

POLLUTION ABATEMENT NOTICE

No. 2018/6

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

Issued to: Anindilyakwa Land Trust
Address: PO Box 172, Alyangula NT 0885

Postal Address PO Box 172, Alyangula NT 0885

In relation to premises: N.T. Portion 01199 plan(s) B 000517
N.T. Portion 1632, Survey Plan CP 004201

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 Anindilyakwa Land Trust is the owner and occupier of the premises at Bartalumba Bay [N.T. Portion 01199 plan(s) B 000517] that is polluted;
2. Anindilyakwa Land Council (ALC) on behalf of Anindilyakwa Land Trust engaged an environmental auditor accredited under the NSW environmental auditor schemes (accredited environmental auditor) who prepared a site assessment of N.T. Portion 01199 plan(s) B 000517 and developed an Asbestos Management Plan and Asbestos Register for the premises;
3. The premises at N.T. Portion 01199 plan(s) B 000517 has been subject to environmental assessment(s) consistent with the requirements of the *National Environment Protection (Assessment of Site Contamination) Measure*;
4. An assessment identified several derelict buildings at the premises that contain asbestos and/or asbestos containing material (ACM);
5. The assessment also identified the presence of soil materials across the premises that are contaminated with ACM;
6. Prior to removal of any asbestos-impacted waste from the premises ALC will engage a suitably qualified environmental consultant with experience in contaminated land assessment to prepare a Remedial Action Plan (RAP) that will be reviewed and endorsed by an accredited environmental auditor. The ALC will also update the Asbestos Register for the site;
7. Action is required in line with s79(1) (a), (c) and (d) of the Act to render the premises suitable for its ongoing land use;
8. An assessment of asbestos management options was undertaken in consultation with the NT EPA. The preferred option is the appropriate burial of the impacted material excavated from the premises that is contaminated with ACM within an engineered containment cell located within N.T. Portion 1632, Survey Plan CP 004201 (the "disposal site") at the location adjacent to the Bartalumba Bay Road shown in Attachments A and B;
9. Action is also required at the disposal site in line with s79(1) (a) and (d) of the Act;

10. Anindilyakwa Land Trust is also the owner and occupier of N.T. Portion 1632, Survey Plan CP 004201, known as the disposal site;
11. Only the ACM impacted building and soil materials contaminated with ACM from the premises will be disposed within the containment cell on the disposal site;
12. This Pollution Abatement Notice satisfies the requirement that the location and design of the containment cell at the disposal site is fit for its intended purpose.

Requirements

1. The impacted building demolition waste and soil material contaminated with ACM currently located at the premises must be disposed of in an appropriately constructed containment cell within the disposal site;

A. Waste Removal

2. Prior to removal of any ACM-impacted waste from the premises you must provide a Remedial Action Plan for the premises to the NT EPA endorsed by an accredited environmental auditor;
3. Within 3 months after the completion of waste removal from the premises you must provide to the NT EPA an environmental audit statement and environmental audit report and updated Asbestos Register endorsed by an accredited environmental auditor;

B. Construction of Containment Cell Requirements

4. Before commencing construction of the containment cell on the disposal site you must provide to the NT EPA:
 - a) 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 associated infrastructure; and
 - b) the Environment Management Plan (EMP) for the construction and operation of the containment cell;
5. The EMP for the construction and operation of the containment cell must include but not be limited to information on:
 - c) dust control and monitoring;
 - d) measures to ensure staff and contractor awareness of pollution abatement notice requirements;
 - e) signage and security to prevent unauthorised access;
 - f) waste to be accepted within the landfill containment cell;
 - g) waste prohibited from disposal within the landfill containment cell; and

- h) reporting requirements e.g. contraventions of the pollution abatement notice, requirements of section 14 of the Act;
- 6. The containment cell must be designed and constructed to be consistent with the intent of the Victorian EPA Publication 788.3, dated August 2015: *“Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills”* (landfill BPEM);
- 7. The report referred to in requirement 4 must also include an assessment and endorsement by an accredited environmental auditor that the design of the containment cell is appropriate for the purpose;
- 8. During construction of the containment cell, you must ensure dust is not emitted beyond the immediate containment cell area;
- 9. During construction of the containment cell, you must undertake a documented environmental monitoring program that determines compliance with the requirements of this notice;
- 10. You must notify the NT EPA within five business days following the commencement of construction of the containment cell;
- 11. You must notify the NT EPA within five business days following the completion of construction of the containment cell;

C. Disposal Requirements

- 12. Prior to the placement of impacted demolition waste and soil material impacted with ACM within the containment cell you must provide to the NT EPA written endorsement by an accredited environmental auditor on the level of compliance of the constructed cell in accordance with the landfill BEPM requirements;
- 13. the EMP must include the placement of impacted demolition waste and soil material impacted with ACM within the containment cell;

D. Post Closure Requirements- Ongoing Monitoring of Containment Cell

- 14. Within 1 month following the commencement of waste disposal at the disposal site you must provide the NT EPA an Aftercare Management Plan for the containment cell and associated infrastructure and equipment; prepared by an accredited environmental auditor to be consistent with Aftercare Management in Section 8.2 of the landfill BPEM.
- 15. The Aftercare Management Plan referred to in requirement 14 must, as a minimum, contain measures to ensure appropriate:
 - a) inspection and maintenance of the cell capping to prevent, control and remediate/ restore depressions and seal cracks and maintain vegetation;
 - b) inspection, maintenance and operation of any other related equipment and infrastructure associated with the cell; and
 - c) inspection and maintenance of surface water control and collection infrastructure;

16. Within 3 months following the completion of waste disposal in the containment cell, you must provide the exact boundary coordinates of the containment cell and any associated infrastructure to the NT EPA together with the final quantities for each type of waste material contained in the cell for the purpose of registering the cell as an area of contaminated land on the NT EPA Contaminated Land and Environmental Audit Results register and the land title.
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Notice Issued By:



Paul Vogel
Chairman

NT Environment Protection Authority

18 / 12 / 18

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.

ATTACHMENT A- location of asbestos containment cell on the disposal site/ N.T. Portion 1632, Survey Plan CP 004201 (GDA94 / MGA Zone 53)



ATTACHMENT B- coordinates of asbestos containment cell on the disposal site/ N.T. Portion 1632, Survey Plan CP 004201 (GDA94 / MGA Zone 53)

