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 326B of the Environmental Protection Act 1994.

Tablelands Regional Council
45 Mabel Street
ATHERTON QLD 4883

Your reference: EPPR00584813

Our reference: 101/0009070; STAT1279

21 June 2018

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Tablelands Regional Council (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science, formerly 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 Tablelands Regional Council at Atherton Sewage Treatment Plant on land described as Lot 1 on RP889324 situated at Grove Street, ATHERTON (the premises).

A. Grounds

The department considers it appropriate to require you to conduct or commission an environmental investigation under section 326B of the *Environmental Protection Act 1994* (the Act) on the following grounds:

1. 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. You operate the Atherton Sewage Treatment Plant (Atherton STP) and hold Environmental Authority EPPR00584813 issued on 27 September 2017 (the EA), authorising the following environmentally relevant activities (ERAs) for the premises:
   a. 63(1)(d) – Sewage Treatment >4000EP to <10000EP; and
   b. 58 – Regulated Waste Treatment.
2. The EA authorises the release of contaminants to the waters of Mazlin Creek and prescribes release limits for multiple quality characteristics (the EA, Table 1 – Release Quality Characteristic limits). Those limits have been assessed and approved by the administering authority in order to protect identified environmental values and authorise an appropriate level of environmental harm.

3. Over the last fifteen months, the STP has been non-compliant with prescribed release limits in the EA. Exceedance notifications of the release limits for contaminants were provided as follows:
    a. 21 April 2017 - for Free Residual Chlorine;
    b. 7 August 2017 - for Ammonia Nitrogen and 5-Day Biological Oxygen Demand;
    c. 5 January 2018 - for Ammonia Nitrogen and Total Nitrogen.
4. Environmental harm is defined in section 14 of the Act as follows:

    (1) Environmental harm is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

    (2) Environmental harm may be caused by an activity—

    (a) whether the harm is a direct or indirect result of the activity; or

    (b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.
5. Environmental value is defined in section 9 of the Act as follows:

    a. *A quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or*

    b. *Another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.*
6. Under the *Environmental Protection (Water) Policy 2009* (Water EPP), all Queensland waters including groundwater and surface waters have prescribed Environmental Values (EVs) and Water Quality Objectives (WQOs).
7. Barron River Basin, including all waters of the basin and adjacent coastal waters is listed in Schedule 1 of the *Environmental Protection (Water) Policy 2009* (see https://www.ehp.qld.gov.au/water/policy/pdf/plans/barron-evs-wqos.pdf).
8. Mazlin Creek is part of the Atherton Division of the Barron River Basin.
9. Prescribed EVs for Mazlin Creek surface waters include aquatic ecosystems, irrigation, farm supply, stock watering, human consumption, visual appreciation and cultural and spiritual values.
10. Relevant prescribed water quality objectives for the developed fresh waters of Mazlin Creek to protect aquatic ecosystems include <10µg/L for ammonia and <340µg/L for total nitrogen.
11. High concentrations of ammonia nitrogen in freshwater is known to be toxic and can lead to nutrient enrichment of water and lead to changes in biotic community structure (page 49, Australian and New Zealand guidelines for fresh and marine water quality. Volume 2, Aquatic ecosystems / Australian and New Zealand Environment and Conservation Council, Agriculture and Resource Management Council of Australia and New Zealand).
12. Limited receiving environment monitoring in Mazlin Creek, undertaken by you, indicates that the water quality objectives for Mazlin Creek are not being achieved.
13. The department considers that the activity conducted by you on the premises (sewage treatment) is likely to cause environmental harm due the concentrations of ammonia and total nitrogen measured in some treated effluent and the water quality monitoring undertaken in Mazlin Creek.
14. Given the above, the department is satisfied that it is appropriate and reasonable to require you to conduct and environmental investigation relating to the sewage treatment activity.

B. Requirements

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

1. By 1 November 2018 you must engage an **appropriately qualified person** to complete an investigation to determine the source, cause and extent of environmental harm to Mazlin Creek from the activities of the Atherton STP. The investigation must consider:
    a. the environmental values, water quality objectives and management goals of the waters as specified in Schedule 1 of the *Environmental Protection (Water) Policy 2009* "Barron River Basin, Environmental Values and Water Quality Objectives Basin 110 and adjacent coastal waters"; and
    b. the limits in the EA EPPR00584813; and
    c. the measured water quality, sediment quality and key communities in the creek both upstream and downstream of the activity, at the mixing zone, during the wet season, during the dry season and during intermittent high flow events; and
    d. any relevant reports prepared by other governmental or professional research organisations that relate to the receiving environment.
2. By 28 June 2019 you must provide an investigation report prepared by the **appropriately qualified person** that describes the:
    a. potentially affected receiving waters; and
    b. measured impact of the Atherton STP discharge on the receiving waters; and
    c. water and sediment quality targets within the receiving environment to be achieved including clarification of contaminant concentrations or levels indicating adverse environmental impacts on the receiving environment.
3. By 28 June 2019 you must provide a final report prepared by an **appropriately qualified person** that considers the investigation report and:
    a. reviews and assesses the influent flow characteristics to the Atherton STP based on all available and relevant current and historical data; and
    b. reviews and assesses the current and likely future service demand needs of the plant in accordance with the Planning Guidelines for Water Supply and Sewerage April 2010 including amendments dated March 2014 (the guidelines); and
    c. determines the current plants' capacity and performance to meet the defined service needs; and
    d. identifies all feasible short term and long term asset and non-asset service improvements and efficiencies to both the sewage treatment and treated effluent management processes required to protect the environmental values, meet the water quality objectives and achieve the management goal of maintaining and improving the waters of Mazlin Creek; and
    e. includes an options analysis to determine a corrective program of improvements to the sewage treatment activity that balances financial, social and environmental risk; and
    f. identifies a reasonable implementation program for any improvements, efficiencies and/or measures required to protect all environmental values of Mazlin Creek.

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 who has qualifications and experience relevant to performing the function

Both reports must be submitted to the department on or before:

- **28 June 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 appropriately qualified person(s) 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.

[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>.

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).

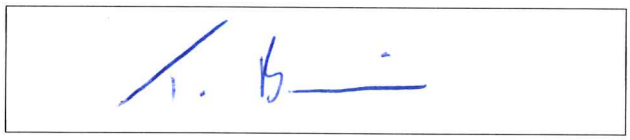
You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

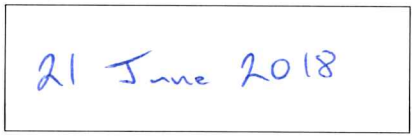
Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling $37,845.
- 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 Kirstie Treloar of the department on telephone number (07) 4222 5212.



Signature



Date

Tim Brain

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

Enquiries:

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