

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.

Inghams Enterprises Pty. Limited (ACN 008 447 345)
Level 4, 1 Julius Avenue
NORTH RYDE NSW 2113
Att. Mr Andrew Reeves and Mr Garry Mallet, Directors

Cc: Inghams Enterprises Pty. Limited
50 Goodman Plance
MURARRIE QLD 4172
Att. Emma Hines, QLD WHS Manager

Cc via email:

ehines@ingham.com.au Emma Hines, QLD WHS Manager
rmccotter@ingham.com.au Robert McCotter, Group Environment, Risk and Compliance Manager
mmuhammad@ingham.com.au Munaum Muhammad, Environmental Specialist – NSW/QLD

Your reference: EPPR00405713

Our reference: C-CPLRC-100389662 / 101/0007410 / STAT-E-100537980

8/12/2023

To whom it may concern,

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Inghams Enterprises Pty. Limited ACN 008 447 345 (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 environmentally relevant activity (ERA) 25 – meat processing (1c) processing, not including rendering, more than 50,000t of meat or meat products on land described as Lot 5 on SP225274, situated at 50 Goodman Place, Murarrie Queensland 4172 (the premises).

A. Grounds

This EPO is issued on the following grounds:

1. Pursuant to 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 EP 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 practicable measures to prevent or minimise the harm (the general environmental duty).'*
2. Pursuant to section 358(d)(iii) of the EP Act, the department requires you to take reasonable measures to secure compliance with condition W1 of Environmental Authority (EA) EPPR00405713, dated 12 May 2017 which states - *'Contaminants must not be released to any waters.'*



The fact and circumstances forming the basis for the grounds are:

1. You are the holder of EA EPPR00405713 which authorises ERA 25(1)(c) – meat processing >50,000t/yr. at the premises, subject to conditions of the EA.
2. The department is satisfied that you have been responsible for the operation and maintenance of ancillary activities associated with ERA 25(1c), that being the operation of a water treatment plant.
3. During a site inspection on 12 April 2023, Ingham’s representatives stated to authorised persons of the department that the water treatment plant process had altered and brine from the reverse osmosis (RO) filtration process which was previously discharged to trade waste was now pumped to the pond network on the northern portion of the premises. It is understood that this new discharge process commenced some time in 2019.
4. Following the inspection, the department requested written clarification of the pond network’s performance, design and capabilities. Following significant delays with the submission of those reports the department decided to undertake water sampling in the pond network. This sampling was undertaken on 12 and 28 September 2023.
5. Section 14 of the EP Act states –

Environmental harm is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value, and includes environmental nuisance.

Environmental harm may be caused by an activity -

- a) whether the harm is a direct or indirect result of the activity; or
- b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

6. Section 9 of the EP Act defines **environmental value** as –
 - a) a quality or physical characteristics of the environment that is conclusive to ecological health or public amenity or safety; or
 - b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.
7. The scheduled environmental values for protection under the Environmental Protection (Water and Wetland Biodiversity) Policy 2019 for Brisbane River Estuary waters are published in: *Environmental Protection (Water and Wetland Biodiversity) Policy 2019, Brisbane River Estuary Environmental Values and Water Quality Objectives Part of Basin 143, June 2022*, which is available at - [Brisbane River Estuary Basin Environmental Values and Water Quality Objectives \(des.qld.gov.au\)](https://des.qld.gov.au/brisbane-river-estuary-basin-environmental-values-and-water-quality-objectives)
8. The schedule values for Bulimba Creek Estuary are - aquatic ecosystems, human consumer, primary recreation, secondary recreation, visual recreation, and cultural and spiritual values.
9. On 12 and 28 September 2023, authorised officers of the department undertook in situ water quality measurements (via a YSI Professional Plus multiparameter water quality meter) and took grab samples, which were later submitted to a NATA accredited laboratory for analysis.
10. Water sampling results taken in Pond 8, Pond 7 and Outlet, which discharge to Bulimba Creek, exceeded available water quality objectives of Schedule - Brisbane River Estuary (WQ1431), Water type - Middle estuary, Environmental value zone - Bulimba Creek Estuary; and ANZECC & ARMCANZ (2000) default guidelines values for toxicants in marine water.

Table 1. Exceedance results of samples taken at the outlet (OUT1) (discharging into Bulimba Creek) and samples taken at Pond 8. Results exceed: WQ1431 – Brisbane River Estuary, ANZG (2018), ANZECC & ARMCANZ (2000).

					NA	Inorganics			
					Phosphorus reactive (as P)	Ammonia as N	Chloride	Nitrogen (Total)	pH (Lab)
					MG/L	mg/L	mg/L	mg/L	-
ANZG (2018) Marine water 95% toxicant DGVs						0.91			
ANZG Marine Water Toxicant DGVs LOSP 95% (July 2023)						0.91			
Brisbane River Estuary Environmental Values and Water Quality Objectives					0.025	0.01		0.3	7.0 - 8.4
ANZECC and ARMCANZ (2000)							Marine low reliability trigger value - LC50 0.00128 to 0.00025		
Lab Report Number	Field ID	Date	Matrix Type	Sample Type					
EB2328306	OUT1	12 Sep 2023	Water	Normal			956		9.08
EB2328306	OUT1	12 Sep 2023	Water	Field_D			946		9.03
EB2330211	OUT 1	28 Sep 2023	Water	Normal	1.18	1.11	1,040	8.4	8.98
EB2330211	OUT 1	28 Sep 2023	Water	Field_D	1.18	1.17	1,040	8.5	9.12
EB2330211	POND 8	28 Sep 2023	Water	Normal	1.42	0.13	1,110	8.3	9.71
Statistics									
Minimum Detect					1.18	0.13	946	8.3	8.98
Maximum Detect					1.42	1.17	1,110	8.5	9.71
95% UCL (Student's-t) *					1.494	1.788	1,083	8.569	9.469
% of Detects					100	100	100	100	100
% of Non-Detects					0	0	0	0	0
* A Non Detect Multiplier of 0.5 has been applied.									
Environmental Standards									
ANZG (2018) Marine water 95% toxicant DGVs [slightly to moderately disturbed system]									
ANZG, July 2023, ANZG Marine Water Toxicant DGVs LOSP 95% (July 2023)									
ANZECC and ARMCANZ (Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand) 2000,									

11. Sources of guidelines and benchmarks for Queensland are:

- Water Quality Objectives and Environmental Values prescribed under the Environmental Protection Policy (Water). Available from: <http://www.ehp.qld.gov.au/water/policy/index.html>
- DEHP (Department of Environment and Heritage Protection) 2009, Queensland Water Quality Guidelines, Version 3, ISBN 978-0-9806986-0-2. Queensland. Available from: [Queensland Water Quality Guidelines 2009 \(des.qld.gov.au\)](http://www.des.qld.gov.au/quality-guidelines-2009)
- ANZECC and ARMCANZ (Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand) 2000, Australian and New Zealand Guidelines for Fresh and Marine Water Quality, National Water Quality Management Strategy, Paper 4. ANZECC and ARMCANZ, Canberra. Available from: [ANZECC & ARMCANZ \(2000\) guidelines \(waterquality.gov.au\)](http://www.anzecc.gov.au/guidelines/waterquality)
- NHMRC (National Resource Management Ministerial Council) 2008, Guidelines for managing risks in recreational water. Australian Government, Canberra, 216p. Available from: <http://www.nhmrc.gov.au/files/nhmrc/publications/attachments/eh38.pdf>

12. In addition, a flow measurement device for wastes/wastewater has not been installed at the source of release (i.e., Pond 7/Outlet to the receiving environment (including Bulimba Creek Estuary), which could allow for the quantification of flow and contaminant loads.

13. On the 28 September 2023 the QLD WHS Manager for Inghams, notified the department that RO brine discharge to trade waste had been reinstated.

14. On the 29 September 2023 the QLD WHS Manager for Inghams notified the department that the weir gate (premises discharge point) to the catchment ponds had also been closed, however was promptly reopened

because the closure of the weir also prevents stormwater discharges from the premises, resulting in a continuation of contaminants leaving the premises and entering waters.

15. A review of departmental records for the previous four (4) years has determined that the department was not notified of the change to premises wastewater disposal practices. Furthermore, an EA application and/or amendment application capturing the change was also not discovered during a review of departmental records.
16. The conditions under EA EPPR00405713 do not allow for a release of contaminants to waters and the changes to the management of RO brine has not been approved by the department.
17. In summary, the department considers that, given the facts and circumstances detailed above, you have failed to comply with condition W1 of EA EPPR00405713, and that it is reasonable to require you to implement actions to secure compliance with that condition.

B. Requirements

In accordance with this EPO, you are required to do the following (definitions in **bold** are provided in Section 4 - definition):

1. You **must immediately cease** releasing contaminants from the pond network to **waters**.
2. By **8 December 2023**, you must enlist the services of an Appropriately Qualified Person (AQP) to investigate a treatment and/or disposal method for the contaminated water in the pond network.
3. By **31 January 2024**, you must ensure that the AQP engaged in Requirement 2 develops and implements a Water Management Plan, with the assistance of relevant Inghams representatives.

The Water Management Plan must contain relevant completion timeframes.

You must provide a copy of the Water Management Plan to the department for review.

The Water Management Plan, as a minimum must include the following –

- I. Appropriately scaled maps and plans to show the locations of all ponds, depicting the relevant water courses, potential sources of contamination, control points, containment structures, channels, diversions, pipes, pumps, and monitoring facilities and structures, monitoring points, and access routes to control and monitoring points.
- II. The quantity of the proposed pump to trade waste (average, minimum and maximum daily discharge volume).
- III. Monthly assessment regarding the likely quality of water or wastewater in each pond.
- IV. Water balance strategies to facilitate adequate freeboard and design capacity to prevent overtopping during expected rainfall events and leakage to ground or surface waters.

The following definitions apply to the requirements of this EPO:

Appropriately Qualified Person - is a person who has professional qualifications, training, skills, or experience relevant to the requirements of this EPO, and can give authoritative assessment, advice, and analysis on performance relating to the subject matter using the relevant protocols, methods, or literature.

Waters - includes River, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any

part thereof.

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 \$ \$967,500.00 or five years imprisonment for an individual or \$ **\$4,837,500.00** for a corporation.
- The maximum penalty for contravening an EPO is 4500 penalty units, totalling \$ \$696,600.00 for an individual or \$ **\$3,483,000.00** 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 \$7,740.00 for an individual or \$ **\$38,700.00** 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 \$ \$7,740.00 for an individual or \$ **\$38,700.00** 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.

Notice
Environmental Protection Order

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.

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.

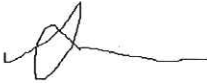
Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

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 Sasha Hindmarsh on 07 3330 5210 telephone number.



Signature

8 December 2023

Date

Sasha Hindmarsh
A/Team Leader
Delegate of the Chief Executive
Department of Environment and Science
Environmental Protection Act 1994

COMPLIANCE CENTRE: Brisbane Moreton
Post: GPO Box 2454
BRISBANE QLD 4001
Ph: (07) 3330 5210
Email: escompliancebrisbanemoreton@des.qld.gov