

NOTICE TO CARRY OUT ENVIRONMENTAL AUDIT PROGRAM

(Issued pursuant to section 48(1) of the *Waste Management and Pollution Control Act*)

ISSUED TO: Chief Executive Officer, Northern Territory Fire and Rescue Service ("You")

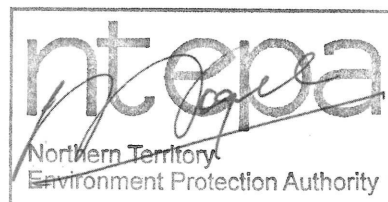
OF: Level 5, NAB House
71 Smith Street
DARWIN NT 0800

WHEREAS the Northern Territory Environment Protection Authority (NT EPA) is satisfied for the reasons stated in **Attachment A** to this notice that you are a person required to carry out an Environmental Audit Program of the former Casuarina Fire Station (Legacy) located at the current 36 Dripstone Road, Casuarina, also known as Lot 4974, Town of Nightcliff (550), Northern Territory, as delineated in **blue** in **Attachment C** (the premises), comprising an environmental audit, within the meaning of s47(f) and of the *Waste Management and Pollution Control Act 1998* to evaluate:

- (i) **the types, amount, distribution and mobility of contaminants present in the environment resulting from or in any way connected with Northern Territory Fire and Rescue Service activities at the premises, including but not limited to per- and poly-fluoroalkyl substances (PFAS)**

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

The **COMMON SEAL OF THE NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY** was hereto affixed pursuant to the provisions of the *Northern Territory Environment Protection Authority Act 2012 (NT)* in the presence of:





Signature of witness

Alison Watters

Name of witness

20 October 2023

Date

Important Notice

Failure to comply with this notice is an offence under section 52 of the *Waste Management and Pollution Control Act 1998* (the Act) and may incur significant penalties and/or other statutory action.

This notice takes effect on the date on which it is served upon you. Pursuant to section 108 of the Act, **you have the right to apply for a review of the decision to issue you with this Notice to carry out an Environmental Audit Program. If you intend to apply for a review, YOU MUST MAKE AN APPLICATION WITHIN 28 DAYS after the day on which this notice of the decision was given.** For information on how to lodge an application for review, contact the Northern Territory Environment Protection Authority, telephone (08) 8924 4218.

Pursuant to section 112 of the Act the person issued with this notice must fulfil certain obligations before selling, leasing, sub-leasing, giving or exchanging land, premises, a vehicle or business which is the subject of this Notice.

ATTACHMENT A

REASONS FOR ISSUING THIS NOTICE

1. Northern Territory Fire and Rescue Services (NTFRS) was established in accordance with the *Fire and Emergency Act 1996*;
2. The former Darwin fire station, located at the current 36 Dripstone Road, Casuarina, also known as Lot 4974, Town of Nightcliff (550), (the premises) as delineated in blue in **Attachment C**, was managed and operated by NTFRS from approximately the 1970 until closure in the 2007;
3. Firefighting foams that have been historically used by NTFRS at the premises include aqueous film forming foam (AFFF), such as 3M Light Water and Ansulite, both known to contain Per- and poly-fluoroalkyl substances (PFAS);
4. PFAS are a group of manufactured chemicals that have been identified worldwide as emerging contaminants of concern, due to their high solubility, mobility and persistence in the environment. These properties of PFAS allow them to readily leach from soil to groundwater and surface water, where they can travel long distances and enter the food chain, resulting in bioaccumulation;
5. The Northern Territory is a signatory to the Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination (PFAS IGA), which is an agreement between the Commonwealth and its States and Territories to respond consistently to PFAS contamination to protect human health and the environment;
6. As part of the Northern Territory Governments' PFAS Legacy Site Investigation Strategy, NT Police, Fire and Emergency Services sites were identified as high priority for further investigation, due to potentially significant use of PFAS-containing AFFF;
7. There are record and knowledge gaps within the NTFRS of the precise locations where the use of PFAS-containing AFFF and the use of other potential contaminants of concern such as hydrocarbons used as part of these fire training exercises occurred despite it being a common activity;
8. In October 2022, NT EPA received a report titled '*Northern Territory Police, Fire and Emergency Service Sites Due Diligence Report for 59 NTPFES Sites*' (due diligence report). The due diligence report was produced by an independent consultant. Key findings of the due diligence report were:
 - (a) foam training was carried out on an irregular basis, due to the cost of foam. Apart from procuring foam, foam was also obtained from other facilities such as Department of Defence, Darwin Airport and Bulk Fuel Storage facilities when required.
 - (b) transition to fluorine free foams (Solberg RF6 and Fire Break) began circa 2009.
 - (c) The following records are incomplete:
 - the storage and management of fluorinated foam products containing PFAS;
 - external training areas where fluorinated foam products containing PFAS were use;

- training records and manuals;
- wash-down procedures;
- waste disposal management;
- procurement for the purchase of fluorinated foam products containing PFAS;
- inventory and disposal of fire extinguishers;

(d) Using the NEMP and information from the site audits and targeted soil and water sampling activities, a site risk matrix was used to provisionally rate the risk of the sites and propose management / investigation actions:

- High risk – Actions as per low and medium risk sites, including the potential to progress Detailed Site Investigations (DSI);
9. The independent contaminated land consultant rated the former Casuarina Fire Station as “high risk” based on their site assessment process;
 10. Preliminary enquiries conducted by NT EPA officers in May 2018, identified the presence of PFAS compounds, including PFOS, PFOA and PFHxS, on the premises;
 11. The independent contaminated land consultants identified the presence of PFAS compounds, including PFOS, PFOA and PFHxS, on the premises during sampling in May 2022;
 12. The Department of Infrastructure, Planning and Logistics engaged a consultant in November 2021 to undertake some geotechnical investigations for the planned Northern Suburbs Youth Hub. The consultants sampled for PFAS, identifying impacts in fifteen of eighteen samples, with all but one sample exceeding residential criteria, but none exceeding commercial/industrial criteria. In three sampling locations, PFAS concentrations increased with depth, indicating vertical migration;
 13. The highest result for PFOS+PFHxS was 0.99mg/kg. The highest sum of PFAS recorded was 1.20mg/kg;
 14. The PFAS National Environmental Management Plan (PFAS NEMP 2.0) provides human health investigation thresholds for various PFAS. NEMP 2.0 provides criteria of 20mg/kg PFOS + PFHxS in soil for industrial/commercial land, through to 0.01mg/kg PFOS + PFHxS for residential premises with accessible soil (the most sensitive use);
 15. The premises is located in proximity to potential receptors including a groundwater, surface water, onsite users of the community facility, and residential premises;
 16. The types, amount, distribution or mobility of PFAS contamination within, and from the premises is unknown;
 17. Potential risk of contamination to current and future human health and the environment is unknown; and
 18. To determine the level of potential risk to current and future users of both the premises and in the surrounding area, further investigation to ascertain the type and extent of PFAS contamination is required.

ATTACHMENT B

NOTICE REQUIREMENTS

1. Pursuant to section 48(1) of the *Waste Management and Pollution Control Act 1998* the Northern Territory Fire and Rescue Service (NTFRS) is required to carry out an environmental audit program (the program) to evaluate the types, amount, distribution and mobility of any potential contaminants of concern, including but not limited to per- and poly-fluoroalkyl substances (PFAS), present in the environment at and from the premises (as identified in **Attachment C**), and offsite locations that get identified as associated with the operations of the premises, that have the potential to cause environmental harm;
2. The audit program must be performed by a qualified person registered under section 68 of the Act (the auditor);
3. By no later than **9 November 2023**, NTFRS must engage the auditor;
4. By no later than **18 April 2024**, NTFRS must submit to the NT EPA the scope of works for the program, endorsed by the auditor, prior to commencing the program;
5. By no later than **6 November 2025**, NTFRS must submit to the NT EPA the results of the program in the form of an **Environmental Audit Report** prepared by the auditor;
6. The **Environmental Audit Report** must include:
 - a. an assessment of the types, amount, distribution and mobility of per- and poly-fluoroalkyl substances (PFAS), hydrocarbons, and any other contaminants of concern associated with activities at the premises as identified through the audit;
 - b. an assessment of the risks to current and future human health and the environment of per- and poly-fluoroalkyl substances (PFAS), hydrocarbons, and any other contaminants of concern associated with activities at the premises as identified through the audit; and
 - c. the extent to which actions required to be taken, or results required to be achieved, for the prevention, reduction, control, rectification or clean up of pollution or environmental harm resulting from pollution have been taken or achieved.
7. The **Environmental Audit Report** must assess the actual and potential risk of environmental harm from activities conducted at the premises, as determined by:
 - a. review of systems, plans, procedures, monitoring programs, data, records, reports or information that is relevant to the scope of the audit as the auditor sees fit;
 - b. review of activities, processes, plant and equipment at the premises that is relevant to the scope of the audit as the auditor sees fit; and
 - c. collection and/or modelling of data that is that relevant to the scope of the audit as the auditor sees fit;

8. The **Environmental Audit Report** must:

- a. Consider all relevant guidance including, but not limited to:
 - i. the National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) 1999 (amended 2013);
 - ii. the Northern Territory Contaminated Land Guideline (CLG) 2017; and
 - iii. the PFAS National Environmental Management Plan 2020 (and as amended);
- b. determine if the activities conducted at the premises have caused environmental harm or give rise to a potential risk of any possible harm or adverse impact to the environment;
- c. recommend measures necessary to reduce the actual harm and risk of harm to an acceptable level where actual harm or risk of possible harm to the environment has been identified;
- d. propose a timetable for the implementation of all recommended measures to address the findings of the Audit; and
- e. identify the likely environmental monitoring requirements that will be required to manage the ongoing and future environmental impacts from the premises.

ATTACHMENT C

THE PREMISES

36 Dripstone Road, Casuarina, also known as Lot 4974, Town of Nightcliff (550)

