

POLLUTION ABATEMENT NOTICE

No. 2022/3

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

ISSUED TO: **Chief Executive**
Department of Infrastructure, Planning and Logistics

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


WHEREAS 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 40 Richardson Drive, Ludmilla, NT (Lot 8434, Town of Darwin) also referred to as 'Richardson Park' (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: 23 August 2022


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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) represents the Northern Territory of Australia (the owner) for the property located at 40 Richardson Drive, Ludmilla, NT (Lot 8434, Town of Darwin) also referred to as 'Richardson Park' (the premises) and delineated in **Blue** in **Attachment C**;
2. DIPL is responsible for the redevelopment of the premises as a community purpose area, in line with the current zoning of Organised Recreation (the project);
3. The project involves the demolition and removal of all buildings, upgrading of the existing premises playing surface to include redevelopment of surrounding grounds for recreational purposes and construction of toilet facilities, access roads and a visitor car parking area;
4. The project works will also involve an extension of the premises to enhance access to Ludmilla Primary School;
5. EcOz Pty Ltd (ACN 143 989 039) (EcOz) and OCITIEF Pty Ltd (ACN 163 772 478) were engaged as the environmental consultants for the project and conducted preliminary contaminated land investigations across the premises;
6. During preliminary works, an area of approximately 550m² of asbestos containing material (ACM) impacted soils were identified in the southern portion of the premises;
7. Additional investigation works were conducted across the Southern portion of the premises to delineate the extent of remaining *in situ* ACM impacts in the Southern portion of the premises, with an area of impact estimated at approximately 816 tonnes;
8. An assessment of the management and disposal options for the impacted materials was undertaken, and in consultation with the contaminated land auditor engaged for the project, DIPL and NT EPA officers, the preferred remediation option was deemed to be the construction of an engineered containment cell on the premises;
9. On 13 August 2021, a PAN was issued by the NTEPA (PAN2021/3) detailing the requirements for the construction of an engineered containment cell, and remediation of the premises;
10. On 17 May 2022, a site audit report was submitted to the NT EPA, effectively closing out PAN2021/3 for the premises;
11. Between April and May 2022, further ACM impacted soils were encountered by contractors conducting excavations associated with the project;
12. The ACM impacted soils were identified by SLR and subsequently stockpiled in the North-West corner of the premises, in the form of seven fragmented pockets (totalling approximately 1,600m³), as delineated in **yellow** in **Attachment D**;
13. The area marked in **Pink** in **Attachment D** delineates an additional '*in-situ*' area of concern for potential ACM;
14. On 18 July 2022, remedial options were presented by DIPL to NT EPA officers regarding options for the management of additional ACM impacted soils at the premises;
15. DIPL, in consultation with the Auditor, suggested the preferred remediation option to be the extension of the engineered containment cell, to encapsulate the additional ~1,600m³ of ACM impacted materials at the premises;
16. This pollution abatement notice details the requirements for the design, construction, operation, and close out including ongoing management of the extended containment cell at the premises.

ATTACHMENT B

POLLUTION ABATEMENT NOTICE REQUIREMENTS

General Requirements

1. By 30 September 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 30 September 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 October 2022, you must provide 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 17 of this notice;
8. The Validation Report, referred to in 7 above, must be prepared by the consultant and be accompanied by formal endorsement of the remedial works and validation results by the auditor;

Containment Cell Construction Requirements

9. Prior to commencing containment cell construction works, you must provide the design documents for the containment cell, including, detailed plans and technical specifications to guide the construction of the containment cell (Design Documents) to the NT EPA via email to pollution@nt.gov.au;
10. The containment cell, must be designed and constructed in accordance with 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;
11. The Design Documents, referred to in requirement 9, must be endorsed by the auditor;

12. At all times during construction of the containment cell, dust, noise (including vibration), odour and wastewater (including contaminated stormwater) must not be emitted or discharged beyond the boundary of the premises;

Containment Cell Operational Requirements

13. 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 9 and 11, 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;
14. 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 (ECMP), prepared by the consultant and endorsed by the auditor, to the NT EPA via email to pollution@nt.gov.au;
15. The ECMP referred to in requirement 14 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

16. 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;
17. The Validation Report referred to in requirements 7 and 16 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;
18. For the purposes of requirement 17, 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
19. The LTEMP referred to in requirement 18, 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 D
ASBESTOS IMPACTED/POTENTIALLY IMPACTED AREA

Legend:

Asbestos
Impacted soils



Potential 'in-situ'
ACM



