

Lithgow City Council

Undertaking to the Environment Protection Authority given for the purpose of section 253A of the *Protection of the Environment Operations Act 1997* by Lithgow City Council

Dated: 7. 7. 20

Undertaking

Lithgow City Council

Environment Protection Authority

Undertaking to the Environment Protection Authority given for the purposes of section 253A of the *Protection of the Environment Operations Act 1997*

Person giving the Undertaking

Lithgow City Council ABN 59 986 092 492 of 180 Mort Street LITHGOW NSW 2790

1. Background

- 1.1 The Environment Protection Authority of New South Wales (**EPA**) is a statutory body created by the *Protection of the Environment Administration Act 1991* (NSW) which has primary responsibility for the administration and enforcement of the *Protection of the Environment Operations Act 1997* (NSW) (**the Act**).
- 1.2 Lithgow City Council (**Council**) is a body politic created by the *Local Government Act 1993*. Under s 220 of the *Local Government Act 1993*:
 - a. The Council is a body politic of the State with perpetual succession and the legal capacity and powers of an individual.
 - b. The Council is not a body corporate (including a corporation).
 - c. The Council does not have the status, privileges, and immunities of the Crown (including the State and the Government of the State).
 - d. A law of the State applies to and in respect of the Council in the same way as it applies to and in respect of a body corporate (including a corporation).
- 1.3 The Council holds Environment Protection Licence Number 598 (**the Licence**). The Licence authorises the carrying out of sewage treatment activities at the Wallerawang Sewage Treatment System (**the Premises**), including the sewage treatment plant located at 107 Brays Lane Wallerawang NSW 2845 (**the Site**).

2. The Incident

- 2.1 This undertaking relates to the failure of a moulded **fitting** on the 20,000-litre caustic soda (sodium hydroxide) bulk storage **tank** at

the Site. Caustic soda is used in sewage treatment activities at the Site. Caustic soda is a highly corrosive hazardous substance and dangerous good. The fitting failed during works to replace the caustic soda recirculation **pump**. After the fitting failed, caustic soda escaped from the tank to an emergency spill containment structure known as a "**bund**" and then (on a later date) to an unnamed **watercourse** and adjoining land. The bund connects to the watercourse through a series of pipes and valves. Up to 13,000 litres of caustic soda escaped to the watercourse and adjoining land, which is located both at the Site and at 91 Brays Lane Wallerawang (Lot 2, DP 230599; the **neighbouring land**). This resulted in pollution of the waters within the watercourse and soil within the banks of it, but not of other waters or land (including Pipers Flat Creek).

- 2.2 On 19 August 2019, Council received a delivery of approximately 14,000 litres of caustic soda. Almost as soon as the delivery started, Council became aware that the pump had started to leak. The pump is intended to operate continuously to prevent caustic soda in the tank from freezing. The pump was connected to the tank via the fitting. After becoming aware that the pump was leaking, Council isolated the leaking pump, and authorised completion of the delivery, taking the amount in the tank to approximately 18,000 litres.
- 2.3 Between 19 and 27 August 2019, Council used approximately 300 litres of caustic soda at the Site.
- 2.4 On 28 August 2019, while the tank contained approximately 17,700 litres of caustic soda, a Council worker and contractor attempted to replace the leaking pump. Almost as soon as works started, and while both workers were in the bund, the fitting failed. Caustic soda escaped from the tank to the bund. One worker received chemical burns from the caustic soda and sought medical treatment at Lithgow Hospital. The worker was cleared to return to work after examination at Lithgow Hospital, and did not lose time due to the injury. Council notified SafeWork NSW but did not notify the EPA or implement the pollution incident response management plan for the Premises.
- 2.5 On 29 August 2019, following an inspection of the incident scene by SafeWork NSW, Council with the knowledge of SafeWork NSW continued to store the escaped caustic soda in the bund. Council proposed using up to 1,000 litres per day of escaped caustic soda in sewage treatment activities at the Site, and therefore anticipated storing the escaped caustic soda in the bund for nineteen days.
- 2.6 On 2 and 3 September 2019, Council took photographs showing the bund was nearly empty.
- 2.7 On 3 September 2019, Council noticed a "white streak" in the grass at the neighbouring land. Council considered the substance on the

grass may have been caustic soda. Despite this, and the vastly reduced amount of caustic soda in the bund, Council did not check whether the substance on the grass was caustic soda.

- 2.8 Between 28 August 2019 and 15 October 2019, Council did not check the bund or the pipes and valves that connect the bund and watercourse for evidence of escapes or leaks to the environment. Council believed the escaped caustic soda in the bund was being drained to the drainage pump station for pumping into the inlet works. The pH values at the inlet works were tested daily. Council monitored the pH values with the aim of monitoring the caustic soda that was being put into the inlet works.
- 2.9 Between 3 September 2019 and 15 October 2019, Council did not check the substance in the grass at the neighbouring land.
- 2.10 On 14 October 2019, the EPA received a complaint via the Environment Line from the neighbouring property owner.
- 2.11 On 16 October 2019, the EPA attended the Site in response to the above complaint. Council was present throughout.
- 2.12 On 17 October 2019, on reviewing the caustic soda incident at the Site and following consultation with the EPA, Council formally notified the EPA of the incident and that the Site pollution incident response management plan had been implemented.

3. The EPA's Response to the Incident

- 3.1 On 16 and 17 October 2019, the EPA attended the Site. NSW Fire & Rescue and NSW SafeWork were also present on 17 October 2019.
- 3.2 On 18 October 2019, the EPA requested information on the incident from Council under the R3 conditions of the Licence. On 25 October 2019, Council provided the requested information.
- 3.3 On 23 October 2019, following consultation with Council, the EPA issued clean up notice no. 1587121 (the **Notice**) to Council. The Notice required Council to:
 - a. Remove caustic soda residues from the drains that connect the Site to the unnamed watercourse and the neighbouring land. Council completed these works on 23 October 2019.
 - b. Engage a suitably qualified and experienced person to prepare a remedial action plan to restore the waters and land polluted by the caustic soda. Council had engaged such persons to

undertake these works on 18 October 2019 and a draft remedial action plan was provided to the EPA on 30 October 2019.

- c. Implement the remedial action plan to restore the waters and land polluted by the caustic soda. Council commenced the required works on 5 November 2019.
 - d. Provide regular progress reports to the EPA. Council provided reports on 4 November 2019, 29 November 2019, 13 December 2019, 10 January 2020, 24 January 2020 and 7 February 2020 (at which point the EPA advised that reporting could be ceased).
- 3.4 On 30 October 2019, the EPA requested information and records from Council under section 191 of the Act. On 20 and 21 November 2019, Council provided the requested information and records.
 - 3.5 On 6 November 2019, the EPA inspected the Site to verify compliance with the Notice.
 - 3.6 On 13 November 2019, the EPA inspected the Site to verify compliance with the Notice.
 - 3.7 On 9 December 2019, the EPA requested information and records from Council under section 191 of the Act. On 20 January 2019, Council provided the requested information and records.
 - 3.8 On 13 December 2019, the EPA inspected the Site to verify compliance with the Notice.
 - 3.9 Between 10 and 14 February 2020, the EPA conducted interviews with Council workers.

4. EPA concerns

- 4.1 Section 120 of the Act makes it an offence to pollute waters.
- 4.2 Council acknowledges it has breached section 120 of the Act, as a result of caustic soda discharging from the Premises into waters.
- 4.3 Section 142A of the Act makes it an offence to pollute land.
- 4.4 Council acknowledges it has breached section 142A of the Act, as a result of the caustic soda that discharged from the Premises and polluted waters being then absorbed into the soil within the banks of the watercourse.
- 4.5 Section 152 of the Act makes it an offence to fail to notify the EPA of a pollution incident causing or threatening material harm.
- 4.6 Council acknowledges that the EPA considers Council has breached s 152 of the Act, by failing to notify the EPA when Council (on the EPA's

view) became aware that the caustic soda was no longer contained in the bund.

- 4.7 Section 153F of the Act makes it an offence to fail to immediately implement a pollution incident response management plan.
- 4.8 Council acknowledges it breached s 153F of the Act, by failing to implement a pollution incident response management plan until approximately six weeks after the caustic soda incident.
- 4.9 Section 153A of the Act makes it an offence to fail to prepare a pollution incident response management plan that complies with Part 5.7A of the Act in relation to the activity to which the licence relates.
- 4.10 Council acknowledges that Council's pollution incident response management plan did not comply with the requirements in Part 5.7A of the Act.
- 4.11 Section 64 of the Act makes it an offence to fail to comply with any condition of an Environment Protection Licence.
- 4.12 Council acknowledges that Council breached s 64 of the Act, in that the Council did not comply with conditions of the Licence:
 - a. Condition O1.1 of the Licence requires licensed activities to be carried out in a competent manner. The EPA is concerned that continuing to fill the tank after a known leak with the pump (which is intended to operate continuously), not monitoring usage of the escaped caustic soda in sewage treatment activities at the Site, not training workers in hazardous substance identification and management, not training workers in the operation of the stormwater drainage system (including the pipes and valves that connect the bund and the watercourse), and not documenting hazards and controls for handling the escaped caustic soda, was a failure to carry out the licensed activity in a competent manner.
 - b. Condition O2 of the Licence requires all plant and equipment installed at the Premises to be maintained in a proper and efficient condition, and to be operated in a proper and efficient manner. The EPA is concerned that storing and gradually using up to 17,700 litres of caustic soda in a bund for an anticipated period of weeks, without checking for any evidence of leaks or escapes from the bund, and without checking the valves between the bund and the storm water drainage system, was a failure to operate or maintain plant and equipment in a proper and efficient manner.

5. Council's Response to the Incident

- 5.1 After the failure of the caustic soda tank on 28 August 2019, Council promptly procured a replacement tank.

- 5.2 On 17 October 2019, Council implemented its non-compliant Site Pollution Incident Response Management Plan. NSW Fire and Rescue, NSW Ministry of Health, SafeWork NSW, WaterNSW and the neighbouring landowner were all notified.
- 5.3 On 17 October 2019, NSW Fire and Rescue's HAZMAT team took possession of the site at approx. 9.00am. Council provided assistance in undertaking clean-up and make safe activities. Preliminary clean-up and make-safe was completed and the Site returned back to Council at approximately 8.00pm.
- 5.4 On 17 October 2019, Council commenced the process to engage a suitably qualified and experienced person to prepare a remedial action plan to restore the waters and land polluted by the caustic soda.
- 5.5 On 18 October 2019, Council engaged consultants to commence preparation of a remedial action plan.
- 5.6 On 18 October 2019, consultants attended the Site to conduct a preliminary site investigation to determine the pathway of the contaminant and obtain preliminary soil samples to confirm or refute the presence and concentration of contaminant.
- 5.7 On 23 October 2019, Council completed the removal of caustic soda residues from the drains that connect the Site to the unnamed watercourse and the neighbouring land.
- 5.8 On 24 October 2019, Council implemented a sampling program, with monitoring undertaken at 4 locations along Pipers Flat Creek. Testing was conducted for pH and was used as early warning of plume migration on the most sensitive receptor being Pipers Flat Creek.
- 5.9 On 30 October 2019, Council provided to the EPA a draft remedial action plan.
- 5.10 On 5 November 2019, Council commenced clean-up actions in accordance with the draft remedial action plan.
- 5.11 Council removed approximately 1,380 tonnes (or 800 cubic metres) of soil to ensure soil potentially contaminated by caustic soda was removed in compliance with the EPA's clean-up notice. This material was disposed of at Lithgow Solid Waste Facility at a cost of \$128,340.
- 5.12 Council has to date incurred costs of approximately \$150,000 in consultants and contractors as part of the clean-up actions undertaken.
- 5.13 Council is undertaking remedial works of the affected drainage line/watercourse, with estimated costs of \$40,000 for the importation of select material and contractor costs, and a further \$30,000 in

consultant costs associated with the finalisation of the remedial action plan.

- 5.14 Council expects the total cost of spill response, clean-up, remediation, replacement and repairs to be approximately \$500,000.
- 5.15 Council investigations into the tank identified that the fibreglass reinforced plastic tank containing the caustic soda failed due to loss of structural integrity. The tank was 7 years old, and the design life of these types of tanks is typically 30 years. The premature failure of this tank is still under investigation.
- 5.16 Council investigations into the bund identified that the concrete around a pipe penetration has disassociated, allowing the caustic soda in the bund to enter an external pit which connects through the series of pipes and valves to the watercourse. The valves in the series close in opposing directions. Staff checked the first valve in the pit and the direction of closing can be clearly identified. The second valve is buried in the roadway and there was no indication of the direction to close the valve. Staff unknowingly opened the valve, allowing a discharge to the watercourse, on the incorrect assumption that the valves closed in same direction.
- 5.17 Council is revising the stormwater drainage plans that show the actual location of services on the Site. Council has also marked valve "open" and "close" directions on the roadways and implemented procedures regarding the operating of the valves on the drainage system.
- 5.18 Council acknowledges that the caustic soda incident involves contraventions of the Act.
- 5.19 Council accepts responsibility for the caustic soda incident as the holder of the Licence and the occupier of the Premises at which the incident occurred.
- 5.20 In addition to the matters in clauses 5.1 to 5.19 above, Council responded to the Incident by:
 - a. providing a report on the Incident of the nature required by the EPA under the Licence; and
 - b. complying with the EPA's investigative requirements, including by nominating its corporate representative, facilitating the EPA's interviews with Council employees and complying with notices to provide information and records.

6. Undertaking

- 6.1 Under section 253A of the Act, Council has given and the EPA has accepted the undertakings contained at Annexure A which include:
 - a. **Review of PIRMPs:** Council undertakes to:

- have its consultant prepare new PIRMPs for all its sewage treatment plants so that the PIRMPs comply with the requirements of Part 5.7A of the Act and Part 3A of Chapter 7 of the *Protection of the Environment Operations (General) Regulation 2009* and address the concerns of the EPA. Council commits to the completion and testing of the PIRMPs by 30 June 2020. Cost associated with the new PIRMPs is \$30,000; and
 - implement each new PIRMP (once finalised) as and when required by the Act, the regulations thereunder and any requirements imposed by the EPA pursuant to its powers under that legislation.
- b. **Training:** Council undertakes to implement training in Handle Dangerous Goods and Hazardous Substances (Unit of Competency TLID20003) to all staff involved in the operation and maintenance of treatment plants. Council commits to have the training complete by 30 September 2020 at a cost of \$17,000.
- c. **Staffing Resources:** Council undertakes to appoint a Work Health Safety and Environment Officer, Asset Maintenance Officer and Water and Wastewater Engineer Council has seconded a person in to the Work Health Safety and Environment Officer role for a period of 12 months. At the completion of this period, the position will be advertised to appointment on permanent basis by 30 June 2021 (subject to suitable applicants). The positions of Asset Maintenance Officer and Water and Wastewater Engineer are to be advertised within 6 weeks of receiving written notice of the execution of this undertaking by the EPA. Council will conduct interviews if suitable applicants are received within 6 weeks of the closing of the advertisement period. If no suitable applicant/s are received Council will advertise for a further 4 week period. If there are no suitable applicants Council will seek to appoint a temporary basis through an Employment Agency on a term contract of 12 months. At expiration of the contract period Council will readvertise the position/s to appoint on a permanent basis by 30 October 2021. The cost of these appointments is approx. \$330,000 in the first year with ongoing long term costs.
- d. **Operations Manual:** The Operations Manual (OM) will be revised to reflect the current facilities and operational practices. As part of this outdated sections will be removed or updated. Standard Operating procedures will be developed with the assistance of the WHSE Officer. Amendment of Works As Executed drawing to accurately reflect the works as installed and any modifications made since the construction period. Review to be complete by July 2021 at a cost of \$40,000.

- e. **Environmental Projects:** Council undertakes to deliver benefits to the local environment and community through the Farmers Creek Weed Eradication project as part of the Farmer Creek Master Plan, Council commits to provide \$100,000 toward the project with the funds to be drawn from the sewage (restricted) fund into general fund capital works program for the Financial Year 2020/21.
- f. **Industry Training:** Council undertakes to provide a paper on current wastewater industry skills levels, attraction and retention, training opportunity and skills development for Wastewater Treatment Plant Operators. It is proposed to present to the 2021 Water Industry Operators Association (WIOA). First stage is the acceptance of the abstract, abstracts are generally required at the end of the calendar year, date yet to be confirmed. If the abstract is accepted then the paper will be presented at the 2021 Conference. The paper will also be provided to the Water Services Association of Australia (WSAA), The NSW Department of Planning, Industry and Environment – Water and relevant Government Departments responsible for the delivery of education and training at a cost of \$20,000.

7. Payment of Costs

- 7.1 Council undertakes to pay the following:
 - a. The sum of \$20,000.00 to the EPA for the EPA's legal costs incurred in the investigation of the incident and the preparation of this undertaking; and
 - b. The sum of \$6,759.00 to the EPA for the EPA's reasonable investigation costs of the incident; and
 - c. the EPA's reasonable costs of monitoring future compliance with this enforceable undertaking, up to an amount of \$5,000.00.
- 7.2 The Council undertakes to pay the EPA, in accordance with the undertakings in clause 7.1, within 60 days of the execution of this enforceable undertaking by the Chief Executive of the EPA.

8. Reporting

- 8.1 Council undertakes to report to the EPA on its compliance with this undertaking when lodging each annual return required by the Licence.

9. Financial Declaration

- 9.1 Council declares that the enforceable undertaking does not include any expenditure commitments which existed or were budgeted for prior to the enforceable undertaking agreement.

10. Publication

- 10.1 Council acknowledges that enforceable undertakings are public and the EPA may:
- a. issue a media release on execution of this undertaking referring to its terms and to concerns of the EPA which led to its execution;
 - b. from time to time publicly refer to this undertaking; and
 - c. place a copy of the executed undertaking on the public register the EPA maintains under the Act.

11. Publication Undertaking

- 11.1 Council undertakes to issue a print media notice in the form of Annexure B to this undertaking, at a size of no less than 9 x 12 cm, in the following publications within 28 days of receiving written notice of the execution of this undertaking by the EPA:
- a. the *Village Voice*,
 - b. the *Lithgow Mercury*, and
 - c. the *Sydney Morning Herald*.
- 11.2 Council undertakes to publish a notice in the form of Annexure B on Council's website, <http://council.lithgow.com/>, in the section of this website titled "News". This publication is to be within 28 days of receiving written notice of the execution of this undertaking by the EPA and is to remain there for a period of 30 days after it is first published.
- 11.3 Council undertakes to notify the EPA in writing of the publication of the notices, and provide the EPA with a copy of each published notice, in accordance with clauses 11.1 and 11.2, within 3 business days of each respective publication.

12. Acknowledgements

- 12.1 The Council acknowledges that the EPA's acceptance of this undertaking does not affect the EPA's power to investigate a contravention arising from future conduct or pursue a criminal prosecution, or to lay charges or exercise other civil or regulatory powers under the Act.
- 12.2 Council acknowledges that the EPA will take into account this enforceable undertaking in future regulatory matters under the Act.
- 12.3 Council acknowledges that this undertaking does not affect the rights or remedies available to any other person or entity nor does it affect any statutory obligations under the Act.

- 12.4 Council acknowledges that this undertaking has no operative force until formally accepted by the Chief Executive Officer of the EPA.
- 12.5 Council acknowledges that this undertaking may only be varied with the EPA's agreement and in accordance with the Act.
- 12.6 Council acknowledges that this undertaking, as varied from time to time, will remain in force until completed or withdrawn in accordance with the Act.
- 12.7 Council acknowledges that any of its communications referring to the matters described in Annexure A will clearly link the projects to this enforceable undertaking.

Undertaking

Lithgow City Council

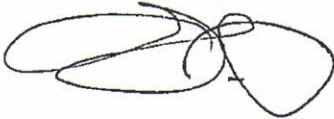
Environment Protection Authority

Execution

Executed as an Undertaking

Dated: 7.7.20

Executed on behalf of the Council



General Manager (by Delegation)
Craig Butler



Witness
TRINITY JANE NEWTON

Executed on behalf of the EPA



Tracy Mackey
CEO

Undertaking

Lithgow City Council

Environment Protection Authority

Annexure A

(Clause 6.1)

Project Proposal

3.1 Undertaking to drive improvements in environmental performance

Activities		Indicative cost	Timeframe
3.1.1	<p>Engage consultants to review and finalise PIRMP's against the requirements of Part 5.7A of the Act and Part 3A of the (General) Reg. Project proposal attached.</p> <p>Indicative cost also includes internal costs.</p>	\$30,000	Consultant was engaged 2 March 2020 to progress these estimated completion date 30 June 2020
3.1.2	<p>Handle Dangerous Goods and Hazardous Substance Training, Unit of Competency TLID2003, to be provided to <u>all</u> staff involved in the operation and maintenance of the Treatment Plants. This unit involves the skills and knowledge required to handle dangerous goods and hazardous substances, including identifying requirements for working with dangerous goods and/or hazardous substances, confirming site incident procedures, selecting handling techniques, and handling and storing dangerous goods and hazardous substances.</p>	\$17,000	Completed by 30 September 2020
3.1.3	<p>Appointment of a Work Health Safety and Environment Officer (WHSE Officer). The position will sit within the Water and Wastewater Directorate to ensure compliance and continual improvement within the directorate against council and statutory obligations.</p> <p>Creation of the new position was approved on 28 February 2020. Council has filled this position via an internal secondment for a period of 12 months. At the completion of the secondment period the position will be advertised to appointment on permanent basis.</p>	\$90,000	July 2021 for the appointment of a permanent employee
3.1.4	<p>Appointment of an Asset Maintenance Coordinator. The role will assist in the development of the Enterprise Asset Management in relation to Water and Wastewater Assets. Function will be to, but not limited to, the maintenance of the asset register, scheduling maintenance and inspection tasks in accordance with manufacturer's recommendation or industry best practice, development of strategic asset renewal programs, monitor and undertake asset condition assessment to determine useful or remaining useful life.</p>	\$120,000	Advertised within 6 weeks of receiving written notice of the execution of this undertaking by the EPA. Council will conduct

			<p>interviews if suitable applicants are received within 6 weeks of the closing of the advertisement period. If no suitable applicant/s are received Council will advertise for a further 4 week period. If there are no suitable applicants Council will seek to appoint a temporary basis through an Employment Agency on a term contract of 12 months. At expiration of the contract period Council will readvertise the position/s to appoint on a permanent basis by 30 October 2021</p>
3.1.5	<p>Appointment of a Water and Wastewater Engineer. This role will support the Senior Engineer in the operations of the Treatment Plants and assist in meeting Council regulatory compliance. There will be a strong preference to appoint a qualified environmental engineer or somebody with significant industry experience</p>	\$120,000	<p>Advertised within 6 weeks of receiving written notice of the execution of this undertaking by the EPA. Council will conduct interviews if suitable applicants are received within 6 weeks of the closing of the advertisement period. If no suitable applicant/s are received Council will advertise for a further 4 week period. If there are no suitable</p>

			applicants Council will seek to appoint a temporary basis through an Employment Agency on a term contract of 12 months. At expiration of the contract period Council will readvertise the position/s to appoint on a permanent basis by 30 October 2021
3.1.6	The Operations Manual (OM) will be revised to reflect the current facilities and operational practices. As part of this outdated sections will be removed or updated. Standard Operating procedures will be developed with the assistance of the WHSE Officer. Amendment of Works As Executed drawing to accurately reflect the works as installed and any modifications made since the construction period.	\$40,000	July 2021
TOTAL estimated cost		\$417,000 (plus annual salaries beyond first 12 months in case of new Council staff positions referred to above)	

3.2 Undertaking to deliver benefits to the local environment and/or community

Activities	Indicative cost	Timeframe
<p>3.2.1 Farmers Creek Weed Eradication as part of the Farmers Creek Masterplan.</p> <p>The Farmers Creek Masterplan envisions Farmers Creek as a green corridor of publicly accessible land through Lithgow's northern suburbs. It will feature a high standard path, suitable for multiple uses, meandering along the creekside through a mixture of developed parks and playing fields as well as attractive semi-natural landscape settings and restored natural riparian vegetation communities. Connections to the urban pathway network and low-key facilities dot the path, which will also link activity centres and heritage or other attractions in and around the town area. The path and its surrounding green spaces will be conveniently accessible for leisure, recreation and fitness activities for locals and visitors alike.</p> <p>Weed control, revegetation using native species and improvements to stormwater management undertaken as part of the corridor's improvements will deliver biodiversity and water quality benefits and also offer opportunities for outdoor education and interpretation.</p> <p>The focus of this proposal is in weed control. Council has been slowly progressing the actions outlined in the Masterplan when funds are available either internal (council general funds) or through grants and contributions. The delivery of this project would be funded from Wastewater Restricted funds which would otherwise not be able to be utilised for works of this nature. The 2020/21 Budget has no allocation of funds for further implementation of weed control/eradication in connection with the Farmers Creek Masterplan.</p> <p>"Weed control and native vegetation regeneration/revegetation within the Farmers Creek corridor and its major tributaries, particularly State Mine Creek, are essential environmental works – and will also significantly support enhancing the creek corridor's recreational and aesthetic values. The masterplan proposes significantly expanding and escalating Council's current programme of weed control and native species regeneration/revegetation along Farmers Creek and its tributaries.</p> <p>Progressively implementing weed control and riparian vegetation community restoration will significantly improve the native vegetation and biodiversity values of the creek corridor. Removing upstream sources of weeds will benefit lower sections of Farmers Creek. Importantly, reinstating natural (or near natural) riparian vegetation will also enhance the creek corridor's visual appeal and provide an attractive setting for the subsequent development and use of the envisaged shared creekside path. However these restoration works are warranted from a biodiversity and environmental values perspective alone, as well as for water quality improvement, in addition to (or regardless of) the additional recreational and aesthetic advantages they will also deliver" (Farmers Creek Precinct Masterplan 2017).</p>	\$100,000	Completed within the FY 2020/21
TOTAL estimated cost	\$100,000	

3.3 Undertaking to drive improvements in environmental performance industry-wide

Activities	Indicative cost	Timeframe
3.3.1	<p>Preparation of a paper on current wastewater industry skill levels, attraction and retention, training opportunities and skills development for Wastewater Treatment Plant Operators. Industry training is limited in NSW and there is a lack of training providers delivering the necessary units from the Water Training Package.</p> <p>The proposed paper will include a literature review, a comparative research component looking at how the other jurisdiction are providing these industry skills and conclude with a range of recommendations on how to improve the competencies of Wastewater Treatment Plant Operators in rural and remote NSW.</p> <p>It is proposed to present to the 2021 Water Industry Operators Association (WIOA). First stage is the acceptance of the abstract, abstracts are generally required at the end of the calendar year, date yet to be confirmed. If the abstract is accepted then the paper will be presented at the 2021 Conference.</p> <p>The paper will also be provided to the Water Services Association of Australia (WSAA), The NSW Department of Planning, Industry and Environment – Water and relevant Government Departments responsible for the delivery of education and training.</p>	<p>\$20,000</p> <p>Completion to coincide with the 2021 WIOA Conference</p>

Annexure B

Lithgow City Council to fund environmental projects after EPA investigation into Wallerawang Sewage Treatment Plant

Lithgow City Council (Council) has entered into an Enforceable Undertaking with the Environment Protection Authority following a water pollution and land pollution incident involving the release of up to 13,000 litres of liquid caustic soda from the Wallerawang Sewage Treatment Plant in August and September 2019. Caustic soda is a highly corrosive hazardous substance and a dangerous good. The incident gave rise to a number of breaches of the *Protection of Environment Operations Act 1997*, including pollution of waters and land in the immediate vicinity for which Council acknowledges responsibility.

The Enforceable Undertaking requires Council to pay \$100,000 toward weed eradication at Farmers Creek and to fund and implement various activities including the renewal of Pollution Incident Response Management Plans, specific training and review of operation and maintenance procedures. These measures are intended to prevent a similar incident occurring again, improve environmental management of Council's various sewage treatment plants, and remediate and offset any environmental harm caused by the caustic soda incident.

Lithgow City Council has published this notice in accordance with the Enforceable Undertaking.