



Our reference: MD14/764

Ms Fiona Towers
Acting Chief Executive Officer
Independent Pricing and Regulatory Tribunal
PO Box Q290
QVB Post Office NSW 1230

Dear Ms Towers

I refer to your letter to the Minister for the Environment, the Hon Robyn Parker MP, regarding an invitation to make a submission in regard to a licence application by Solo Water Pty Ltd under the *Water Industry Competition Act 2006 (NSW)* (WICA). Your letter was referred to the Environment Protection Authority (EPA) and I have been asked to reply.

In relation to the capacity of the applicant, I can advise that the EPA has not initiated any prosecutions against Solo Water or Wilton Water. However, in June 2005 the EPA successfully prosecuted Solo Waste Australia Pty Ltd, in conjunction with Eljo Pty Ltd, for breaching its environment protection licence. Solo Waste Australia Pty Ltd is connected to Solo Water's parent company Solo Resource Recovery through family trusts.

Wilton Water Scheme

The application states that the expected volume of sewage to be extracted, treated, collected and/or distributed for the scheme is up to 1100 kL/day. Schedule 1 of the *Protection of Environment Operations Act 1997* (POEO Act) states that an environment protection licence is required to undertake sewage treatment works where the activity has a processing capacity that exceeds 750 kL/day if the system involves the discharge or likely discharge to land or waters. The EPA understands that discharges of waste from the Wilton Water Scheme includes waste screenings to be disposed of at an offsite disposal facility, initial waste water to be irrigated to the golf course and with the completion of the second stage, waste water treated through the advanced water treatment plant for recycled water to be used in homes, sports field and open space irrigation. The application also states that two emergency overflow points into tributaries of Stringybark creek are proposed. Therefore an environment protection licence is required for construction and operation of the Wilton Water Scheme. Construction of the wastewater reticulation and transfer system at Bingara Gorge, Wilton (part of the Wilton Water Scheme) is currently licenced by the EPA under environment protection licence 20335.

I note that an environmental assessment for this project has not been provided with the application. The EPA is therefore unable to provide comment on the adequacy of the applicant's proposed measures to protect the environment from any significant risk of harm from operation of the Wilton Water Scheme. The EPA provides comment to the relevant consent authority under the *Environmental Planning and Assessment Act 1979* before determination of any development proposal requiring an environment protection licence. In relation to the Wilton Water Scheme the EPA considers that it is appropriate to wait for the relevant consent authority to provide technical documentation before the EPA determines whether it will make a submission.

The approval of a WICA licence does not guarantee that an environment protection licence will be issued.

Catherine Hill Bay

The application states that the service scheme is designed to process an expected volume of 330 kL/day of sewage, recycled water, and potable water, which equates to a 2200 equivalent person load. Approximately 200 kL/day of recycled water will be produced for reuse. Schedule 1 of the POEO Act states that an environment protection licence is required to undertake sewage treatment works where the activity has a processing capacity that exceeds 750 kL/day if the system involves the discharge, or likely discharge, to land or waters. Based on the information provided, the EPA considers that an environment protection licence is not required for this project.

Lake Macquarie City Council is therefore the appropriate regulatory authority for the project.

I note that an environmental assessment for this project has not been provided with the application. The EPA is therefore unable to provide comment on the adequacy of the applicant's proposed measures to protect the environment from any significant risk of harm.

If you wish to further discuss the issues raised in this letter please contact Rhian Tough, Regional Operations Officer

Yours sincerely,

G Howard 3/3/2014

Giselle Howard
Director Metropolitan Branch
Environment Protection Authority