



Our reference: DOC15/ 45966-14 EF13/8694
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Independent Pricing and Regulatory Tribunal
PO Box K35
HAYMARKET POST SHOP NSW 1240

Attention: Mr Matt Edgerton

Dear Mr Edgerton

**CATHERINE HILL BAY WATER UTILITY PTY LTD
REVIEW OF ENVIRONMENTAL FACTORS**

I refer to your letter dated 9 February 2015 requesting the Environment Protection Authority's (EPA) submission in relation to the Review of Environmental Factors (REF) titled "*Sewage Treatment Plant and Sewerage Reticulation Network Catherine Hill Bay*" prepared by Planit Consulting. The EPA apologise for the delay in response.

The EPA will not be making a submission in relation to the REF as EPA is not the appropriate regulatory authority for the project, and EPA previously supplied the Independent Pricing and Regulatory Tribunal (IPART) with a Test of Adequacy.

In response to your questions the EPA provide the following advice:

1. EPA has undertaken a search of our licensing system and advise you that Solo Water Pty Ltd (Solo Water) has not held an Environment Protection Licence (EPL). As a result the EPA has not been the appropriate regulatory authority for Solo Water and has no knowledge if Solo Water has breached the *Protection of the Environment Operations Act 1997* (POEO Act). EPA advise you to contact the local council, as the appropriate regulatory authority, in any areas that Solo Water has previously operated, to ascertain if the council has any knowledge of alleged offences under the POEO Act.
2. EPA advise you that if Solo Water intend on irrigating excess waste water as their disposal option, that it is not a scheduled activity under the POEO Act and as a result does not require an EPL. An EPL is only required if excess waste water is disposed of too waters, as defined by the POEO Act. The proposal is estimated to have a treatment capacity of 330 kilolitres per day or 556 equivalent persons. An EPL is only required for sewage treatment if the activity has a processing capacity that exceeds 2,500 equivalent persons or 750 kilolitres per day. As a result Lake Macquarie City Council (LMCC) becomes the appropriate regulatory authority for environmental issues. EPA advise you to contact LMCC with regard to their assessment role for the development.

3. EPA is not the appropriate regulatory authority for the development and advise you to contact LMCC with regard to their assessment of the risks and local planning requirements with respect to the proposed irrigation of effluent. However EPA refer you to the *EPA's Environmental Guidelines Use of Effluent by Irrigation 2004* which may provide some guidance.
4. If granted the EPA advise you that the WICA licence should contain but not be limited to:
 - a. monitoring and reporting conditions in relation to appropriate soil moisture testing;
 - b. appropriate rainfall triggers to prevent irrigation during high rainfall periods;
 - c. annual soil monitoring reports to ensure the sustainability of the irrigation application area;
 - d. monitoring of volume and quality at the discharge point to the irrigation area and establishment of water quality and volumetric limits;
 - e. water quality monitoring of any nearby waterways considered at high risk to impacts from the irrigation application area to ensure that impacts are not occurring;
 - f. definition of the extent and size of the appropriate irrigation application area;
 - g. surface and groundwater quality monitoring up gradient and down gradient from the irrigation application area to monitor status of surface and groundwater to ensure that irrigation of waste water is not polluting waters; and
 - h. conditions to ensure that runoff to waters does not occur from the irrigation areas such as limitations on ponding and bunding to prevent any offsite migration of irrigated waste waters.

EPA advise you to contact Hunter New England Public Health Unit to seek advice on appropriate limits or conditions in relation to prevention of health impacts. EPA advise you to seek appropriate review of the REF from an environmental consultant in order to define appropriate monitoring requirements and limit conditions.

If you wish to discuss this matter further please contact Natasha Ryan on 02 49806833.

Yours sincerely

1 APR 2015

MARK HARTWELL
Head Regional Operations Unit - Hunter
Environment Protection Authority