



Our reference: SF19/121206; DOC20/44688  
Contact : Helen Smith; (02) 6883 5374

The General Manager  
Warrumbungle Shire Council

By email: [Cornelia.Wiebels@warrumbungle.nsw.gov.au](mailto:Cornelia.Wiebels@warrumbungle.nsw.gov.au)

Attention: Cornelia Wiebels

13 February 2020

Dear Ms Wiebels

### **Invitation to consider surrendering Environment Protection Licence No. 5950 – Baradine Sewage Treatment Plant**

I refer to Environment Protection Licence No. 5950 (“**the licence**”) for the Baradine Sewage Treatment Plant (“**the premises**”) held by Warrumbungle Shire Council (“**Council**”).

I also refer to the discussion between EPA Officer Helen Smith and yourself on 5 December 2019. The discussion was regarding the ongoing relevance of the licence and whether it was appropriate for Council to consider surrendering the licence.

The EPA has reviewed the licence and considers that the licence is no longer fit for purpose. The rationale for Council to consider surrendering the licence is outlined below.

#### Background

The EPA understands that the premises consists of oxidation ponds that discharge treated effluent to a utilisation area through a centre-pivot irrigator. The EPA also understands that the premises has no physical provision for discharge to any nearby drains, creeks, rivers or wetlands.

At present, the purpose of the licence is outlined in Condition A1.1 which states that the licence regulates water pollution through authorisation of a miscellaneous licensed discharge to waters. However, the licence identifies only two monitoring points relating to application of treated effluent to land through the utilisation area in Condition P1.2.

The EPA’s review has identified an inconsistency between the purpose of the licence and what is physically occurring at the premises. This inconsistency needs to be resolved.

#### Rationale for licence surrender

The purpose of the licence specified in Condition A1.1 is for a discharge to waters which does not reflect the application of effluent to land that is occurring at the premises. Also, the licence does not identify or have any provisions to permit and/or regulate a discharge to waters, including no monitoring points, no volume limits and no pollutant concentration limits.

The licence is not monitoring any discharge to waters despite the licence being intended to regulate water pollution. Therefore, the EPA is of the opinion that the licence for miscellaneous discharge to waters is unnecessary, and that Council can surrender the licence.

Also, the EPA also does not issue licences for miscellaneous discharge to waters where there is a low likelihood of pollution impact on waters, as outlined in Section 2.1.2 of the Guide to Licensing: Under the Protection of the Environment Operations Act 1997 (EPA 2016). The EPA is of the opinion that if the premises is managed in a competent manner then there is a low likelihood of discharges causing water pollution.

The premises also does not require a licence for sewage treatment activities in accordance with Schedule 1 of the *Protection of the Environment Operations Act 1997* (“**POEO Act**”). A licence is only required for sewage treatment plants that have a processing capacity of 2,500 persons equivalent or 750 kilolitres/day.

To summarise, the premises does not currently discharge to waters and it has a low likelihood of discharge to waters if managed competently as well as not being a Scheduled Activity under the POEO Act, therefore a licence is not required.

#### Further action required

To resolve the licensing inconsistency issue of holding a licence for discharge to waters which does not permit discharge to waters, the EPA proposes that Council consider either surrendering the licence or varying the licence.

A licence surrender should be considered if Council intends for the premises to continue existing operations including processing capacity below 2,500 equivalent persons or 750kL/day, and is not installing any additional features (i.e. drains) to allow treated effluent to discharge to waters.

If Council would like to retain the licence to permit a discharge to waters, an environmental impact assessment is required to be submitted with a licence variation application. The environmental impact assessment enables the creation of site-specific pollutant monitoring and concentration limits that would need to be added to the licence.

The EPA requests that Council provide an indication of whether a licence surrender or a licence variation for the premises is going to be pursued by **5pm on 6 March 2020**.

The EPA would also like to remind Council that if the licence is surrendered, the EPA would still be the appropriate regulatory authority for the premises under the POEO Act.

If you have any questions regarding this matter, please contact Helen Smith at the Central West (Dubbo) Office of the EPA on (02) 6883 5374 or via e-mail at [central.west@epa.nsw.gov.au](mailto:central.west@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Duncan McGregor'.

**Duncan McGregor**  
**Acting Unit Head Central West Region**  
**Environment Protection Authority**