

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.

To: Quilpie Shire Council
50 Brolga Street
QUILPIE QLD 4480

Your reference: EPPR00904813

Our reference: STAT1188, CR79290

9 October 2017

Dear Chief Executive Officer,

Take notice: that under the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to Quilpie 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 EPO is issued in respect to the activities of Quilpie Shire Council at Quilpie Landfill on land described as Lot 74 on Plan SP273733 situated Cemetery Road, Quilpie, QLD, 4480 (the premises).

A. Grounds

This EPO is issued on the following grounds:

Section 358 (d) (iii) of the Act states that the department may issue an EPO to secure compliance by the person with a condition of an environmental authority.

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

- The environmental authority EPPR00904813 ("the EA") was issued by the department pursuant to the Act to authorise the carrying out of waste disposal activities at the premises.
- Quilpie Shire Council is the holder of the EA and the operator of the waste disposal facility.
- It is an offence under section 430(3) of the Act to contravene a condition of an EA.
- The department has received numerous notifications since 2013 in relation to the unauthorised burning of waste at Quilpie Landfill. Furthermore the department has issued two formal warnings to Quilpie Shire Council in relation to the burning of waste at the Quilpie Landfill.

- On 10 April 2017, the Queensland Ombudsman received a complaint regarding burning of waste contrary to EA conditions at the Quilpie landfill, this complaint was subsequently referred onto the department for investigation.
- On 19 July 2017 the department conducted a compliance inspection at Quilpie Landfill, located at Cemetery Road, Quilpie. The following was identified during the inspection.
 - A container marked as "Confidential Paper Disposal Unit" was observed to contain burnt general waste including plastics. Quilpie Shire Council representatives stated that members of the public are allowed to burn documents in this container without supervision and that council had no way of controlling what was burnt within this container. Authorised officers observed evidence of previous burning of waste in the timber disposal area and the cardboard disposal area.
 - Representatives of Quilpie Shire Council stated that waste including timber, green waste and cardboard is burnt on site, as part of the waste management strategy for the landfill.

B. Requirements

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

- (1) Upon receipt of this EPO, you must ensure that the burning of all waste is ceased at the said premises. This includes, but is not limited to, the burning of green waste, cardboard and timber.
- (2) Ensure that the following control measures are implemented in order to minimise the potential that waste is burnt at the said premises or to minimise the potential that any fire that is started at the said premises is allowed to continue to burn –
 - a) within 5 business days of receiving this notice an inspection must be undertaken at the said premises at least twice each day during operating hours and record site observations in a record book. The record book must be made available to the administering authority upon request. This requirement is effective until 9 April 2018;
 - b) within 25 business days of receiving this notice signage must be displayed at each designated entry point to the Quilpie Landfill stating that fires are not authorised at the said premises
 - c) within 30 business days of receiving this notice the Site Based Management Plan must be updated to reflect the requirements set out within this notice;
 - d) within 20 business days of the date of receipt this notice all employees of Quilpie Shire Council whose duties include the management, operation or inspection of the Quilpie Landfill must receive general environmental awareness training so those persons are aware of the conditions of the EA and Quilpie Shire Council's obligations under the *Environmental Protection Act 1994* relevant to the operation of the said place;
- (3) In the event that requirement 1 of this EPO is breached, the incident must be investigated and an incident report must be sent to the departments pollution hotline (PollutionHotline@ehp.qld.gov.au) within two business days of the incident occurring that includes actions proposed to be taken to prevent future reoccurrences of unlawful burning. This requirement is effective between the receipt of this EPO and 9 April 2018.

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 \$788,437.50 or five years imprisonment.
- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units, totalling \$3,942,187.50.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling \$567,675.00.
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units, totalling \$2,838,375.00.

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

- The maximum penalty for an individual is 50 penalty units, totalling \$6,307.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$31,537.50.

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 \$6,307.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$31,537.50.

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 ([ESR/2015/1573](#)).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.

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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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](#)). 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 Joshua Radloff on telephone number 0749 87 9337.



Signature



Date

Tristan Roberts

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Emerald Compliance Centre

Ph: (07) 4987 9353

Email: CWES_Emerald@ehp.qld.gov.au