

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.

Neumann Petroleum Pty Ltd
Boardroom Pty Limited
Level 7, 207 Kent Street
SYDNEY NSW 2000

CC: Level 1, North Tower, Green Square
515 Pauls Terrace
FORTITUDE VALLEY QLD 4006

Your reference: EPPR00513813

Our reference: CA35546

14 July 2015

Dear Sir

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to Neumann Petroleum Pty Ltd (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 Neumann Petroleum Pty Ltd at Curra on land described as Lot 3 on RP207024 situated on the corner of Bruce Highway and David Drive, Curra (the premises).

A. Grounds

This EPO is issued on the following grounds:

- Section 358 of the *Environmental Protection Act 1994*, which states:

s358 When order may be issued

*The administering authority may issue an order (an **environmental protection order**) to a person (d) to secure compliance by the person with:*

- (i) the general environmental duty; and*
- (iii) a condition of an environmental authority.*

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

- Non-compliance with condition L6 of environmental authority EPPR00513813.
- Condition L6 states:

Treated effluent released to land must comply with the limits in Table 2.

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Table 2 – Contaminant release limits to land

Quality Characteristics	Release Limit	Limit Type
Total Nitrogen*	60mg/L	Maximum
Total Phosphorous*	20mg/L	Maximum
Electrical Conductivity	1600us/cm	Maximum
pH	5.0-8.5	Range
Total residual chlorine (if used for disinfection)	1mg/L	Maximum
E.coli	<1000cfu/100mL	Maximum

*note that these limits would typically correspond to long term total nitrogen and total phosphorus concentrations of 30mg/L and 10mg/L respectively.

- Sampling results for treated effluent released to land provided to the department by Future Plus Environmental, acting on your behalf, for 22 April 2014, 22 May 2014, 21 July 2014, 22 October 2014, 21 January 2015 and 14 April 2015 identified that treated effluent being released to land from the final discharge point of the sewage treatment plant exceeded contaminant release limits specified in condition L6, Table 2 of EPPR00513813.
- Evidence collected by the department during a site inspection conducted on 12 May 2015 identified surface ponding of effluent in the irrigation area. Surface ponding of effluent in the irrigation area can affect environmental values through the reduction of the soils capacity to assimilate nutrients and organic matter and results in the degradation of the soil structure, and can increase the risk of contaminants draining to groundwater and surface water via subsurface flows. This surface ponding presents a potential health risk to the general public as the irrigation area is not currently fenced.
- Current management practises on site are not sufficient to manage the risks posed to the receiving environment and to achieve compliance with the current environmental authority. There is no current maintenance contract in place for the sewage treatment plant or irrigation area to minimise the risks of releasing treated effluent to land. Information provided by you indicates the sewage treatment plant irrigates automatically when a certain level is reached in the holding tank. Monitoring results are not checked or irrigation stopped from occurring if the results do not meet release criteria in environmental authority, EPPR00513813.

B. Requirements

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

- From **21 July 2015** until further notice from the Department of Environment and Heritage Protection, you must:
 1. Cease irrigation of effluent to 'Surface Irrigation Area 1' or any other area on the premises from the sewage treatment plant on the premises; and
 2. Remove all treated effluent from the sewage treatment plant on the premises to a facility that can lawfully accept the effluent; and
 3. On **21 August 2015**, and monthly thereafter, for the sewage treatment plant on the premises, undertake and submit water quality monitoring data consistent with the parameters listed in condition L6

of environmental authority EPPR00513813 to the department at PO Box 362 MAROOCHYDORE QLD 4558 OR sunshinecoast.esr@ehp.qld.gov.au; and

4. By **21 August 2015**, engage and contract a suitably qualified person to undertake the daily operation and maintenance of the sewage treatment plant and the irrigation area on the premises; and

5. By **21 August 2015**, and monthly thereafter, provide evidence to the department at PO Box 362 MAROOCHYDORE QLD 4558 OR sunshinecoast.esr@ehp.qld.gov.au of how actions 1 to 4 have been and continue to be implemented on the premises.

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 \$711 562.50 or five years imprisonment.
- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units, totalling \$3 557 812.50.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling \$512 325.
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units, totalling \$2 561 625.

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

- The maximum penalty for an individual is 50 penalty units, totalling \$5 692.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$28 462.50.

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 \$5 692.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$28 462.50.

Section 2B of the Penalties and Sentences Regulation 2005 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 (EM709).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.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able 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 (EM1866). 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 Brodie Lucht on telephone number 5459 6133



Signature



Date

Clancy Mackaway

A/Compliance Manager

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

South Queensland Compliance

Sunshine Coast Office

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Email: sunshinecoast.esr@ehp.qld.gov.au

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>.