Letter

Environmental Protection Act 1994

Finalisation of an Environmental Protection Order

This letter of finalisation of an environmental protection order is issued by the administering authority to advise that the environmental protection order issued pursuant to section 360 of the Environmental Protection Act 1994 *is no longer in effect.*

Chief Executive Officer
Whitsunday Regional Council
ABN: 63 291 580 128
83-85 Main Street
PROSERPINE QLD 4800

Your reference: EPPR00190813
Our reference: C-CPLPO-100006987; E-100007837; CA38878

Friday, 17 September 2021

Dear Mr Ferguson

Take notice: that on Friday, 29 November 2019 under the *Environmental Protection Act 1994* (the Act) the administering authority issued an environmental protection order (EPO) to Whitsunday Regional Council (you). The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO was issued with respect to the activities at the Kelsey Creek Landfill on land described as Lot 160 on SP171910, Lot 277 on SP113325 and Lot 299 on SP113325 situated at Kelsey Creek Road, Proserpine QLD 4800 (the premises).

A. Requirements

The requirements of this EPO were:

1. You must commission an appropriately qualified person (AQP) to complete the requirements 3, 4, 5, 6, 7, 8 and 9 of this EPO. The definition of an appropriately qualified person is provided at the bottom of this notice.
2. By 29 September 2019, you must provide the details of the appropriately qualified person who has been commissioned by Whitsunday Regional Council to undertake the assessment to the administering authority, including:
    a) Qualifications; and

Queensland Government

b) Relevant experience.

3. You must undertake an assessment of the current stormwater and leachate management measures onsite to determine their effectiveness in minimising the contamination of stormwater and the release of contaminants offsite, and their effectiveness in ensuring compliance with the EA EPPR00190813.
4. Based on the assessment required under requirement (3), you must determine any additional management measures (including infrastructure) or changes to the current management measures for stormwater and leachate required to ensure compliance with EA EPPR00190813.
5. Based on the outcome of requirements (3) and (4), you must update the Stormwater and Leachate Management Plan (SLMP) required by condition WA9 of EA EPPR00190813 and submit to the department by 24 January 2020.
6. Any comments made by the department must be considered and where determined appropriate in consultation with the department, must be included or implemented into the SLMP.
7. If required, you must install all relevant measures identified as a result of the outcome of requirements (3) and (4) and as detailed in the SLMP required under requirement (5) to ensure compliance with condition WA9 of EA EPPR00190813 by 29 November 2020.
8. You must develop and submit a copy of the Leachate Detection and Monitoring Program (LDMP) required by condition WA13 of EA EPPR00190813 to the department by 24 January 2020.
9. Any comments made by the department must be considered and where determined appropriate in consultation with the department, must be included or implemented into the LDMP.
10. The requirements of the LDMP must be implemented and sampling must occur on a quarterly basis for a period of 12 months. Sampling must be undertaken by an appropriately qualified person as per the definition, with the appropriate experience and qualifications to complete the groundwater and surface water sampling.
11. The LDMP must be implemented from 24 January 2020 to 24 February 2021.
12. Following completion of requirement (8), you must review all data associated with the groundwater monitoring bores at Kelsey Creek Landfill that is available to date, and make determinations as to whether MW5 is being impacted by landfilling activities. The findings identified in the Environmental Report submitted on 21 August 2018 titled 'Environmental Evaluation – Kelsey Creek Landfill' Table 26, pages 55-58, and detailed in section 11.4 must be considered in this review.
13. You must prepare and submit a report which documents the findings of the requirements listed under this EPO, including how compliance has been achieved with each requirement by 5 April 2021.

B. Compliance with the requirements

In determining compliance with these requirements of the EPO, the department has considered:

1. The monitoring data provided via email on 5 May 2021.
2. The Kelsey Creek Landfill Monitoring Report 2020 (version 2) provided by you via email on 19 May 2021.
3. Laboratory results for the Kelsey Creek Landfill 2020 monitoring provided via email on 3 June 2021.
4. The compliance inspection conducted on 8 June 2021.

5. The response to the Information Request following the compliance inspection, provided via email on 13 August 2021.

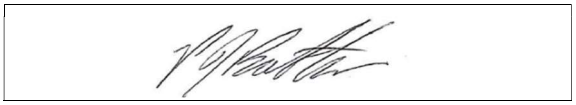
Accordingly, this letter serves as a notice that this EPO is finalised and no longer in effect.

C. Obligations

The department has determined that you have satisfied the requirements of the EPO on the basis of the above. However, in your letter dated 13 August 2021 **(Attachment 1** to this notice), you have made commitments to achieve the outcomes stipulated in that letter. These include the relevant measures required to be installed under Requirement 7 of the now finalised EPO. The department advises you that it is considering issuing an additional statutory notice to ensure that those commitments are fulfilled in a timely manner. Prior to any such decision being made, the department will contact you to discuss the matter further.

You are reminded of your responsibility to comply with the conditions contained in Environmental Authority EPPR00190813.

Should you have any queries in relation to this notice, please contact Naomi Camilleri, Senior Environmental Officer on telephone number (07) 4999 6888 or via email CWES_Mackay@des.qld.gov.au.



Signature

17 September 2021

Date

Paul Butcher
Manager (Compliance)
Department of Environment and Science
Delegate of the Chief Executive
Environmental Protection Act 1994

Enquiries:
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Encl: Attachment 1 – Letter to DES dated 13 August 2021