Notice

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.

Charters Towers Regional Council
12 Mossman Street
CHARTERS TOWERS QLD 4820

Your reference: EPPR00197513
Our reference: 101/0008435; STAT1041; CA40492

9 September 2016

Dear Sir/Madam,
Take notice: that under the *Environmental Protection Act 1994* (the Act) this Environmental Protection Order (EPO) is issued to Charters Towers Regional Council (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The EPO is issued in respect to the activities of Charters Towers Regional Council (Council) at the Charters Towers Municipal Sewage Treatment Plant (STP) on land described as Lot 13 DV499 and the adjacent Lot 14 on SP185820 situated at Flinders Highway, Charters Towers (the premises).

A. Grounds

This EPO is issued on the following grounds:

- Section 358(d)(i) of the Act states that the administering authority may issue an EPO to secure compliance with the general environmental duty; and
- Section 358(d)(iii) of the Act states that the administering authority may issue an EPO to secure compliance with a condition of an environmental authority.

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

- On 22 April 2015, a compliance inspection by officers from the department revealed that sewage sludge (bio-solids) were being disposed of on the site where the STP is located and the adjacent property, which is in contravention of condition G1-7 of Council's Environmental Authority (EA) EPPR00197513.
- On 22 June 2015, the department issued a post-inspection letter which requested Council to describe how the bio-solid waste was managed and when disposal to an approved facility would occur.
- On 24 April 2016, Council provided a "Draft Bio-solid Assessment Report" in relation to the bio-solids being stored on the premises. The report identified that there is the potential for environmental harm to occur under certain conditions (i.e. rainfall events). The report made the following recommendations:

- If the material is to remain on-site it is recommended that action be taken to minimise the ingress of rainwater/stormwater into the area containing the treated bio-solid material. This could be achieved by diverting runoff water from entering the area in which the material is stored, or installing an impermeable barrier (such as an HDPE liner or clay cap) over the over the material.
- Alternately the material could be removed from site. Given the high nutrient content of the treated bio-solid material it may have agricultural value. Some treatment may be required for low pH in some instances.

- On 25 May 2016, the department conducted a follow-up compliance inspection of the STP and observed that the stockpiles were not bunded as thought, and no measures were in place to prevent leachate or runoff from being released to the environment.
- Measures are required to ensure Council complies with condition G1-7 and the General Environmental Duty, which will provide for the safe and lawful disposal of the bio-solid material.
- In addition, to ensure that Council meets the General Environmental Duty, measures are required to ensure Council contains the bio-solid material and contaminants in the bio-solid material to minimise environmental harm until the bio-solid material is disposed of in accordance with condition G1-7.

B. Requirements

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

(1) By no later than **5.00pm on 10 November 2016**, you are required to remove all bio-solid stockpiles from the premises, and potentially contaminated soils under the bio-solids stockpiles, to a facility that is lawfully authorised to accept such wastes.

(2) By no later than **5.00pm on 1 May 2017**, you are required to rehabilitate the area where the bio-solids stockpiles were located to a self-sustaining, stable and non-polluting state.

(3) By no later than **5.00pm on 1 November 2016**, you are required to submit an amended Site Based Management Plan to the department that outlines the preventative measures to prevent the recurrence of the unlawful stockpiling of bio-solids at the premises.

(4) By no later than **5.00pm on 30 November 2016,** you are required to submit a final report detailing all actions taken to remove the bio-solids stockpiles and to return to compliance with the conditions of the EA.

(5) By no later than **5.00pm on 31 May 2017**, you are required to submit a final report to the department detailing all actions taken to rehabilitate the area where the bio-solid stockpiles were located, along with evidence of the rehabilitation.

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 Act;

- this order remains in force until further notice from the administering authority.

D. Penalty

Failure to comply with an EPO is an offence.

- The maximum penalty for an individual for wilfully contravening an EPO is 6250 penalty units, totalling $761,875.00 or five years imprisonment.
- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units, totalling $3,809,375.00.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling $548,550.00
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units, totalling $2,742,750.00

Failure to provide written notice to the buyer is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling $6095.00.
- The maximum penalty for a corporation is 250 penalty units, totalling $30,475.00.

Failure to provide written notice within 10 business days of ceasing the activity to the department is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling $6095.00.
- The maximum penalty for a corporation is 250 penalty units, totalling $30,475.00.

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

E. 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 department, may be able to apply to have the department review that original decision.

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

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).[1]

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

[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.ehp.qld.gov.au>.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572). You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to the notice, please contact Kirsten Wright on telephone number (07) 4722 5263.

T. B—

Signature

9 September 2016.

Date

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

Enquiries:
Kirsten Wright
Department of Environment and Heritage Protection
Level 10 Verde Tower
445 Flinders Street Townsville QLD 4810
PO Box 5391 Townsville QLD 4810
Ph: (07) 4722 5362
Email: kirsten.wright@ehp.qld.gov.au