# Notice

***Environmental Protection Act 1994***

## Clean-up Notice

*This clean-up notice is issued by the administering authority pursuant to section 363H of the* Environmental Protection Act 1994 *to advise you of a decision requiring you to take the stated action in regard to a contamination incident.*

Caltex Australia Petroleum Pty Ltd (ACN: 000 032 128)
Level 24, 2 Market Street
SYDNEY NSW 2000

Your reference: Caltex decommissioned Kingaroy fuel depot site

Our reference: E-100004389, CR83223, 101/0025630, EMR listing ID 38591

12 June 2020

**Take notice:** that under section 363H of the *Environmental Protection Act 1994* (the Act) a clean-up notice is issued to Caltex Australia Petroleum Pty Ltd (ACN: 000 032 128) (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The clean-up notice is issued with respect to the activities of Caltex Australia Petroleum Pty Ltd at the decommissioned Caltex Kingaroy Depot (Caltex site ID 11715) on land described as Lot 15 on SP145188 (the premises) situated at 26-30 Stolzenberg Street, Kingaroy, Queensland.

### A. Grounds

The clean-up notice is issued on the following grounds:

1) Pursuant to section 363G of the Act, the administering authority reasonably believes that you are a prescribed person for a contamination incident.

2) The contamination incident involves:
   a) contamination of the environment that the administering authority is satisfied has caused, or is likely to cause, serious or material environmental harm; and
   b) the carrying out of an activity on contaminated land and a change in the condition of contaminated land that the administering authority is satisfied has caused, or is likely to cause, the land or any other land to become contaminated land.

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

**Premises:**

1) The premises is the decommissioned Caltex Kingaroy Depot (Caltex Site ID 11715) on land described as Lot 15 on SP145188 situated at 26-30 Stolzenberg Street, Kingaroy, Queensland (the premises).

2) The premises is listed on the Environmental Management Register (EMR listing ID 38591) under the Act for carrying out the notifiable activity of petroleum product or oil storage.

**Activity and Occupier:**

3) You (Caltex Australia Petroleum Pty Ltd) are a currently registered Australian propriety and limited company (ACN 000 032 128) as defined under section 45A(1) of the Commonwealth *Corporations Act 2001*.

4) The premises was under your operational control when it was operated as a fuel storage depot between approximately 1990 and 2015.

5) You leased the premises from the South Burnett Regional Council. The depot was operationally decommissioned in 2015, after which time you have been conducting demolition, site contamination assessment and clean-up activities. You continue to lease the premises currently.

6) As part of the activity of operating a fuel depot, keeping and maintaining fire-fighting equipment and products on site was required. Fire-fighting foams containing per- and polyfluoroalkyl substances (PFAS) were kept and used at the premises.

7) The duty to notify of environmental harm form submitted to the department by you on 6 February 2018 stated that fire carts containing three 20 litre drums of PFAS containing fire-fighting foam concentrate were found in a shed at the premises during the demolition works in 2015. Subsequent sampling and analysis of soil at the premises in November 2016 indicated the presence of PFAS known to be present in this product, including perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorohexane sulfonate (PFHxS) and homologous compounds.

8) Subsequent sampling and analysis undertaken in January 2018 of groundwater on and off the premises indicated the presence of PFAS known to be present in firefighting foams.

9) Further testing of soil and groundwater in June 2018 again confirmed the presence of PFAS compounds in the soil at premises and the groundwater on and off the premises.

10) The department reasonably believes that the above-mentioned soil and groundwater sampling results indicate that a PFAS release event (or events) has occurred during equipment testing or training at the premises which resulted in PFAS contamination of soil on the site and subsequently the contamination of the groundwater underlying the site through leaching of the PFAS from the contaminated soil and migration down to the groundwater table.

**Contamination Incident**

11) The contamination incident is related to contamination of soil and groundwater by PFAS at the premises.

12) A contamination incident has occurred during the use of the premises as a fuel storage and distribution depot. This involved the release of fire-fighting foam solution that contained PFAS onto the ground.

13) The PFAS contamination of the soil occurred sometime prior to November 2016. The PFAS contamination of groundwater beneath and surrounding the premises occurred sometime prior to January 2018 as indicated by the groundwater testing results referred to in your duty to notify of environmental harm form submitted to the department on 6 February 2018.

14) The department is satisfied that the contamination incident has caused or is likely to cause, serious or material environmental harm, in the form of PFAS contamination of soil on site and contamination of the underlying and surrounding groundwater.

15) The department is further satisfied that the environmental harm is ongoing as it reasonably believes that the soil that is contaminated on the premises is acting as a secondary contamination source to groundwater and potentially surface waters.

    a) The department is satisfied that a release of PFAS has occurred on the premises causing the premises to become contaminated land.

16) Further, the department is satisfied that there has been a change in the condition of contaminated land, namely the land has become contaminated land due to PFAS contamination of soil, which has leached into groundwater and potentially surface waters.

**Prescribed Person:**

17) You are the prescribed person for the contamination incident pursuant to section 363G of the Act because:

    a) you caused or permitted the incident to happen, by failing to contain the PFAS in any training or testing or storage of fire-fighting foam containing PFAS at the premises that was conducted by you or on your behalf;

    b) the training, testing and or storage resulted in the release of fire-fighting foam containing PFAS to ground;

    c) you were the occupier of the place at which the incident happened; and

    d) you were the person in control of the PFAS contaminants which were stored at the premises as you were in control of the subject firefighting foam concentrate product. This was aqueous film forming foam (AFFF firefighting foam) which is a formulation based on PFAS compounds.

18) You are the prescribed responsible person for the contamination incident pursuant to section 363F paragraph (b) of the Act because:

    a) PFAS compounds are hazardous contaminants under the Act due their characteristics of environmental persistence and propensity to bio-magnify and bio-accumulate in plants animals and people; and

    b) you are the person who released the hazardous contaminants to land on the premises.

**Environmental Harm:**

19) On 6 February 2018, you provided notification to the department via a *Duty to notify of environmental harm* form that PFAS had been detected in groundwater in six groundwater monitoring bores at the premises.

20) You submitted a report titled *Contaminated Land Investigation Document (CLID) – Non Statutory, Former Caltex Kingaroy Depot (11715), 26-30 Stolzenberg Street, Kingaroy QLD, WSP Pty Ltd Dec 2018* (the CLID) to the department on 25 January 2019.

21) The *PFAS National Environmental Management Plan v2.0* (hereafter referred to as PFAS NEMP) published by the National Chemicals Working Group of the Heads of EPAs Australia and New Zealand (HEPA) in January 2020 lists environmental guideline values for PFAS levels for (amongst other things) the following:

    a) human health for exposure of humans that come into direct contact with soil;
    b) human health for exposure of humans that come into direct contact with soil, and consume home-grown produce grown in the soil;
    c) human health for exposure of humans to drinking and recreational water;
    d) protection of ecological receptors from direct and indirect exposure to soil; and

e) protection of ecological receptors from direct and indirect exposure to water.

22) The maximum concentrations of PFAS compounds found on the premises as reported in the CLID are listed in Table 1 below and compared to soil guideline criteria for current land use and residential land use detailed in the PFAS NEMP.

***Table 1 - Maximum soil concentrations of PFAS compounds on Premises compared to PFAS NEMP Guidance***

| PFAS compound | Maximum soil concentration (mg/kg) on premises | PFAS NEMP soil criteria for industrial / commercial (mg/kg) | |
|---|---|---|---|
| | | Interim ecological indirect exposure | Human Health |
| PFOS | 0.045 | 0.01 * | - |
| Sum of PFOS and PFHxS | 0.0542 | - | 20 |
| PFOA | 0.0026 | - | 50 |
| Total PFAS | 0.0691 | - | - |
| PFAS compound | Maximum soil concentration (mg/kg) on premises | PFAS NEMP soil criteria for residential land use (mg/kg) | |
| PFOS | 0.045 | 0.01 | |
| Sum of PFOS and PFHxS | 0.0542 | - | 0.01 |
| PFOA | 0.0026 | - | 0.1 |
| Total PFAS | 0.0691 | - | - |

- *Means no specific criteria provided, for total PFAS, site and PFAS specific consideration applies*
- * *Site-specific characteristics may justify the use of a higher value (up to 0.14 mg/kg) as the trigger for a detailed site specific investigation of risk, as per the guidance in section 8.6.1 of the NEMP.*

23) The concentrations of PFOS in soil at the premises exceed the PFAS NEMP interim soil criteria for ecological indirect exposure (noting a higher guideline level of up to 0.14 mg/kg may be applicable in certain situations, see note in Table 1, which would not in that case be exceeded by concentrations of PFOS in soil at the premises).

24) The concentrations of PFOS, PFHxS and PFOA in soil at the premises **do not** exceed the human health screening levels specified for industrial / commercial sites (which are applicable to the current land use at premises).

25) The concentrations of PFOS and PFHxS in soil at the premises exceed both the PFAS NEMP interim soil criteria for ecological indirect exposure and the human health screening levels specified for residential land use. Whilst these concentrations are not applicable to the current land use, they indicate that the premises land is not fit for future unrestricted land use and create potential environmental harm to public health and safety should land use change upon cessation of the lease.

26) The PFAS NEMP advises that compliance with the soil criteria to protect human health listed above does not address environmental and human health risks associated with PFAS in soils leaching into waters, any off-site transport such as through erosion and bioaccumulation and secondary exposure in aquatic organisms or agricultural receptors.

27) The CLID identifies several locations where trace PFAS concentrations have been found in locations in the surface soil of stormwater drains in areas outside the premises. Whilst the soil concentrations of PFOS, PFHxS and PFOA do not exceed PFAS NEMP ecological or health-based guideline values, the results indicate a high likelihood that stormwater from the site has carried PFAS from the site to down-gradient areas. The CLID advises that the land chiefly receiving this run-off is likely vacant land west of Kingaroy Street, Kingaroy.

28) The department is aware of other investigations of PFAS contaminated sites that have identified direct contamination pathways linking the soil contamination to the contamination of stormwater and down gradient land on stormwater flow paths.

29) Further investigation of stormwater flow paths from the premises and down-gradient land is required to determine potential contamination and the potential for environmental harm.

30) Samples of soil from the premises have been tested according to the Australian Standard Leaching Procedure (ASLP). This procedure mixes the subject soil with a leach solution, in this case deionised water, to simulate the effect of rainwater or groundwater infiltrating through the soil.

31) The ASLP testing's objective is to ascertain whether there is any potential for the contaminants to leach from the tested soil. This testing has indicated that the PFAS contaminated soil on the premises has potential to leach PFAS when exposed to water through infiltration; highlighting the potential for PFAS to migrate from the premises to the underlying groundwater or adjacent surface waters.

32) The ASLP testing of soil from the site indicated concentrations of leachable PFAS + PFHxS up to 2.84 µg/L, which is above the PFAS NEMP drinking water guideline of 0.07 µg/L.

33) The ASLP testing of soil also indicated concentrations of leachable PFOS up to 2.3 µg/L, which is significantly greater than the PFAS NEMP aquatic ecosystem freshwater guideline value for 99% species protection (0.00023 µg/L).

34) Correspondence titled *Caltex Kingaroy (11715) - Groundwater Sampling Results (Per- and Poly-Fluoroalkyl Substances - PFAS) Taabinga State School June 2018- March 2019* was submitted to the department by WSP Pty Ltd on 10 April 2019. This report contained the results of groundwater monitoring events conducted on the Taabinga state School irrigation bores by WSP Pty Ltd on your behalf.

35) Concentrations of PFAS compounds found in groundwater at the premises and at off-site locations (including Taabinga State School from the oval irrigation bore) are compared to the relevant PFAS NEMP water quality guideline criteria in Table 2 below.

***Table 2 – Maximum groundwater concentrations of PFAS compounds compared to PFAS NEMP guideline criteria.***

| PFAS compound | NEMP Guideline Value (µg/L) | | | Maximum concentration in groundwater (µg/L) | | |
|---|---|---|---|---|---|---|
| | Freshwater aquatic ecosystem (99% species protection) | Drinking water | Recreational water | Directly below Kingaroy Depot premises | Off-site near Kingaroy Depot Site | Taabinga School irrigation bore south (off-site) |
| PFOS | 0.00023 | - | - | 0.48 | 0.024 | 0.0096 |
| Sum of PFOS + PFHxS | - | 0.07 | 2.0 | 7.91 | 0.404 | 0.0306 |
| PFOA | 19 | 0.56 | 10 | 0.24 | 0.008 | Not detected |
| Total PFAS | - | - | - | 15.2 | 0.772 | 0.0586 |

- *Means no specific criteria provided, for total PFAS, site and PFAS specific consideration applies*

36) Groundwater below the premises exceeds guideline criteria stipulated for PFOS for aquatic ecosystem protection, drinking water and recreational water (Sum of PFOS + PFHxS).

37) Groundwater off site, depending upon location, exceeds PFAS guideline criteria stipulated for PFOS for aquatic ecosystem protection and drinking water (Sum of PFOS + PFHxS). For example, more distant off-site bores such as at Taabinga School southern irrigation bore comply with drinking water values but exceed the ecological criteria whereas the bore to the southwest of the premises on Stolzenberg Street (MW8) exceeds both.

38) The PFAS affected groundwater creates a risk of potential environmental harm:
   a) if groundwater is abstracted for drinking water or recreational water; or
   b) if groundwater discharges to land or surface waters; or
   c) if groundwater is abstracted and allowed to flow to land or into surface waters.

39) There are numerous properties not yet investigated, but potentially affected by PFAS, as they are located between the premises and more distant bores at which PFAS has been detected. These include residential premises along Rae Street between bores MW10 and MW11 and premises to the south and southeast along Stolzenberg Street. It is noted that bore MW08 samples groundwater to the southwest along this road.

40) Under the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019* section 6 and *Environmental Protection Act 1994* section 9, environmental values are protected. The following environmental values are considered by the department to be relevant to groundwater in the area in which the premises are located:
   a) Protection of an aquatic ecosystem (for groundwater expressing to surface waterways);
   b) Irrigation (for gardens and food crops);
   c) Farm supply/use (for non-potable domestic use);
   d) Stock water (for groundwater abstracted from bores);
   e) Human consumer (for groundwater expressing to surface waterways);
   f) Primary recreation (for groundwater expressing to surface waterways, used to fill pools or for sprinkler play);
   g) Secondary recreation (for groundwater discharged to waterways); and

h) Cultural and spiritual values (for groundwater discharged to waterways).

41) The department considers that the above environmental values can be adversely affected by PFAS contamination. The risk to the environmental values of the groundwater from PFAS contamination is caused by the potential for PFAS compounds to persist for very long time periods and bio-accumulate and biomagnify in exposed receptors, including humans.

42) The CLID contains the following conclusions made by the suitably qualified person concerning the level of risk to human health and the environment:
   a) Secondary contamination consisting of low levels of PFAS in soil exists on the Caltex Kingaroy depot site.
   b) The secondary contamination presents a continuing risk of contamination through leaching of PFAS into the underlying groundwater and being carried by stormwater from the site into drains surrounding the site.
   c) PFAS impact has been identified in groundwater on and off site from the Caltex Kingaroy Depot.

43) The department considers that the PFAS contamination present in soil at the premises has caused environmental harm to groundwater in the locality and poses a risk of causing additional or ongoing environmental harm from the leaching of PFAS compounds in soil to groundwater.

44) The environmental harm is considered at least material environmental harm in that:
   a. it is not trivial or negligible in nature, extent or context; or
   b. it will result in costs of more than the threshold amount ($5000) being incurred in taking appropriate action to (i) prevent or minimise the harm; and (ii) rehabilitate or restore the environment to its condition before the harm.

   The environmental harm is considered to possibly constitute serious environmental harm in that, amongst other things will result in costs of more than the threshold amount ($50,000) being incurred in taking appropriate action to (i) prevent or minimise the harm; and (ii) rehabilitate or restore the environment to its condition before the harm.

   The cost required for remediation of PFAS in the soil at premises and potentially groundwater underlying the premises constitutes a contamination incident that has caused material and potentially serious environmental harm for the purposes of section 363F of the *Environmental Protection Act 1994*.

45) As a result, the department considers that it is reasonable to require you to conduct additional investigations of the nature and extent of environmental harm, take action to prevent or minimise contamination, develop a remediation plan and keep the department informed about the actions taken under this notice.

## B. Requirements

You are required to do the following:

*Actions to prevent or minimise contamination*

1. By **29 June 2020** you must engage a suitably qualified person (SQP) and a contaminated land auditor (an auditor) to complete the requirements of this Clean-up Notice.
2. By **14 December 2020** you must ensure that the SQP engaged to satisfy Requirement 1 completes the Requirements 2.a. to 2.e. of this Clean-up Notice:

a. Determine the location and extent (both laterally and at depth) of contaminated soil on the premises that is the ongoing source of PFAS releases to groundwater and stormwater (herein after termed "the secondary source zone");

b. For soils in the secondary source zone, determine the remediation options to (i) prevent the soil in the secondary source zone from releasing PFAS to surface water and groundwater; and/or (ii) remove and dispose the soil in the secondary source zone to an appropriate facility; and/or (iii) destroy the PFAS contaminants in the secondary source zone;

c. Provide the preferred remediation option(s) for the soil in the secondary source zone to the department, the plan for carrying out the remediation and explain the rationale for that preference;

d. Provide to the department a reasonable time-frame to carry out the preferred remediation identified and subsequent validation of remediation of the soil in the secondary source zone; and

e. Provide a report to the department by **14 December 2020** detailing the results of the above determinations 2.a. to 2.d. inclusive. The report must provide a proposed soil remediation action plan and timeframe.

3. You must have due regard to any comments made by the department on the report required under point 2.e. and provided by the department to you within one month of it being submitted for review and amend the remediation action plan as necessary.
4. By **15 February 2021** you must commence the works required under the remediation action plan, and all remediation works must be completed within the timeframe identified in point 2.d.
5. Following completion of soil remediation, validation sampling and analysis must be undertaken. A validation report must be prepared by the SQP required by Requirement 1 and submitted to the department within three months of completion of the soil remediation work.
6. The remediation works must be conducted under the supervision of the SQP who prepared the soil remediation action plan. The SQP required by Requirement 1 must ensure remediation works are undertaken in accordance with the above-mentioned soil remediation action plan.

*Actions to assess uncertainty about the extent of the environmental harm where the current investigations of impact on nearby properties and along stormwater drainage are incomplete*

7. By **29 June 2020** you must engage a suitably qualified person (SQP) to carry out the Requirements 7.a. to 7.c. of this Clean-up Notice:

    a. Conduct sufficient sampling to determine the quality of the groundwater for PFAS contaminants underlying the area surrounding the site. This sampling must be conducted at the bores listed in Table A1 and shown in Figure A1 (with blue bore designators showing "BH..." labels) attached to this notice. The sampling must also be conducted at and existing sampling information used for existing monitoring bores MW09, MW10, MW11 and MW12.

    b. Using the information collected under requirement 7.a., determine whether the groundwater beneath the areas listed below has been or is likely to be contaminated with PFAS compounds and, if so, whether the contamination is such that environmental values of suitability for drinking

water, ecological protection, recreational contact, stock watering or human food crop irrigation are adversely affected.

The area that must be considered in this determination includes all properties within a 200m radius of the premises (as shown in Figure A2) described as including:

i) residential premises on Rae Street;
ii) commercial allotments and residential properties on Kingaroy St;
iii) properties adjoining the premises;
iv) properties immediately to the south, and southeast of the premises on Stolzenberg Street; and
v) Taabinga State School.

c. Determine the quality of stormwater runoff that discharges from the premises and the quality of sediment in the receiving stormwater drain west of Kingaroy Street in relation to PFAS compounds. If PFAS contaminant releases are confirmed via this suspected pathway, evaluate risk of environmental harm to environmental values. This must incorporate undertaking any additional sampling and analysis if the SQP and/or auditor deem it necessary.

*Assess actions to rehabilitate or restore the environment because of the incident*

8. By **29 June 2020** you must engage a suitably qualified person (SQP) to carry out the Requirements 8.a. to 8.e. of this Clean-up Notice:

   a. Determine remediation options to treat and/or remove PFAS in groundwater at the premises that comprises an ongoing source of contamination.

   b. Determine remediation options to treat and/or remove PFAS in groundwater offsite that is not suitable for ecological protection, recreational contact, stock watering and human food crop irrigation.

      The remediation options considered must remove PFAS from groundwater to the greatest practicable extent, be capable of also effectively removing perfluoroalkyl acid precursors in groundwater where analysis using the total oxidisable precursor assay shows such precursors present. [Note: precursors have been identified in groundwater sampled by bores MW01, MW06 and MW08]

   c. Detail the preferred remediation options for contaminated groundwater and provide the rationale for those preferences.

   d. Detail how remediation options for contaminated groundwater will not directly or indirectly cause environmental harm.

   e. Detail, with justification, a time-frame to reasonably and expeditiously carry out the remediation and subsequent validation of the groundwater at the premises and for any relevant off-site location relevant to requirements 8.a. to 8.d. inclusive.

9. By **14 June 2021** you must provide a report to the department detailing the results of the determinations under requirements 7.a. to 7.c. inclusive and 8.a. to 8.e inclusive and a proposed groundwater remediation action plan.

*Additional actions to keep the administering authority informed about the outcomes and progress in meeting the associated requirements made under this notice*

10. By **14 December 2020** you must provide a report to the department outlining your progress in meeting Requirements 7 and 8.
11. You must provide a report as soon as practicable to the department of the occurrence of any event or factor beyond your control that threatens compliance with a requirement or timeframe under this notice.
12. You must report in writing to the department within 24 hours of becoming aware of any monitoring result that indicates actual or potential environmental harm being caused, excepting where a notification has already been made previously to the department in relation to that environmental harm.

*Associated Requirements*

13. During any earthworks conducted on the premises during the remediation, you must take all reasonable and practicable measures to prevent or minimise the release of PFAS to the environment.
14. Any soil required to be removed from the premises must be subject to authorisation under a disposal permit for contaminated soil issued under section 739 of the *Environmental Protection Act 1994.*
15. Any waste produced in carrying out the requirements must be disposed of at a facility lawfully able to accept and dispose or treat the waste.

*Quality Assurance requirements*

16. The Requirements of this Clean-up Notice must be undertaken in accordance with the relevant requirements of the *National Environment Protection (Assessment of Site Contamination) Measure*, made by the National Environment Protection Council under the Commonwealth *National Environment Protection Council Act 1994* and module 6 of the *Queensland Auditor Handbook for Contaminated Land* (Department of Environment and Science, July 2018).
17. All reports, determinations, remediation action plans and validation reports submitted to the department must be certified by an auditor approved by the department for contaminated land matters under Chapter 12, Part 3A of the *Environmental Protection Act 1994.*
18. All samples must be analysed by a National Association of Testing Authorities (NATA) accredited laboratory (wherever possible).
19. For samples analysed using total oxidisable precursor assay, compliance with the quality assurance measures for the assay section 19.2 of the *PFAS National Environmental Management Plan v1.0* (published by the Heads of EPA's of Australia and New Zealand, January 2018) must be evaluated.
20. Sampling and analysis of stormwater and groundwater for PFAS must achieve the lowest limit of reporting commercially achievable, including for PFOS, a LOR of 0.0005 µg/L (wherever possible, acknowledging that matrix effects may sometimes result in interference with some analyses).
21. All reports provided to the department related to the requirements must include:
    a. all results, measurements and data undertaken or collected as part of the investigations and/or used to inform the reports[1] ;

[1] If deemed suitable by the SQP, all on-site data, including previous investigation data, collected by you and your consultants may be used to support the investigations, determinations and reports.

b. detail of the relevant legislative, regulatory and technical criteria on which the determinations have been based;
c. the required determinations, describing exactly what has been assessed and the precise nature of each determination;
d. the relevant data and facts on which the determinations have been based, the source of that material, and the efforts made to obtain all relevant data and facts;
e. the reasoning on which the determinations have been based using the relevant data and facts, and the relevant criteria; and
f. a quality assurance assessment to ensure information used is fit for purpose.

**Definitions**

***"auditor"*** means an auditor approved by the department for contaminated land matters under Chapter 12, Part 3A of the Act.

***"validation report"*** for the relevant location, means a report about work carried out to remediate the land.

"***suitably qualified person (SQP)"*** as required by and in accordance with section 564 of the Act. For further information about the requirements of an SQP, refer to the Qld Government website at https://www.qld.gov.au/ (using 'suitable qualified person' as the search term).

**Note:**

- The requirements of the clean-up notice take effect immediately upon service of the notice.
- This notice remains in force until further notice from the administering authority.

## C. Appeal rights

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act. Internal review of the decision to issue a clean-up notice is not available. If you are dissatisfied with the decision to issue this clean-up notice, you may apply to the relevant court for a stay of the decision to issue the clean-up notice.

A person who is dissatisfied with the decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the 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 (ESR/2015/1572) available on the Queensland Government website at www.qld.gov.au, using the publication number (ESR/2015/1742) as a search term.

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

## D. Penalties

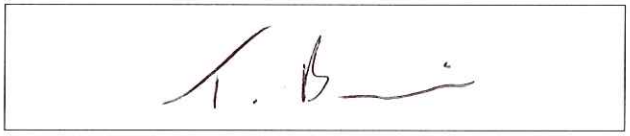
Failing to comply with a clean-up notice is an offence unless you have a reasonable excuse.

- The maximum penalty for a corporation for wilfully contravening a clean-up notice is 31,250 penalty units, totalling $ 4,170,313.

- The maximum penalty for a corporation contravening a clean-up notice is 22,500 penalty units, totalling $ 3,002,625.

If you do not comply with the clean-up notice, an authorised person may also take any of the actions stated in the notice and the department may recover from you the costs incurred in taking the actions.

Should you have any queries in relation to the notice, please contact Dan Cohen, Principal Environmental Officer on telephone number (07) 4302 8516.



Signature

12 June 2020

Date

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

**Enquiries:**
Maryborough Compliance Centre
Department of Environment and Science
Ph: (07) 4302 8589
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## F. Attachments to Clean Up Notice E-100004389

**Table A1 – Locations for installation of additional groundwater monitoring bores for requirement 7a.**

| BORE LOCATION | REASON FOR POSITONING |
|---|---|
| BH100 (a)/(b) | Side by side wells (deep well)/ (shallow well) to determine vertical delineation on site |
| BH101 (a)/(b) | Side by side wells (deep well)/ (shallow well) both acting as intercepting wells to registered bore RN144350. and comply with requirement 7a of the CUN |
| BH102 | Lateral boundary well for south of Stolzenberg Street and to comply with requirement 7b (iv) of the CUN |
| BH103 | Lateral boundary well for south of Kingaroy Street. and comply with requirement 7b (ii) and (iv) of the CUN |
| BH104 | Delineate further contamination from MW08 and to comply with requirement 7b (ii) and (iv) of the CUN |
| BH105 | Intercepting well for registered bore RN135893, delineate further contamination from MW09 and comply with requirement 7b ii of the CUN |
| BH106 (a)/(b) | Side by side wells (deep well)/ (shallow well) on corner of Kingaroy St/Rae Street to delineate contamination of aquifers. and comply with requirement 7b (i) and (ii) of the CUN |
| BH107 | Delineate any further contamination on school oval given T_MW02 is impacted and comply with requirement 7b (v) of the CUN |
| BH108 (a)/(b) | Side by side wells (deep well)/ (shallow well) to determine the impact to both aquifers past the Northern irrigation bore and comply with requirement 7b (v) of the CUN |
| BH109 | Lateral boundary well to determine if the plume has potentially migrated east and towards registered bore RN144158 |
| BH110 (a)/(b) | Side by side wells (deep well)/ (shallow well) to determine potential impacts cross-gradient |
| BH111 (a)/(b) | Side by side wells (deep well)/ (shallow well) to determine extent of contamination north of the investigation radius |
| BH112 | Replacement well for TBW_South, that will be used for monitoring purposes and comply with requirement 7b (i) and (v) of the CUN |
| BH113 | Lateral boundary well to determine extent of contamination north-west of the investigation radius |
| BH114 | Lateral boundary well on the eastern portion of the investigation radius |
| BH115 | Intercepting well for the un-registered bore located 48 Evelyn Street, Kingaroy |

Figure A1 – Locations for installation of additional groundwater monitoring bores for requirement 6a, showing the location of required bores as listed in Table A1.

Figure A2 – **The area that must be considered in the determination of the quality of the groundwater for PFAS contaminants includes all properties within the shown 200m radius of the premises**