



ENVIRONMENT PROTECTION NOTICE No. 8858/1

Issued under the *Environmental Management and Pollution Control Act 1994*

Issued to: **TASMANIAN WATER AND SEWERAGE CORPORATION
(NORTH-WESTERN REGION) PTY LIMITED trading as CRADLE
MOUNTAIN WATER
ACN 133 655 008
162 PUMPING STATION RD
FORTH TAS 7315**

Environmentally Relevant Activity: **The operation of a wastewater treatment plant (ACTIVITY TYPE:
Wastewater Treatment Works)
EAST STRAHAN WASTEWATER TREATMENT PLANT, REGATTA
POINT
STRAHAN TAS 7468**

GROUND

I, Alex Schaap, Director, Environment Protection Authority, being satisfied in accordance with section 44(1)(a) and (c) of the *Environmental Management and Pollution Control Act 1994* (the EMPCA) and in relation to the above-mentioned environmentally relevant activity that:-
serious or material environmental harm or environmental nuisance is being, or is likely to be, caused; and
it is necessary to do so in order to give effect to a State Policy or an environment protection policy,
hereby issue this environment protection notice to the above-mentioned person as the person responsible for the activity.

PARTICULARS

The particulars of the grounds upon which this notice is issued are that:

- 1 It is necessary to set conditions to give effect to the State Policy on Water Quality Management 1997.
- 2 Without adequate safeguards, the activity is likely to result in serious or material harm or environmental nuisance. Steps are necessary to prevent, control, reduce and remediate serious and material environmental harm and environmental nuisance.

THIS IS THE DOCUMENT MARKED ESO-8
REFERRED TO IN THE AFFIDAVIT OF
SWORN AT HOBART IN TASMANIA THIS
22ND DAY OF MARCH 2013 BEFORE ME:

JUSTICE OF THE PEACE
NUMBER

[Handwritten signature] 080
[Handwritten signature]

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date of issue:

13 MAR 2013

DEFINITIONS

Unless the contrary appears, words and expressions used in this Notice have the meaning given to them in Schedule 1 of this Notice and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Notice, the EMPCA prevails to the extent of the inconsistency.

REQUIREMENTS

In accordance with s.44(3) of the EMPCA, the person responsible for the activity is required to comply with the conditions contained in Schedule 2 of this Notice.

INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

PENALTIES

If a person bound by an environment protection notice contravenes a requirement of the notice, that person is guilty of an offence and is liable on summary conviction to a penalty not exceeding 1000 penalty units in the case of a body corporate or 500 penalty units in any other case (at the time of issuance of this Notice one penalty unit is equal to \$130.00).

NOTICE TAKES EFFECT

This Notice takes effect on the date on which it is served upon you.

APPEAL RIGHTS

You may appeal to the Appeal Tribunal against this notice, or against any requirement contained in the notice, within 14 days from the date on which the notice is served, by writing to:

The Chairperson
Resource Management and Planning Appeal Tribunal
GPO Box 2036
Hobart TAS 7001

Signed: _____

DIRECTOR, ENVIRONMENT PROTECTION AUTHORITY

Date: _____

13 MAR 2013

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Schedule 1: Definitions

Activity means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

Australian Guidelines For Water Quality Monitoring And Reporting means the document of this title published as part of the *National Water Quality Management Strategy* in 2000, or any subsequent updates.

Director means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a person authorised in writing by the Director to exercise a power or function on the Director's behalf.

Effluent means wastewater discharged from The Land.

EMPCA means the *Environmental Management and Pollution Control Act 1994*.

Environmental Harm and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

Environmental Nuisance and **Pollutant** each have the meanings ascribed to them in Section 3 of EMPCA.

Mixing Zone means a three dimensional area of the receiving waters around a point of discharge of pollutants within which it is recognised that the water quality objectives for the receiving waters may not be achieved.

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

Protected Environmental Value means a value or use for which it has been determined that a given area of the environment should be protected. There can, and often will be, more than one protected environmental value for a given area. A list of potential protected environmental values is provided in clause 7.1 of the *State Policy on Water Quality Management 1997*.

SPWQM means the *State Policy on Water Quality Management 1997*, as amended from time to time.

The Land means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by Certificate of Title 157424/1.

Wastewater means spent or used water (whether from industrial or domestic sources) containing a pollutant and includes stormwater which becomes mixed with wastewater.

WWTP means the wastewater treatment plant located on The Land.

Schedule 2: Conditions**Effluent Management****EM1 Effluent Management**

- 1 The person responsible must:
 - 1.1 submit to the Director within 6 months of the date on which these conditions take effect, or by a date otherwise specified in writing by the Director, a written undertaking to implement full effluent reuse; or
 - 1.2 submit a Discharge Management Plan to the Director for approval within 2 years and 6 months of the date on which these conditions take effect, or by a date otherwise specified in writing by the Director.

EM2 Effluent reuse feasibility study

- 1 A feasibility study for reuse of effluent from the activity must be submitted to the Director within 6 months of the date on which these conditions take effect, or a date otherwise specified in writing by the Director. The study must be to the satisfaction of the Director and must include:
 - 1.1 a strategic evaluation of the potential for the establishment of an effluent reuse scheme;
 - 1.2 details of investigations undertaken to maximise the reuse of treated effluent discharged from the activity including identification of potential land areas and uses suitable for reuse and a summary of discussions undertaken with potential end users to enable reuse; and
 - 1.3 where reuse is feasible, a written commitment from the person responsible to implement a reuse scheme including an action plan with timelines for completion of significant actions.

EM3 Discharge Management Plan

- 1 For the purposes of these conditions a Discharge Management Plan must be prepared to the satisfaction of the Director and must include the following:
 - 1.1 an assessment of the available options for improved effluent management in accordance with the hierarchy set out in Division 2: 'Management of Point Sources of Pollution' of the SPWQM;
 - 1.2 a description of the volume and quality of effluent likely to be discharged to the receiving waters with consideration of effluent loads discharged to any approved reuse schemes;
 - 1.3 an assessment of the current impact of effluent discharges from the activity on the receiving environment. The assessment must incorporate and analyse the findings of an Ambient Monitoring Report submitted to the Director in accordance with these conditions;
 - 1.4 measures to ensure that the discharge of effluent to the receiving waters does not prejudice the achievement of the recommended water quality objectives at the discharge point including:
 - 1.4.1 recommended emission limits determined in accordance with the SPWQM;
 - 1.4.2 proposed effluent management measures including alternate discharge point options, seasonal discharge management and / or the establishment of a mixing zone, where necessary; and



- 1.4.3 details of any upgrades of wastewater treatment infrastructure necessary to achieve the recommended emission limits and implement the discharge management measures.
 - 1.5 a table containing all of the major commitments made in the plan;
 - 1.6 an implementation timetable for key aspects of the plan; and
 - 1.7 a reporting schedule to regularly advise the Director of progress with implementation of the plan.
- 2 The person responsible must implement and act in accordance with the approved Discharge Management Plan.
 - 3 In the event that the Director, by notice in writing to the person responsible, either approves a minor variation to the approved Discharge Management Plan or approves a new Discharge Management Plan in substitution for the plan originally approved, the person responsible must implement and act in accordance with the varied plan or the new plan, as the case may be.

EM4 Ambient monitoring of receiving waters

- 1 Where an Ambient Monitoring Report is required by these conditions, an ambient monitoring plan for receiving waters must be submitted by the person responsible to the Director for approval within 9 months of the date on which these conditions take effect, or by a date otherwise specified in writing by the Director.
- 2 The ambient monitoring plan for receiving waters must:
 - 2.1 be consistent with the Australian Guidelines for Water Quality Monitoring and Reporting;
 - 2.2 outline the program scope, methods, locations, parameters, frequency and duration of the proposed monitoring program, including the rationale for design features of the program such as any modelling undertaken;
 - 2.3 be designed to characterise ambient water quality and biological conditions and to assess the impact of effluent discharged from the activity, taking into account seasonal effects and other variation in the receiving environment;
 - 2.4 be designed to take into account the Protected Environmental Values and identify sensitive receptors within the receiving environment; and
 - 2.5 include an implementation timetable for the plan.
- 3 Unless otherwise approved in writing by the Director, the approved ambient monitoring plan for receiving waters must be implemented within 3 months of the plan being approved in writing by the Director.
- 4 Within 4 months of the completion of ambient monitoring as stipulated in the ambient monitoring plan for receiving waters, an Ambient Monitoring Report must be submitted to the Director which must include the following information:
 - 4.1 a description of the quality of the receiving waters environment, both in areas impacted by the discharge and in areas that are not impacted by the discharge, including graphical presentation of monitoring results collected in accordance with these conditions and an analysis of seasonal effects and other variation;
 - 4.2 observations regarding the dilution and dispersion of effluent into the receiving waters in comparison to predictions or findings of previous studies (e.g. plume dilution studies);
 - 4.3 an assessment of the dilution and dispersion patterns achieved in the receiving waters in relation to the mixing zone; and



- 4.4 an evaluation of the environmental impacts of the discharge with consideration of Protected Environmental Values and relevant sensitive receptors, based on the monitoring results and knowledge of seasonal effects and other causes of environmental variation.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the date of issue.

Schedule 3: Information

Legal Obligations

LO1 Change of responsibility

If the person who is or was responsible for the activity ceases to be responsible for the activity, they must notify the Director in accordance with Section 45 of the EMPCA.

Policy Requirements

PR1 Policy Objectives

- 1** Wastewater Treatment Plants (WWTP) in Tasmania must comply with the requirements for best practice environmental management (BPEM) and move toward implementing accepted modern technology (AMT) under the Environmental Management and Pollution Control Act 1994 (EMPCA) and the State Policy on Water Quality Management 1997 (SPWQM). The management of pollutant discharge from point sources is governed by the principles defined in clause 16.2 of SPWQM, namely:
 - 1.1** pollutant discharges must not prejudice water quality objectives (WQO) defined for the receiving waters; and
 - 1.2** pollutant discharges must be reduced to the maximum extent that is reasonable and practical having regard to Best Practice Environmental Management and in accordance with the hierarchy of waste management.

