



# Central Coast Council

## Enforceable Undertaking Progress Report 2

### Forresters Creek Water Pollution Incident 2019

Environmental Reporting Section  
June 2020





Enforceable Undertaking Progress Report 2

Author: MI. Environmental Management Coordinator

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Approved by: Director Water and Sewer

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Wyong Office:

2 Hely St / PO Box 20 Wyong NSW 2259

**P** 02 4350 5555

Gosford Office:

49 Mann St /PO Box 21 Gosford NSW 2550

**P** 02 4325 8222

**E** ask@centralcoast.nsw.gov.au

**W** centralcoast.nsw.gov.au

# Background

## Pollution Incident and Enforceable Undertaking Summary

- A water pollution incident occurred in January 2019 as a result of a break in a sewer rising main at 893 The Entrance Road, Wamberal, NSW 2260. This impacted Forresters Creek, a tributary of Wamberal Lagoon.
- After locating the main break, Central Coast Council undertook actions to isolate the rising main and fix it immediately. In response to the overflow, Council liaised with the NSW Environment Protection Authority and undertook the following clean-up actions:
  - Damming off the affected areas of the creek
  - Pumping contaminated creek water back into the sewer network
  - Mechanical aeration of the creek
  - Flushing with clean water

Throughout the clean-up, Council undertook water quality sampling and kept the community informed of the situation via door knocks, media releases, public health warning signage and social media notifications.

- Central Coast Council holds Environmental Protection Licence No. 1802 for the management of the reticulated sewer network associated with Kincumber Sewage Treatment Plant. This licence is regulated by the NSW Environment Protection Authority.
- In response to the incident, Central Coast Council and the NSW Environment Protection Authority entered into an Enforceable Undertaking on 15 Jan 2020 pursuant to Section 253A of the *Protection of the Environment Operations Act 1997*.
- Enforceable undertakings are a voluntary and legally binding agreement between the Environment Protection Authority and a party (in this case, Council) alleged to have breached the *Protection of the Environment Operations Act 1997*. The agreement includes commitments by Council, in response to an alleged breach, that are designed to achieved improved environmental outcomes. The Enforceable Undertaking process is often used as an alternative to prosecution in the Land and Environment Court, as it diverts legal costs towards fit-for-purpose environmental projects.
- Further information on Enforceable Undertakings is available on the EPA's website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)
- Any enquiries to Council can be directed to [ask@centralcoast.nsw.gov.au](mailto:ask@centralcoast.nsw.gov.au)

## Scope of Progress Report 2

- The following progress report is provided in response to Items 61 - 63 of the Enforceable Undertaking:
  - **Item 61:** CCC will report to the EPA in writing on the progress and outcomes of its undertakings as a whole by 31 March 2020 and again by 30 June 2020.
  - **Item 62:** CCC will also report to the EPA in writing in accordance with the milestones of the GPT Project as referred to in clause 42 and set out in Annexure A at Stages 1 to 4 of the project "Overview" and under the sub-heading "Reporting".
  - **Item 63:** CCC will make its reports to the EPA available on its website and will include a link to the reports in its Annual Reports for the relevant reporting year.
- Actions within this progress report will be grouped into 5 categories:

Category	Name	EU Items
1	Gross Pollutant Trap (GPT) Project	Items 40-45
2	SCADA Alarm Upgrades	Items 47-49
3	Replacement of Sewer Rising Main	Items 50-53
4	Pressure Main Criticality Analysis Project	Items 54,57,59
5	Administrative	Items 64-66

## Comments on the Progress of the Enforceable Undertaking as a Whole

Council is on track to meet the milestones of the Enforceable Undertaking. Payment of the legal and administrative costs has occurred, and funds have been planned for each undertaking.

Roles and responsibilities for each undertaking have been clearly communicated to each stakeholder and milestones are being monitored and reviewed on a regular basis.

# 1. Gross Pollutant Trap (GPT) Project

**40:** CCC undertakes to provide \$100,000 to upgrade the existing gross pollutant trap (GPT) along Wairakei Road, Wamberal, NSW and to properly and efficiently maintain the GPT on an ongoing basis.

**Funding has been allocated for the 19/20 FY and funding is planned for the 20/21 FY. A Project Officer has been assigned.**

**41:** The GPT will incorporate a graduated trash rack that will treat the 25-hectare catchment

**The design for the graduated trash rack has been completed and the catchment area was determined to be 31 hectares.**

**42:** Design of the proposed GPT will be completed by 30 June 2020, with installation completed by 30 June 2021.

- **Council has engaged *Optimal Stormwater*, a specialised contractor, to design the GPT.**
- **A site survey was undertaken by the contractor on 27/02/2020.**
- **Hydraulic calculations and an options assessment for the GPT design were prepared by the contractor and received by Council on 19/03/2020.**
- **Geotechnical investigations were completed on 28/05/2020.**
- **The detailed design and cost estimate were provided to Council on 15/06/2020.**

**43:** Every 3 months until completion, CCC will report to the EPA on the progress outcomes of this project against the project milestones detailed within the project plan at Annexure A.

**This second progress report serves as the next 3-month report on the progress of the GPT.**

**44:** Further details of the project are at Annexure A:

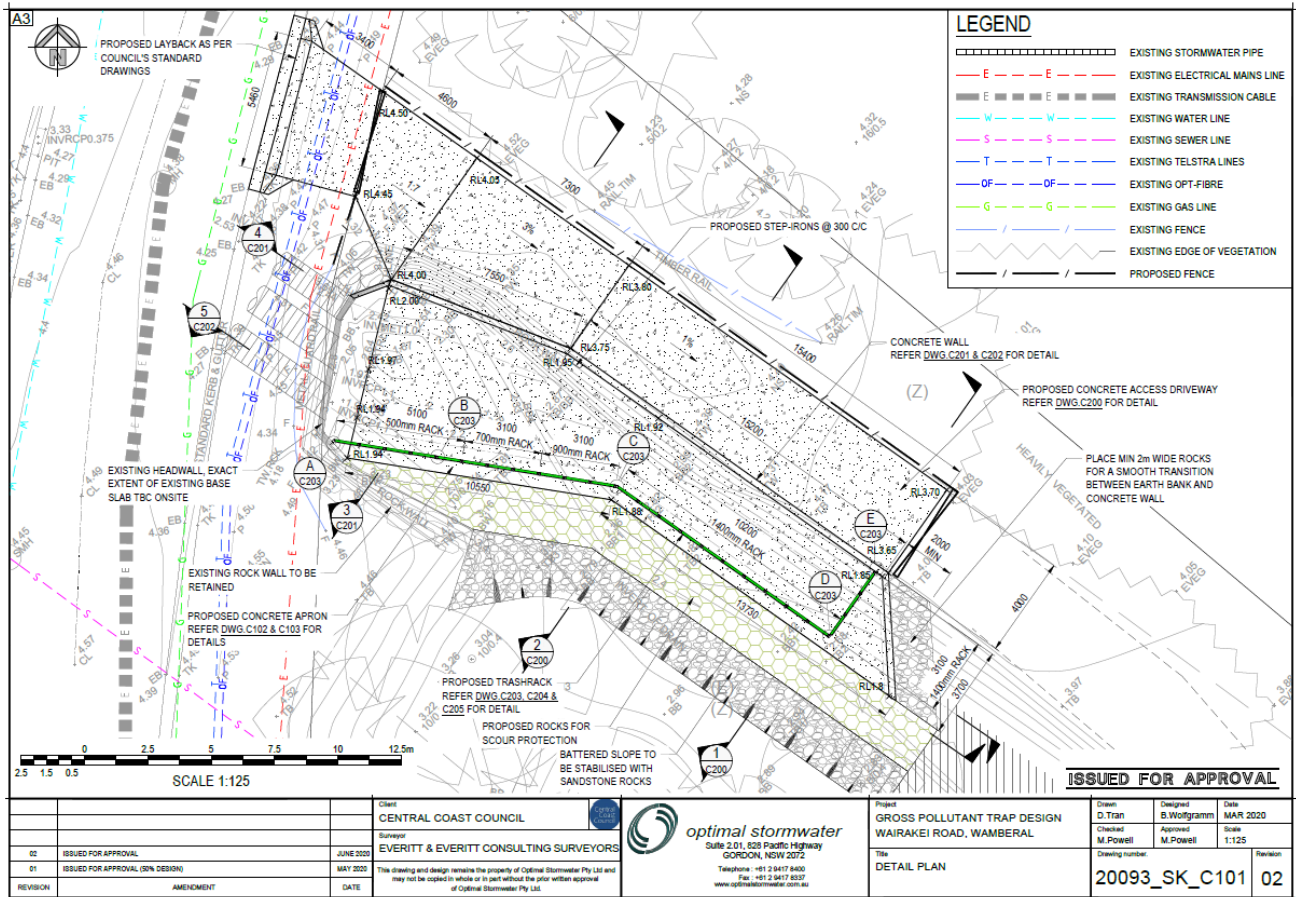
CCC will provide regular updates to the NSW EPA on the progress of the project. Written advice of progress will be provided to the EPA at the following stages:

- Initial project conception meeting
  - Completion of designs
  - Commencement of on-ground works
  - Completion of on-ground works
  - As otherwise requested by the EPA.
- **The project conception meeting with Council and the contractor occurred on 19 November 2019.**
  - **The detailed design and cost estimate were provided to Council on 15/06/2020.**

**45:** CCC shall install visible signage in the vicinity of the GPT stating that upgrade works to the GPT have been required by the EPA as part of the Enforceable Undertaking. The signage shall remain installed during construction of the GPT and for the first 12 months thereafter.

**N/A** at this stage. Signage to be installed immediately prior to commencement of works.

**Figure 1: Plans for Gross Pollutant Trap**



## 2. SCADA Alarm Upgrades

**47:** CCC undertakes to complete a further review and refinement of the alarm settings for the SPSs that have had software upgrades to determine the suitability of this technology for the SPS's by June 2021, with the results of the review to be provided to the EPA and to the public, via CCC's website.

- **Alarm settings are under ongoing review to calibrate the captured data against operational response of sewer pump stations (SPS).**
- **Council's System Control Operators are reviewing SCADA settings proactively on a catchment by catchment basis, prioritising those pump stations that would benefit most from the adjustments. SCADA settings are also reviewed in response to triggered alarms.**
- **A status update on the number of changes resulting from the review will be included in the September 2021 report.**

**48:** CCC undertakes to complete the SCADA programming across the remaining 10% of SPS's in the Local Government Area (LGA) once those SPS's have been upgraded with the necessary hardware such that they are SCADA software upgrade compatible, in accordance with Council's broader SPS upgrade program. CCC commits to completion of the SCADA upgrade program by 31 December 2022.

- **Since the first Enforceable Undertaking progress report, hardware upgrades have been completed at 7 additional sites. There are now 20 remaining SPSs in the LGA that require electrical switchboard upgrades to support the new SCADA upgrades.**
- **5 additional hardware upgrades are proposed to be commissioned toward the end of July 2020.**
- **4 of the hardware upgrades are being undertaken as part of major SPS upgrade projects, which will be undertaken by contractors. These are currently programmed for commissioning from Jan 2021 to August 2021.**
- **The remainder of hardware and software upgrades not mentioned above will be ongoing until the end of 2022.**

**49:** CCC undertakes to report in writing to the EPA at six-monthly intervals from the signing of this undertaking on progress with respect to the SCADA upgrade program, including the upgrades of the hardware to the remaining 10% of SPS's in the LGA. Reporting is to continue until the SCADA upgrade program is completed.

**This progress report is provided in line with this Undertaking.**

### 3. Replacement of Sewer Rising Main

**50:** CCC undertakes to renew the sewer rising main between SPS FB01 and H893 the Entrance Rd Wamberal. Pipe condition assessment at various locations and a soil profile review was completed following the main break. A risk-based approach identified this section of sewer rising main for renewal.

- **Council engaged a consultant (GHD) in February 2020 to undertake the concept design phase for the FB01 Sewer Rising Main (SRM) renewal.**
- **Council received the Options Report in early May 2020 and completed an engineering options workshop with GHD and internal stakeholders on 21 May 2020.**

**51:** The renewal is subject to consultation with Transport for NSW (Roads and Maritime Service) (RMS) due to the road widening project proposed along the Central Coast Highway between Wamberal and Bateau Bay, which is likely to have an impact on the sewer main.

**CCC are in consultation with Transport for NSW (TfNSW) regarding this project.**

**52:** Within three months of the signing of this Enforceable Undertaking, CCC will:

- Consult with the RMS concerning the road widening project;
  - Report to the EPA on the outcome of that consultation and the impact of the project on the sewer main renewal;
  - Report on the likely scope of works required to accommodate the road widening project of the RMS; and
  - Provide an indicative timeframe for the commencement of those works.
- **CCC have an open line of communication with TfNSW in relation to this project. Meetings were undertaken between Council and TfNSW on 6/11/19 and 6/03/20.**
  - **TfNSW are supportive of the renewal of the FB01 SRM. There is a data sharing understanding in place that permits the sharing of existing and future planning, testing and surveying to avoid the duplication of work and ensure the renewal is complimentary to the proposed road widening.**
  - **The primary consideration for the FB01 SRM renewal in respect to the TfNSW road widening is to obtain agreement between stakeholders on the alignment of the new SRM. The new main must be constructible, functional and suitable for the existing road, during road widening construction activities and the final road corridor.**
  - **The current estimate for commencement of FB01 SRM construction is mid-2021. The date of commencement of the TfNSW work will be confirmed following the design phase and construction depends on approvals of funding.**

**53:** The indicative cost of the renewal is in excess of \$250,000

**Funding has been planned for and is subject to confirmation from TfNSW regarding the commencement date of the associated works.**



Early estimates for the project are \$4 million - \$5million, however this cost reflects the renewal of the entire sewer rising main. As TfNSW may have to relocate the second section of the sewer rising main as part of future road widening, they have asked for the concept design to include this as an option.

Discussions will continue with TfNSW to determine if the renewal is completed in a staged approach or if it will be a single renewal from the Sewer Pump Station to the discharge manhole.

## 4. Pressure Main Criticality Analysis Project

**54:** CCC undertakes to allocate approximately \$80,000 to facilitate implementation of a Pressure Main Criticality Analysis Project.

**Council has engaged WSP to facilitate this project for a contract value of \$98,700.**

**57:** The project will be completed no later than 31 December 2020.

**CCC is on track for completion of this project by the end of 2020 and it is estimated the Pressure Main Criticality Project is approximately three quarters complete.**

**In April 2020, the following tasks were completed:**

- **The condition, performance and deterioration analysis was fully completed.**
- **The Likelihood of Failure Model and scoring has been 50% completed.**
- **GIS mapping of Impact Factors and the Failure Scoring Model is underway.**
- **The draft Likelihood of Failure and Consequence of Failure technical memorandums have been submitted to Council for comment.**

**In May 2020, the following tasks were completed:**

- **The Likelihood of Failure Model and scoring was completed.**
- **An online workshop for the combined Likelihood of Failure and Consequence of Failure memorandums was held for Council stakeholders on 28 May 2020.**

**Tasks scheduled for June 2020:**

- **Finalisation of GIS mapping of impact factors.**
- **The management and intervention plan will be developed.**
- **The final project report will be prepared.**

**59:** CCC undertakes to share the methodology for the project referred to in paragraph 58 with industry by 29<sup>th</sup> Feb 2021, via the Water Services Association of Australia and Asbestos Safety and Eradiation Agency relevant working groups, with a view to leading improvements in pipe risk assessment across industry and reducing pipe failures.

**A paper has been authored by a Council staff member titled 'Condition Assessment and Prediction of Remaining Life for Asbestos Cement Pressure Mains'. This has been shared with the Australian Asbestos Safety and Eradiation Agency. There will be further knowledge sharing that is related to pressure mains with the Water Services Association of Australia during 2020.**

## Administrative

**64:** CCC undertakes to pay \$15,000 to the EPA for legal costs incurred by the EPA in the course of its investigation of the incident and for preparing this Enforceable Undertaking.

**This was paid on 24/02/2020 – CCC Payment Reference: 1188753**

**65:** CCC undertakes to pay \$1425.60 to the EPA for forensic laboratory costs incurred by the EPA in the course of its investigation of the incident.

**This was paid on 24/02/2020 – CCC Payment Reference: 1188753**

**66:** CCC undertakes to pay the EPA, in accordance with the undertakings in clauses 64 and 65, within 60 days of the date of execution of this Enforceable Undertaking by the Chief Executive Officer of the EPA.

**The Payments were completed within 60 days.**

- **Invoice date: 04/02/2020**
- **Payment date: 24/02/2020**

## Appendix A: Reporting Schedule

Progress Reports Due												
Project	Due Date	31 Mar 2020	30 Jun 2020	30 Sep 2020	18 Dec 2020	31 Mar 2021	30 June 2021	30 Sep 2021	31 Mar 2022	30 Sep 2022	16 Dec 2022	31 Mar 2023
Payment of legal and investigative costs	16/03/2020	✓	-	-	-	-	-	-	-	-	-	-
GPT project	30/06/2021	✓	✓					-	-	-	-	-
SCADA alarm upgrades	31/12/2021	✓	-		-							
Replacement of sewer rising main	-	✓	-	-	-	-	-	-	-	-	-	-
Consultation with TfNSW on SRM replacement	31/03/2020	✓	✓	-	-	-	-	-	-	-	-	-
Pressure main criticality analysis project	31/12/2020	-	✓	-		-	-	-	-	-	-	-
Share results of pressure main criticality project with WSAA	28/02/2021	-	-	-	-		-	-	-	-	-	-
Enforceable Undertaking as a whole	31/12/2022	✓	✓	-	-	-	-	-	-	-	-	
Include links to all reports within CCC's Annual Report for 19/20	30/06/2020	-	✓	-	-	-		-	-		-	-