environmental Protection Act 1994 *(the Act) to advise of a decision made on a draft transitional environmental program (TEP).*

Isaac Regional Council
1 Batchelor Parade
MORANBAH QLD 4744

Your reference:

Our reference: C-CPLRC-100005034

11 September 2020

Dear Sir

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this notice advising of the decision to approve a draft transitional environmental program (TEP) is issued to Isaac Regional Council (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

This notice is issued with respect to the activities of Isaac Regional Council at the Nebo Wastewater Treatment Plant (WWTP) on Lot 98 on SP159584 situated at 17916 Peak Downs Highway, Nebo (the premises).

Background

Your submission for the approval of a draft TEP was first received by the department on 1 May 2020, and a final version of a revised draft TEP was received on 24 August 2020 (a signed copy of the draft TEP was received on 4 September 2020).

This TEP entitled *Nebo Wastewater Treatment Plant (WWTP) TEP* relates to the following:

1. Since November 2019, you have notified the department of several exceedances of the Electrical Conductivity (EC) limit stipulated under condition 5-L1 of environmental authority (EA) EPPR00791913 at the Nebo WWTP.
2. The exceedances are as a result of brine that is being discharged to the sewer from the Nebo Water Treatment Plant (WTP).
3. On 2 March 2020, you submitted a program notice of a relevant event for the Nebo WWTP under section 350 of the Act. The program notice was for the release of treated effluent to land above the EA limits for EC at the Nebo WWTP.

Queensland Government

4. On 11 March 2020, the department issued you with a Receipt of a Program Notice pursuant to section 352 of the Act. The notice required that a draft TEP addressing the unlawful activity be submitted for approval to the department by 2 May 2020.
5. On 1 May 2020, you submitted a draft TEP for approval.
6. On 30 July 2020 you submitted a response to the department's request for further information and an amended draft TEP.
7. Upon review of the TEP, the department identified that there were some matters in the TEP that had not been adequately addressed. On 21 August 2020 the department requested that particular amendments be made to the draft TEP.
8. On 24 August 2020 you advised that you were agreeable to amending the TEP in accordance with the department's request, and a final version of the TEP was received on 24 August 2020. A signed copy of the draft TEP was received from you on 4 September 2020.
9. The objective of the TEP is primarily to ensure that treated effluent released to land from the Nebo WWTP complies with all water quality parameters stipulated under EA EPPR00791913 (specifically in respect of EC) and to transition the Nebo WWTP to compliance with its environmental authority by the end of the TEP.
10. During the period defined by the draft TEP, you will instigate an amendment of EA EPPR00791913 to determine an appropriate revised EC limit.

Decision

The administering authority has decided to approve your application with conditions.

The approved TEP reference number E-100018841 consists of the following:

1. the final version of the draft TEP submitted by you to the department on 24 August 2020 (and the signed copy you submitted to the department on 4 September 2020); and
2. any conditions imposed by the administering authority.

The TEP will remain in force for the period of **11 September 2020** until **31 December 2022**.

Requirements

Please note that under section 354 failure to comply with the approved TEP will remove your immunity from prosecution for the continuation of the original offence stated in the program notice.

Fee to assess the draft TEP or amendment to a TEP

Payment of the assessment fee of the TEP is required to be paid.

A total fee of $2,434.00 has been determined as reasonable for the assessment of the draft TEP. This fee will be payable within 30 days of your receiving an invoice, which will follow shortly.

Annual Return and annual return fees

As your TEP is valid for 12 months or more, an annual return in the approved Form: Annual return for a transitional environmental program (ESR/2016/2961) [1] must be submitted to the administering authority no later than 22 business days after each anniversary of the day the TEP was approved.

The anniversary day for this TEP is **11 September.**

Conditions The draft TEP is approved subject to the conditions set out in Schedule 1 of this notice.

Grounds

The decision to approve your application with conditions is made under the following grounds:

1. In accordance with sections 338 of the Act, the department considers that the TEP achieves compliance with the Act by detailing the transition of the activity to comply with condition 5L-1 of environmental authority (EA) EPPR00791913 for the activity.
2. The department considers that the conditions outlined in Schedule 1 are appropriate to impose upon the approval of the draft TEP.

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

1) You are the holder of environmental authority (EA) EPPR00791913.
2) Since November 2019 you have notified the department of multiple exceedances pertaining to EA release limits for electrical conductivity (EC) at the Nebo WWTP.
3) On 2 March 2020 you submitted a program notice of a relevant event for Nebo WWTP under section 350 of the Act. The program notice was for the release of treated effluent to land above the EA limits for EC at the Nebo WWTP.
4) On 11 March 2020 the department issued you a Receipt of a Program Notice pursuant to section 352 of the Act. The notice required that a draft TEP addressing the unlawful activity be submitted for approval to the department by 2 May 2020.
5) On 1 May 2020, you submitted a draft TEP and a site assessment of the Nebo WWTP to the department.
6) On 18 May 2020 the department issued you a request for further information to assist the department in deciding whether to approve the draft TEP.
7) On 9 July 2020 you submitted MEDLI modelling scenarios to the department with the intention of determining sustainable effluent irrigation practices.
8) On 30 July 2020 you submitted a response to the department's request for further information and an amended draft TEP.
9) Upon review of the TEP, the department identified that there were some matters in the TEP that had not been adequately addressed. On 21 August 2020 the department requested that particular amendments be made to the draft TEP.

[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.des.qld.gov.au.

10) On 24 August 2020 you advised that you were agreeable to amending the TEP in accordance with the department's request, and a final version of the TEP was received on 24 August 2020. A signed copy of the draft TEP was received from you on 4 September 2020.

11) The draft TEP meets the content requirements stipulated under section 331 of the Act. Specifically, the TEP states:

    a) the objectives to be achieved and maintained under the TEP;

    b) the particular actions required to achieve the objectives of the TEP (taking into account best practice environmental management for the activity and the risks of environmental harm being caused by the activity);

    c) how any environmental harm that may be caused by the activity will be prevented or minimised; and

    d) how compliance with condition 5-L1 of the EA will be achieved by the end of the TEP.

12) In considering whether to approve the draft TEP, the department has complied with all relevant requirements under section 338 of the Act.

13) After considering the relevant requirements under section 338 of the Act, the department considers that the conditions outlined in Schedule 1 are appropriate to impose upon the grant of the TEP.

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 administering authority, may be able to apply to have the administering authority review that original decision.

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

1. within 10 business days of the decision being notified to the person;
2. be supported by enough information to enable the administering authority to decide the application for review; and
3. be made using the application for review of an original decision form (ESR/2015/1573) [2].

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.

A person whose interests are or would be adversely affected by a decision of the administering authority 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 (ESR/2015/1572)[2].

You may have other legal rights or obligations and should seek your own legal advice.

[2] 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.des.qld.gov.au.

Should you have any queries in relation to this notice, please contact Lara Ritchie, Principal Environmental Officer of the department on telephone number (07) 4999 6883.

	11 September 2020
Signature	Date

Tim Brain
Manager (Compliance)
Delegate of the Chief Executive
Department of Environment and Science
Environmental Protection Act 1994

Enquiries:
Lara Ritchie
Principal Environmental Officer
Ph: (07) 4999 6883
Email: CWES_Mackay@des.qld.gov.au

Attachments

Copy of the Environmental Authority with the notation of approval of the TEP

Copy of draft TEP submitted 24 August 2020 – reference number E-100018841

Schedule 1 — Conditions of transitional environmental program E-100018841

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The transitional environmental program at the location described above must be conducted in accordance with the following conditions of approval.

Agency Interest: General	
Condition number	**Condition**
1	For the duration of the TEP, the Nebo Waste Water Treatment Plant must be operated in accordance with all conditions stipulated under the Environmental Authority EPPR00791913, except for the maximum Electrical Conductivity (EC) level set by condition 5-L1, unless otherwise stated in the TEP or the conditions of the TEP approval.
2	Any contravention of a requirement of the TEP or of the conditions of the TEP approval must be reported to the department within 24 hours of you becoming aware of the contravention.
3	The **Start date** stated in the TEP is amended from 2 May 2020 to 11 September 2020.
Agency Interest: Water	
Condition number	**Condition**
4	The *EC* ***yearly maximum mean*** stipulated under ***Table 5.2 – Treated effluent release limits to irrigation area*** of condition 5-L1 of the EA will be increased from 1,600µS/cm to 3,200µS/cm until such time as a new EC limit is determined by way of an EA amendment.
5	Action # 2.0 of the TEP must commence no later than 16 December 2020.
Agency Interest: Monitoring	
Condition number	**Condition**
6	You must carry out soil monitoring for salinity through the soil profile at two (2) locations in the effluent irrigation area prior to 30 October 2020, and then every 12 months, for the duration of this TEP.
7	The soil monitoring for salinity through the soil profile in the effluent irrigation area must be undertaken using the "Techniques for measuring $EC_{1:5}$ – Field method" described on page 60 of the "Salinity Management Handbook – second edition" - Department of Environment and Resource Management 2011 (https://www.publications.qld.gov.au/dataset/salinity-management-handbook/resource/f08e01ca-4984-47f5-87cd-f9fb17c118a7) (the Handbook).
8	The soil monitoring for salinity must use field tests of $EC_{1:5}$, as described in the Handbook, through the soil profile and analyse soil samples taken from the top 0.1 m of the soil, and then samples taken every 0.1 to 0.2 m descending down the soil profile to a depth of greater than 1 m.

9	You must provide the results and analysis of the results to the administering authority within one (1) month of undertaking the monitoring.

END OF CONDITIONS