

Clean-Up Notice



FORESTRY COMMISSION OF NEW SOUTH WALES,
Trading as FORESTS NSW,
ABN 43 141 857 613,
LOCKED BAG 23,
PENNANT HILLS NSW 2120

Attention: Mr. KRIS GOUNDER

Notice Number 1119163
File Number FIL10/10960
Date 08-Sep-2010

NOTICE OF CLEAN-UP ACTION

BACKGROUND

- A. The Environment Protection Authority ("EPA") is now part of the Department of Environment, Climate Change and Water ("DECCW").
- B. The EPA is responsible for the administration and enforcement of the Protection of the Environment Operations Act 1997 ("POEO Act").
- C. The EPA is the Appropriate Regulatory Authority for activities carried out by the Forestry Commission of New South Wales (trading as "Forests NSW") in accordance with section 6(2)(c) of the POEO Act.
- D. Forests NSW holds Environment Protection Licence No. 4021 for the Eden Forest Region.
- E. Forests NSW notified the EPA on 15 July 2010, by submitting a "Commencement Notice" that licence authority had been sought for Compartment 304 of Yambulla State Forest.
- F. On 30 August 2010 the EPA undertook an inspection of Crossing C1 on Allan Brook Road in Compartment 304 of Yambulla State Forest.
- G. On 31 August 2010 the EPA undertook a telephone de-brief with Forests NSW employee Tom Halliday to discuss issues of concern relating to Crossing C1.
- H. The EPA observed the following matters of concern relating to Crossing C1:
 - a. Rutting on the western and eastern edges of the running surface of the bridge;
 - b. Spoil material from the eastern side of the bridge was piled on the sill log; and
 - c. Spoil material from the north eastern edge of the bridge had collapsed from the road surface, depositing into the bed of the mapped stream
- I. The EPA has provided photos in relation to the matters observed at Crossing C1 at Attachment A to this notice.

DIRECTION TO TAKE CLEAN-UP ACTION

1. The EPA directs the FORESTRY COMMISSION OF NEW SOUTH WALES to take the following clean-up action at Crossing C1 on Allan Brook Road on the eastern boundary of Compartment 304 in Yambulla State Forest by Friday 17 September 2010:

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- a) Remove loose spoil material from within the bed and banks of the mapped drainage line. The removal of spoil material must not cause further damage to the bed and banks of the drainage line;
 - b) Remove spoil material from the top of the sill log on the downstream side of the bridge;
 - c) Remove spoil material from, and stabilise, the downstream side of the crossing at the edge of the bridge on the northern approach;
 - d) Remove unconsolidated spoil material on the surface of the crossing; and
 - e) Stabilise the running surface of the crossing.
2. The EPA directs the FORESTRY COMMISSION OF NEW SOUTH WALES to undertake the following reporting:
- a) At the completion of works outlined in this Clean-Up notice, the FORESTRY COMMISSION OF NEW SOUTH WALES must submit a written report to the EPA documenting compliance with the requirements of this notice. This report must contain the nature, date of works and any photographs of the rehabilitated crossing and be provided no later than Friday 1 October 2010.

FEE TO BE PAID

- You are required by law to pay a fee of \$433 for the administrative costs of issuing this notice.
- It is an offence not to pay this fee. However you can apply for an extension of time to pay the fee or for the fee to be waived. At the end of this notice there is information about how and when to pay the fee and how to apply for an extension or a waiver of the fee.

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Mr Stephen Hartley
Manager
Crown Forestry Section
(By Delegation)

INFORMATION ABOUT THIS CLEAN-UP NOTICE

- This notice is issued under section 91 of the Protection of the Environment Operations Act 1997.
- It is an offence against the Act not to comply with a clean-up notice unless you have a reasonable excuse.

Penalty for not complying with this notice

- The maximum penalty for a corporation is \$1,000,000 and a further \$120,000 for each day the offence continues. The maximum penalty for an individual is \$250,000 and a further \$60,000 for each day the offence continues.

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Cost recovery from the person who caused the incident

- If you comply with this clean-up notice but you are not the person who caused the pollution incident to which the notice relates, you have a right to go to court to recover your costs of complying with the notice from the person who caused the incident.

Deadline for paying the fee

- The fee must be paid by **no later than 30 days after the date of this notice**, unless the EPA extends the time to pay the fee, or waives the fee.

How to pay the fee

- Possible methods of payment are listed on the last page of the attached invoice/statement.
- Please include the payment slip from the attached invoice/statement with your payment.

How to apply for an extension of time to pay/waive the fee

- Any application for and extension of time to pay the fee or for the fee to be waived should be made in writing to the EPA and sent to "The Manager Crown Forestry Policy and Regulation, PO Box A290 SYDNEY SOUTH NSW 1232". The application should set out clearly why you think your application should be granted.

Other costs

- The Protection of the Environment Operations Act allows the EPA to recover from you reasonable costs and expenses it incurs in monitoring action taken under this notice, ensuring the notice is complied with and associated matters. (If you are going to be required to pay these costs and expenses you will later be sent a separate notice called a "Notice Requiring Payment of Reasonable Costs and Expenses").

Continuing obligation

- Under section 319A of the Act, your obligation to comply with the requirements of this notice continues until the notice is complied with, even if the due date for compliance has passed.

Variation of this notice

- This notice may only be varied by subsequent notices issued by the EPA.