

POLLUTION ABATEMENT NOTICE
2019/1

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

Issued to: Norblast Industrial Solutions Pty Ltd
(ABN 99 110 217 671)

Address: KR Blacker and Associates
Level one
21 Parap Road
Parap NT 0820

In relation to premises: Portions 2448, 2449 and 2450, Hundred of Bagot, also known as 2450 McKinnon Road and a part of Section 67, Hundred of Bagot, also known as 125 McFarland Road

Reason:

I, Paul Purdon, delegate to the Chair of the Northern Territory Environment Protection Authority (NT EPA) pursuant to Section 77(a) of the *Waste Management and Pollution Control Act* ("the Act"), believe on reasonable grounds that:

1. The "premises" for the purposes of this notice and as depicted by the orange and blue outlines in Attachment A comprises Portions 2448, 2449 and 2450, Hundred of Bagot, also known as 2450 McKinnon Road (Owned by Todd Andrew McCourt and depicted by the orange outline) and a part of Section 67, Hundred of Bagot, also known as 125 McFarland Road (owned by Crown Lands and currently occupied by Norblast Industrial Solutions Pty Ltd);
2. Norblast Industrial Solutions Pty Ltd (Norblast) is the occupier of the premises;
3. Todd Andrew McCourt (Mr McCourt) is the sole Director of Norblast;
4. Norblast undertake industrial activities at the premises which are believed to include the following:
 - abrasive blasting;
 - high pressure cleaning;
 - application of protective coatings;
 - storage of materials and wastes generated by activities on site; and
 - collection, transport and storage of wastes from other industries and businesses.
5. On 8 February 2018, NT EPA officers (officers) traced the source of an oil pollution incident on Crown Lands to the premises. During the course of this, and subsequent, inspections officers took a number of photographs depicting

conditions at and around the premises. A selection of those photographs are included in Attachment B.

6. On 9 February 2018, officers met with Mr McCourt who confirmed that the premises was the source of the oil observed on adjacent Crown Lands and that the incident had occurred when a vacuum truck had been emptied into a surface drain on the premises;
7. Officers inspected the premises and observed contaminants and wastes (including wastes believed to be listed under Schedule 2 of the Waste Management and Pollution Control (Administration) Regulations (listed wastes), being stored at the premises;
8. Officers observed wastes including waste hydrocarbons and hydrocarbon/water mixtures stored in degraded and leaking containers at several locations on the premises without spill control, capture, or risk minimisation measures;
9. Waste abrasive blasting medium ('garnet' and 'steel shot') was observed across a considerable portion of the ground at the premises and was observed across a wide area of land outside the premises on Crown Lands.
10. At the premises, officers detected a strong hydrocarbon odour, observed heavy hydrocarbon staining on unsealed portions of the premises and saw puddles of liquids with heavy hydrocarbon sheens;
11. Officers observed that a surface water drainage line runs East to West through the lower portion of the premises and drains onto Crown land. Officers observed no measures to prevent any spilled or leaking contaminants or wastes from activities at the premises from washing into or leaking into the drainage line and then discharging from the premises;
12. Officers issued an authorised officer direction to Norblast on 14 February 2018 to implement measures and undertake works to prevent pollution and to have contaminated water and sediment removed by a licensed waste handler;
13. On 15 and 16 May 2018, 23 October 2018 and 6 March 2019 officers conducted further inspections of the premises and collected samples and photographs (Attachment B). During these inspections officers observed:
 - contaminants and wastes (including listed wastes) being stored at the premises;
 - Listed wastes including waste hydrocarbons and hydrocarbon/water mixtures and other wastes stored in degraded and leaking containers at several locations on the premises, without spill control, capture, or risk minimisation measures;
 - Areas of soils stained by waste hydrocarbons;
 - Waste 'garnet' on soils throughout the premises;
 - Waste 'garnet' on soils at the rear of the premises on Crown Lands; and
 - Stockpiles of wastes, including used steel shot, stored inappropriately with no control measures to prevent runoff to surface water drains;
14. Results of samples taken of wastes from the premises confirms that:
 - Listed wastes (waste hydrocarbons) were being stored at the premises; and

- Soils at the premises and in the surface water drainage line are polluted and contaminated by waste hydrocarbons;
15. There are no current or historical environmental approvals, licences or exemptions issued under the Act for these activities;
 16. Section 83 of the Act provides offences for polluting the environment and for the inappropriate storage of wastes;
 17. All reasonable and practical measures to prevent or minimise pollution or environmental harm caused or likely to have been caused by activities at the premises have not been taken;
 18. By reason of the above, I believe on reasonable grounds that:
 - a) Norblast has committed, or may commit, an offence against section 83 of the Act;
 - b) Norblast has contravened or failed to comply with section 12(1) of the Act (the general environmental duty); and
 - c) Mr McCourt is the owner or occupier of land that is polluted.

Action Required

General Requirements

1. On and from the date of this notice, you must immediately cease the collection, storage, treatment and/or transport of listed wastes;
2. On and from the date of this notice, you must immediately engage an appropriately licensed listed waste handler to remove all listed wastes from the premises for appropriate re-use or disposal;
3. On and from the date of this notice, you must immediately prevent pollution or environmental harm occurring from the premises by:
 - a) Storing all non-listed wastes and/or contaminants in accordance with the following guidelines:
 - Liquid storage and handling guidelines, 2018, published by EPA Victoria; and
 - Australian Standard (AS)1940:2017;
 - b) Ensuring that all activities at the premises with the potential to produce contaminants and/or wastes are appropriately managed and controlled so that all resulting contaminants and/or wastes are captured for temporary storage, reuse or appropriate disposal;
4. On and from the date of this notice, all environmental management and control measures at the premises must be inspected by you, or another person in authority:
 - a) weekly during Dry season (between 1 May- 30 September);
 - b) daily during Wet season (1 October – 30 April); and

- c) within 1 hour, or as soon as possible during normal business hours, after the cessation of rainfall that causes storm water to be discharged from the premises;
5. On and from the date of this notice, you must record all inspections referred to in requirement 4, including observations and details of works undertaken to improve, repair and/or maintain environmental management and control measures;
6. By 19 June 2019, you must provide a report signed by a company officer of Norblast confirming requirements 1 and 2 of this notice have been met and providing detailed receipts for all wastes removed from the premises over the past 24 months;
7. By 16 August 2019, you must submit to the NT EPA an Environmental Management Plan (EMP), endorsed by a suitably qualified environmental professional that details and specifies environmental management actions for all of the activities at the premises detailing exactly the measures to be taken to prevent and minimise pollution, reduce wastes and comply with the provisions of the Act;
8. The EMP referred to in requirement 7 must also include but not be limited to the following:
- a) a company description which includes the following:
 - i. a description of the nature of activities at the premises with the potential to cause pollution or generate wastes;
 - ii. written details of all wastes generated and/or stored on the premises (including types, volumes, characteristics) and detail of the sources of wastes if not generated on site;
 - b) a detailed map (or maps) of the premises clearly indicating the following:
 - i. drainage infrastructure and drainage levels for the premises;
 - ii. specific areas where wastes are generated and/or stored (with details of the specific wastes generated or stored);
 - iii. locations of all environmental control and management measures at the premises, either in place or planned (with date for implementation); and
 - iv. locations where surface or stormwaters discharge from the premises;
 - c) detailed description of all measures that have and will be implemented at the premises to manage and control wastes/contaminants;
 - d) a specified date for the periodic review of the EMP, which is to occur at least every 12 months.

Notice Issued By:



Paul Purdon

Delegate of the

Northern Territory Environment Protection Authority

29 15/19 1.15pm
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 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: _____ at:

Date: / /

Time: _____

By: Name: _____ Signature: _____

Agency: _____

If **Post**: Registered or certified mail no: _____

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