



NOTICE TO CARRY OUT ENVIRONMENTAL AUDIT PROGRAM

Issued pursuant to section 48 of the *Waste Management and Pollution Control Act*

Issued to: Transpacific Industries Pty Ltd
ACN 010 745 383
Level 1
159 Coronation Drive
MILTON, QLD 4064

Relating to the Premises at: Transpacific Industries Pty Ltd
ACN 010 745 383
875 Stuart Highway,
HOLTZE, NT 0829

TAKE NOTICE THAT I, William John Freeland, Chairperson and authorised delegate of the Northern Territory Environment Protection Authority (NT EPA) for the purposes of section 48 of the *Waste Management and Pollution Control Act* (the Act), have reason to believe that:

- 1) Transpacific Industries Pty Ltd collect, transport and store listed wastes on a commercial or fee for service basis;
- 2) Transpacific Industries Pty Ltd operate a premises located at 875 Stuart Highway, Holtze, NT 0829, associated with collecting, transporting, storing and treating waste on a commercial or fee for service basis;
- 3) Transpacific Industries Pty Ltd hold an Environment Protection Licence (EPL44-02) for the activities described in 1 and 2 above;
- 4) An authorised officer of the NT EPA issued a Direction pursuant to Section 72(k) of the Act to Transpacific Industries Pty Ltd on 22 February 2013 with regard to the Premises at 875 Stuart Highway, Holtze, NT 0829. The Direction required Transpacific Industries Pty Ltd to:
 - (a) prevent further pollution, or environmental harm resulting from pollution to receiving waters or stormwater from the Premises; and
 - (b) manage waste, including water containing waste from the Premises, so as to prevent waste migrating from, leaving or escaping the Premises.
- 5) Authorised officers of the NT EPA inspected the Premises located at 875 Stuart Highway, Holtze, NT 0829 on 6 September 2013 and:
 - (a) observed significant quantities of waste oil being stored outside of any bunded areas;
 - (b) observed the presence of a significant volume of waste oil in the bund around the waste oil tanks along the North West boundary fenceline of the Premises;

- (c) observed that the bund around the waste oil tanks along the North West boundary fenceline within the Premises was constructed of earth with no impermeable liner evident;
 - (d) observed heavy surface contamination from waste oils, including ponding, in the waste oil handling area adjacent to the waste oil tanks along the North West boundary fenceline of the Premises;
 - (e) observed surface contamination from waste oils in the wider working area of the Premises;
 - (f) observed plastic liner material exposed, ripped and in very poor repair at numerous points across the lower area of the Premises;
 - (g) observed no evidence of appropriate site runoff control measures in place within the Premises;
 - (h) observed evidence that site runoff had left the Premises at several points through the fenceline at the North Eastern boundary of the Premises; and
 - (i) detected a strong putrescible/organic type odour at the lower section of the site along the North Eastern boundary of the Premises .
- 6) Transpacific Industries Pty Ltd, as a result of its activities and actions at the Premises, has failed in its statutory environmental duties under Section 12 of the Act in that it has not taken all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste at the Premises; and
- 7) Transpacific Industries Pty Ltd has permitted a contaminant or waste, namely waste oils, to be stored in a manner or condition at the Premises from which it is reasonably likely that a contaminant or waste could leak, spill or escape from storage into the environment causing environmental harm.

AND I HEREBY REQUIRE, for the reasons specified above and pursuant to section 48 of the Act, Transpacific Industries Pty Ltd to conduct the environmental audit program specified below:

Environmental Audit Program

An evaluation of the types, amount, distribution and mobility of any contamination from wastes or oils in the environment resulting from or in any way connected with Transpacific Industries Pty Ltd activities located at 875 Stuart Highway, Holtze in accordance with the Notice conditions.

Notice Conditions

1. Transpacific Industries Pty Ltd must develop a detailed Environmental Audit Plan to evaluate the types, amount, distribution and mobility of contamination from wastes and oils in the soil and stormwater drain sediments associated with activities at the Premises ("the Plan").
2. The Plan must be developed:
 - (a) by or in conjunction with an approved auditor appointed to perform the Environmental Audit Program;

- (b) in accordance with the requirements for a *Monitoring Report* identified on pages 6-15 of the document: *Guidelines for Consultants Reporting on Environmental Issues* available from :-
http://www.ntepa.nt.gov.au/__data/assets/pdf_file/0005/136481/guidelines_consultants_reporting_environmental_issues.pdf (the Guidelines).
- 3. The section of the Plan detailing the sampling and analysis plan and sampling methodology, must (without limiting any other requirements set out in the Guidelines) include details of:
 - (a) soil and stormwater drain sediment sampling locations within and at the boundary of any potential area of impact within the Premises as well as identified control sites;
 - (b) groundwater sampling locations within and at the boundary of any potential area of impact within the Premises as well as identified control sites;
 - (c) steps which will be taken to provide for further sampling and analysis where initial sampling and analysis indicates that the Premises' potential area of impact described in (a) has the potential to extend beyond the boundary of the Premises or impact on groundwater. It is expected that the Plan will need to be amended to account for the steps described in 3(b).
- 4. Prior to conducting the sampling and analysis described in the Plan, the Plan must be:
 - (a) reviewed and endorsed by the auditor;
 - (b) submitted within 28 days from the date of this Notice, with the auditor's review and endorsement described in (a), to the NT EPA for approval; and
 - (c) approved by the NT EPA in writing noting that the NT EPA may require Transpacific Industries Pty Ltd to revise, amend and or resubmit the proposed Plan prior to this approval.
- 5. Transpacific Industries Pty Ltd must commence conducting the sampling and analysis described in the Plan within 10 business days of the date the Plan is approved by the NT EPA.
- 6. Any proposed amendments to the Plan must be submitted to, and approved by the NT EPA prior to the amendment being implemented under the Environmental Audit Program, noting that the NT EPA may require Transpacific Industries Pty Ltd to revise, amend and or resubmit the proposed amendment or the Plan.
- 7. The results of the Environmental Audit Program must be submitted to the NT EPA by close of business 30 January 2014 in the form of an Environmental Audit Report ("the Report").

The Report must at a minimum:

- (a) be prepared in accordance with the requirements for a *Monitoring Report* in the Guidelines;
- (b) identify all environmental risks, including risks to groundwater as a result of waste and /or oil contamination at the Premises; and
- (c) where it is determined that waste and/or oils levels indicate potential environmental risks, include recommendations to prevent, rectify, rehabilitate or minimise potential environmental harm.

8. All submissions to the NT EPA required as a condition of this notice are to be provided in electronic and hard copy to the following address:

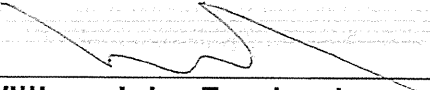
Northern Territory Environment Protection Authority

Street address: Darwin Plaza Level 2, 41 Smith Street Mall, Darwin NT 0800.

Postal address: GPO Box 3675, Darwin NT 0801

Email: Pollution@nt.gov.au and Waste@nt.gov.au

END OF CONDITIONS


William John Freeland

31/10/13
Date

Chairperson of the NT EPA

Delegate of the Northern Territory Environment Protection Authority

Important Notice

1. Failure to comply with a notice to conduct an environmental audit is an offence under section 51(1) of the Act and may incur significant penalties and/or other statutory action.
2. You will not be taken to have submitted the results of the environmental audit program required by this Notice until the requirements of section 51(2) of the Act have been satisfied.
3. Additional offences specific to the conduct of an environmental audit are established under section 52 of the Act.
4. Pursuant to section 67 of the Act, a person must not perform an environmental audit for the purposes of an environmental audit program unless the person is registered in a register established under section 68 of the Act or is specifically exempted from that requirement by Regulation. A current register of qualified persons is available from:
http://www.ntepa.nt.gov.au/waste-pollution/compliance/audits/qualified_persons or by contacting the NT EPA on telephone (08) 8924 4218.
5. The NT EPA is as defined in the Act or it's authorised Delegate.
6. This notice takes effect on the date on which it is served upon you.