

Letter

Environmental Protection Act 1994

Finalisation of an Environmental Protection Order

This letter of finalisation of an environmental protection order is issued by the administering authority to advise that the environmental protection order issued pursuant to section 360 of the Environmental Protection Act 1994 is no longer in effect.

Mackay Sugar Limited (ACN 057 463 671)
Racecourse Mill
Peak Downs Highway
Racecourse via Mackay, QLD, 4740

Your reference: EPPR00423513

Our reference: STAT-E- 100293992; C-CPLRC-100293903

Monday, 22 May 2023

Dear Director

Take notice: that on Wednesday, 10 August 2022 under the *Environmental Protection Act 1994* (the Act) the administering authority issued an environmental protection order (EPO) to Mackay Sugar Limited (you). Following a request from you, the administering authority reissued the EPO on Wednesday 9 November 2022. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO was issued in respect to the activities of Pleystowe Mill at on land described as Lot 31 on SP312691, Lot 32 on SP129018, Lot 3 on SP276550, Lot 5 on RP836242, Lot 4 on RP704212 and Lot 4 on SP105215 (the premises).

A. Requirements

The requirements of this EPO were:

Requirement 1	On and from the date of this EPO, you must immediately cease the release of untreated effluent from Pleystowe Mill Pond 1 to Bakers Creek.
Requirement 2	The following visual observations must be undertaken at the locations described in Table 1: a) Water colour, clarity, surface scums, odour, presence of aquatic life or fish kills. Table 1: Monitoring locations for visual observations

	<table> <tr> <th>Monitoring point</th><th>Location (GDA2020)</th></tr> <tr> <td>Seepage at Pond 1</td><td>-21.15395,149.03406</td></tr> <tr> <td>QR rail culverts</td><td>-21.15490,149.03437</td></tr> <tr> <td>Sump in drain</td><td>-21.15564,149.03427</td></tr> <tr> <td>Bund at end of drain</td><td>-21.15748,149.03390</td></tr> </table>	Monitoring point	Location (GDA2020)	Seepage at Pond 1	-21.15395,149.03406	QR rail culverts	-21.15490,149.03437	Sump in drain	-21.15564,149.03427	Bund at end of drain	-21.15748,149.03390		
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Requirement 3	The monitoring as per Requirement 2 is to be undertaken daily from the date of this EPO until 14 August 2022 and in the event of rain, inclusive.												
Requirement 4	The quality of waters must be monitored at locations listed in Table 2 for the following quality characteristics: a) pH (in-situ); b) DO (in-situ); c) Temperature (in-situ); d) 5 Day Biological Oxygen Demand; e) Total Suspended Solids; f) Nitrogen (oxidised nitrogen (NO_x), ammonia, organic nitrogen); g) Visual inspections, including observations such as water colour, clarity, surface scums, odour, presence of aquatic life or fish kills. Table 2: Monitoring point locations <table> <tr> <th>Monitoring point</th><th>Location (GDA2020)</th></tr> <tr> <td>Pond 1</td><td>-21.15354,149.03440</td></tr> <tr> <td>Bakers Creek upstream</td><td>-21.15751,149.03358</td></tr> <tr> <td>Bakers Creek downstream 1</td><td>-21.15772,149.03402</td></tr> <tr> <td>Bakers Creek downstream Old Pleystowe Road</td><td>-21.16152,149.04616</td></tr> <tr> <td>Bakers Creek downstream Pugsley Street</td><td>-21.15936,149.05134</td></tr> </table>	Monitoring point	Location (GDA2020)	Pond 1	-21.15354,149.03440	Bakers Creek upstream	-21.15751,149.03358	Bakers Creek downstream 1	-21.15772,149.03402	Bakers Creek downstream Old Pleystowe Road	-21.16152,149.04616	Bakers Creek downstream Pugsley Street	-21.15936,149.05134
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Requirement 5	Notwithstanding Requirement 4, 5 Day Biological Oxygen Demand is only required to be monitored Monday to Friday.												
Requirement 6	The monitoring of waters as detailed in Requirement 4 points a) to g) is to be undertaken daily from the date of this notice until 14 August 2022, inclusive.												
Requirement 7	The monitoring of waters as detailed in Requirement 4 points a) to g) is to be undertaken as follows: a) Twice weekly (minimum three (3) days apart) between 15 August 2022 and 28 August 2022, inclusive; and b) Weekly between 29 August 2022 and 11 September 2022, inclusive.												

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Requirement 8	You must submit a progress report to the department by 5pm on each of the following dates: a) Friday 12 August 2022 b) Friday 26 August 2022 c) Friday 9 September 2022
Requirement 9	The progress reports required by Requirement 8 must include all water quality monitoring data undertaken in accordance with the requirements of this EPO.
Requirement 10	By Monday 22 August 2022, you must engage a suitably qualified RPEQ to undertake a structural stability assessment of Pond 1 (including the bund) and Pond 2.
Requirement 11	The assessment required by Requirement 10 must include the following: a) An assessment of the structural stability and suitability of the bund that was created at the bagasse pad adjacent to Pond 1 which is permitting the seepage at Pond 1 to occur. b) Determination on if the bund is fit for purpose. c) An assessment of the structural stability of Pond 1, Pond 2, Pond 3, Pond 4, Pond 5 and Pond 6 at Pleystowe Mill to determine: a. Their suitability in storing the volumes of effluent currently being stored; and b. Their risk of failure (failure impact assessment).
Requirement 12	You must undertake an investigation into the origin of the underground irrigation pipeline to: a) Determine how it is connected to Pond 1 and/or the seepage; and b) Identify options for appropriate actions to isolate or remove the underground irrigation pipeline to prevent any further unauthorised releases that was identified to be causing the release of untreated effluent to Bakers Creek.
Requirement 13	By 5 September 2022, you must implement appropriate actions identified as a result of Requirement 12 to isolate or remove the underground irrigation pipeline to prevent any further unauthorised releases of untreated effluent to Bakers Creek.
Requirement 14	By 17 October 2022, you must investigate options to remove or treat the untreated effluent from Pond 1 and Pond 2 at Pleystowe Mill in accordance with any provisions under the <i>Environmental Protection Act 1994</i> and the EA.
Requirement 15	By 24 October 2022, you must remove or treat the untreated effluent from Pond 1 and Pond 2 at the Pleystowe Mill in accordance with any provisions under the <i>Environmental Protection Act 1994</i> and the EA.
Requirement 16	By 4pm Monday 7 November 2022 <u>Friday 6 January 2022</u> , a final report must be provided to the department which details the following:

	a) An assessment of Pleystowe Mill's untreated effluent releases including volume, quality, and potential impact to the environment considering the environmental values, water quality objectives and management objectives of Bakers Creek as detailed in the Environmental Protection (Water) Policy 2009 Pioneer River and Plane Creek Basins Environmental Values and Water Quality Objectives (2013); b) The assessment required by (a) must consider all water monitoring data conducted as required under this EPO; c) The structural stability assessment required by Requirement 10 and 11; and d) Confirmation and provide evidence that all untreated effluent has been removed or treated in Pond 1 and Pond 2 at Pleystowe Mill in accordance with requirement 15.
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B. Compliance with the requirements

In determining compliance with these requirements of the EPO, the department has considered:

- All progress reports and associated monitoring data submitted in accordance with requirement (8) of the EPO;
- The email dated 21 October 2022 sent by you requesting an extension to requirements (15) and (16) of the EPO;
- The email dated 26 October 2022 sent by the department following a meeting with you to discuss the extension request;
- The final report (including its appendices) submitted in accordance with requirement (16) of the EPO;
- The written response provided by you via email on 11 May 2023 in relation to your commitment to decommission and rehabilitate Pond 1a and 1b following the structural stability assessment carried out by an appropriately qualified person (AQP) in accordance with requirement (10) and (11) of the EPO.

C. Obligations

The department has determined that you have satisfied the requirements of the EPO on the basis of the following:

- The information provided by you in a written response provided on 11 May 2023 via email which detailed your intent to decommission and rehabilitate Pond 1a and 1b at Pleystowe Mill.
- If you do not decommission Pond 1a and 1b, you must ensure that all recommendations made by the AQP in the structural stability assessment are implemented/completed.
- Failure to do so may result in an escalated enforcement response in accordance with the department's enforcement guidelines.

Accordingly, this letter serves as a notice that this EPO is finalised and no longer in effect.

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You are reminded of your responsibility to comply with conditions contained in environmental authority EPPR00423513.

Should you have any queries in relation to this notice, please contact Naomi Camilleri, Team Leader on telephone number (07) 4999 6888 or via CWES_Mackay@des.qld.gov.au.



Signature

22/05/2023

Date

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

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