

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

Chief Executive Officer
Torres Strait Island Regional Council
PO Box 7336
CAIRNS QLD 4870

Your reference: EPPR00713013
Our reference: STAT1145 / 101/0009197

5 June 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Torres Strait Island 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 notice to conduct or commission an environmental investigation is issued in respect of the activities of Torres Strait Island Regional Council at the Saibai Island Sewage Treatment Plant on land described at Lot 3 on TS157 situated at Saibai Island (the premise).

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:

Offence against section 430(3) of the *Environmental Protection Act 1994* (condition C4)

1. The Torres Strait Island Regional Council (TSIRC) is the holder of Environmental Authority (EA) EPPR00713013, which authorises TSIRC to carry out Environmentally Relevant Activity (ERA) 16-1(b)(ii) Sewage treatment: >100-1,500EP with treated effluent discharged other than as in 1(b)(i).
2. TSIRC undertakes sewage treatment activities on land described as Lot 3 on TS157, Saibai Island.
3. On 31 January 2017, the Department of Environment and Heritage Protection (the department) was provided water quality monitoring results by TSIRC of treated sewage effluent from the Saibai Island STP, which is discharged via ocean outfall to adjacent waters.
4. The water quality monitoring was undertaken on 8 November 2016 and 11 January 2017, and the results identify the following exceedences with the EA:

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Date	Water Quality Parameter	Water Quality Limit	Limit Type	Result
8 November 2016	Faecal Coliforms (Organisms/100 ml)	150 600 (organisms)	50 th percentile Maximum	- >100,000
8 November 2016	5-Day Bio-chemical Oxygen Demand (mg/L)	60mg/L	80 th percentile Maximum	- 88
8 November 2016	Total Nitrogen (mg/L)	40mg/L	50 th percentile Maximum	- 47
8 November 2016	Ammonia Nitrogen (mg/L)	8mg/L	50 th percentile Maximum	- 34
11 January 2017	5-Day Bio-chemical Oxygen Demand (mg/L)	20 60	80 th percentile Maximum	- 120
11 January 2017	Ammonia Nitrogen (mg/L)	5 8	50 th percentile Maximum	- 25

Table 1: Water quality limit exceedances 8 November 2016 and 11 January 2017

Offence against section 430(3) of the *Environmental Protection Act 1994* (condition C1)

5. On 27 January 2017, TSIRC notified the department of an overflow of effluent from the final effluent tank at the Saibai Island STP.
6. The overflow event was first identified by TSIRC on 23 January 2017 and continued until 27 January 2017.
7. Effluent was released to coastal waters immediately adjacent to the activity.

Section 326B of the *Environmental Protection Act 1994*

8. The release of poorly treated effluent from the Saibai Island STP has the potential to cause environmental harm to the environmental values of surface water and aquatic ecosystems.

B. Requirements

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

1. An **appropriately qualified person**, as defined in this Notice must:
 - a) Identify the environmental values (EVs) and water quality objectives (WQOs) relevant to releases from the Saibai Island STP;
 - b) Provide a description of the default EVs/WQOs, characteristics and resilience of the receiving environment;
 - c) With reference to items (a) and (b), determine the quality that must be achieved for effluent release to protect or enhance EVs and achieve the WQOs.

Environmental value is—

- a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or

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- b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

Note: This may involve a nominal assessment of EVs and WQOs including a desktop assessment.

2. An **appropriately qualified person**, as defined in this Notice, must conduct an assessment of the projected sewage flow loadings into the Sabai Island STP for a 20 year planning horizon and be developed with the Department of Energy and Water Supply '*Planning Guidelines for Water Supply and Sewerage, April 2010*' (including Chapter 6 amendments made March 2016).
3. Detail the capacity of existing sewage infrastructure to meet current and future service demands and environmental standards and identify options for achieving release quality that must be achieved to protect or enhance EVs and achieve the WQOs. The details should include, but not be limited to:
 - a) A statement of the current performance of the plant in respect to effluent release;
 - b) Details of all options available and a detailed evaluation of potential options to improve and maintain suitable quality of effluent releases;
 - c) Details of technology considerations and their suitability for use in relation to the locality and skill level of operators;
 - d) Review of similar technology and applications in similar environments; and
 - e) Details of cost considerations that include installation/augmentation, commissioning and maintenance.
4. Report on the analysis of options considered, which must:
 - a) Determine an evaluation criteria linked to quantified service objectives, and which must include consideration of service standards, regulatory compliance, operational and performance efficiency as well as social, environmental and financial objectives;
 - b) Determine options which include existing, non-asset and new asset options; and
 - c) Undertake the options analysis, which must include whether the option is technically feasible; considers the physical and operational capacity of the infrastructure including infrastructure appropriateness, condition and limitations; a financial analysis to determine financial viability including financial constraints of each option over the whole lifecycle of the sewage treatment plant and associated infrastructure; analysis of environmental impacts; and a risk assessment of each chosen option.
5. Outline a proposed implementation strategy based on the option/s identified through Requirement 4, which must:
 - a) Determine the preferred project delivery option; and
 - b) Develop an implementation program with consideration of funding sources and allocation.

Appropriately qualified person(s) means a person or person who has professional qualifications, training skills and 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, method or literature.

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

- **5:00pm, Tuesday 7 November 2017.**

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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.

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](#)).

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>.

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- 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 Calvin Quick of the department on telephone number (07) 4222 5161.



Signature

5 June 2017

Date

Tony Baker
 Manager (Compliance)
 Delegate of the Chief Executive
 Department of Environment and Heritage Protection
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