Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to 326B of the Environmental Protection Act 1994.

Cloncurry Shire Council
19-21 Scarr Street
CLONCURRY QLD 4824
Attn: Mr Ben Milligan, Chief Executive Officer

Your reference: EPPR00789613
Our reference: STAT1120; 101/0008801

16 March 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Cloncurry Shire Council (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of Cloncurry Shire Council at the Cloncurry Sewage Treatment Plant on land described as Lot 99 on BD168 and Lot 160 on SP169675 situated at Smith and Henry Streets, Cloncurry (the premises).

A. Grounds

The notice to commission an environmental investigation is issued on the following grounds:

- An activity or proposed activity is causing or is likely to cause environmental harm.

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

1. Cloncurry Shire Council (Council) is the registered owner of Lot 99 BD168 and Lot 160 SP169675 (the premises).
2. Council is the holder of Environmental Authority IPDE00069804D16 (now referenced as part of EPPR00789613) (the EA), which authorises Environmentally Relevant Activity (ERA) 63(2)(d) - Sewage Treatment more than 4000 but not more than 10,000 equivalent persons, to be undertaken at the premises.

ABN 46 640 294 485

3. The EA contains the following conditions:

Land 1 – Land disposal: The only contaminants permitted to be released to land are effluent to the designated irrigation areas in compliance with the limits/ levels stated in Table [1] – Contaminant release limits to land and the conditions if this approval.

Table 1 – Contaminant release limits to land

Quality Characteristics*	Release Limit				
	Minimum	50th Percentile	80th Percentile	Maximum	Median
pH	6.5			8.5	
5 day Biological Oxygen Demand		10	15	20	
Suspended Solids		15	25	30	
Faecal Coliforms				1000	
Total Nitrogen		5	8	10	
Total Phosphorous		2		5	

**BOD_5, Total Suspended Solids, Total Nitrogen and Total Phosphorous in mg/L; faecal coliforms in Cfu/100mL; pH in pH units.*

Water 1 – Release to waters: Contaminants must not be released from the site to any waters or the bed and banks of any waters.

4. On 15 June 2016, officers of the department carried out a proactive compliance inspection at the premises and observed the release of effluent from the Coffer Dam to a drainage line which reports to One Mile Creek, approximately 200 meters north of site.
5. The release of effluent from this location at an unknown quality is in contravention of Condition Water 1 of the EA.
6. On 27 September 2016, the department issued Council with an Environmental Protection Order (EPO) in response to the abovementioned non-compliance.
7. Requirement 1 of the EPO is as follows:

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

*(1) By no later than **5pm on 30 November 2016**, you are required to have a sewage treatment plant installed and operational that has the capacity to:*
i. Treat the current peak design capacity of inflow to the Cloncurry sewage treatment plant; and
ii. Treat the effluent to the following contaminant limits:

Quality Characteristics*	Release Limit				
	Minimum	50th Percentile	80th Percentile	Maximum	Median
pH	6.5			8.5	
5 day Biological Oxygen Demand		10	15	20	
Suspended Solids		15	25	30	
Faecal Coliforms				1000	

Total Nitrogen		5	8	10	
Total Phosphorous		2		5	

BOD_5, Total Suspended Solids, Total Nitrogen and Total Phosphorous in mg/L; faecal coliforms in Cfu/100mL; pH in pH units.

8. On 16 November 2016, EHP received correspondence from Council (EDOCS# 5103002) stating the following:
    a. Council are in the process of commissioning a polishing plant for the purpose of complying with Requirement 1 of the EPO;
    b. The polishing plant was designed to meet a peak inflow capacity of 400kL per day based on measured inflow information from the inflow meter in use at the time;
    c. Council has since installed a new inflow meter which has measured a peak inflow of 750kL per day;
    d. Council will not be able to meet Requirement 1 of the EPO by 30 November 2016;
    e. Council requests a four month extension of time for a detailed sewage treatment plant master plan to be developed and a staged implementation to occur.
9. It is considered that Cloncurry currently does not have a STP which is capable of treating the inflow.
10. On 5 December 2016, Council advised the department that they were unaware of the total storage capacity at the STP due to no historic records of construction being available to Council, thus it is unknown whether the Cloncurry STP has the capacity to contain excess treated effluent on site.
11. The department considers it likely that a release of effluent at an unknown quality is likely to occur.
12. The release of effluent of unknown quality has the potential to cause eutrophication of the watercourse, specifically to One Mile Creek.
13. The department considers that further investigation is needed to establish the type and size of STP which facilitates the growth of the town and which adequately protects applicable environmental values. The current STP is approximately 40 years old and has not had a substantial upgrade in the time that it has been active.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. Develop a Sewage Planning Report for the Cloncurry township in general accordance with the Department of Energy and Water Supply *'Planning Guidelines for Water Supply and Sewerage, April 2010'* and which, at a minimum:
    a. Describes the existing sewerage network of the Cloncurry township;
    b. Describes the current Sewage Treatment Plant treatment train and the peak design capacity;
    c. Determines the current storage capacity of all water storages at the Sewage Treatment Plant, including the Coffer Dam and Emergency Dam;
    d. Describes all current and future predicted sources of inflow to the Cloncurry Sewage Treatment Plant and based on this, the current and predicted inflow;
    e. Determines the required peak design capacity to meet the needs of the Cloncurry township in the short, medium and long term;
    f. Determines the future peak design capacity of inflow based on population growth modelling from a suitable provider of such modelling. The peak design capacity should include, if applicable, current inflow from industry and potential future inflow from industry growth; and
    g. Provides a recommendation of the most appropriate STP design required to meet the current and future peak design capacity of inflow for the Cloncurry township.

2. Investigate the following aspects of the receiving environment in relation to the proposed plant operations:
   a. Identify the environmental values of the receiving environment that will potentially be affected by sewage treatment plant operations on site. This must include any areas proposed for irrigation;
   b. Identify the potential effects of the proposed operations on the identified environmental values;
   c. Outline any proposed mitigation measures to be incorporated into the management of the plant to protect applicable environmental values; and
   d. Provide justification that all proposed mitigation measures will ensure the protection of the identified environmental values.

The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person(s). A suitably qualified person(s) means a person or persons who has professional qualifications, training, skills and experience relevant to the Environmental Evaluation requirements and can give authoritative assessment, advice and analysis in relation to the Environmental Evaluation requirements using the relevant protocols, standards, methods or literature.

The environmental report must be submitted to the department on or before:

- **5:00pm, 31 August 2017**

As the recipient of this notice, you are also required to provide a statutory declaration in the form attached, to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to accompany the environmental report submitted to the department.

You can view an electronic version of the statutory declaration for a recipient using the following search term (ESR/2016/1997).[1]

An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (ESR/2016/2266).

Take notice:

1. the requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
2. this notice remains in force until further notice from the department; and
3. you are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by the department.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are 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;

[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>.

- 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 (ESR/2015/1573).

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 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:

1. Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572)
2. Information sheet - internal review and appeal to the Land Court (ESR/2015/1742)

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

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

1. The maximum penalty for an individual is 300 penalty units, totalling $36,570.00.
2. The maximum penalty for a corporation is 1500 penalty units, totalling $182,850.00.

Should you have any queries in relation to this notice, please contact Kirsten Wright of the department on telephone number (07) 4722 5362.

T. Brain

Signature

16 March 2017

Date

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

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