

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 section 322 of the Environmental Protection Act 1994.

Mackay Sugar Limited
372 Anzac Avenue
MARIAN QLD 4753

Your reference: EPPR00423513

Our reference: CR70825 / STAT1122

22 October 2018

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Mackay Sugar Limited (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science, formerly known as the Department of Environment and Heritage Protection (the department).

The amended notice to conduct or commission an environmental investigation is issued in respect of the activities of Mackay Sugar Limited at Racecourse Sugar Mill, on land described as Lot 1 & 2 RP703613, Lot 3 & 4 RP704748, Lot 1 & 2 RP704750, Lot 1 RP704739, Lot 1 RP732066, Lot 1 & 2 RP723347, Lot 9 RP749853, Lot 8 RP904457, Lot 2 CP854468, Lot L of Lot 632 on CP859415, Lot M of Lot 632 on CP859415, situated at Peak Downs Highway, Racecourse (the premises).

This amended notice replaces the original notice that was issued on **15 May 2018**. The original notice has been amended to extend the submission of the final report detailed in Action 3 from **31 January 2019 to 28 February 2019**.

A. Grounds

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

- Mackay Sugar Limited (MSL) holds environmental authority (EA) EPPR00423513, previously development permit ENDC00437305. The EA approves environmentally relevant activity (ERA) 28 - sugar milling or refining, consisting of either –
 - a) Crushing or grinding 200t or more of sugar cane in a year; or
 - b) Manufacturing 200t or more of sugar or other sugarcane products in a year.
- Since November 2015, the department has received numerous reports from community members regarding odour nuisance and alleged health effects associated with effluent treatment ponds that receive waste water from Racecourse Sugar Mill.

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- The department has conducted several inspections to the effluent treatment ponds and as part of the investigation, MSL was directed to undertake odour monitoring for hydrogen sulphide and to conduct water monitoring of the ponds.
- The department's Technical Support Unit assessed the results of the monitoring program and advised that the monitoring indicated the levels of H₂S detected had the potential to cause environmental nuisance to sensitive receptors.
- It was also noted that water monitoring conducted in effluent treatment pond 2 during the monitoring program identified parameters that exceeded release limits specified in the environmental authority (EA) with the exception of pH.
- The Technical Support Unit also identified that the monitoring conducted by MSL lacked comprehensive water monitoring of parameters associated with H₂S generation in all the effluent treatment ponds. The monitoring period also included numerous equipment failures.
- In accordance with s326B(1)(b) of the *Environmental Protection Act 1994*, the department is satisfied on reasonable grounds that the effluent treatment ponds associated with Racecourse Sugar Mill are causing, or are likely to cause environmental harm on the environmental values of air (odour nuisance) and possibly surface water.

B. Requirements

Action 1:

Conduct an investigation into the levels of hydrogen sulphide as close as possible to the sensitive receptors adjacent to the Racecourse Mill effluent treatment ponds. The investigation should incorporate the following:

- Continuous hydrogen sulphide (H₂S) monitoring should include at least three locations and be capable of continuous data collection for at least 60 days;
- The locations of H₂S monitoring stations should be placed to capture upwind and downwind data from the ponds. At least two stations must be selected to represent prevailing downwind conditions near the sensitive receptors;
- Continuous H₂S monitoring for at least 45 days during the crushing season;
- Continuous H₂S monitoring for at least 15 days outside of the crushing season;
- Installation of a meteorological station capable of continuous monitoring of wind speed and direction near the effluent ponds and be capable of continuous meteorological data collection for the same period as the continuous H₂S monitoring (at least 60 days);
- Continuous H₂S monitoring must be made in accordance with the methods described in the most recent version of the department's Air Quality Sampling Manual; and
- Compare monitoring results with appropriate national and international ambient air quality standards, including the *Environmental Protection (Air) Policy 2008*.

Action 2:

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Provide an assessment and comparison of potential remediation options to address odour nuisance at sensitive receptors. The assessment must include:

- i) Available best practice treatment methods;
- ii) Detailed description of remedial works required;
- iii) Cost benefit analysis for preferred works; and
- iv) Timeframes for implementation.

Action 3:

Submit an environmental report outlining the results of the above investigations to the department on or before **28 February 2019**

Note: The submission of regular update reports has not been included as an action item as part of the EE. The lack of regular updates as to the progress of the EE will not impact the environmental outcomes of the investigation.

The environmental investigation must be carried out, and the environmental report prepared, by an appropriately qualified person. An appropriately qualified person is defined as a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

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

- **Close of business 28 February 2019.**

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:

- the requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
- this notice remains in force until further notice from the department; and
- 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.

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.des.qld.gov.au>.

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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;
- 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:

- [Information sheet - internal review and appeal to the Planning and Environment Court \(ESR/2015/1572\)](#).
- [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.

- The maximum penalty for a corporation is 1500 penalty units, totalling \$189,225.

Should you have any queries in relation to this notice, please contact Amelia Sellars of the department on telephone number (07) 4999 6850.

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E. Clarke

Signature

22 October 2018

Date

Liz Clarke
Manager (Compliance) Industry and Development
Delegate of the Chief Executive
Department of Environment and Science
Environmental Protection Act 1994

Enquiries:

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