

ANNUAL REPORT 2017-18



ntepa





LETTER FROM THE CHAIRMAN NT EPA TO THE MINISTER

The Hon. Eva Lawler MLA
Minister for Environment and Natural Resources
Parliament House
State Square, Darwin NT 0800

Dear Minister,

I am pleased to present you with the annual report of the Northern Territory Environment Protection Authority (NT EPA) for the year ended 30 June 2018, as required under section 33 of the *Northern Territory Environment Protection Authority Act* (NT EPA Act).

The report describes the performance of the NT EPA's functions during the 2017–18 financial year.

Dr Paul Vogel
Chairman
Northern Territory Environment Protection Authority
31 October 2018



Photo: Typical minesite water management infrastructure

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CHAIRMAN'S MESSAGE



As I look back on 2017-18 I am struck once again by how much the NT EPA has achieved – and how much is still to be done.



Over the year, we completed four impact assessment reports and progressed another five assessment processes, through the development of terms of reference and review and consultation activities associated with draft environmental impact assessments and supplements.

Each of the proposals being considered by the NT EPA was unique and brought its own challenges. Ultimately, however, they all highlighted that appropriate assessments require:

- good baseline data that demonstrates the current health of the environment, against which potential impacts on the environment can be measured and about which decisions can be made as to the extent of acceptable impact
- appropriately designed and implemented management and monitoring systems, that aren't simply about monitoring impacts that are occurring, but which inform proponents and regulators about actual impacts to the environment and which result in changed management actions to manage those impacts to acceptable levels
- a commitment to open and honest consultation and engagement – by everyone involved, from the NT EPA and proponents through to industry and environmental organisations and affected communities.

During the year, the NT Government received the Final Report of the Scientific Inquiry into Hydraulic Fracturing in the Northern Territory. The report contains 135 recommendations for the future regulation and management of this industry, all of which were accepted by the NT Government. It will require significant effort by the NT EPA to implement these recommendations as we move into 2018-19.

The government has adopted an interim regulatory model under which the NT EPA will provide advice on all environmental management plans submitted under the Petroleum (Environment) Regulations that relate to hydraulic fracturing (fracking) activities. It has also announced the intention to appoint two additional members to the NT EPA to assist it in undertaking this new function.

This new role demonstrates government's confidence in the NT EPA to provide independent advice about the potential environmental impacts of activities undertaken in the Northern Territory. To ensure this new function is undertaken in a consistent and timely way, the NT EPA will be preparing a number of policies and procedures related to the assessment of environmental management plans (EMPs) over the first half of 2018-19.

Also during this year, the NT EPA continued to contribute ideas and information to inform the government's environmental regulatory reforms. This included input into changes to the NT EPA's establishing legislation, the *Northern Territory Environment Protection Authority Act*, which were required to deliver government's commitments in relation to hydraulic fracturing.

The government's regulatory reform initiatives are ambitious, and 2017-18 also saw consultation commence on reforms to the NT's planning system. The Territory is unique in its composition of the NT EPA and the NT Planning Commission (NTPC). The Territory is the only jurisdiction in Australia where the chairpersons of these important regulatory and advisory bodies are members of both bodies. This relationship recognises the important connection between land use planning and environmental protection and management.

Many of the complaints that the NT EPA receives through its pollution hotline relate to noise and odour issues which can be directly attributed to land use activities. Prevention is far better than belated cures, and land use planning that considers future impacts on human health and the environment from the outset is the preferred approach and will deliver better outcomes for the Territory in the long term. The NT EPA members and I will continue to advocate for, and work with the NTPC and Territory Government to deliver, improvements to the Territory's planning and environmental management system as the planning reform program progresses.

On behalf of the NT EPA, I would like to thank staff in the Department of Environment and Natural Resources who are consistently professional and demonstrate their commitment to environmental protection and management as they provide support to the NT EPA. The NT EPA could not meet its statutory responsibilities without this support.

I would also like to thank everyone that the NT EPA worked with during 2017-18, especially those community and industry representatives who took the time to meet with us on multiple occasions as part of impact assessment processes, and proponents who hosted our site visits. I continue to be encouraged by the commitment to improving environmental outcomes evident in all those with whom we engaged over the year.

Finally, I wish to thank my fellow NT EPA members for their dedication and professionalism in protecting the environment from the impacts of the economy.

Dr Paul Vogel
Chairperson, NT EPA

FUNCTIONS OF THE NT EPA

THE NT EPA

The *Northern Territory Environment Protection Authority Act* (NT EPA Act) establishes the Northern Territory Environment Protection Authority (NT EPA) as an independent statutory authority. It was established in 2013 as the Northern Territory's independent expert advisor on environmental matters.

The NT EPA assesses the environmental impacts of development proposals, regulates a number of waste- and pollution-related activities and provides strategic advice and reports on a range of existing and emerging environmental issues.

The NT EPA currently comprises five members appointed by the Northern Territory Administrator, and the Chairperson of the Northern Territory Planning Commission who is appointed by the NT Minister for Infrastructure, Planning and Logistics in accordance with the *Planning Act*. Further information on the members of the NT EPA is at Appendix 1.



Photo: Ephemeral river bed

ENABLING LEGISLATION

The objectives of the NT EPA are specified in the NT EPA Act. They are to:

- promote ecologically sustainable development
- protect the environment, having regard to the need to enable ecologically sustainable development
- promote effective waste management and waste minimisation strategies
- enhance community and business confidence in the environmental protection regime of the NT.

The NT EPA's functions are to:

- advise and report to the minister under Part 3 of the Act
- undertake functions associated with environmental assessments and the management of waste and pollution as conferred on it under other legislation.

The *Environmental Assessment Act* (EA Act) and *Environmental Assessment Administrative Procedures* confer powers on the NT EPA to undertake environmental impact assessments. The NT EPA's regulatory powers to manage wastes and pollution are conferred under the *Waste Management and Pollution Control Act* (WMPC Act) and the *Environment Protection (Beverage Containers and Plastic Bags) Act* (EP(BC&PB) Act) and supporting subordinate legislation.

The NT EPA's independence is integral to the proper exercise of its powers and functions and its capacity to provide evidence-based, transparent recommendations and advice about the potential impacts on, and measures required to ensure the protection of, the Territory's unique environment. This independence is enshrined in section 9 of the NT EPA Act, which stipulates that neither the NT EPA (as an entity) nor any of its members is subject to direction by the minister or government.

The NT EPA's annual report describes the performance of the NT EPA's functions during the previous financial year. It provides the NT EPA with an opportunity to inform community and the government about its operations and an opportunity for the community and government to hold the NT EPA to account. Under the Act, the chairperson must prepare the report by 31 October, and the Minister for Environment and Natural Resources must table it in the Legislative Assembly. In accordance with its commitments to transparency and community involvement, the NT EPA makes the report available on its website.

OUR KEY RELATIONSHIPS

In fulfilling its powers and functions, the NT EPA provides support to the community and industry, including by:

- investigating complaints about breaches of environmental regulations
- providing advice and recommendations that will help to deliver ecologically sustainable development and protect the environment by ensuring that environmental impacts are avoided, mitigated and managed to the greatest extent practicable.

However, the NT EPA cannot achieve its objectives alone and relies on the community and industry to assist it to fulfil its functions appropriately and effectively. The community and industry can support the NT EPA's activities by:

- engaging in and contributing to the impact assessment process for development proposals
- contributing to advice and reports prepared by the NT EPA
- complying with environmental regulations where they apply
- providing information and evidence to support the NT EPA in undertaking its regulatory functions
- adopting individual behaviours and practices that will contribute to the protection of the natural environment.

Department of Environment and Natural Resources

Maintaining an effective and collaborative relationship between the NT EPA and the NT Department of Environment and Natural Resources (DENR) is critical. The Chief Executive Officer of DENR provides the NT EPA with access to the facilities and staff necessary for it to properly exercise its powers and perform its functions.

The NT EPA's focus is on significant and strategic issues affecting the current and future health of the NT environment. The NT EPA makes all key decisions relevant to the exercise of its powers and functions, and remains accountable for the manner in which its powers are exercised.

The NT EPA is assisted in this area primarily by employees of the DENR Environment Division. These employees provide administrative and operational support that enables the NT EPA to maintain its strategic focus. Employees perform a range of tasks on behalf of the NT EPA, including those associated with conducting the environmental impact assessment process; administering a range of licences and approvals to protect the environment from the impacts of waste and pollution; investigating pollution complaints and potential breaches of the NT EPA's legislation; and preparing draft reports and other advisory material that enable the NT EPA to provide the minister with strategic advice about environmental quality and measures to protect the environment.

This arrangement has continued to operate effectively during 2017–18. It is supported through legislative provisions in the NT EPA Act designed to protect and maintain the NT EPA's independence by ensuring that those DENR employees assigned to support the NT EPA are subject only to the direction of the chairperson in the performance of their duties for the NT EPA.

Heads of EPAs

The Heads of EPAs (or HEPA) is a high level forum comprising chairpersons or equivalent representatives from all Australian jurisdictions and New Zealand.

HEPA provides an opportunity for heads of environment protection regulators to share knowledge and experiences, identify opportunities for improvements in nationally consistent regulation, and promote greater coherence in regulatory practice and policy.

The NT EPA is an active contributor to HEPA activities. During 2017–18, the chairperson attended HEPA meetings, while DENR employees participate in a range of HEPA working groups.

Australian Government Department of the Environment and Energy

The Northern Territory and Australian governments have entered into a bilateral agreement in accordance with section 45 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

When the NT EPA exercises its powers and functions to assess development proposals under the *Environmental Assessment Act*, it will also consider matters of national environmental significance as established under the EPBC Act, if the proposal requires assessment under that Act. The Australian Government Minister for the Environment and Energy will use the NT EPA's assessment report in determining whether to grant or refuse a development proposal that may have an impact on a matter of national environmental significance.

In 2017–18, the NT EPA prepared three assessment reports that were considered by the Australian Government Minister.

LESSONS LEARNED

With an area of 1 421 000 km², the Northern Territory covers approximately one-sixth of Australia's land mass, but has only 1 per cent of its population at 240 000 people. It has wet-dry tropics in the north that are frequently impacted by cyclones, bushfires and flooding, and desert landscapes in the south that may not be impacted by bushfires or floods with the same frequency but which nonetheless can still be devastated.

The NT EPA needs to continue to build and maintain its relationships with the community, industry groups and government agencies. Those relationships are important in delivering sustainable development for the benefit of both current and future generations and to improve environmental outcomes for all Territorians.

In 2017–18, there was a major focus on environmental impact assessment, with the NT EPA completing four impact assessment reports, and progressing an assessment of one of the most complex projects seen in the NT to date – the McArthur River Mine (MRM) Overburden Management Project. Genuine and meaningful stakeholder engagement is an important element of each of the NT EPA's activities. The MRM project in particular has highlighted the importance of effective stakeholder engagement throughout the environmental impact assessment process.

The NT EPA's impact assessment reports for three greenfield mine proposals also turned the NT EPA's attention to preventing poor environmental outcomes at closure or abandonment. To address this, the NT EPA stated that mine closure planning must be integrated with mine planning, including best practice closure and rehabilitation requirements prior to authorisation. The NT EPA also expressed a strong preference for progressive rehabilitation over delaying rehabilitation activities until end-of-mine-life, to increase the likelihood of successful rehabilitation outcomes.

The completion of the environmental impact assessment of Australia's largest proposed hazardous waste surface storage facility and Australia's first deep geological repository for the permanent isolation of hazardous waste was also a significant milestone for the NT EPA. This assessment report established a firm framework for a rigorous and robust regulatory approval, including establishing technical expert oversight, independent auditing and sufficient financial assurance to ensure that financial risk to the Territory is avoided.

Each of our assessments, and indeed the exercise of our other regulatory powers and functions, identified that transparency and accountable decision making are crucial to sound environmental regulation. It is important that our decision making processes



Photo: Open cut mine footprint

provide clear rationale and justifications for the final decisions. This becomes even more critical where some stakeholders may consider that our decisions are not favorable or not appropriate.

Fulfilment of our assessment functions also enabled us to further consider our policy positioning and requirements in relation to adaptive management processes. The NT EPA anticipates releasing draft guidance on this issue for public comment in early 2018–19.

As the NT EPA has previously acknowledged, if we and the Northern Territory Government are to effectively respond to changing community expectations about how the Territory environment is managed, while at the same time recognising the limits on our capacity, we must improve how we work with industry and the community to address environmental concerns and improve environmental outcomes.

Throughout 2017–18, the NT EPA met with a number of stakeholders to listen to their concerns and ideas about improving the Territory's environmental outcomes. The NT EPA's focus on community education and awareness to decrease the instances and impacts of illegal dumping resulted in the community recognising that illegal dumping can have detrimental impacts on the environment and that when wrongdoers are caught in illegal activities, enforcement action will be taken, including prosecution.

The NT EPA also focused on ways it can enhance the quality and consistency of advice provided to the Department of Infrastructure, Planning and Logistics in its development approval process. This included the release of the *Recommended Land Use Separation Distances Guideline*, which provides proponents, decision makers and the public with information on reducing the effects of emissions on sensitive land uses by using separation distances. The guideline aims to bring greater certainty and clarity to the assessment process and development decisions by articulating the NT EPA's position and recommendations. The NT EPA uses the guideline in commenting on development proposals that are referred to it.



Photo: Waste dumped in bush

STRATEGIC PRIORITIES

ADDRESS PRIORITY ENVIRONMENTAL ISSUES

Priority: Improve waste management and minimisation across the Northern Territory



The NT EPA continues to implement its *Waste Management Strategy for the Northern Territory 2015–2022*. The strategy provides a basis for understanding and improving the management of waste across the Territory to reduce the generation of waste, increase resource recovery and minimise environmental impacts caused by waste.

Improving waste management and minimisation continues to be addressed through engagement and education, data collection and reporting, and regulation and compliance. Facilitating partnerships between industry and regional councils to improve access to the Container Deposit Scheme in the Roper, Nhulunbuy and Alice Springs regions has been a focus throughout 2017–18.

Inspections of regional waste management facilities and collaboration with regional councils, aiming to improve waste segregation and management, occurred throughout the year particularly in the regional centres of Nhulunbuy and Tennant Creek.

The setting of clear air, water and land discharge limits, particularly for major industries such as LNG plants and incinerators, provides certainty for those industries, as well as incentives for performance improvement.

Improving waste data collection, monitoring and analysis in the Territory continues to be a focus. The development of an electronic waste tracking system, suitable for use by both industry and regulators, remains a priority.

Case Study Trial to improve emissions



A trial has commenced that may reduce odours associated with the Darwin liquefied natural gas (LNG) facility.

The NT EPA has been working closely with ConocoPhillips Pipeline Australia Pty Ltd as part of NT EPA's priority to improve the management of air emissions, including odour, from industry in the NT.

The Darwin LNG facility receives dry natural gas from the Bayu-Undan field located offshore via a 502 km pipeline. The “feed gas” contains impurities that need to be removed before liquefying the gas. The impurities include low concentrations of hydrogen sulphide and benzene, collectively referred to as “acid gas”.

Until the trial began in June 2018, acid gas was removed from the feed gas by incineration. The Darwin LNG facility's acid gas incinerator is over 10 years old, and requires ongoing maintenance resulting in the need for a process called cold venting. Cold venting is not considered to be leading environmental practice for LNG facilities in the Northern Territory.

In identifying the need to improve environmental management relating to air emissions, ConocoPhillips proposed to hot vent the acid gas – a process not currently undertaken at any LNG facility in the Northern Territory. It will involve the acid gas stream being discharged at elevated temperature (between 400 and 450°C) from two compressor turbine exhausts. The powerful exhausts disperse the acid gas so it better mixes with the surrounding air.

The NT EPA authorised the hot venting trial to commence, and established criteria to inform its decision on whether hot venting can continue beyond the trial. The criteria, developed in consultation with ConocoPhillips, detail strict conditions relating to monitoring, reporting, limitations, fail-safes and instruments to determine whether acid gas hot venting can continue beyond the trial.

The NT EPA will then have a sound basis to determine whether air emissions resulting from acid gas hot venting are comparable to air emissions from normal acid gas incineration.

The trial will continue until May 2019.



Photo: Marine LNG facility



Photo: Impacts from poor sediment control

Priority: Improve the quality of stormwater entering the Darwin Harbour



The NT EPA continued to implement its *Stormwater Strategy for Darwin Harbour* in 2017–18. Officers focused proactively on targeted inspections of industrial activities and processes with known impacts on stormwater quality.

A focus has been maintained on construction and development sites to help the industry develop a better understanding of environmental requirements. Officers have inspected building and construction sites ranging from individual small builders on single lots to large scale subdivisions and, where appropriate, have formally required actions to be taken. In general, officers have reported improved understanding and improved practices across the industry.

In light of ongoing reports of pollution received through the year, officers plan to revisit concrete industry premises and those conducting vehicle washing as dedicated campaigns in 2018–19. This will allow them to ascertain what improvements have been made in environmental outcomes across the industries as a whole.

Planned inspections have also been carried out on livestock and intensive animal husbandry operations, marinas and boat operations, and liquid waste storage and handling facilities. These industries will continue to be targeted in 2018–19.

Overall, in 2017–18 officers have observed a general increase in operators' understanding of their legal obligations where previous inspections, education or enforcement have occurred.



Photo: Collection of industrial samples

The NT EPA manages contaminated land under the WMPC Act and in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* to ensure land used for potentially contaminating activities does not pose a risk to the environment and human health. Some land use activities in the Northern Territory that pose such risks include bulk fuel storage facilities, waste-handling facilities, landfills, Defence land, sites with historical asbestos burial and former mango orchards that are transitioning to intensive residential use.

In 2017–18, a number of contaminated sites in the NT were investigated, remediated and managed through a range of regulatory methods. These sites varied in size and nature from small, privately owned premises to extensive, government-owned sites.

The *Northern Territory Contaminated Land Guideline* continues to be used by consultants, proponents, government and the general community to inform the management of contaminated and potentially contaminated land across the Northern Territory. The guideline is available on the NT EPA website along with an asbestos fact sheet that clarifies the role of various agencies involved in regulating asbestos in the NT.

During 2017–18, the NT EPA has contributed to a working group led by NT Worksafe to provide more information to NT residents and businesses about managing the risks of asbestos.

The NT EPA has also been developing a geodatabase to assist in the management of contaminated and potentially contaminated land across the Northern Territory.

The NT EPA contributes to the development of the Northern Territory through the planning process to ensure that a range of environmental concerns are addressed throughout the planning and construction phase of projects, by providing recommendations to the Department of Infrastructure, Planning and Logistics. One of these is the Darwin luxury hotel project to be constructed at the end of Kitchener Drive. The site provides panoramic views over Darwin Harbour; however, the former uses of the industrial wharf have left the site with a range of contaminants. The NT EPA has provided environmental input into the planning process to ensure the development can progress in an appropriate way while remediating and managing these legacy contaminants into the future.



In 2017–18 the NT EPA progressed the development of the Noise Management Framework Guideline. The guideline was open for public consultation from 25 January 2018 until 1 March 2018.

A total of 28 responses were received from Northern Territory Government agencies, the general public, local government, environmental consulting companies and industry associations.

Two public presentations were made to interested stakeholders in March 2018. The presentations were live-streamed on the DENR Facebook page.

All comments by the respondents have been addressed and the guideline has been amended where relevant. Overall, there was overwhelming support for the guideline as it will provide a basis to deal with the broad variety of noise issues in the NT.

The main objectives of the guideline are to provide greater certainty for business and the community in understanding how noise is regulated in the NT, and to provide guidance to NT regulatory agencies in addressing noise matters.

It is expected that the guideline will be finalised and placed on the NT EPA website in the first quarter of 2018–19.

The NT EPA continues to receive and investigate an increasing number of noise pollution reports covering a broad cross-section of noise matters including neighbourhood noise, entertainment venue noise, traffic and commercial noise and industrial noise. It has also provided regulatory and technical advice to industry and other Northern Territory Government agencies.



The NT EPA continued to operate three metropolitan air quality monitoring stations at Palmerston, Winnellie and Stokes Hill, assessing levels of pollutants against national standards and goals.

All three monitoring stations operated for the full 2017-18 period and achieved high data recovery. The stations measure concentrations of carbon monoxide, nitrogen dioxide, ozone, sulfur dioxide and particles (PM₁₀ and PM_{2.5}) against the ambient air quality standards and goals.

The newest station is at Stokes Hill. INPEX provided funds to establish the Stokes Hill monitoring station so baseline air quality data could be collected before the start of the Ichthys LNG plant. The Stokes Hill station also provides air quality data for residents of Darwin CBD.

Air quality in Darwin on the Air Quality Index is generally “good” to “very good” during the Wet season. However, during the Dry season, smoke from planned and unplanned fires in nearby bushland often results in particulate emissions that exceed the *National Environment Protection (Ambient Air Quality) Measure (AAQ NEPM)* standards. Figures 1 to 3 display PM₁₀ and PM_{2.5} data from July 2017 to June 2018 for the three air quality monitoring stations (AQMS).

In addition, the NT EPA continues to participate in implementing the National Clean Air Agreement. This has included:

- reviewing national reporting standards for sulfur dioxide, nitrogen dioxide and ozone
- reviewing fuel quality standards
- emission reduction measures such as introducing standards for non-road ignition engines and equipment, and management of non-road diesel engine emissions.

The NT EPA continues to work with industry to collect, validate and provide publicly available emissions and transfers data from 102 industrial facilities that exceeded National Pollutant Inventory (NPI) reporting thresholds.

The NPI is a publicly accessible database providing information on the emissions of 93 selected substances from industry, transport, commercial premises and household activities to air, land and water in Australia. The NPI is an Australian Government initiative, with each State and Territory responsible for implementing the program in their jurisdiction.

Figure 1: Exceedances of Particulates (PM10 and PM2.5) Standards at Palmerston AQMS (2017-18)

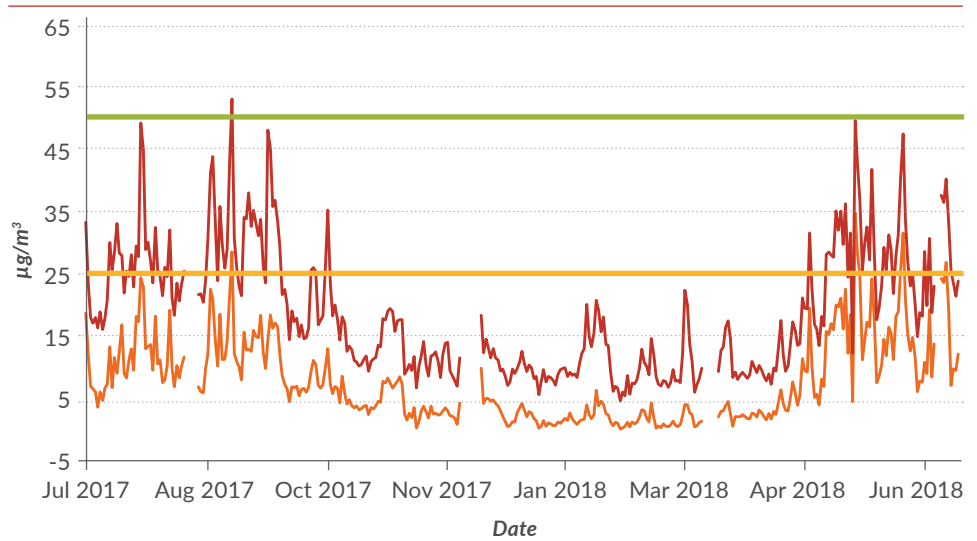


Figure 2: Exceedances of Particulates (PM10 and PM2.5) Standards at Winnellie AQMS (2017-18)

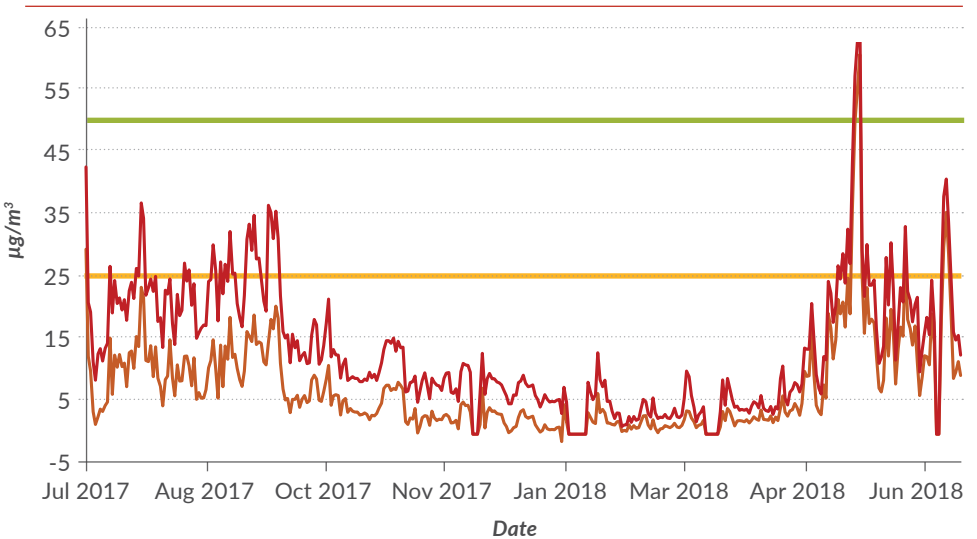
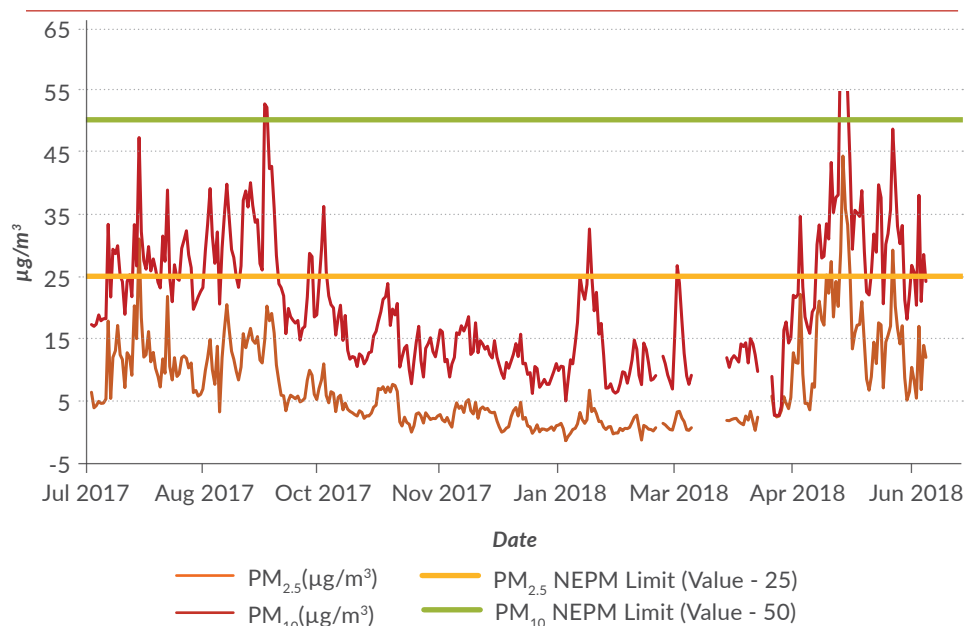


Figure 3: Exceedances of Particulates (PM10 and PM2.5) Standards at Stokes Hill AQMS (2017-18)



MINIMISE ENVIRONMENTAL IMPACTS



Photo: Officers discussing environmental controls

Avoiding land use conflict

The long-term growth of the Northern Territory will see growing demand for industrial land uses, support services (such as transport and infrastructure), agricultural industries and residential development.

Separating potentially incompatible land uses can reduce conflict and the resulting complaints. Separation distances can be used to reduce the effects of any residual emissions on existing sensitive land uses.

The publication of the NT EPA's *Recommended Land Use Separation Distances Guideline* in 2017 supports land use planning and environmental protection regulations as an additional and complementary means to identify and minimise potential for conflict between incompatible land use activities.

Where resources allow, NT EPA staff review development and planning applications and in 2017–18 have commented on approximately 150 development applications to Development Assessment Services (DAS) for consideration by the Development Consent Authority (DCA). Comments provided highlight potential environmental impacts from the proposed developments that may require the DCA to consider appropriate management conditions to be incorporated into any development permit.

Building on our previous priorities, NT EPA staff continued to work with DAS colleagues to develop better information sharing and other processes to improve environmental outcomes from the planning process.

Priority: Advise on regulatory reform to establish a contemporary environment protection framework



A statutory independent review of the container deposit scheme (CDS) by Ernst & Young commenced in 2017–18. Consultation occurred across industry and the community. The review report, which will include a number of recommendations for improving the scheme in the NT, will be tabled in Parliament during 2018–19.

Significant cross-jurisdictional collaboration occurred in 2017–18 to develop consistent and contemporary waste regulation nationally. Clear agreements have been reached at a national level around improved information collection and reporting on hazardous wastes in Australia, as well as nationally consistent principles for regulating container deposit schemes to reduce impost on industry and to improve public engagement and understanding of the schemes.



Photo: John Watson from RamCan, hands over the crusher to Nathan McIvor of Roper Gulf Council for the Mataranka Recycling Centre



Environmental impact assessment (EIA) is a systematic process for:

- identifying the potential environmental impacts and risks of a proposed action
- evaluating the significance of those impacts and risks
- determining appropriate avoidance, minimisation and mitigation measures to reduce those impacts and risks to acceptable levels.

The NT EPA received notice of 16 proposals for consideration under the *Environmental Assessment Act* (EA Act) in 2017–18, including two notifications of an alteration to a proposal under clause 14A of the Environmental Assessment Administrative Procedures. The NT EPA decided that three proposals required assessment at the level of an environmental impact statement (EIS). No proposals were determined to require assessment at the level of a public environmental report (PER). The NT EPA decided that 14 proposals did not require assessment during 2017-18, and the remaining decisions will be carried over to future reporting periods. Decisions made under the EA Act are made available on the NT EPA webpage and are summarised in Appendix 2.

The NT EPA prepares terms of reference, initially as a draft for public consultation, to define the matters relating to the environment that the proponent is required to address in a PER or EIS. During 2017–18, the NT EPA issued terms of reference to the proponent for two proposals:

- Northern Territory Iron Ore – Roper Valley Project
- KGL Resources – Jervois Base Metal Project.

In this period, two draft EISs were advertised for public comment:

- Verdant Minerals Pty Ltd – Ammaroo Phosphate Project
- Defence Housing Australia - Lee Point Master-planned Urban Development.

Once the assessment of the EIS and any supplementary information is complete, the NT EPA publishes an assessment report. The report summarises the findings of the environmental impact assessment process and provides recommendations for matters to be addressed in environmental management procedures and approval conditions. Assessment reports for the following proposals were completed in 2017–18:

- TNG Ltd – Mount Peake proposal
- Arafura Resources Ltd – Nolans Rare Earths proposal
- Tellus Holdings Ltd – Chandler Facility
- Intrapac Projects Pty Ltd – Noonamah Ridge Estate.



Photo: *Typhonium praetermissum*

The realignment and upgrade of Gunn Point Road is an important project that will require clearing native vegetation – but the involvement of the NT EPA has helped minimise the impact.

The existing road is on private property and its current state is limiting growth in recreational fishing, tourism and other developments. The proposal would realign the road to appropriately zoned government owned land.

Under the proposal, about 50 hectares – 30 m by 16 km – of vegetation would be cleared.

The proposed corridor traverses significant and sensitive vegetation types, such as riparian vegetation and sandsheet heath. As well as the direct impact of clearing, potential indirect impacts include the spread of weeds or other invasive species and changes to wetland habitats increasing susceptibility to fire for threatened species and their habitat.

Due to the timing of field surveys, the presence or absence of certain species couldn't be confirmed. However, four areas were found to be suitable breeding habitat for the vulnerable Howard River toadlet (*Uperoleia daviesae*) and two sites were suitable habitat for the endangered triggerplant (*Stylidium ensatum*). As a precaution, these areas were defined as “no-go zones” to be marked by the contractors.

Targeted surveys for the vulnerable herb typhonium (*Typhonium praetermissum*) identified 19 discrete habitat patches within the road reserve and four high density patches in adjacent areas. The high density patches will be “no-go zones” to ensure minimal disturbance to remaining plants and to mitigate the likely loss of individual plants.

Additional measures include:

- clearing a narrower footprint at 17 km to avoid a cluster of *T. praetermissum*
- do not disturb adjacent areas to the earthworks footprint of habitat patches where species were recorded outside the road reserve
- maintaining adjacent areas of habitat patches where *T. praetermissum* were recorded outside of the road reserve
- erosion and sediment controls, stormwater and weed management to avoid indirect impacts to the population.

Priority: Improve the management and compliance of waste and pollution



Licences and approvals

The NT EPA is responsible for issuing and administering approvals under the WMPC Act. Approvals and licences are required for a range of activities and facilities, including the storage and transport of listed wastes, the construction and operation of landfills, waste transfer facilities and the construction and operation of liquefied natural gas (LNG) processing facilities. The objective of this licensing regime is to ensure the management of potentially harmful activities and facilities is undertaken in an environmentally acceptable and accountable manner.

During 2017-18, the NT EPA administered the following authorisations (refer Figure 4) and for a comparison of licences and approvals administered from January 2013 to June 2018 (refer Figure 5).

- six environment protection approvals administered, including three new environment protection approvals issued
- 153 environment protection licences administered, including 33 new environment protection licences issued.

A substantial number of amendments were made to existing approvals and licences throughout the year as operational needs of licensed operations changed. In some instances, the same licences were amended multiple times. A number of licence transfers were also carried out. Renewal of multiple licences also occurred during the year. There is a need to better capture and report on the extent of these activities each year to reflect the quantum of regulatory activities associated with licences and approvals.

A list of environment protection approvals and environment protection licences issued in 2017-18 is at Appendix 3.

Current environment protection approvals and licences are shown on the NT EPA website www.ntepa.nt.gov.au.



Photo: Shipping loading infrastructure

Figure 4: Licences and approvals administered in 2017-18

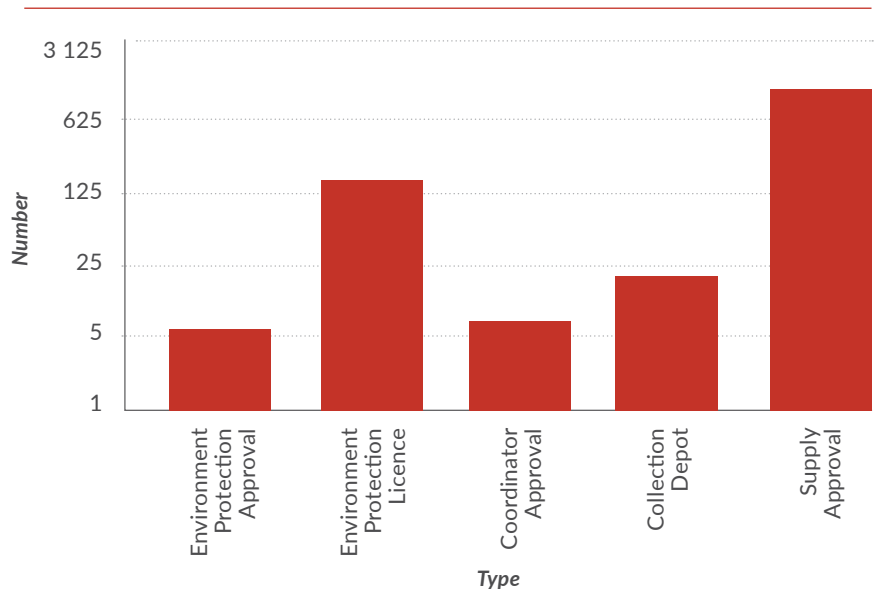
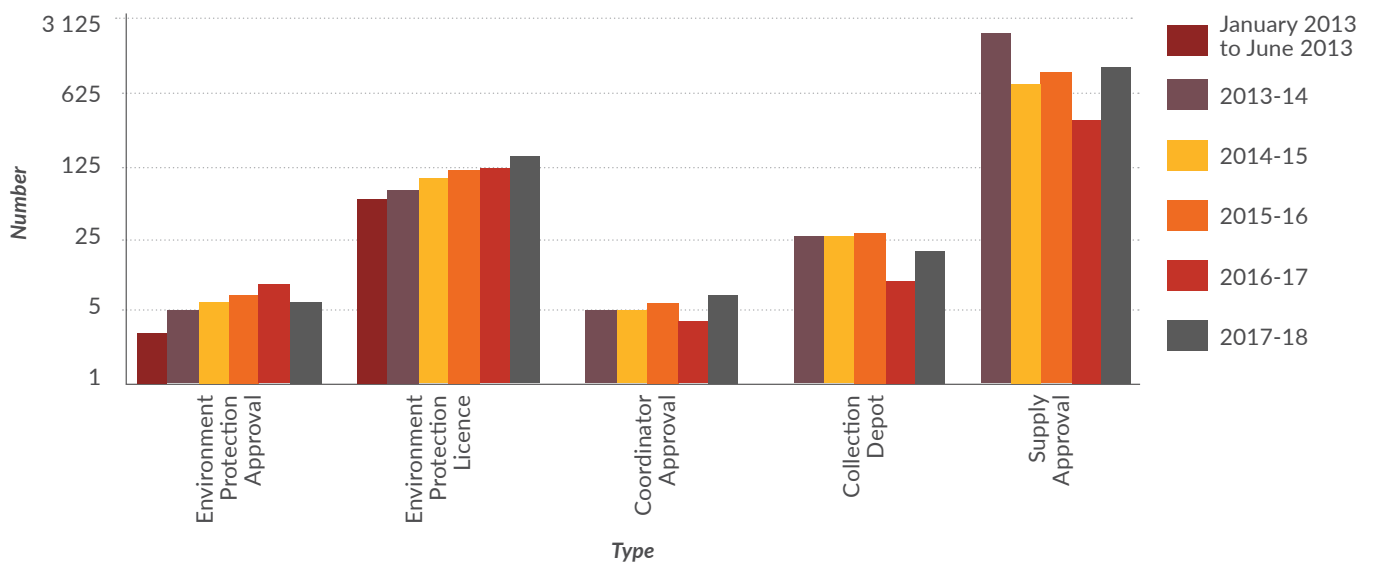




Figure 5: Licences and approvals administered from Jan 2013



Container Deposit Scheme

The NT EPA also administers the EP (BC&PB) Act. Authorisations under this Act provide for the effective administration of the Northern Territory Container Deposit Scheme (CDS). In 2017–18 this included:

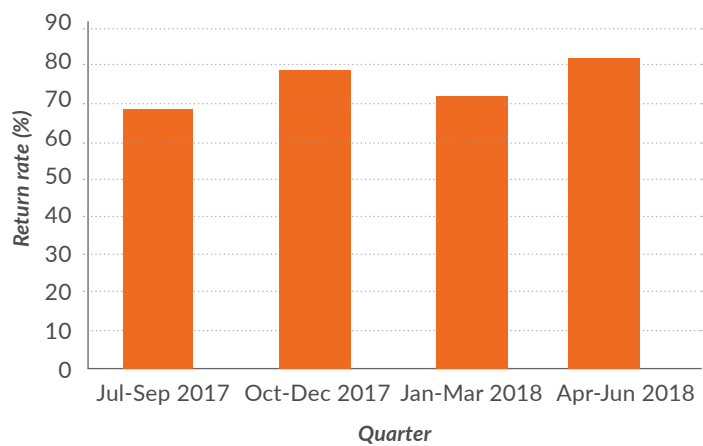
- seven CDS coordinator approvals administered, including renewal of three CDS coordinator approvals issued
- 19 CDS collection depot approvals administered, including eight new, renewed or amended CDS collection depot approvals issued
- 1 112 CDS supply approvals administered, including 308 new, renewed or amended CDS supply approvals issued
- 1 579 beverage containers approvals issued.

A total of 5892 approved beverage containers were part of the CDS in 2017–18.

As with licences and approvals, there is a need to better capture and report on the extent of CDS activities to reflect the quantum of regulatory activities associated with CDS approvals.

In 2017–18, a total of 148 572 794 approved containers were sold in the Northern Territory. Of the containers sold, 111 277 928 were returned¹ to container deposit scheme (CDS) coordinators. An overall return rate of 75 per cent was achieved for 2017–18. Figure 6 indicates the trend in quarterly return rates during 2017–18.

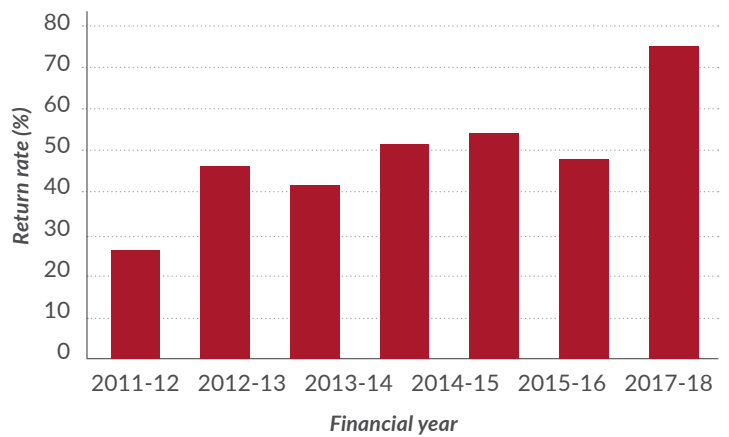
Figure 6: 2017-18 Quarterly container return rate (%)



¹ Containers returned by a collection depot to a coordinator and available for reuse and recycling.

Figure 7 indicates the trend in annual return rates since the scheme started. The substantial increase in 2017–18 is likely due to changes in CDS legislation in 2017 to improve efficiency, and resolution of inconsistencies in 2017–18 coordinator reporting. Data from 2016–17 is currently being reviewed as it is likely that inconsistencies also occurred then, resulting in underreporting of return rate.

Figure 7: Annual container return rate since CDS commenced in 2012 (%)



A total of 110 817 636 containers were redeemed² at collection depots during 2017–18: 86 439 014 containers in the Darwin region (75 per cent) and 24 378 622 outside Darwin (22 per cent). This equates to over \$11 million in deposits that have been paid to families, schools, communities, organisations and commercial operators in the Northern Territory. The NT EPA will provide further information on the administration of the CDS in the 2017–18 *Environment Protection (Beverage Containers and Plastic Bags) Act Annual Report*.

During 2017–18, processes and procedures associated with issuing licences and approvals have been reviewed and streamlined to reduce the administrative burden on industry, facilitate timely processing of applications and increase transparency. Work will continue in 2018–19 to support these changes and implement recommendations from the CDS review.

² This differs from the total returns, as not all containers redeemed at a collection depot are returned to a coordinator in the same reporting period

Case Study Regulation of a contaminated site



This year saw the start of construction for Barneson Boulevard, a major infrastructure project of the NT Government to create a third avenue into and out of the Darwin CBD.

The project received widespread public and media attention for a number of reasons, one being the proximity to former bulk fuel facilities. These facilities have been investigated by experienced contaminated site consultants guided by the *National Environment Protection (Assessment of Site Contamination) Measure* and overseen by accredited contaminated site auditors. The accredited auditors oversee and review the investigations, any subsequent remediation required and any determination of suitable uses or restrictions on contaminated sites.

The NT EPA has a number of mechanisms for requiring audits, but these are most commonly instigated during the planning process for a change of land use to a more sensitive use such as changing from an industrial or intensive horticulture use to a residential use. In addition, some project proponents carry out a voluntary audit as part of their activities or at the completion of their activities on a site. A number of the sites around McMinn Street and Dinah Beach Road and in proximity to the Barneson Boulevard development have been investigated, remediated and assessed as suitable for development.

Compliance and enforcement activities

The regulatory compliance and enforcement role is a key function of the NT EPA. Compliance and enforcement activities are guided by the NT EPA's Compliance and Enforcement Policy and Compliance Activity Plan.

In response to reports to the 24 hour pollution hotline and proactive investigations, the NT EPA took a wide range of compliance actions under the WMPC Act in 2017-18.

Officers' proactive enforcement activities are geared to improve longstanding, unresolved issues, problem premises and industry practices as well as identifying emerging local and Territory-wide issues.

Illegal dumping and illegal landfills continue to be a focus area. Greater community awareness and concern are resulting in an increased number of reports and investigations.

Proactive efforts to improve environmental outcomes from housing and subdivision construction again highlighted an increase in improved practices in the industry and a general willingness by the industry to improve basic management practices.

Significant investigations have commenced on a number of issues and have resulted in enforcement actions to resolve the issue or further investigations with a view to prosecution. Two investigations reached court in 2017-18, resulting in convictions and fines. Figure 8 shows the number of compliance actions by type 2014-15 to 2017-18.

The slightly lower number of enforcement actions taken in 2017-18 compared with previous years is believed in part to

reflect improved practices in a number of industries and proactive campaigns and inspections by NT EPA. Officers have also observed that a large number of issues being reported are at the lower levels or are most appropriately investigated and enforced by another agency or local Council.

The NT EPA will prepare a new *Compliance Activity Plan* in 2018-19 to guide compliance and enforcement activities over the next three years.

Figure 8: Number of Compliance Actions by type 2014-15 to 2017-18

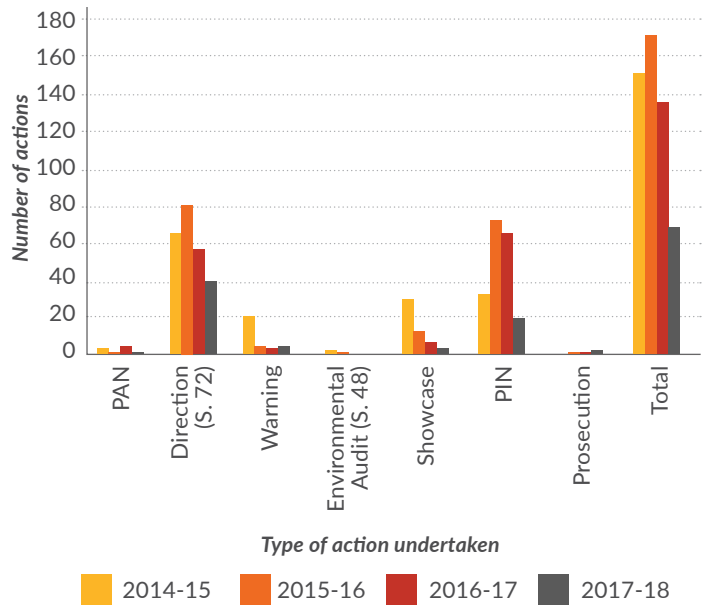


Photo: Environmental sample collection



The NT EPA has responded to complaints by community members about bad smells around the Leander Sanderson sewage ponds.

During August and September 2017, the NT EPA received more than 90 complaints about offensive odours around the Leanyer Sanderson sewage treatment ponds.

In a 48 hour period between 6 and 7 September 2017, the NT EPA Pollution Hotline received over 30 reports from members of the public reporting odour from the treatment plant. Most reports were from the suburb of Muirhead, with others from suburbs such as Leanyer, Anula, Malak, Wulagi and Wagaman.

In September 2017 the NT EPA issued a direction to Power and Water Corporation to provide information on what it was doing to prevent offensive odours affecting the community.

The Power and Water Corporation implemented a number of measures to address odour: regular performance monitoring, increasing pond recirculation and trialling odour masking agents.

The corporation also completed an independent audit of the facility.

The NT EPA investigation led to enforcement action against the corporation, with a number of Penalty Infringement Notices being issued.

Since the incident, the corporation has continued to manage odours at the Leanyer Sanderson treatment facility. As well, the corporation has greatly improved its public engagement to inform residents of the works occurring at the facility, including the construction of inlet infrastructure, and the desludging of the Sanderson 1 pond.

There have been some odour complaints in recent months, and the NT EPA will continue to monitor the situation to ensure the Power and Water Corporation complies with its obligations under the *Waste Management and Pollution Control Act*.

Pollution response

Section 14 of the WMPC Act requires that where an incident occurs in the conduct of an activity and the incident causes, or is threatening or may threaten to cause, pollution resulting in material or serious environmental harm, the person conducting the activity must notify the NT EPA within 24 hours. The NT EPA refers to a report of this nature as a section 14 incident (refer Figure 9). Section 14 reports are listed at Table 11, Appendix 4) and on the NT EPA's website www.ntepa.nt.gov.au

The NT EPA continues to discuss with industry their responsibilities under section 14, to both improve their understanding of the purpose of section 14 reporting and to improve the NT EPA's ability to respond to a significant threat to the environment.

Understanding of section 14 and reporting by industry is increasing, with more reports received in 2017-18 than any previous year.

When reports have been received and any required action taken, officers subsequently work with industry to ensure they identify any improvements in practices or management responses that could minimise the likely recurrence of the incident.

Figure 9: Section 14 Incidents Reported from January 2013 to 2017-18

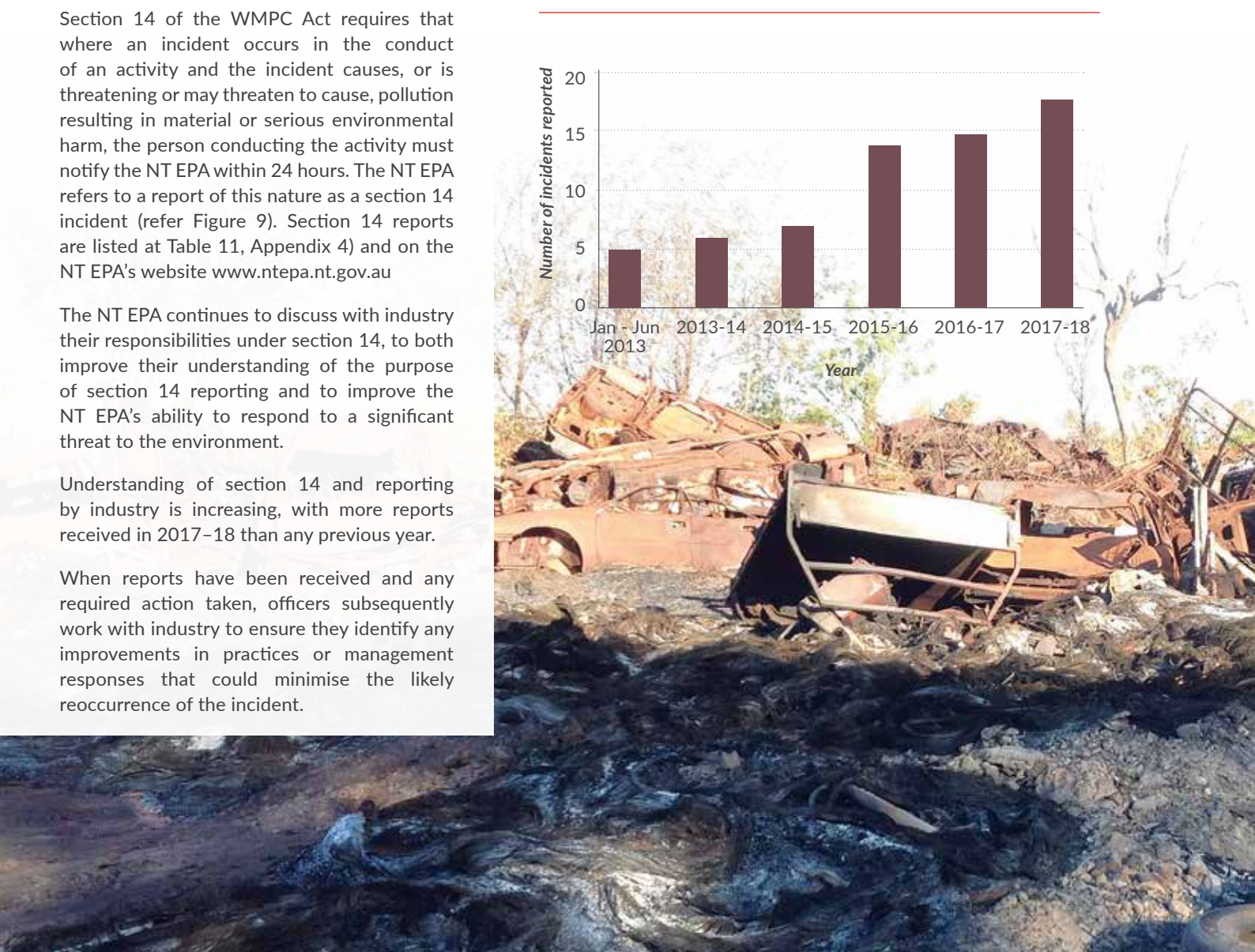
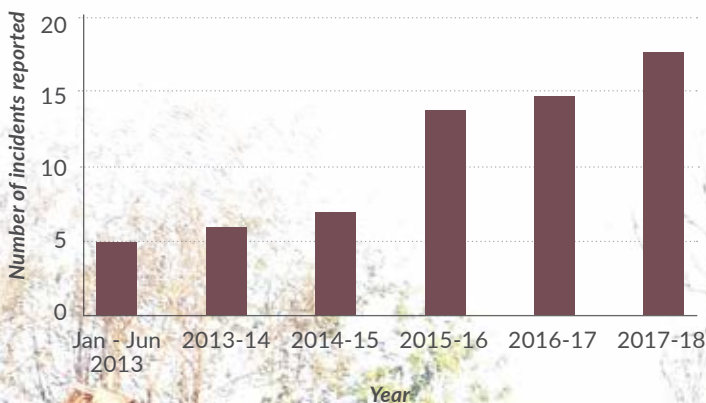


Photo: Burnt waste

Pollution reports

The NT EPA's 24-hour Pollution Hotline continues to be the main way NT EPA receives reports of pollution. Members of the public have continued to use the online reporting tool and other direct reporting methods have been identified for consideration.

The public, industry and NTG agencies play a key role in identifying and reporting environmental issues to the NT EPA. The NT EPA encourages everyone to report pollution incidents or other environmental concerns at the earliest opportunity, to allow officers to investigate and address issues quickly.

In 2017-18, the NT EPA received 969³ reports about environmental issues, which is an increase over previous years (refer Figure 10). As in past years, the reports ranged from a large number of low-level domestic nuisance issues to industrial chemical spills and an increasing number of large commercial-scale illegal dumping incidents throughout the NT (refer Figure 11). A breakdown of communication reporting methods is at Figure 12.

Officers have been working with Northern Territory Government agencies and local government to improve their understanding of their own regulatory capabilities and responsibilities and those of the NT EPA. Officers will continue to work with other regulators to develop the most appropriate approaches to pollution issues, in particular low-level domestic nuisance pollution.

Each incident report is assigned to an officer who confirms and records details and appropriate action is taken in line with our established policies. The NT EPA's Compliance and Enforcement Policy outlines the NT EPA's commitment to its regulatory role and the principles it follows. The policy is on the NT EPA website.



Figure 10: Pollution reports received 2014-15 to 2017-18

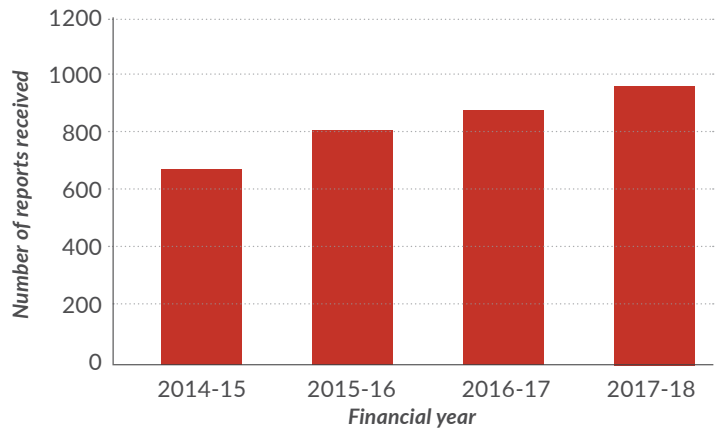


Figure 11: Pollution notification by type 2014-15 to 2017-18

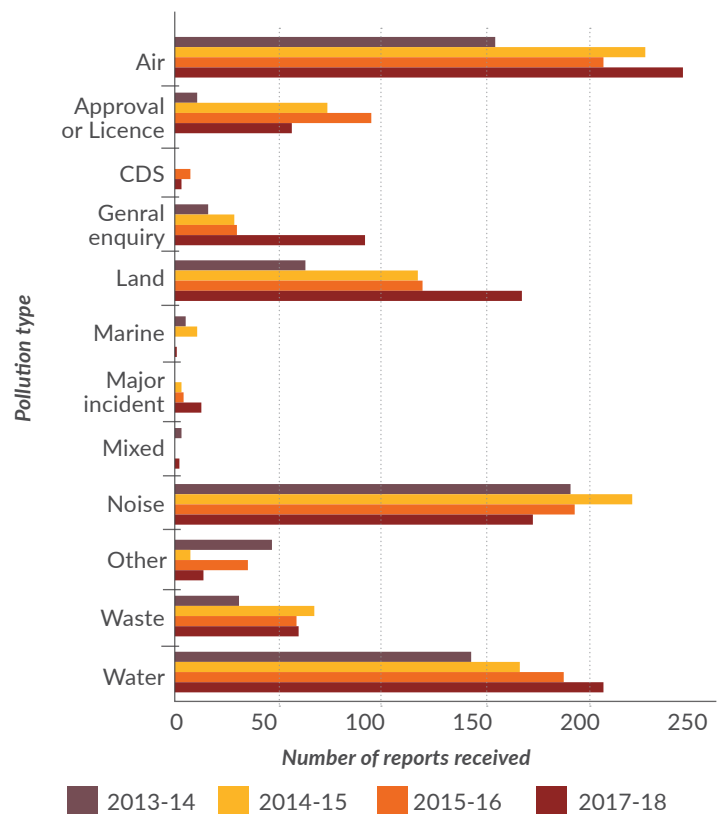
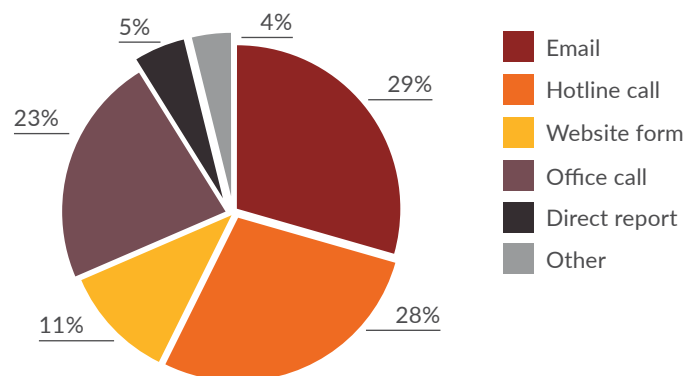


Figure 12: Breakdown of communication reporting methods



³ This figure differs from the reported figure in the DENR Annual Report as the value in the NT EPA Annual Report includes some additional records of non-compliances with approvals or licences.



Photo: Marine emergency oil spill training

Priority: Support responses to major incidents with environmental impacts



In 2017-18 there was a significant focus on emergency preparedness. Officers undertook incident management training, developed contingency plans for oil spills in consultation with relevant agencies and engaged in national training exercises. In 2018-19 work will continue on developing a best practice management guideline for emergency pollution response waste.

Per- and poly-fluoroalkyl substances

The NT EPA has been actively involved in investigating, assessing and managing sites that have potentially been impacted by Per- and poly-fluoroalkyl substances (PFAS). PFAS are an emerging group of contaminants identified across Australia and worldwide.

PFAS are a group of manufactured chemicals that are used in products that are resistant to heat, water and oil. Due to their heat resistant properties, and ability to form aqueous film forming foams, they have been used extensively in fire-fighting foam applications in Australia for decades.

A significant amount of research has been conducted into the health and ecological effects of these substances, and they are understood to be highly persistent within the environment, readily leachable from soils, and bio-accumulate up the food-chain.

PFAS may be found in:

- Food packaged in PFAS-containing materials, processed with equipment that used PFAS, or grown in PFAS-contaminated soil or water
- Commercial household products, including stain- and water-repellent fabrics, nonstick products (e.g. Teflon), polishes, waxes, paints and cleaning products
- Workplace, including production facilities or industries (e.g. chrome plating, electronics manufacturing or oil recovery) that use PFAS
- Waterways, typically localised and associated with a specific facility (e.g. manufacturer, landfill, wastewater treatment plant, firefighter training facility)
- Living organisms, including fish, animals and humans, where PFAS have the ability to build up and persist over time.

Detailed environmental assessments are underway throughout Australia to understand and manage the impact of PFAS on human health and the environment.

Australia's environment ministers endorsed and published the country's first *PFAS National Environmental Management Plan (NEMP)* on 16 February 2018, which provides governments with a consistent, practical, risk-based framework for the environmental regulation of PFAS-contaminated materials and sites. Work has commenced on PFAS NEMP 2.0 that involves 20 sub-projects with assistance, cooperation and funding between jurisdictions.

The Intergovernmental Agreement for a National Framework for Responding to PFAS contamination was signed by the Northern Territory Chief Minister in May 2018. The agreement notes a central role of the PFAS NEMP in driving consistent national approaches, overseen by environment ministers.

The NT EPA participates in a variety of PFAS steering committees and working groups including the PFAS Interagency Steering Committee; the PFAS Interagency Working Group; the Department of Defence Project Control Groups for RAAF Base Tindal, RAAF Base Darwin and Robertson Barracks; the National Chemicals Working Group; PFAS Summit and other national conferences. This allows the NT EPA to be at the forefront of this environmental issue and provide input on a Territory and national scale.

The NT EPA continues to liaise and work with Territory, State and Commonwealth government agencies, industry stakeholders and communities to ensure environmental issues associated with PFAS are identified, assessed and appropriately mitigated in accordance with accepted best practices and relevant legislation. These agencies include the Northern Territory Department of Health; Department of the Chief Minister; Department of Infrastructure, Planning and Logistics; Northern Territory Police, Fire and Emergency Services; Power and Water Corporation; Australian Government Department of Defence; Department of the Environment and Energy; and other jurisdictional government agencies.

The NT EPA response, through the Interagency Steering Committee and Interagency Working Group, has provided input into national guidelines, as well as local testing of drinking water supplies and waterways, sediment and aquatic foods in waterways. The NT EPA has also contributed information, provided input into, and reviewed various environmental assessments and the human health and ecological risk assessments undertaken by the Department of Defence.

Preliminary investigations are ongoing at prioritised sites across the Territory, to determine which sites are potentially impacted by PFAS. Based on the results, further investigations may be required to determine the appropriate management measures.

In early 2018, the NT EPA received allegations about inappropriate waste management practices involving firefighting foam at Darwin International Airport. The Australian Government Department of Infrastructure and Regional Development, which is the regulator of Darwin International Airport, is investigating the allegations. The allegations are also being investigated by the NT EPA, to the extent possible given they relate to Commonwealth land.

Priority: Develop policy, guidelines and standards to inform leading environmental management practice



In 2017–18 the NT EPA continued to deliver on its commitment to improve information and guidance available to proponents, industry and the NT community about its functions and activities. Material developed in 2017–18, discussed in more detail elsewhere in this report, includes:

- *Recommended Land Use Separation Distances Guideline*
- *Draft NT Noise Framework Guideline*, which was released for public comment in the first quarter of 2018 for a period of five weeks.

Case Study Legal action highlights noise issues



Along-running series of complaints about noise “like a jet taking off” ultimately led to a building owner being fined more than \$70 000.

People living near a mixed commercial and residential complex in Palmerston made a number of complaints through the 24 hour Pollution Hotline, during and after the building’s construction.

When NT EPA officers attended in April 2016, they saw that the building had not been constructed as per the approved drawings. Two large air conditioning vents were discharging directly onto public open space, acoustic louvres detailed in the design were not in place, and there was no mitigation to reduce plant noise.

Officers believed operations were in breach of the *Waste Management and Pollution Control Act*.

Measurements taken at nearby homes confirmed significant noise: over 20 decibels above background levels, with changes in tone and volume. This greatly affected residents, who were unable to use their balconies and outdoor areas, had to close their windows and doors to block out the noise, and had their sleep interrupted.

NT EPA officers informed the building’s owner about the noise issues and, with noise pollution reports still coming in, continued to measure noise levels. Officers discussed the legislative requirements with the owner and provided several opportunities for the owner to minimise the noise.

After issuing directions to the owner, officers then issued two Penalty Infringement Notices for failing to comply with the direction, as well as a Pollution Abatement Notice.

Six months after the first complaints, the building’s owner started some limited external noise mitigation. The works were poorly designed and started without any of the required planning permissions, leading to more delays. Ultimately the works were unsuccessful.

The NT EPA subsequently sought legal advice and charges were laid in the Darwin Local Court against the company that owns the premises, and company directors.

In November 2017, the owner of the building, pleaded guilty to causing material environmental harm contrary to section 83(4) of the Act and guilty to contravening or failing to comply with a Pollution Abatement Notice in contravention of section 80(2) of the WMPC Act.

A company director also pleaded guilty to contravening or failing to comply with a Pollution Abatement Notice in contravention of section 91(2) of the Act.

The court ordered a total of \$71 200 in fines to be paid plus \$5 300 in court costs and victims’ levies.



Photo: Remediation project to rehabilitate minesite

ENGAGE AND INFORM GOVERNMENT, COMMUNITY AND BUSINESS

Priority: Work effectively with stakeholders and partners to improve environmental management



As part of its regular meeting program, the NT EPA Board meets with stakeholders and visits various proposal and development sites. These activities give the NT EPA a firsthand understanding of the interests, positions and concerns of stakeholders and the environmental management issues faced by industry in the Northern Territory. Site visits in 2017-18 included:

- ConocoPhillips LNG facility
- Shoal Bay Waste Management Facility (pilot leachate treatment system)
- McArthur River Mine.

Delegate officers also visited major project facilities such as Ichthys LNG facility and Sea Farms Cardwell Prawn Aquaculture facility.

As part of the NT EPA's industry and community engagement program, the Chair of the NT EPA met with a range of development proponents, land councils, government agencies, industry and environmental organisations.

Priority: Increase knowledge and awareness of environmental laws, impacts of activities and people's duty of care



Priority: Encourage industry and community bodies to contribute to the resolution of issues of environmental significance or public concern



Under an agreement by the Heads of Environment Protection Authorities in late 2017, the NT EPA entered into an agreement with the Western Australian Department of Water and Environmental Regulation for an officer exchange to enhance skills and capability of environmental officers, share learnings and improve collaborative and consistent environmental regulation in Australia. In early 2018, Ms Cassie Bell from WA worked alongside NT environmental officers for three months to develop a broader understanding of environmental regulation of waste in the NT.

Throughout 2017-18, the NT EPA website continued to host the key portal for all PFAS matters in the NT, and the NT EPA continued to facilitate and promote community information sessions about PFAS contamination in the NT.

In the second half of 2017, the NT EPA also facilitated and promoted public comments on the draft *PFAS National Environmental Management Plan*. The plan was approved by Australia's environment ministers in February 2018.

Case Study *Smoke alerts and reducing exposure*



Photo: A bushfire in the Territory

Work is under way to establish procedures for advising community members of poor air quality resulting from bushfires.

Pollution from smoke can aggravate respiratory diseases such as asthma and chronic bronchitis. Smoke is made up of fine particles which are less than 2.5 micrometres in diameter – the diameter of a human hair is 40 times larger. These small particles, when inhaled, can be carried deep into the lungs and irritate the airways.

Although NT Fire and Rescue and Bushfires NT undertake many planned burns and write permits for landholders to undertake hazard reduction burns early in the Dry season, most fires are unplanned, uncontrolled or caused by arson.

As a result of smoke from these fires, the air quality over Darwin and Palmerston can become “very poor” or “severe” according to the Air Quality Index every Dry season. A very poor rating

indicates that the concentration of an air pollutant ranges from 1.5 to 2 times above the value of the allowed maximum concentration.

Coordinated activities have been planned between the NT EPA, NT Fire and Rescue, Bushfires NT, the Department of Health and other agencies such as Education and Department of the Chief Minister to establish a standard procedure for providing public domain notifications such as Health Alert warnings during high smoke events.

There are also plans to extend the monitoring to regional areas targeting particulate emissions.

The NT EPA air quality website (ntepa.webhop.net/NTEPA/Default.ltr.aspx) now has advice on practical ways on how to reduce exposure to high levels of air pollutants.



The successful prosecution of a former company director over the release of chemicals to the stormwater system sends a strong message about the value of the environment and the NT EPA's commitment to protecting it.

In 2017 Darwin Local Court heard that the Shoal Bay wetlands had been polluted by the intentional release of waste industrial chemicals from a number of 200 litre drums. The contents of 16 drums were released to a stormwater drain through rust holes, and other holes made intentionally in the drums.

In May 2018, Nicholas John Koukouvas was convicted and ordered to pay a total of \$54 799 including costs and victims' levies after pleading guilty to:

- conducting an activity contrary to section 30(3) of the *Waste Management and Pollution Control Act*, involving the storage of listed wastes without an environmental protection licence
- polluting the environment resulting in material environmental harm contrary to section 83(4) of the Act
- intentionally causing contaminants to be stored so they would leak into the environment and cause environmental harm, contrary to section 83(6) of the Act.

The judgement, by Her Honour Deputy Chief Judge Elizabeth Morris, showed that Darwin Harbour environment is highly valued, and we have strong laws to protect it.

"Our environment in the Northern Territory, while ancient, is a very fragile one," she said.

The NT EPA's activities to protect Darwin Harbour continue through the Stormwater Strategy for the Darwin Harbour Region. Under the strategy, officers will continue to inspect industrial premises, make people fully aware of their own environmental responsibilities and encourage the safe and appropriate storage of chemicals and wastes.



Photo: Increased industrialisation of Darwin Harbour

Priority: Advise government on environmental issues under Part 3 of the NT EPA Act

Seabed mining report

Since March 2012, the Northern Territory has imposed a moratorium on seabed mining activities. This moratorium was introduced in response to community concerns about the potential environmental impacts of seabed mining activities in Northern Territory waters.

As part of the moratorium, the NT EPA was asked to provide advice on the actual or potential impacts of seabed mining on the environment and other resources activities and methods for managing those impacts.

The NT EPA continued to progress its advice during 2017–18 and expects to release draft advice for public consultation in early 2019. An interim report, prepared by the former EPA in November 2012, is on the NT EPA's website www.ntepa.nt.gov.au. Once complete, the final report will be available on the NT EPA's website and tabled by the Minister in the Legislative Assembly.

Advice on onsite peri-urban sewage treatment options

In 2014–15, the NT EPA commissioned an independent investigation of current and proposed wastewater treatment systems for developments in the Northern Territory's rural and peri-urban environments. The investigation also reviewed the regulatory framework for wastewater management in the Northern Territory. Improvements to the regulatory regime, prioritised by an interdepartmental working group, have been implemented by regulatory stakeholders since then.

The NT EPA, with the assistance of an interdepartmental working group, has now developed draft advice to the Minister on sustainable wastewater treatment options for the Northern Territory. The advice is anticipated to be finalised in 2018–19 after further consultation with all responsible regulatory parties. Once complete, the report will be on the NT EPA's website www.ntepa.nt.gov.au and tabled by the minister in the Legislative Assembly.



Advice on use of disposal of clinical waste by incineration

In 2017–18 the NT EPA commissioned an independent review of remote medical clinical incinerations. The review included air emission testing and air dispersion modelling, as well as considering general operational practices to minimise environmental harm.

Generally, the review found that the environmental risks associated with incineration of clinical waste in remote areas can be managed appropriately by adherence to NT EPA guidelines without the need for an environmental protection licence. A number of recommendations were made in relation to optimum operating conditions including minimum stack heights, optimum operating temperatures, regular air emissions modelling and standard operating procedures.

The NT EPA is preparing an additional guideline to clarify requirements for disposal of clinical waste by incinerators in remote areas.



Photo: Clinical waste emission stack

MOVING FORWARD



Photo: Monitoring impacts of increased development on surface water resources

As we look toward to a new year, it is opportune for the NT EPA to reconsider its strategic priorities.

The NT EPA Strategic Plan 2016–18 was reviewed in 2017–18, and a new plan will be released in early 2018–19.

Many changes to the NT EPA and its operating environment are expected in 2018–19. In April 2018 the NT Government announced changes to its regulatory framework for managing hydraulic fracturing activities. Under the new framework, the Minister for Environment and Natural Resources will replace the Minister for Primary Industry and Resources as the authority responsible for approving environmental management plans (EMPs) under the *Petroleum (Environment) Regulations*.

This is part of the government's commitment to separate responsibilities for environmental management of onshore gas activities from responsibilities for industry promotion. As part of this, the NT EPA has been tasked with reviewing all EMPs related to hydraulic fracturing activities and providing advice to the Minister for Environment and Natural Resources. Government is expected to introduce amendments to the NT EPA Act into the Legislative Assembly in the second half of 2018 to facilitate this new responsibility.

Later in 2018–19, government is expected to introduce legislation into the Legislative Assembly to repeal and replace the existing environmental impact assessment process, including introduction of a new environmental approval. This approval will be developed by the NT EPA after the impact assessment process, and granted (or refused) by the Minister for Environment and Natural Resources.

The new assessment and approval system will require changes to the way the NT EPA fulfils its powers and functions. The NT EPA will continue to work closely with the government to ensure the new system is fit for purpose and facilitates the delivery of better environmental outcomes for the Territory.

Over the coming year, the NT EPA will continue to explore opportunities to make it easier for business to comply with environmental regulation through developing guidance material and an online waste tracking system. This system will make it easier for businesses to report wastes being moved into and out of the Northern Territory, while also improving the quality and timeliness of the NT's waste movement data and reporting. In turn, this will assist the NT EPA to identify opportunities for improved reuse, recycling, management and disposal of wastes.

In addition, the NT EPA will be involved in developing a hazardous waste management framework for the NT and continue progress



on national commitments to reduce, reuse and recycle waste.

The CDS review undertaken by Ernst & Young will be finalised in 2018–19. It is expected the recommended amendments to the CDS legislation will reduce the administrative burden on industry and include streamlining of container and label approval processes.

The NT EPA will also build on its education and awareness activities about illegal dumping by developing strategies relating to illegal landfill and litter. These strategies will build on the NT EPA's regulatory responsibilities and help support other responsible organisations, including local governments and landholders, to better identify and address illegal waste issues on their land and in their areas of responsibilities.

The NT EPA has also commenced discussions with the Department of Health, Bureau of Meteorology, Bushfires NT and the NT Fire Service on developing an early warning air pollution alert system, initially for the Darwin region. This system will be able to distribute health alerts on days when air pollution and particulates are expected to be high and allow people who may be affected to better plan and manage their daily activities. It is anticipated that this system will be released in 2018–19.



The NT EPA's assessment of a proposed new mine in Central Australia has led to much stronger protections for the environment.

TNG Limited is proposing to develop and operate the Mount Peake Project to mine titanium, vanadium and iron in a remote area 235 km north-west of Alice Springs. The closest town is Ti Tree, 52 km away.

The proposal is for open-pit mining over 19 years, with an operational workforce of 125 to 170 people. It would require significant water usage from a new borefield, creation of a waste landform, and construction of a 100 km road to a new railway siding.

The proposal has major project status with the Northern Territory Government and the Australian Government.

The NT EPA assessed the proposal under the *Environmental Assessment Act* and on behalf of the Australian Government under the *Environment Protection and Biodiversity Conservation Act*.

The work showed that the environmental assessment process can reduce potential environmental impacts.

For example, the NT EPA requested more information on potential impacts to threatened and culturally important species and groundwater resources and dependent ecosystems.

TNG Limited completed further surveys to inform a biodiversity management plan, outlining measures to avoid impacts to threatened species. TNG also completely redesigned its mining waste management strategy to replace the proposed tailings storage facility and waste rock dump with an integrated waste landform.

The changes reduced the proposed footprint by 25 per cent, meaning less clearing of natural vegetation, and cut proposed water usage by 40 per cent.

The NT EPA's assessment report, delivered in January 2018, had 20 recommendations for TNG Limited and decision makers to consider. They included:

- independent technical review of the design
- annual inspection and auditing of the waste landform
- mine closure planning as an integral part of mine planning.

The report was provided to the NT Minister for Primary Industry and Resources to inform a decision under the *Mining Management Act*.

APPENDIX 1: NT EPA MEMBERSHIP

DR PAUL VOGEL

NT EPA CHAIR

Now a non-executive board director and strategic consultant, Dr Vogel was chair of Western Australia's Environmental Protection Authority from 2007 to 2015. Dr Vogel was also the inaugural chief executive and chair of the South Australian EPA from 2002 to 2007 and prior to that held senior executive positions in the WA departments of the Premier and Cabinet and Environmental Protection.

Dr Vogel has a PhD in chemistry from the University of Western Australia and extensive knowledge and experience across a broad range of environmental issues and sustainability, organisational and regulatory reform and the delivery of strategic environmental and business outcomes.

Dr Vogel is also chair of a national Cooperative Research Centre on Contamination and Remediation of the Environment (CRC CARE), a director of the Australian Technology Network of Universities (ATN) Australian Research Impact Advisory Board, a director of Global Aquatica (Australia) and a member of the Australian Institute of Company Directors.



DR IAN WALLIS

Dr Ian Wallis brings 30 years of experience as an environmental engineer providing advice to water and sewerage authorities and industries. He was a registered environmental auditor for 17 years, providing advice in the form of environmental studies, audits, investigations and inputs into environmental impact assessments.



Dr Wallis conducted postgraduate research at Monash University in sediment transport, the dispersion of wastes in estuarine and ocean waters, and the social and technical issues involved in managing pollution. He has been a researcher at various universities and laboratories in the United Kingdom and United States of America.

Dr Wallis has extensive experience in environmental assessments, air quality, water quality and oceanographic studies, and he is recognised as one of Australia's experts in these fields. He was a member of expert panels on desalination and on dredging in Darwin Harbour.



MS JANICE VAN REYK

Ms Janice van Reyk is an experienced non-executive director on a number of boards in the infrastructure and utilities sector, including Australian Naval Infrastructure, Victorian Ports, Lochard Energy and Citywide. She previously served on the boards of Melbourne Water and Port of Melbourne Corporation, and the audit, risk and finance committee of Sustainability Victoria and the three-person Ministerial Advisory Committee to inquire into the future strategic role of the Environment Protection Authority Victoria.



Ms van Reyk's environmental experience includes advising on a range of socioeconomic assessments, stakeholder consultations, and environmental and remediation issues. Together with her executive management experience in industry, she brings great depth to the NT EPA.

Ms van Reyk is a Fellow of the Australian Institute of Company Directors. She has a Master of Environment, specialising in water, energy and urban issues; a Master of Commerce, specialising in corporate finance, economics and accounting; a Bachelor of Arts; and a Bachelor of Laws.

DR JOHN CHAPMAN

(UNTIL 31 DECEMBER 2017)

Dr John Chapman completed his PhD in organic chemistry at the University of Sydney and subsequently obtained a diploma in environmental studies at the Macquarie University.



Dr Chapman has more than 30 years of experience in the field of ecotoxicology and environmental protection, having worked in the New South Wales Office of Environment and Heritage and its predecessors. Dr Chapman has been involved in ecotoxicology research, supervision and management and has produced numerous reports and advice in the area of chemicals and the impacts of contamination on the environment.

Dr Chapman was involved in developing the toxicant guidelines for the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) and is on the team for the current revision of these guidelines. He currently undertakes occasional consulting in ecotoxicology and is an Honorary Scientific Fellow with OEH.

DR DAVID RITCHIE

CHAIR OF THE NT PLANNING COMMISSION (EX-OFFICIO MEMBER)

Dr David Ritchie has over 35 years' experience working for organisations responsible for heritage protection and land management, in professional, expert, senior management and executive roles. This includes extensive experience with statutory boards with roles under land rights, native title, and environment and heritage legislation. For more than 20 years he held chief executive roles, leading organisations responsible for land resource planning, remote service delivery, parks and wildlife, natural resource management, environment protection, Indigenous policy, Aboriginal cultural heritage and museums, art galleries and archives.



Dr Ritchie's work has involved extensive fieldwork in remote regions of the NT working closely with Aboriginal communities and developers on cultural heritage surveys for major infrastructure developments ranging from gas pipelines and the North Australian Railway to mines, aquaculture and newly created national parks.

Dr Ritchie is a graduate of the Australian Institute of Company Directors and a Fellow of the Australian Anthropological Society. He is also a director of Ninti One Limited, on the board of the Northern Territory Land Corporation, Chair of the NT Grants Commission and was recently appointed to provide independent oversight of the NT Government's implementation of the recommendations of the Scientific Inquiry into Hydraulic Fracturing.

MR COLIN (JOE) WOODWARD

Mr Woodward brings more than 30 years of experience managing and advising on environmental regulation and approvals, having worked in a variety of roles in the New South Wales Environment Protection Authority and its predecessor, the State Pollution Control Commission. He was a deputy director general of the NSW Department of Environment and Conservation with responsibility for environment protection regulation.



Mr Woodward has extensive experience in environmental assessment and approvals and protection of air, water, noise, waste, chemicals and radiation, as well as biodiversity, threatened species and Aboriginal cultural heritage protection. He has served as a commissioner for the NSW Independent Planning Commission, which is responsible for statutory assessments and determinations of state significant development proposals such as coal, gold and rare earths mining, coal seam gas, quarries, and major industrial and urban developments. He has also provided consultancy advice to Australian Government and NSW environment and planning departments.

Mr Woodward holds a Master of Engineering and Bachelor of Science. In 2009, he was awarded the Public Service Medal for Outstanding Contribution to the Environment in New South Wales.

MS SAMANTHA NUNAN

(FROM 1 JANUARY 2018)

Ms Samantha Nunan is experienced in providing environmental regulatory and policy advice to industry and governments across multiple jurisdictions, including in the Northern Territory. Working in industry for many years, Ms Nunan has significant experience in participating in regulatory reviews and reform processes, predominantly as an industry participant, but also during her time in government.



During her time as a practising lawyer, Ms Nunan provided advice to businesses and statutory bodies relating to compliance frameworks and responses to environmental regulatory investigations. Ms Nunan has had extensive exposure to environmental assessment processes, securing project approvals and the application of regulatory policies and legislation across a range of industries, including resources, renewables, waste, agriculture and planning.

With this experience, Ms Nunan brings good understanding of the existence of and the importance of overlapping interests in land and resources by various stakeholders including traditional owners, government, industry and broader communities.

Ms Nunan works for Energy Australia as Industry Regulation Lead and has previously worked for leading law firms and at the Department of Environment, Water and Natural Resources in South Australia.

APPENDIX 2: DECISIONS MADE UNDER THE ENVIRONMENTAL ASSESSMENT ACT IN 2017-18

Table 1: Decisions that assessment is required at the level of an environmental impact statement

Proponent	Project	Date
Core Exploration Limited	Grants Lithium Project	3 May 2018
Mr Anthony Gurr and Ms Bao Huang	Daly River Road Pyrolysis Plant	12 September 2017
Northern Territory Iron Ore Pty Ltd	Roper Valley Iron Ore Project	20 July 2017

Table 2: Decisions that assessment is not required

Proponent	Project	Date
Landbridge Hotel Properties Pty Ltd	Landbridge Darwin Luxury Hotel – Skybridge	29 May 2018
Department of Infrastructure, Planning and Logistics	Gunn Point Road Realignment and Upgrade	10 May 2018
Darwin Port Operations Pty Ltd	Darwin Port Maintenance Dredging	13 March 2018
Power and Water Corporation	Tiwi Islands Energy Solution Overhead Powerline Network	1 March 2018
Ostojic Group Pty Ltd	Area 47 Project	6 February 2018
DAC Enterprises Pty Ltd	MA29641 (Taylor Road South Quarry) Project	12 February 2018
Project Sea Dragon Pty Ltd	Project Sea Dragon Stage 1 Hatchery	13 December 2017
Territory Generation	Channel Island Second Gas Pipeline	12 December 2017
Department of Infrastructure, Planning and Logistics	Barneson Boulevard	20 November 2017
DDG Operations Pty Ltd	Tanami Gas Pipeline	30 October 2017
North Star Pastoral	Maryfield Station Land Clearing	25 October 2017
Power and Water Corporation	Apsley Strait Powerline Crossing	5 September 2017
Department of Infrastructure, Planning and Logistics	Cullen Bay Ferry Terminal Maintenance Dredging Project	5 September 2017
INPEX Operations Australia Pty Ltd	Maintenance Dredging and Spoil Disposal Management Plan	26 July 2017

APPENDIX 3: LICENCES AND APPROVALS ISSUED IN 2017-18

Table 3: New environment protection approvals issued under the WMPC Act

Approval number (EPA)	Status	Issued to	Activity	Date approved
210	New	Incinerwaste Pty Ltd	Construction of clinical and related waste facility	7 September 2017
187	Amendment	MacDonnell Regional Council	Construction of a facility for disposal of asbestos	7 November 2017
7	Amendment	Ichthys LNG Pty Ltd	Construction of liquefied natural gas processing facility.	7 December 2017

Table 4: New environment protection licences issued under the WMPC Act

Approval number (EPA)	Status	Issued to	Activity	Date approved
190	New	MacDonnell Regional Council	Landfill	7 November 2017
206	EPL	Alice Springs Town Council	Landfill	4 August 2017
207	New*	ASCO Australia Pty Ltd	Collect, transport and store listed waste	18 December 2017
208	New	Alice Springs Turf Club	Handling listed waste	26 September 2017
209	New	Sea Swift Pty Ltd	Collect and transport listed waste	6 July 2017
211	New*	Toll Energy and Marine Logistics Pty Ltd	Collect, transport and store listed waste	4 August 2017
212	New	Ecoflex NT Pty Ltd	Handling listed waste	4 August 2017
213	New	Darwin Asbestos & Demolition Services	Collect and transport listed waste	2 August 2017
214	New	Supercharge Batteries Pty Ltd	Collect and transport listed waste	4 August 2017
215	New	Sea Swift Pty Ltd	Collect and transport listed waste	4 August 2017
216	New*	Northline Pty Ltd	Collect and transport listed waste	4 August 2017
217	New*	ConocoPhillips Pipeline Australia Pty Ltd	Liquefied natural gas processing facility	18 September 2017
218	New	Darwin Turf Club Inc	Handling listed waste	20 September 2017
219	New**	North Australian Beef Limited	Collect, store, treat and reuse listed waste	16 October 2017
220	New	Enston Pty Ltd	Collect and transport listed waste	1 November 2017
221	New	GSR Industrial Solutions Pty Ltd	Collect and transport listed waste	1 November 2017
222	New	Genesee & Wyoming Australia Pty Ltd	Collect and transport listed waste	11 January 2018
223	New	Rentokil Initial Pty Ltd	Collect and transport listed waste	20 November 2017
224	New	QP Environmental Solutions Pty Ltd	Collect and transport listed waste	21 November 2017
225	New	Northern Trade Solutions NT Pty Ltd	Collect and transport listed waste	20 November 2017
226	New*	Shorelands Group Pty Ltd	Collect and transport listed waste	21 November 2017
227	New	Mousellis & Sons Pty. Ltd.	Collect and transport listed waste	5 December 2017
228	New	Ichthys LNG Pty Ltd	Liquefied natural gas processing facility	13 December 2017
229	New	Smorgon Fuels Pty Ltd	Collect, store, treat and recycling listed waste	16 January 2018
230	New*	Eni Australia B.V.	Liquefied natural gas processing facility	21 May 2018
231	New	Packard Goose Pty Ltd	Collect and transport listed waste	8 February 2018
233	New	City of Palmerston	Waste transfer station	26 April 2018
234	New	C J D Equipment Pty Ltd	Collect and transport listed waste	29 May 2018
235	New*	J.J. Richards & Sons Pty Ltd	Collect, transport and store listed waste	21 May 2018
236	New	Nhulunbuy Corporation Limited	Landfill	26 April 2018
237	New	C J D Equipment Pty Ltd	Collect and transport listed waste	18 June 2018
238	New	YBE (2) Pty Ltd	Collect and transport listed waste	15 June 2018
240	New*	Alawa Plumbing Pty Ltd	Collect and transport listed waste	2 June 2018
243	New*	Tox Free Australia Pty Ltd	Collect, transport and store listed waste	27 June 2018

* Previous licence held. New licence issued in NT EPA online.

Table 5: Decisions under section 30(6) of WMPC Act – EPL or EPA not required

Applicant business name	Permit type	Activity	Date of Determination
FJT Connect	EPL	Transporting 50kg of asbestos to Shoal Bay Waste Management Facility as part of Telstra upgrades	31 December 2017
Sea Farms Pty Ltd	EPA	Construction of main discharge channel, discharge weir and Environment Protection Channel at Legune Station Construction of grow-out ponds, discharge channels, farm channels, pond feeder channels, farm feeder channels at Legune Station	4 August 2017

APPENDIX 4: COMPLIANCE AND ENFORCEMENT ACTIVITIES IN 2017–18

Table 6: Entities issued penalty infringement notices

Date Issued	Entity
6 July 2017	Vantage Homes Pty Ltd
10 July 2017	Vinay Madasu (Rosebery Minimart)
10 July 2017	Venu Dontula (Rosebery Minimart)
9 November 2017	Vanguard Homes Pty Ltd
9 November 2017	Supreme Homes Pty Ltd
11 January 2018	Northern Star Concreting
15 January 2018	Kassiou Constructions Pty Ltd
15 January 2018	Impressive Developments Pty Ltd
18 January 2018	Supreme Homes NT Pty Ltd
18 January 2018	Supreme Homes NT Pty Ltd
18 January 2018	Supreme Homes NT Pty Ltd
13 March 2018	NT Repairs and Painting Pty Ltd
13 March 2018	Halikos Developments Pty Ltd
3 April 2018	City Earthmoving Pty Ltd
6 April 2018	Territory Homes Pty Ltd
11 April 2018	Habitat (NT) Pty Ltd
11 May 2018	JLM Civil Works Pty Ltd
20 June 2018	Northern Transportables Pty Ltd
20 June 2018	Northern Transportables Pty Ltd

Table 7: Entities issued Authorised Officer directions

Date Issued	Entity
10 July 2017	Venu Dontula
13 July 2017	Tasmanian Seafoods
25 August 2017	Robert Petersen
1 September 2017	Power and Water Corporation- Leanyer/Sanderson WWTW
11 September 2017	Power and Water Corporation- Leanyer/Sanderson WWTW
14 September 2017	NT Recycling Solutions Pty Ltd
15 September 2017	Power and Water Corporation
15 September 2017	CCD Electrical
15 September 2017	Sterling Construction
9 November 2017	Vanguard Home Pty Limited
9 November 2017	Supreme Homes NT Pty Ltd
14 November 2017	Norculture Pty Ltd
16 November 2017	Captiv8 Homes Pty Ltd
30 November 2017	Adam and Beata Small
23 November 2017	Whereareya Pty Ltd (trading as Diggamen Civil Contracting)
8 December 2017	Hy-Tec Industries (Northern Territory) Pty Ltd
20 December 2017	Melon Farm (NT) Pty Ltd
22 December 2017	Integrity Pty Ltd (Ucart Minimix Concrete)
3 January 2018	Julius Sanders
11 January 2018	Northern Star Concreting

Table 8: Entities issued show cause letters

Date Issued	Entity
29 July 2017	NT Land Development Pty Ltd, Katherine
27 October 2017	Power and Water Corporation
7 June 2018	Northern Transportables Pty Ltd

Date Issued	Entity
15 January 2018	Kassiou Constructions Pty Ltd
16 January 2018	Impressive Developments Pty Ltd
17 January 2018	Politis Investments (NT) Pty Ltd
17 January 2018	Mel Investments (NT) Pty Ltd
19 January 2018	Supreme Homes NT Pty Ltd
19 January 2018	Supreme Homes NT Pty Ltd
19 January 2018	Supreme Homes NT Pty Ltd
23 January 2018	Adam and Beata Small
2 February 2018	NT Livestock Exporters Association
5 February 2018	City Earthmoving Pty Ltd
7 February 2018	Sims Metal Management
26 February 2018	NT Repairs and Painting
26 April 2018	Dinah Beach Cruising Yacht Association
4 April 2018	JLM Civil Works Pty Ltd
27 April 2018	Michael Anthony, Director DWD Project Pty Ltd
27 April 2018	DWD Project Pty Ltd
15 June 2018	OEG Offshore Pty Ltd
20 June 2018	Battery Power Centre Australasia Pty Ltd
27 June 2018	Duratec Australia Pty Ltd

Table 9: Entities issued warning letters

Date Issued	Entity
29 August 2017	Meales Concrete Pumping
21 September 2017	Lintin Geotechnical Pty Ltd
21 September 2017	Ironbark Aboriginal Corporation
2 October 2017	Imada NT Pty Ltd trading as Sporties Café and Restaurant

Table 10: Prosecutions

Date	Defendant	Offences	Penalty
November 2017	Elias Investments	Material environmental harm, failure to comply with a pollution abatement notice	\$71 200
May 2018	Nicholas Koukouvas	Storage of listed waste without licence, Pollution resulting in material environmental harm, intentional storage of contaminants in a manner likely to discharge	\$54 844

Table 11: Section 14 notices published

Date published	Section 14 Notice
29 May 2018	Katherine Town Council <i>Surface waste fire at the Katherine Waste Management Facility</i>
12 April 2018	INPEX Operations Australia <i>Wastewater overflow</i>
21 March 2018	West Arnhem Regional Council <i>Spill of Waste Oil</i>
9 February 2018	BMD Urban <i>Heavy rain washed Prime for roadworks into basin on site</i>
30 January 2018	Primary Gold Limited <i>Site Stormwater discharge</i>
29 January 2018	Northern Territories Resources Pty Ltd - Browns Oxide Project <i>Stormwater containment buds discharged water off site</i>
29 January 2018	Primary Gold Limited <i>Site Stormwater discharge</i>
22 January 2018	Aggreko <i>Oil water separator overflow due to power outage</i>
11 January 2018	Power and Water Corporation <i>Overflow of diluted treated effluent</i>
11 January 2018	Tiwi Plantation Corporation <i>Tannin water release</i>
4 January 2018	GEMCO <i>Stormwater Discharge</i>
27 December 2017	Tiwi Plantation Corporation <i>Tannin Leachate Leak</i>
26 December 2017	Power and Water Corporation <i>Rising Main Sewage Leak</i>
14 December 2017	Northern Australian Beef Ltd (AACo) <i>Failure of irrigation tank</i>
15 November 2017	Ichthys LNG Pty Ltd <i>Diesel spill from fuel pod</i>
31 October 2017	JKC Australia LNG Pty Ltd <i>Seal primer lifting with stormwater</i>
26 September 2017	Power and Water Corporation <i>Overflow of sewage</i>
4 September 2017	City of Palmerston <i>Underground fire - old landfill site at Archer Waste Transfer Station</i>

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