

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

Postan1 Pty Ltd (ACN 608 236 577)
100 Dornoch Terrace
HIGHGATE HILL QLD 4101

Your reference: EPPR00946213

Our reference: C-CPLPO-100300558 / E-100300572

24/02/2023

Dear Mr Knight

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Postan1 Pty Ltd ACN 608 236 577 (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO is issued with respect to the activity of ERA 63 Sewage Treatment ERA 63 - Sewage Treatment 1(a-i) - Operating sewage treatment works, other than no-release works, with a total daily peak design capacity of 21 to 100EP - if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme on land described as Lot 1 SP155174, Lot 32 SP323923 and Lot 601 H9451 situated at Postan Street, Happy Valley, K'gari (Fraser Island) (the premises).

A. Grounds

This EPO is issued on the following grounds:

1. In accordance with section 358(d)(i) of the EP Act the department requires you to take reasonable measures to secure compliance with the General Environmental Duty. The General Environmental Duty is detailed in section 319 of the Act which states the following: *'A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practical measures to prevent or minimise the harm'* (the **general environmental duty**).

2. In accordance with section 358(d)(iii) of the EP Act the department requires you to take reasonable measures to secure compliance with the following conditions of the Environmental Authority EPPR00946213 (the EA) effective on 27 September 2019:

(a) **Condition C4** states that *the holder of this environmental authority must develop and implement a groundwater monitoring program (GMP) to assess the impacts of land disposal of effluent to demonstrate contaminants are not released to ground water. The GMP shall include, but not be limited to the following:*

(i) *the proposed monitoring bore locations, including control locations and reasons for their selection;*



- (ii) the proposed sampling depths;
- (iii) description of water quality objectives to be achieved;
- (iv) the frequency of sampling and analysis;
- (v) a ground water monitoring system that includes a sufficient number of wells installed at locations and depths that yield representative groundwater samples from the uppermost aquifer and that establish:
 - a) background groundwater quality in hydraulically up gradient or background well(s) that have not been affected by any potential leakage of contaminants to groundwater from the place to which this environmental authority relates; and
 - b) quality of groundwater down-gradient of any potential leakage of contaminants to groundwater for the place to which this environmental authority relates.

(b) **Condition C6** states that the Groundwater Monitoring Program required by condition C4 must provide for the holder of this environmental authority to make determinations and keep records of the quality of at least the following contaminants for the quality characteristics and at the frequency specified in Agency interest: Water – Table 1.

Agency interest: Water – Table 1 – Monitoring Frequencies for Groundwater

Quality Characteristic	Units	Frequency
Total Nitrogen	mg/L	Quarterly
Ammonia Nitrogen	Mg/L	Quarterly
Nitrate Nitrogen	mg/L	Quarterly
Nitrite Nitrogen	mg/L	Quarterly
Total Phosphorous	mg/L	Quarterly
pH	pH scale	Quarterly
Thermotolerant Coliforms	cfu/100mL	Quarterly

(c) **Condition F2** states that the quality of treated sewage effluent must comply, at the sampling and in-situ measurement points specified in Agency interest: Land with each of the release limits specified in Agency interest: Land – Table 1 for each quality characteristic.

Agency interest: Land – Table 1 – Release Quality Characteristics Limits for Treated Sewage Effluent

Quality Characteristic	Release Limit to Irrigation	Limit Type
5-day Biochemical Oxygen Demand (inhibited) (mg/L)	20	Maximum
Suspended Solids (mg/L)	30	Maximum
Turbidity (NTU)	2	Maximum
pH	6.5 – 8.5	Range
Free chlorine residual (mg/L)	0.3 – 1.0	Range
Thermotolerant Coliforms (colony forming units/100mL)	10 ⁽¹⁾	Median

⁽¹⁾A minimum of 4 samples taken at not less than half-hourly intervals in any one day with four out of five samples containing less than 40 organisms per 100mL.

(d) **Condition F5 Quantity of Contaminants Released to Land** states that *the total quantity of contaminants released to land from the sewage treatment plant must not exceed an average of 15kL per day (calculated by a moving average over any 28-day period) and must not exceed a maximum of 22kL per day.*

(e) **Condition F7** states that *the holder of this environmental authority must keep records of the quantity of treated sewage effluent distributed to each irrigation area.*

(f) **Condition F16 Monitoring Contaminant Releases from the Sewage Treatment Plant** states that *the holder of this environmental authority is responsible for the making of determinations and keeping of records of the quality of the contaminants released from the sewage treatment plant for the quality characteristics and at the frequency specified in Agency interest: Land – Table 2.*

**Agency interest: Land - Table 2 - Monitoring Frequencies for Treated Sewage Effluent
Used for Sub-Surface Irrigation**

Quality Characteristic	Units	Frequency
5-day Biochemical Oxygen Demand (inhibited)	mg/L	Quarterly
Suspended Solids	mg/L	Quarterly
Turbidity	NTU	Continuous
pH	pH scale	Quarterly
Free chlorine residual	mg/L	Weekly
Thermotolerant Coliforms	cfu/100mL	Quarterly*
Total Nitrogen	mg/L	Quarterly
Total Phosphorous	mg/L	Quarterly

* using a minimum of 5 samples taken at not less than half-hourly intervals in any one day.

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

1. You are the holder of environmental authority EPPR00946213 (the EA) which authorises environmentally relevant activity (ERA) 63 Sewage Treatment 1(a-i) – Operating sewage treatment works, other than no-release works, with a total daily peak capacity of 21 to 100EP – if treated effluent is discharged from the works to an infiltration trench or through an irrigation scheme.
2. The department is satisfied that you were the entity responsible for the operation and maintenance of the sewage treatment plant under the EA.
3. On 23 August 2022 authorised offices of the department carried out a compliance inspection of ERA 63 activities at Fraser Island Retreat located at Postan Street, Happy Valley, K'gari (Fraser Island).
4. On 6 September 2022 the department requested information from you in relation to the groundwater monitoring program, groundwater monitoring results and the quantity of treated effluent released to land to assess compliance with the EA.
5. On 15 September 2022, the department received a copy of the groundwater monitoring program, effluent readings for the period 2020 – 2022 and the groundwater and treated effluent monitoring results for the period 2021 – 2022 and determined that you were carrying out the activity in non-compliance with conditions C4, C6, F2, F5, F7, and F16 of the EA.
6. Under section 430(3) of the EP Act, it is an offence for a person to contravene a condition of an environmental authority.
7. A review of the Groundwater Monitoring Program (GMP) in section 8.1 of the Site Based Management Plan, *Site Based Management Plan Fraser Island Retreat, Happy Valley, October 2016* identified that the GMP does not comply with condition C4 of the EA as follows:
 - a. the following information required by condition C4 of the EA is not included:
 - o The proposed sampling depth for the additional upgradient groundwater well; and
 - o A description of the water quality objectives to be achieved.

- b. the GMP states as per condition C4 of the EA, an additional upgradient groundwater well is also to be monitored for those same parameters and at the same frequency as outlined in Table 9, and the results compared.
 - o A review of the groundwater monitoring results provided identified that groundwater monitoring samples are only being taken from groundwater well RN65571 on the premises. A second registered groundwater well (RN65394) exists at the premises, however no monitoring results have been provided for this well.
8. A review of the 2021 – 2022 groundwater monitoring results identified that groundwater monitoring for the following water quality characteristics were not undertaken quarterly as required by condition C6 of the EA:
 - a. **Total Nitrogen** - 19 January 2021, 24 March 2021 and 27 July 2021;
 - b. **Total Phosphorous** - 19 January 2021, 24 March 2021, 27 July 2021 and 15 June 2022; and
 - c. **pH** - 19 January 2021, 24 March 2021 and 27 July 2021.
9. Groundwater monitoring was not undertaken at the quarterly monitoring frequency required by condition C6 and Agency interest: Water – Table 1 of the EA:
 - a. In 2021, groundwater monitoring was carried out in January, March, and July; and
 - b. In 2022, groundwater monitoring was carried out in June.
10. A review of the effluent readings for the period 2020 – 2022 identified that the total quantity of contaminants released to land on the following dates exceeded the maximum of 22,000L per day prescribed by condition F5 of the EA:
 - o 23 January 2021 (Result: 23,000L);
 - o 23 November 2021 (Result: 67,000L);
 - o 26 December 2021 (result: 35,000L);
 - o 20 January 2022 (Result: 23,000L); and
 - o 27 March 2022 (Result: 44,000L).
11. A review of the effluent readings for the period 2020 -2022 identified that you did not monitor and keep records of the quantity of treated sewage effluent on the following dates:
 - o 9 and 10 November 2021;
 - o 24 and 25 November 2021;
 - o 27 and 28 November 2021;
 - o 18 and 19 December 2021;
 - o 25 December 2021;
 - o 13 January 2022; and
 - o 1 March 2022.
12. A review of the 2021 – 2022 treated effluent monitoring results provided by you identified the following non-compliances with the prescribed release limits for the following water quality characteristics prescribed in condition F2 of the EA:
 - o BOD exceedances (January 2021, July 2021, October 2021, and June 2022);
 - o Suspended Solids (October 2021);
 - o Turbidity (January 2021, February 2021, July 2021, September 2021, October 2021, and June 2022);
 - o Free residual Chlorine (February 2021); and
 - o Thermotolerant Coliforms (October 2021).
13. A review of the 2021 – 2022 treated effluent monitoring results identified that for thermotolerant coliforms sampling a minimum of 5 samples taken at not less than half-hourly intervals in any one day was not undertaken in January 2021 (only three samples were taken) and in July 2021 (only two samples were taken) as required by condition F2 of the EA.
14. A review of the 2021 – 2022 effluent monitoring results identified that monitoring for pH was not undertaken in September 2021 and October 2021 and monitoring for Free Residual Chlorine was not undertaken in September 2021, October 2021, and June 2022, as required by condition F2 of the EA.

15. The non-compliances are of a recurring and ongoing nature and action is required to secure compliance with the EA conditions.
16. Given the facts and circumstances detailed above, the department considers that you have failed to take all reasonable and practical measures to prevent and minimise the harm or likely harm from carrying out the activity and you have therefore failed to comply with your General Environmental Duty. The department also considers that you have failed to comply with conditions C4, C6, F2, F5, F7 and F16 of the EA and that it is reasonable to require you to implement actions to secure compliance with these conditions.

B. Requirements

In accordance with this EPO, you are required to do the following:

1. By **10 March 2023**, you must engage an **appropriately qualified person(s) (AQP)** to carry out a performance assessment of the sewage treatment plant and develop recommendations to ensure compliance with conditions C4, C6, F2, F5, F7 and F16 of the EA. You must notify the department of the name and contact details of the AQP engaged via email to widebay.esr@des.qld.gov.au.
2. By **10 March 2023**, you must commence **monthly** monitoring of the treated effluent until you achieve 4 consecutive monitoring results which comply with all the water quality characteristics specified in **Condition F2 Agency interest: Land – Table 1 – Release Quality Characteristics Limits for Treated Sewage Effluent** and **Condition F16 Monitoring Contaminant Releases from the Sewage Treatment Plant Agency interest: Land – Table 2**.
3. By **10 March 2023**, you must commence **monthly** groundwater monitoring for a period of one year and require the **AQP** to conduct an assessment of the activities impact on groundwater quality with regard to the environmental values for protection under the *Environmental Protection (Water) Policy 2009 Fraser Island environmental values and water quality objectives Basin No. 139, July 2010*.
4. You must submit a report to the department that details the findings of the assessment undertaken to meet **Requirement 3** of this notice **within 4 weeks** of concluding the one-year period of groundwater monitoring.
5. By **7 July 2023**, you must require the **AQP** to prepare and submit a report with the findings from the assessment of the performance of the STP and the recommendations including a timeline associated with any works and measures to achieve compliance with conditions C6, F5 and F2 of the EA.
6. By **11 August 2023**, you must commence implementation of the works and measures recommended by the **AQP** to achieve compliance with the conditions C6, F5 and F2 of the EA and complete the works by **5 December 2023**.
7. By **19 December 2023**, you must prepare a completion report that verifies all works have been implemented. A copy of the report must be submitted to the department.
8. Within four weeks following the achievement of four (4) consecutive compliant monitoring results, as outlined in **Requirement 2** and the completion of the groundwater monitoring as specified in **Requirement 3** of this notice, or by **27 March 2024** (whichever comes first), you must review and implement your groundwater monitoring program and comply with the **quarterly** treated effluent monitoring and **quarterly** groundwater monitoring to ensure compliance with conditions C6 and F2 of the EA.

Definitions

An **appropriately qualified person(s)** means a person(s) who has professional qualifications, training, skills, or experience relevant to the requirements of the Environmental Protection Order, and can give authoritative assessment, advice, and analysis using relevant protocols, standards, methods, or literature.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the EP Act;
- this order remains in force until further notice from the administering authority.

D. Penalty

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your obligations.

Failure to comply with an EPO is an offence.

- The maximum penalty for wilfully contravening an EPO is 6250 penalty units, totalling \$ 898,437 or five years imprisonment for an individual or \$ 4,492,187 for a corporation.
- The maximum penalty for contravening an EPO is 4500 penalty units, totalling \$ 646,875 for an individual or \$ 3,234,375 for a corporation.

Failure to provide written notice to the buyer of the existence of the order is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 7,187 for an individual or \$ 35,937 for a corporation.

Failure to provide written notice to the department within 10 business days of ceasing the activity to which an environmental protection order relates is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 7,187 for an individual or \$ 35,937 for a corporation.

Section 3 of the *Penalties and Sentences Regulation 2015* prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the EP Act.

A person who is dissatisfied with an original decision made by the Department of Environment and Science (the department) may apply to have that decision internally reviewed.

Information about initiating an appeal in relation to this notice is contained within the [Internal Reviews and Appeals Information Sheet](#) (available at www.qld.gov.au using the publication number ESR /2015/1742 as a search term)

A request for review or appeal is to be made using the approved form '[Application for review of original decision](#)' (available at www.qld.gov.au using the publication number ESR/2015/1573 as a search term).

Applications for reviews are to be sent to Permit and Licence Management, Department of Environment and Science: via email at palm@des.qld.gov.au , or by mail to the following address: GPO. Box 2454, Brisbane, QLD, 4001.

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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 department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

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

Pursuant to section 540 of the Act, the department is required to maintain a register of certain documents and information authorised under the Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety unless alteration is required by the Act. There is no general discretion allowing the department to withhold documents or information required to be kept on the public register. For more information on the department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

Should you have any queries in relation to the notice, please contact Joanne Harris on (07) 4302 8589.



Signature

Tim Brain

Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

24/02/2023

Date

Enquiries: Joanne Harris

Compliance Centre: Maryborough

Ph: (07) 4302 8589

Email: widebay.esr@des.qld.gov.au

