

## POLLUTION ABATEMENT NOTICE

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

**Issued to:** Ezion Offshore Logistics Hub (Tiwi) Pty Ltd (ACN 146 391 219)

**Name:** Yow Kok WONG, Chiaw Koon ENG, Gerard Patrick HUTCHINSON, Larry Glenn JOHNSON - Directors  
**Address:** 31 Muramats Road, East Arm, NT 0822  
**Tel:** (08) 9320 7000  
**Fax:** (08) 9320 7011

**In relation to premises:** Part of NT Portion 1644, also known as Port Melville (area in Attachment A) 'the premises'.

### Reason:

I, William (Bill) Freeland, the Delegate 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. Ezion Offshore Logistics Hub (Tiwi) Pty Ltd is the occupier of the premises;
2. On 7 November 2014 authorised officers of the NT EPA undertook an inspection of the premises where they observed sediment laden water discharging from the premises into the area known as Apsley Strait;
3. On 10 November 2014 Teras Australia Pty Ltd a subsidiary company of Ezion Offshore Logistics Hub (Tiwi) Pty Ltd were issued with a direction to prevent contaminants, including turbid sediment laden storm water, entering Apsley Strait from the premises;
4. NT EPA Environmental Officers conducted visits of the premises on 18 December 2014, 13 May 2015 and 15 October 2015;
5. It has been identified in all inspections of the premises that there are insufficient measures in place to prevent an offence against section 83 of the Act occurring;
6. Erosion and Sediment Control plans have been provided to the NT EPA but currently have not been complied with; and
7. By reason of the facts above:
  - a) Ezion Offshore Logistics Hub (Tiwi) Pty Ltd, has contravened or failed to comply with section 12(1) of the Act (the general environmental duty).

## **Action Required**

### **General Requirements**

1. On and from the date of this notice, you must ensure that any discharges from the premises comply with the following water quality parameters:
  - a) pH: 6.5 - 8.5;
  - b) Total Suspended Solids: less than or equal to 50 milligrams per litre;
  - c) No visible oil and grease; and
  - d) Total Petroleum Hydrocarbons  $\leq 5$ ppm
2. On and from the date of this notice, you must minimise the area of the premises that is able to generate suspended material when water flows over it;
3. On and from the date of this notice, you must ensure that erosion and sediment control measures are implemented around all areas of the premises that are able to generate suspended material when water flows over it;
4. The erosion and sediment control measures referred to in requirement 3 must be appropriately designed and utilised to ensure that the offsite transport of suspended sediments and other pollutants is minimised;
5. On and from the date of this notice, all erosion and sediment control measures installed on the premises must be inspected:
  - a) weekly during normal work hours;
  - b) daily during periods of rainfall; and
  - c) within 24 hours of the cessation of a rainfall event causing runoff to occur on or from the premises;
6. On and from the date of this notice, you must record all inspections referred to in requirement 5, including observations and works undertaken to repair and/or maintain erosion and sediment controls measures;
7. On and from the date of this notice, erosion and sediment control measures that have been disabled, run-over, removed, damaged, or otherwise rendered ineffective, must be replaced or corrected immediately upon discovery;
8. On and from the date of this notice, sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
9. For perimeter controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height;
10. By 23 December 2015, you must provide the NT EPA with up to date contact details of representatives who are authorised to speak on behalf of Ezion Offshore Logistics Hub (Tiwi) Pty Ltd and can respond at all times to incidents relating to the premises;

### **Reporting Requirements**

11. By 23 February 2016, you must submit to the NT EPA an Environmental Management Plan (EMP) which has been reviewed by a qualified person registered under section 68 of the Act;

12. The EMP referred to in requirement 10 must be produced in accordance with *Best Practice Erosion and Sediment Control* (International Erosion Control Association 2008) and must cover the following:

- a) erosion and sediment control plans;
- b) site management;
- c) site clearing;
- d) soil and stockpile management;
- e) drainage control;
- f) erosion control;
- g) sediment control;
- h) site rehabilitation;
- i) site monitoring;
- j) site maintenance; and
- k) road works;

13. The EMP referred to in requirement 11 must also include the following:

- a) a detailed premises map (or maps) indicating the following:
  - i. drainage patterns and approximate slopes;
  - ii. areas where soil disturbance will occur;
  - iii. locations of all major structural controls, either planned or in place;
  - iv. locations where temporary or permanent stabilisation practices are expected to be used;
  - v. locations of support activities, including off-premises activities, such as material, waste, borrow, fill, or equipment storage areas;
  - vi. surface waters (including wetlands) either at, adjacent, or in close proximity to the premises; and
  - vii. locations where stormwater discharges from the premises directly to a surface water body;
- b) a description of waste materials expected to be stored on the premises and a description of controls to minimise pollutants from these materials;
- c) a description of potential pollutant sources from areas other than storm water discharges, and a description of controls and measures that will be implemented to minimise pollutants discharged into waters including the Apsley Strait;
- d) audit, inspection and compliance assessment and reporting program for the EMP;
- e) a protocol for periodic review of the EMP, that is to occur every four months;
- f) a complaints management framework outlining procedures and feedback mechanisms for handling community complaints;
- g) a reporting framework which outlines:
  - i. how incidents that may cause environmental harm (including stormwater discharges) will be reported; and
  - ii. how compliance with section 14 of the Act will be achieved;
- h) a dust management plan;

14. By 26 February 2016, you must make the EMP referred to in requirement 10 publicly available on the company website;
15. The EMP referred to in requirement 11 must be accompanied by an audit report prepared by a qualified person registered under section 68 of the Act. The audit report must assess the measures and processes contained in the EMP and must include, but not be limited to, the qualified person's findings, recommendations and conclusion as to whether or not the EMP adequately manages the environmental risks at and from the premises;
16. In preparing the audit report referred to in requirement 15 the qualified person must:
  - a) refer to the EMP;
  - b) refer to any relevant Work Method Statements (WMS) prepared in relation to the premises;
  - c) refer to the *Best Practice Erosion and Sediment Control* (International Erosion Control Association 2008);
  - d) consider the adequacy of erosion and sediment control measures for all locations within the premises;
  - e) identify non-conformances of the erosion and sediment control measures with the EMP, WMS or *Best Practice Erosion and Sediment Control* (International Erosion Control Association 2008) as the case may be; and
  - f) recommend measures or actions to improve the environmental performance of operational activities on the premises, including where any non-conformances with erosion and sediment control measures have been identified;
17. Should you operate an ISO accredited Environmental Management System (EMS) and are of the view that the operation of the EMS can satisfy any requirements of this notice, then you can submit a report to the satisfaction of NT EPA which demonstrates how the operation of the EMS meets the requirements of this notice. The NT EPA may in writing direct that the EMS can operate in lieu of some or all requirements in this notice.

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**Notice Issued By:**



Dr William Freeland

**Chairperson**

**NT Environment Protection Authority**

18/12/15

**Date**

1026

**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: FIONA MICHAEL Signature: \_\_\_\_\_

Agency: NTEPA

If **Post**: Registered or certified mail no: 515523603015

# Attachment A: Location Map

