

POLLUTION ABATEMENT NOTICE

No. 2017/001

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

Issued to: The Secretary of the Department of Defence

FAO: Mr Jason Armstrong
Assistant Secretary of Corporate Services and Governance

Postal Address: PO Box 7910 Canberra BC ACT 2601

In relation to premises: RAAF Base Darwin

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 Department of Defence is the owner or occupier of Section 5730 Survey Plan LTO 2004/063 Town of Darwin ("the premises") that is polluted;
2. Action is required at the premises in line with s79(1) (a), (c) and (d) of the Act;
3. The premises have been subject to a series of assessments relating to asbestos contamination, consistent with the requirements of the *National Environment Protection (Assessment of Contaminated Sites) Measure*;
4. Assessments identified that stockpiles of soil at the premises are contaminated with asbestos or asbestos containing material (ACM);
5. An assessment of management and disposal options was undertaken and in consultation with the NT EPA the preferred environmental option is the appropriate burial of the stockpiles of soil contaminated with asbestos and/or ACM within an engineered containment cell within the premises;
6. A Pollution Abatement Notice was issued to you on 10 May 2017 and the Department of Defence now requests that this Notice be amended to reflect changes to the current project timeframes; and
7. This Pollution Abatement Notice satisfies the requirement that the location and design of the containment cell is fit for its intended purpose.

Requirements

1. Stockpiles of soil contaminated with asbestos and/or ACM currently located at Derriwong Street, Winnellie NT within part Section 5730 Survey Plan LTO 2004/063, are to be disposed of in an appropriately constructed containment cell within Section 5730 Survey Plan LTO 2004/063 / the premises.

A. CONSTRUCTION OF CONTAINMENT CELL REQUIREMENTS

2. Before commencing construction of the containment cell on the premises, you must provide to the NT EPA 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 other infrastructure associated with the cell.
3. The containment cell must be designed and constructed to be consistent with the intent of the Victorian EPA Publication 788.3, dated August 2015 and titled: “Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills” (landfill BPEM).
4. The report referred to in requirement 2 must also include an assessment and endorsement (by an environmental auditor accredited under the NSW or Victorian environmental auditor schemes) of the design of the containment cell as being appropriate for the purpose.
5. During construction of the containment cell, dust must not be emitted beyond the boundaries of the premises.
6. During construction of the containment cell, noise (including vibration) that has the potential to cause environmental harm (including environmental nuisance) must not be emitted beyond the boundaries of the premises.
7. During construction of the containment cell any water discharged from the premises must not be contaminated with waste.
8. During construction of the containment cell, you must undertake an environmental monitoring program that enables you and the NT EPA to determine compliance with the requirements of this notice.
9. You must notify the NT EPA when the construction of the works covered by this notice has been commenced; and
10. You must notify the NT EPA when the construction of the works covered by this notice has been completed.

B. OPERATION OF CONTAINMENT CELL REQUIREMENTS

11. At least 1 month before the commencement of operating the containment cell you must provide to the NT EPA:
 - a) an environmental audit report completed by an environmental auditor on the level of compliance of construction in accordance with the intent of the landfill BPEM requirements; and
 - b) an Environment Management Plan (EMP) for the operation of the containment cell.
12. The EMP referred to in requirement 11(b) must include but not be limited to detailed information on:
 - a) waste to be accepted within the landfill containment cell;
 - b) waste prohibited from disposal within the landfill containment cell;
 - c) waste disposal practices;

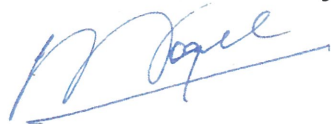
- d) asbestos disposal method(s);
 - e) containment cell operation;
 - f) dust control and monitoring;
 - g) stormwater, surface water, groundwater management;
 - h) measures to ensure staff and contractor awareness of pollution abatement notice requirements;
 - i) signage and fencing;
 - j) noise management; and
 - k) reporting requirements e.g. contraventions of the pollution abatement notice, requirements of section 14 of the Act.
13. You must not commence operation of the containment cell until it has been assessed and endorsed by an environmental auditor accredited under the NSW or Victorian environmental auditor schemes as being appropriate for its purpose and have provided that endorsement to the NT EPA.

C. POST CLOSURE REQUIREMENTS OF LANDFILL CONTAINMENT CELL

14. By 30 September 2018 you must provide the NT EPA with a date to submit a Rehabilitation Plan to the NT EPA for the containment cell on the premises which must contain time bound milestones for implementation.
15. The Rehabilitation Plan referred to in requirement 14 must be:
- a) endorsed by an environmental auditor accredited under the NSW or Victorian auditor schemes; and
 - b) in accordance and consistent with the most recent version of the landfill BPEM.
16. By 30 September 2018 you must provide the NT EPA with a date to supply an Aftercare Management Plan for the premises to the NT EPA that is consistent with Aftercare Management in Section 8.2 of the landfill BPEM.
17. The Aftercare Management Plan referred to in requirement 16 must, as a minimum, contain the following:
- a) inspection and maintenance of the landfill cap to prevent, control and remediate erosion, restore depressions, seal cracks and maintain vegetation;
 - b) inspection, maintenance and operation of any other infrastructure associated with the cell; and
 - c) inspection and maintenance of surface water control and collection infrastructure.
18. By 30 September 2018 you must provide the NT EPA with a date to supply the exact boundary coordinates of the landfill 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 purposes of registration the cell as an area of contaminated land.

19. Milestones dates for requirements 14, 16 and 18 will be confirmed upon procurement of a contractor and acceptance of their program. These Milestone dates must be provided to the NT EPA no later than 30 September 2018. A revised version of this PAN will be released specifying these dates.
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Notice Issued By:



Paul Vogel

Chairman

NT Environment Protection Authority

22 / 09 / 17

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.