



No. EN2010/3

**POLLUTION ABATEMENT NOTICE**

(Issued pursuant to section 77 of the *Waste Management and Pollution Control Act*)

**Issued to: Robert Ritchie**

Name : DARWIN PORT CORPORATION  
(ABN: 89 545 720 710)  
Address : GPO Box 390  
DARWIN NT 0801  
Tel: 89220660  
Fax: 89220666

**In relation to premises:**

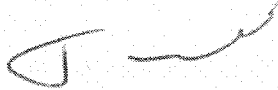
NT Land Portion 05987  
870 Berrimah Rd  
East Arm NT

**TAKE NOTICE THAT**, I Jim Grant, the Chief Executive Officer pursuant to the *Waste Management and Pollution Control Act* NT ['the Act'], have reason to believe that:

1. as a result of rain on 25 April 2010 a substantial volume of run-off water discharged into Darwin Harbour from a drain outlet forming part of the premises and located at a point near the south eastern end of the wharf ['the outlet'];
2. the discharge of run-off water from the outlet produced a visible dark red plume that extended approximately 50 metres into the waters of Darwin Harbour ['the plume'];
3. preliminary test results of marine water taken from the plume on 25 April 2010 show the presence of the contaminants listed below ['the contaminants'] at levels that are substantially in excess of the *Australian and New Zealand Water Quality Guidelines for Fresh and Marine Water Quality* trigger levels (being levels that according to those guidelines indicate a risk of adverse impact if exceeded):
  - copper;
  - zinc; and
  - cobalt.

4. the most likely source of the contaminants is the premises;
5. the Darwin Port Corporation is responsible for the operation and maintenance of the drain, including the outlet;
6. the discharge of the contaminants potentially harmed or potentially adversely affected, the marine environment in the vicinity of the outlet in a manner that was not trivial or negligible;
7. the plume was an unsightly or offensive condition caused by the contaminants;
8. it is likely that incidents similar to the incident described above have occurred during rainfall events in 2009-2010;
9. it is likely that there will be recurrences in the event of future rainfall events;
10. by reason of the facts above, the Darwin Port Corporation has committed, and may commit, offences against sections 83(4) or 83(5) of the Act, and/or has contravened or failed to comply with section 12(1) of the Act.

**AND I HEREBY REQUIRE AND DIRECT** the Darwin Port Corporation to take all reasonable measures to ensure, as and from the date of this notice, that any run-off water discharged from the premises into Darwin Harbour does not contain contaminants at levels that exceed the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.



\_\_\_\_\_  
**Jim Grant**  
**Chief Executive Officer**

24/05/2010 \_3.15pm\_\_\_\_\_  
**Date**                      **Time**

**Department of Natural Resources, Environment, The Arts and Sport**

#### **Important Notice**

Failure to comply with this notice is an offence under section 80 of the *Waste Management and Pollution Control Act* and may incur significant penalties and/or other statutory action.

This notice takes effect on the date on which it is served upon you. Pursuant to section 108 of the *Waste Management and Pollution Control Act*, **you have the right to apply for a review of the decision to issue you with this Pollution Abatement Notice. If you intend to apply for a review, YOU MUST MAKE AN APPLICATION NOT LATER THAN 7 DAYS after the date you were served with this notice.** For information on how to lodge an application for review, contact the Environment, Heritage and Arts Division of the Department of Natural Resources, Environment, The Arts and Sport; telephone 8924 4218.

Pursuant to section 112 of the *Waste Management and Pollution Control Act* the person issued with this notice must fulfil certain obligations before selling, leasing, sub-leasing, giving or exchanging land, premises, a vehicle or business which is the subject of this Notice.

**Office Use Only - Service of Notice**

Personal or by Post: (Circle as appropriate)

If **Personal**: Served to: JAMES KELANDON at: Admin Building DPC Berrimah

Date: 24/5/10 Time: 4:40pm

By: Name: PAUL PUSSON Signature: 

Agency: DNRETAS

If **Post**: Registered or certified mail no: \_\_\_\_\_

