

## POLLUTION ABATEMENT NOTICE

No. 2018/5

(Issued pursuant to section 82 of the *Waste Management and Pollution Control Act*)

**Issued to:** Department of Infrastructure, Planning and Logistics

**Address:** 25 Mitchell Street, Darwin City  
**Postal Address**

**In relation to premises:** Lot 3940 Town of Darwin (200) also known as State Square

### Reasons

I, Paul Vogel, Chairman of the Northern Territory Environment Protection Authority (NT EPA) pursuant to the *Waste Management and Pollution Control Act* ("the Act"), believe on reasonable grounds that:

1. The Northern Territory Government (NTG) is the owner and the Department of Infrastructure, Planning and Logistics (DIPL) is the occupier of Lot 3940 Town of Darwin ("the premises") that is polluted;
2. Action is required at the premises in line with s79(1) (a), (c) and (d) of the Act;
3. The premises has been subject to a series of environmental assessments, consistent with the requirements of the *National Environment Protection (Assessment of Site Contamination) Measure*;
4. Assessments conducted at the premises identified the presence of impacted soil materials across the premises that are contaminated with asbestos containing material (ACM) and chromium;
5. The assessment also identified a stockpile of impacted material that had previously left the premises prior to determining the nature of contamination at the premises. This stockpile is currently being stockpiled at 38 McMinn Street, Darwin City, Lot 5649 Town of Darwin (200). This stockpile comprises of approximately 700m<sup>3</sup> of impacted soil material contaminated with ACM;
6. An assessment of the management and disposal options was undertaken and in consultation with the NT EPA the preferred environmental option is for the appropriate burial of the impacted material excavated from the premises that is contaminated with ACM and chromium within an engineered containment cell within the premises;
7. Only the impacted soil material stockpile contaminated with ACM at 38 McMinn Street, Darwin City that was sourced from the premises, will be brought back onto the premises for disposal within the containment cell; and
8. This Pollution Abatement Notice satisfies the requirement that the location and design of the containment cell is fit for its intended purpose.

## Requirements

1. The impacted soil material contaminated with ACM and chromium currently located at Lot 3940 within Town of Darwin (200) and an approximate 700m<sup>3</sup> contaminated stockpile located at Lot 5649, Town of Darwin (200), are to be disposed of in an appropriately constructed fit for purpose engineered containment cell within Lot 3940 Town of Darwin (200) / (the premises);

### A. Construction Of Containment Cell Requirements

2. Before commencing construction of the containment cell on the premises, you must provide to the NT EPA a report with detailed plans, technical specifications and a construction quality assurance plan (“design documents”), for the design and construction of the containment cell and any other infrastructure associated with the cell;
3. The containment cell must be designed and constructed and be consistent with the intent of the Victorian EPA Publication 788.3, dated August 2015 and titled: “*Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills*” (landfill BPEM);
4. The report referred to in requirement 2 must also include an assessment and endorsement (by an environmental auditor accredited under the NSW or Victorian environmental auditor schemes) on the design of the containment cell as being appropriate for the purpose;
5. During construction of the containment cell, dust must not be emitted beyond the boundaries of the premises;
6. During construction of the containment cell, noise (including vibration) that has the potential to cause environmental harm (including environmental nuisance) must not impact on the surrounding sensitive receptors. The construction works need to comply with the NT EPA noise guidelines titled *Northern Territory Noise Management Framework Guideline, September 2018*;
7. During construction of the containment cell any water discharged from the premises must not be impacted with wastes or contaminants;
8. During construction of the containment cell, you must undertake a documented environmental monitoring program that enables you and the NT EPA to determine compliance with the requirements of this notice;
9. You must notify the NT EPA when the construction of the works covered by this notice 7 days prior to its commencement;
10. You must notify the NT EPA when the construction of the works covered by this notice, not more than 14 days after its completion;

### B. Containment Cell Requirements

11. Prior to the placement of impacted soil material within the containment cell you must provide to the NT EPA:

- a) written endorsement by an accredited environmental auditor on the level of compliance of construction in accordance with the intent of the landfill BEPM requirements; and
  - b) written endorsement by an accredited environmental auditor of an Environment Management Plan (EMP) for the placement of impacted soil material within the containment cell. This can be in the form of an addendum to the Construction Environmental Management Plan (CEMP), if required;
12. The EMP referred to in requirement 11(b) must include but not be limited to detailed information on:
- a) waste to be accepted within the landfill containment cell;
  - b) waste prohibited from disposal within the landfill containment cell;
  - c) waste disposal practices;
  - d) asbestos disposal method(s);
  - e) containment cell operation;
  - f) dust control and monitoring;
  - g) stormwater, surface water, groundwater management;
  - h) measures to ensure staff and contractor awareness of pollution abatement notice requirements;
  - i) signage and fencing;
  - j) noise management; and
  - k) reporting requirements e.g. contraventions of the pollution abatement notice, requirements of section 14 of the Act;
13. You must not commence placement of the impacted soil material within the containment cell until it has been assessed and endorsed by an environmental auditor accredited under the NSW or Victorian environmental auditor schemes as being appropriate for its purpose and have the required endorsements provided to the NT EPA;

### **C. Post Closure Requirements of Containment Cell - Ongoing Monitoring**

14. By 1 March 2019 you must provide to the NT EPA with a letter of endorsement from an accredited environmental auditor in relation to the compliance and closure of the containment cell. The letter must contain conditions for the ongoing monitoring and management of the premises;
15. By 1 March 2019 you must provide to the NT EPA with a date to supply an ongoing Site Management Plan for the premises to the NT EPA that is consistent with Aftercare Management in Section 8.2 of the landfill BPEM;
16. The ongoing Site Management Plan referred to in requirement 15 must, as a minimum, contain the following:
- a) inspection and maintenance of the cap to prevent, control and remediate/ restore depressions and seal cracks;

- b) inspection, maintenance and operation of any other infrastructure associated with the cell;
- c) inspection and maintenance of surface water and groundwater control and collection infrastructure; and

17. By 1 March 2019 you must provide the NT EPA with a date to supply the exact boundary coordinates of the containment cell and any associated infrastructure to the NT EPA, together with a report containing the final quantities for each type of waste material contained in the cell for the purposes of registering the premises as an area of contaminated area on the NT EPA Contaminated Land and Environmental Audit Results register and the land tile.

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**Notice Issued By:**



Paul Vogel  
Chairman

NT Environment Protection Authority

20 / 11 / 2018

Date

Time

**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 Northern Territory Environment Protection Authority, telephone 8924 4041.

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.