

POLLUTION ABATEMENT NOTICE

No. 2022/2

(Issued pursuant to section 77 of the *Waste Management and Pollution Control Act 1998*)

ISSUED TO: Mr Andrew Kirkman
Chief Executive
Department of Infrastructure, Planning and Logistics (“**You**”)

OF: Level 5 Energy House, Cavenagh Street, Darwin NT, 0800

WHEREAS the delegate of the Northern Territory Environment Protection Authority (NT EPA) is satisfied for the reasons stated in **Attachment A** to this notice, that the Department of Infrastructure, Planning and Logistics (DIPL):

(i) **is the owner and/or occupier of land that is polluted.**

In relation to the premises located at Hidden Valley, Northern Territory (NT) (Parcel 389 and 4356, and Portion 1534 Hundred of Bagot) (the premises) as delineated in **BLUE** in **Attachment C**.

NOW TAKE NOTICE that you are required to comply with each of the requirements specified in **Attachment B** to this notice on and from the date of issue of this notice or such later date as may be specified.

ISSUE DATE:



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AMY DENNISON
EXECUTIVE DIRECTOR
ENVIRONMENTAL REGULATION
DELEGATE OF THE NT EPA

Important Notice

Failure to comply with this notice is an offence under section 80 of the *Waste Management and Pollution Control Act 1998* 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 1998*, **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 1998* 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

REASONS FOR ISSUING THIS POLLUTION ABATEMENT NOTICE

1. The Department of Infrastructure, Planning and Logistics (DIPL) (the owner) acts as the controlling agency for road reserves and adjoining land located at Hidden Valley, Northern Territory (NT) (Parcel 389 and 4356, and Portion 1534 Hundred of Bagot) (the premises) as delineated in **BLUE** in **Attachment C**;
2. DIPL, is responsible for the proposed upgrade of the Tiger Brennan Drive/Berrimah Road intersection, referred to as the 'Tiger Brennan Drive Overpass Project' (TBOP) located within the premises;
3. The TBOP will be jointly delivered by the Northern Territory Government (NTG) and Australian Government and involves the construction of a new overpass to improve road safety outcomes at the intersection;
4. As part of the preliminary design and development works for the TBOP, DIPL engaged CDM Smith Australia Pty Ltd (CDM Smith) to undertake a contaminated soils survey across the premises;
5. CDM Smith conducted soil sampling across the premises and identified Asbestos impacts in surface soils and stockpiled materials;
6. In 2021, Sitzler Pty Ltd (Sitzler) was awarded the contract to deliver the TBOP and consequently engaged SLR Australia Pty Ltd (SLR) to conduct a detailed assessment and quantification of asbestos across the premises;
7. On 7 April 2021, SLR provided a report to the NT EPA titled "*Detailed Site Investigation – Tiger Brennan Overpass Project*", (the DSI Report) dated 25 March 2021;
8. The DSI Report states:
 - (a) Asbestos Containing Material (ACM) was present on the ground surface across an area of approximately 49,340 m²;
 - (b) The estimated volume of asbestos impacted materials associated with the identified surface impacts was estimated in the range of 7,000 to 8,000 m³;
 - (c) 12 stockpiles of asbestos impacted material was observed at the premises, with an estimated volume of 265m³;
 - (d) Friable asbestos and asbestos fines (AF/FA) were identified in excess of the adopted site assessment criteria at several locations across the premises; and
 - (e) Due to the variability of the condition (i.e. moderate to poor/friable) of the ACM and the presence of AF/FA identified in samples collected during the investigation, SLR recommended that all asbestos removal/remediation work is undertaken or overseen by a Class A Asbestos Removal Contractor;
9. Asbestos is a naturally occurring mineral that was widely used in construction due to its superior strength and heat resistant properties;
10. Asbestos is a known human carcinogen causing asbestosis, mesothelioma and lung cancers;
11. An assessment of the management and disposal options for the impacted materials was undertaken, and in consultation with DIPL, and NT EPA officers, the preferred remediation option was deemed to be the construction of an engineered containment cell on the premises; and

12. This Pollution Abatement Notice, issued in accordance with section 79(d), details the requirements for the design, construction, operation and close out of the containment cell for the purposes of site remediation to ensure the land (premises) is fit for its intended purpose.

ATTACHMENT B

POLLUTION ABATEMENT NOTICE REQUIREMENTS

General Requirements

1. By **30 June 2022**, you must engage a suitably qualified and experienced environmental / contaminated land consultant (the consultant) to coordinate and oversee all remedial activity conducted at the premises;
2. You must provide the details of the consultant commissioned to conduct the works to the NT EPA via email to pollution@nt.gov.au within **10 business days** of engagement;
3. By **31 July 2022**, you must engage a suitably qualified and experienced contaminated land auditor (the auditor), accredited under section 68 of the *Waste Management and Pollution Control Act 1998* (WMPC Act);
4. You must provide the details of the auditor commissioned to conduct the works to the NT EPA via email to pollution@nt.gov.au within **10 business days** of engagement;

Remedial Requirements for the Asbestos Impacted Area

5. By **31 August 2022**, you must provide and comply with a Remedial Action Plan (RAP) prepared by the consultant and endorsed by the auditor for the premises, to the NT EPA via email to pollution@nt.gov.au;
6. The RAP referred to in requirement 5 must detail all management, remediation and validation requirements for the impacts identified at the premises;
7. Validation of the Asbestos impacted area, following removal of Asbestos impacted soils, must be undertaken in accordance with the RAP and results detailed in a Validation Report referred to in requirement 19 of this notice;
8. The Validation Report must be provided to the NT EPA via email to pollution@nt.gov.au within **90 business days** following completion of all remedial works undertaken at the premises;
9. The Validation Report, referred to in 8 above, must be prepared by the consultant and be accompanied by formal endorsement of the remedial works and validation results by the auditor;

Temporary Stockpiling Requirements

10. Prior to any temporary stockpiling of Asbestos impacted materials at the premises, you must provide a Stockpile Management Plan, prepared by the consultant and endorsed by the auditor, to the NT EPA via email to pollution@nt.gov.au;
11. The Stockpile Management Plan must detail all management requirements for the temporary stockpiling of the materials and be complied with from the date of the auditors endorsement;

Containment Cell Construction Requirements

12. Prior to commencing containment cell construction works, you must provide the Design Documents for the containment cell, including, detailed plans, technical

specifications to guide the construction of the containment cell to the NT EPA via email to pollution@nt.gov.au;

13. The containment cell, must be designed and constructed in accordance with the intent of the Victorian EPA Publication 788.3 titled "*Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills*" (Landfill BPEM) dated August 2015, as amended;
14. The Design Documents, referred to in requirement 12, must be endorsed by the auditor;
15. At all times during construction of the containment cell, dust, noise (including vibration), odour and waste water (including contaminated storm water) must not be emitted beyond the boundary of the premises;

Containment Cell Operational Requirements

16. You must not commence placement of the Asbestos impacted soils (sourced from the temporary stockpiled materials) within the containment cell until the Design Documents, referred to in requirement 12, have been assessed and endorsed by the auditor and you have provided the required endorsed documents to the NT EPA via email to pollution@nt.gov.au;
17. Prior to the placement of any Asbestos impacted soils from the temporary stockpiling area into the containment cell, you must provide an Environmental Construction Management Plan, prepared by the consultant and endorsed by the auditor, to the NT EPA via email to pollution@nt.gov.au;
18. The Environmental Construction Management Plan_ referred to in requirement 17 must include, but not be limited to, detailed information on:
 - (a) waste types and estimated volumes to be accepted within the containment cell;
 - (b) waste prohibited from placement within the containment cell;
 - (c) waste placement methods;
 - (d) dust control and monitoring;
 - (e) noise control and monitoring;
 - (f) stormwater, surface water and groundwater management (as necessary);
 - (g) decontamination measures;
 - (h) signage and fencing to be established and maintained during works;
 - (i) measures to ensure staff and contractors are aware of the requirements detailed in this Pollution Abatement Notice; and
 - (j) reporting requirements for potential contraventions of this Pollution Abatement Notice;

Containment Cell Closure Requirements

19. Within **90 business days** following completion of all remedial works (including containment cell close out), you must provide a Validation Report to the NT EPA via email to pollution@nt.gov.au;
20. The Validation Report referred to in requirement 7 and 19 of this notice must include, but not be limited to, detailed information on:
 - (a) The remediation undertaken at the premises;
 - (b) The validation sampling process and results;
 - (c) the boundary coordinates of the containment cell and any associated infrastructure;
 - (d) the final quantities of waste material placed within the containment cell;

- (e) the capping type and thickness used atop the waste materials in the containment cell; and
 - (f) any ongoing monitoring requirements for the management of the containment cell;
21. For the purposes of requirement 20(f) a Long Term Environmental Management Plan (LTEMP), consistent with the *Aftercare Management* in Section 8.2 of the Landfill BPEM, must be endorsed by the auditor and provided to the NT EPA via email to pollution@nt.gov.au; and
22. The LTEMP referred to in requirement 21, should, at a minimum, contain the following:
- a. An inspection regime of the cap to monitor for cracks or erosion;
 - b. A maintenance regime of the cap to remediate and restore depressions or seal cracks (as necessary);
 - c. restrictions on vegetation types to be grown in the area; and
 - d. parties responsible for any ongoing monitoring and maintenance of the cell.

**ATTACHMENT C
THE PREMISES**

