

POLLUTION ABATEMENT NOTICE

No. 2025/1

(Issued pursuant to section 77 of the *Waste Management and Pollution Control Act 1998* ("the Act"))

ISSUED TO: Chief Executive
Litchfield Council
"You"

OF: 7 Bees Creek Road Freds Pass Northern Territory 0836

WHEREAS the Northern Territory Environment Protection Authority (NT EPA) is satisfied for the reasons stated in **Attachment A** to this notice, that Litchfield Council:

(i) **is the occupier of land that is polluted**

in relation to the land situated at Section 05519 Hundred of Bagot plan(s) S2001/154 16 HOWARD SPRINGS RD, HOWARD SPRINGS ("the premises"), as delineated in **BLUE** in **Attachment C**.

NOW TAKE NOTICE that you are required to comply with each of the requirements specified in **Attachment B** to this notice on and from the date of issue of this notice or such later date as may be specified in this notice.

ISSUE DATE: 17 December 2025



Tess Cole-Adams

EXECUTIVE DIRECTOR
ENVIRONMENTAL REGULATION
DELEGATE OF THE NT EPA

Important Notice

Failure to comply with this notice is an offence under section 80 of the *Waste Management and Pollution Control Act 1998* 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 1998*, **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 Northern Territory Environment Protection Authority, telephone 8924 4218.

Pursuant to section 112 of the *Waste Management and Pollution Control Act 1998* 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.

ATTACHMENT A

REASONS FOR ISSUING THE POLLUTION ABATEMENT NOTICE

1. Litchfield Council is the occupier of land situated at Section 05519 Hundred of Bagot plan(s) S2001/154 16 HOWARD SPRINGS RD, HOWARD SPRINGS, for the purpose of operating the 'Howard Springs Waste Transfer Station' (the premises) as delineated in **BLUE** in **Attachment C**.
2. The premises are situated on the site of the former Howard Springs Landfill, which ceased operation in the mid-1990s.
3. On 1 July 2019, pursuant to Section 34 of the *Waste Management and Pollution Control Act 1998* (WMPC Act), Litchfield Council was granted an Environmental Protection Licence (EPL278) for the storage of listed wastes, including acidic solutions or acids in solid form, lead compounds and waste mineral oils unfit for their original intended use, at the premises.
4. On 21 June 2024, Environmental Regulation officers conducted a routine inspection at the premises to assess compliance against EPL278.
5. During the inspection, officers identified suspected asbestos containing material (ACM) within historic construction and demolition waste stockpiled at the premises, as depicted in the area marked in **PINK** in **Attachment D**.
6. Officers collected four (4) samples of the suspected ACM. The samples were submitted for analysis at a National Association of Testing Authorities (NATA) accredited laboratory.
7. Laboratory results confirmed the presence of Chrysotile and Amosite Asbestos within all four ACM samples collected from the construction and demolition waste stockpile at the premises.
8. Asbestos is not permitted to be stored under EPL278 at the premises.
9. Asbestos is a known human carcinogen linked with causing asbestosis, mesothelioma and lung cancers, if respirable fibres are inhaled, impacting the lungs.
10. This pollution abatement notice details the requirements for remedial action required to be undertaken at the premises in relation to the identified ACM impacted construction and demolition waste stockpile.

ATTACHMENT B

POLLUTION ABATEMENT NOTICE REQUIREMENTS

General Requirements

1. By 1 May 2026, you must engage a suitably qualified and experienced environmental/contaminated land consultant (the consultant) to coordinate and oversee all remedial activity conducted at the premises.
2. You must provide the details of the consultant commissioned to conduct the works to the NT EPA via email to environmentalregulation@nt.gov.au within 10 business days of engagement.
3. By 1 May 2026, you must engage a suitably qualified and experienced contaminated land auditor (the auditor), accredited under section 68 of the *Waste Management and Pollution Control Act 1998* (WMPC Act) to audit the remedial works.
4. You must provide the details of the auditor commissioned to conduct the works to the NT EPA via email to environmentalregulation@nt.gov.au within 10 business days of engagement.

Remedial Requirements for the Asbestos Impacted Area

5. By 30 June 2026, you must provide a Remedial Action Plan (RAP) prepared by the consultant and endorsed by the auditor as suitable to achieve the desired remediation outcomes at the premises, to the NT EPA, via email to environmentalregulation@nt.gov.au.
6. The RAP referred to in requirement 5 must detail all management, remediation and validation requirements for the ACM impacted stockpile identified at the premises.
7. Validation of the asbestos impacted area, following removal of the ACM impacted stockpile, must be undertaken in accordance with the RAP and results detailed in a Validation Report referred to in requirement 16 of this notice.
8. The Validation Report, referred to in 7 above, must be prepared by the consultant and be accompanied by formal endorsement of the remedial works and validation results by the auditor.

Containment Cell Construction Requirements

9. Prior to commencing containment cell construction works, you must provide the design documents for the containment cell, including, detailed plans and technical specifications to guide the construction of the

containment cell (Design Documents) to the NT EPA via email to environmentalregulation@nt.gov.au.

10. The Design Documents, referred to in requirement 9, must be endorsed by the auditor as suitable to achieve the desired remedial outcome (i.e. containment of the ACM impacted stockpile).
11. At all times during construction of the containment cell, dust, noise (including vibration), odour and wastewater (including contaminated stormwater) must not be emitted or discharged beyond the boundary of the premises.
12. The construction of the containment cell must:
 - a. be located outside the existing historical landfill cell, and
 - b. not interfere with the integrity of the existing historical landfill cell.

Containment Cell Operational Requirements

13. You must not commence placement of the ACM impacted stockpile within the containment cell until the Design Documents, referred to in requirement 9, have been assessed and endorsed by the auditor and you have provided the required endorsed documents to the NT EPA via email to environmentalregulation@nt.gov.au;
14. Prior to the placement of any ACM from the construction and demolition stockpiles into the containment cell, you must provide an environmental construction management plan (ECMP), prepared by the consultant and endorsed by the auditor, to the NT EPA via email to environmentalregulation@nt.gov.au;
15. The ECMP referred to in requirement 14 must include, but not be limited to, detailed information on:
 - a. waste types and estimated volumes to be accepted within the containment cell;
 - b. waste prohibited from placement within the containment cell;
 - c. waste placement methods;
 - d. dust control and monitoring;
 - e. noise control and monitoring;
 - f. stormwater, surface water and groundwater management (as necessary);
 - g. decontamination measures;
 - h. signage and fencing to be established and maintained during works;
 - i. measures to ensure staff and contractors are aware of the requirements detailed in this Pollution Abatement Notice; and
 - j. reporting requirements for potential contraventions of this Pollution Abatement Notice;

Containment Cell Closure Requirements

16. Within 90 business days following completion of all remedial works (including containment cell close out), you must provide a Validation Report to the NT EPA via email to environmentalregulation@nt.gov.au;
17. The Validation Report referred to in requirements 7 and 16 of this notice must include, but not be limited to, detailed information on:
 - a. the remediation undertaken at the premises;
 - b. the validation sampling process and results;
 - c. the boundary coordinates of the containment cell and any associated infrastructure;
 - d. the final quantities of waste material placed within the containment cell;
 - e. the capping type and thickness used atop the waste materials in the containment cell; and
 - f. any ongoing monitoring requirements for the management of the containment cell;
18. For the purposes of requirement 16, a long term environmental management plan (LTEMP), consistent with the Aftercare Management in Section 8.2 of the Landfill BPEM, must be endorsed by the auditor and provided to the NT EPA via email to environmentalregulation@nt.gov.au; and
19. The LTEMP referred to in requirement 18, should, at a minimum, contain the following:
 - a. an inspection regime of the cap to monitor for cracks or erosion;
 - b. a maintenance regime of the cap to remediate and restore depressions or seal cracks (as necessary);
 - c. restrictions on vegetation types to be grown in the area; and
 - d. parties responsible for any ongoing monitoring and maintenance of the cell.

ATTACHMENT C

THE PREMISES



ATTACHMENT D
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