

POLLUTION ABATEMENT NOTICE

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

Issued to: H B Concrete Pty Ltd (ABN 42 060 136 389)

Name: Michael Halkitis, Nikitas Halkitis and John Halkitis
Address: 18 Smith Street, Darwin NT 0800

In relation to premises: Lot 1733 Hundred of Bagot (also known as 20 Mataram Street, Winnellie) and Lot 2867 Hundred of Bagot (also known as 14 Hook Road, Winnellie) (the premises)

Reason:

I, Gary Nairn, member 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) H B Concrete Pty Ltd are the occupier of the premises;
- 2) H B Concrete Pty Ltd operates a concrete production business at the premises;
- 3) On 25 May 2016, discoloured water polluted with fine particles, consistent with concrete wash water, was observed discharging into a stormwater drain on the premises;
- 4) The stormwater drain on the premises is connected to a municipal stormwater system which connects to a waterway below Tiger Brennan Drive, Winnellie;
- 5) On 25 May 2016, discoloured water polluted with fine particles, consistent with concrete wash water, was observed discharging into the waterway below Tiger Brennan Drive, Winnellie from the municipal stormwater system;
- 6) The water and bed of the waterway below Tiger Brennan Drive, Winnellie was observed to be impacted by fine particles (consistent with the observed discharge at the premises);
- 7) Results of samples taken on 25 May 2016 indicate that:
 - a) the discharge from the premises had a pH of 12.6; and
 - b) water in the waterway below Tiger Brennan Drive, Winnellie had a pH of 12.5;
- 8) During 2014, H B Concrete Pty Ltd was issued:
 - a) two Authorised Officer Directions in relation to the discharge of concrete wash water from the premises;
 - b) three penalty infringement notices in relation to the discharge of concrete wash water from the premises;

9) By reason of the facts above:

- a) H B Concrete Pty Ltd has committed, and may commit, an offence against section 83(5) of the Act; and
- b) H B Concrete 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 discharge from the premises to a municipal stormwater system:
 - a) is between pH 6.5 - 8.5; and
 - b) does not exceed 50 mg/L total suspended solids (TSS);
2. From the date of this notice you must collect one sample per fortnight of each discharge from the premises to a municipal stormwater system and have it analysed for pH and TSS;
3. From the date of this notice you must ensure that all samples are collected in accordance with recognised Australian Standards and guidelines (such as AS/NZS 5667, ANZECC/ARMCANZ);
4. From the date of this notice you must ensure that all monitoring samples are analysed at a laboratory with current NATA accreditation or equivalent, for the parameters to be analysed;
5. On and from the date of this notice you must ensure:
 - a) that all materials that are likely to cause environmental harm are handled and stored in areas with a containment system in accordance with the relevant Australian Standard; and
 - b) that where no relevant Australian Standard exists, the containment system must be sized to contain 110% of the volume of the largest container within each containment area;
6. On and from the date of this notice you must ensure that concrete trucks are washed in a designated area which does not drain directly to a municipal stormwater system;

Reporting Requirements

7. On and from the date of this notice you must must notify the NT EPA of any non-compliance with this notice as soon as practicable after (and in any case within 24 hours after) first becoming aware of the non-compliance;
8. From the date of this notice any notification of non-compliance must contain the following information:
 - a) when the non-compliance was detected and by whom;
 - b) the date and time of the non-compliance; and

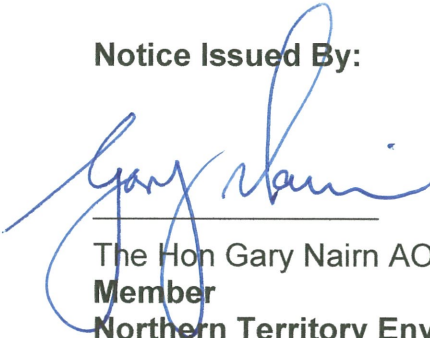
- c) corrective actions that have or will be undertaken to ensure the non-compliance does not reoccur.
9. By 25 November 2016 provide to the NT EPA an Environment Improvement Plan detailing:
- a) how you are going to meet the requirements of this notice; and
 - b) measures that will be implemented to prevent dust, noise and waste from the premises causing environmental nuisance under the Act.

Definitions

ANZECC/ARMCANZ Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand, 2000: National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting.

NATA National Association of Testing Authorities, Australia.

Notice Issued By:



The Hon Gary Nairn AO
Member
Northern Territory Environment Protection Authority

28 / 10 / 2016 4pm
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: 943118972015