

**NOTICE TO CARRY OUT
ENVIRONMENTAL AUDIT PROGRAM**

(Issued pursuant to Section 48(1) of the *Waste Management and Pollution Control Act 1998*)

ISSUED TO: Northern Territory Livestock Exporters Association
Incorporated
ABN 26 904 396 618

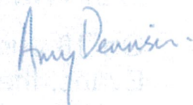
OF: 76 Esplanade, DARWIN NT 0800
GPO Box 3531, DARWIN NT 0801

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 in relation to Section 4247 Hundred of Bagot, also known as the Berrimah Export Yard, as delineated in yellow in **Attachment C** (the premises) to evaluate:

- (i) **the extent, nature and source of wastes generated by the activity, premises or process; and**
- (ii) **the types, amount, distribution and mobility of contaminants or waste present in the environment; and**
- (iii) **the ability of management systems to prevent pollution or environmental harm resulting from pollution; and**
- (iv) **the extent to which actions are required to be taken for the prevention of pollution or environmental harm resulting from pollution.**

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.

ISSUE DATE: 9/8/21



.....
AMY DENNISON
EXECUTIVE DIRECTOR
ENVIRONMENTAL REGULATION
DELEGATE OF THE NT EPA

Important Notice

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

This notice takes effect on the date on which it is served upon you. Pursuant to Section 108 of the *Waste Management and Pollution Control Act*, **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 NOT LATER THAN 28 DAYS after the date you were served with this notice.** For information on how to lodge an application for review, contact the Northern Territory Environment Protection Authority, telephone 8924 4041.

Pursuant to Section 112 of the *Waste Management and Pollution Control Act 1998* the person issued with this notice must fulfil certain obligations before selling, leasing, sub-leasing, giving or exchanging land, premises, a vehicle or business which is the subject of this Notice.

ATTACHMENT A

REASONS FOR ISSUING THIS NOTICE

1. The Northern Territory Livestock Exporters Association Incorporated (NT LEA), is the owner of Section 4247 Hundred of Bagot, at 2 Wishart Road, Wishart NT 0822 also known as Berrimah Export Yard as delineated in yellow in **Attachment C** (the premises);
2. NT LEA hold a lease in perpetuity granted under the *Crown Lands Act*, known as Crown Lease in Perpetuity 01650;
3. As per the conditions and covenants listed on the Land Title, subject to the *Crown Lands Act*, the Lessee will not use the leased land for a purpose other than the purpose for which it is leased;
 - (a) The purpose for which it is leased is for a public livestock exporting facility; and
 - (b) The Lessee shall not unreasonably deny access to the yards to any live cattle exporter and acknowledges that the yards are to be open for use by the live cattle export industry as a whole;
4. The premises is managed by Berrimah Livestock Pty Ltd (ACN 602 532 105) by agreement with NT LEA;
5. On 02 February 2018, NT EPA officers issued NT LEA an Authorised Officer Direction pursuant to section 72(1)(k) of the *Waste Management and Pollution Control Act 1998* to “immediately prevent further pollution or environmental harm from the premises”;
6. On 23 February 2018, by email NT EPA officers advised Annette Duncan, the Acting Chief Executive Officer of the NT LEA that, “*the site and operators will need to continue to demonstrate how they will continue to meet their general environmental duty to do everything reasonable and practical to prevent pollution or environmental harm...to ensure protection of the environment and compliance to the Waste Management and Pollution Control Act*”;
7. On 18 June 2018, Manager of Environmental Operations sent a letter to Will Evans, the Chief Executive Officer of the NT LEA advising “*current site design significantly restricts storm water management options...the lack of any appropriately designed facilities for the containment and storage or contaminated storm waters*”, which was to be addressed before the start of the 2018/2019 Wet season;
8. On 02 January 2019, NT EPA officers collected a discharge water sample from the south western discharge point of the premises (see location in **Attachment D**);
9. The results showed high levels of Enterococci (637,000 MPN/100mL) and E.coli (241,000 MPN/100mL);
10. On 16 January 2019, Manager of Environmental Operations sent a letter to Will Evans, the Chief Executive Officer of the NT LEA, advising “*you should **immediately** be taking appropriate steps to ensure that the BEY complies with the requirements of the WMPC Act*” and that penalties for non-compliance can be applied under the *Waste Management and Pollution Control Act 1998*;

11. The acronyms “BEY” and “WMPC Act” used in the above quote in point 10 are defined in the original letter as “Berrimah Export Yard” and “Waste Management and Pollution Control Act”, respectively;
12. On 22 December 2020, NT EPA officers collected another discharge water sample from the south western discharge point of the premises (see location in **Attachment D**);
13. The results of the samples taken on 22 December 2020 show high levels of Total Suspended Solids (240mg/L), Enterococci (184,200 MPN/100mL), E.coli (178,500 MPN/100mL) and Total Coliforms (1,732,900 MPN/100mL) (see results of samples in **Attachment E**);
14. Wastes and contaminants continue to be discharged from the premises during the wet season;
15. NT LEA has not adequately addressed waste and contaminants which are discharged from the premises and into the environment;
16. The environmental audit report will:
 - (a) identify the sources and nature of wastes and contaminants being generated and discharged from the premises;
 - (b) identify the types, amounts, distribution and mobility of contaminants and wastes present in the environment resulting from the activities, processes and operations at the premises;
 - (c) identify the ability and suitability of management systems and procedures to address wastes and contaminants being generated and discharged from the premises;
 - (d) identify improvement actions to be taken to prevent waste and contaminants being discharged into the environment.

ATTACHMENT B

NOTICE REQUIREMENTS

1. The environmental audit program (the program) must be performed by a person registered under section 68 of the *Waste Management and Pollution Control Act 1998* (the Act), in this case an environmental auditor accredited under the New South Wales or Victorian auditor accreditation schemes;
2. Within one month from the date of issue of this notice you must engage the environmental auditor referred to in requirement 1 above;
3. Within two months from the date of issue of this notice you must submit a scope of works for the program to the NT EPA for consideration;
4. Within six months from the date of issue of this notice you must submit an **Environmental Audit Report** prepared by the person referred to in requirement 1 above;
5. The **Environmental Audit Report** must include the following:
 - (a) assessment of the extent, nature and source of wastes generated by the activities, processes and operations at the premises;
 - (b) assessment of the types, amount, distribution and mobility of contaminants and wastes present in the environment resulting from the activities, processes and operations at the premises;
 - (c) assessment of the ability of the premises' management systems and procedures to prevent pollution or environmental harm resulting from pollution at and from the premises;
 - (d) assessment of the extent to which actions are required to be taken for the prevention of pollution or environmental harm resulting from pollution.
6. The **Environmental Audit Report** referred to in requirement 4 above must relate to the risk of any possible harm or detriment to the land, surface water and groundwater environments caused by activities conducted at the premises, as determined by:
 - (a) review of any systems, plans, procedures, monitoring programs, data, records, reports or other information relevant to the scope of the audit;
 - (b) inspection of any relevant activities, processes, plant and/or equipment at the premises; and
 - (c) collection and/or modelling of any data as the auditor sees fit;
7. The **Environmental Audit Report** referred to in requirement 4 must:
 - (a) determine the extent of the activities conducted at the premises that give rise to the risk of harm or detriment to the land, surface water and groundwater environments;
 - (b) where a risk of any possible harm or detriment to a segment of the environment has been determined in 7(a), recommend any measures necessary to reduce the risk to an acceptable level; and

- (c) include an indicative implementation timetable for any recommended clean-up and/or management measures or works referred to in requirement 7(b); and
- 8. The program must relate to all activities, processes and operations undertaken by or for NT LEA at the premises, including activities, processes and operations undertaken by Berrimah Livestock Pty Ltd on behalf of NT LEA, since the commencement of Crown Lease in Perpetuity 01650.

ATTACHMENT C

THE PREMISES

SITE LOCATION AND PROPERTY BOUNDARY (DELINEATED IN YELLOW)



ATTACHMENT D

DISCHARGE SAMPLE LOCATION

LOCATION WHERE WATER DISCHARGES FROM THE PREMISES AND WHERE DISCHARGE WATER SAMPLES WERE COLLECTED IN 2019 AND 2020



ATTACHMENT E

CERTIFICATE OF ANALYSIS FROM SAMPLES COLLECTED ON 22 DECEMBER 2020



Department of Industry, Tourism and Trade

Certificate of Analysis

Project No: D202929 Final Report
Report Number: 65792 Date issued: 24/12/2020

Water Microbiology Darwin
BVL Building, Berrimah Farm
29 Mangrove Road, BERRIMAH, NT 0828
p: +61 8 8999 2347
e: +61 8 8923 8466
w: WaterLabDarwin.ITT@nt.gov.au
https://dpir.nt.gov.au/

NATA Accredited Laboratory
Accreditation Number: 15606
Accredited for compliance with ISO/IEC 17025 - Testing
This document shall not be reproduced except in full.

Customer: NTERA Project Title: BEV 1 Date Received: 22/12/2020 Number of Samples Received: 1
Address: Level 1 Arnhemica House, 18 Parap Road Purchase Order: DEPNV5, Env Ops Date Completed: 24/12/2020 Number of Samples Tested: 1
Parap NT 0820 Attention: Patrick Doran

The sample(s) referred to in this report were analysed by the following method(s).

| Analyte | Method Reference | Accreditation Status | Analyte | Method Reference | Accreditation Status |
|-----------------------|------------------|----------------------|---------------|------------------|----------------------|
| Enterococci (MPN) | AS131 D6503 | NATA Accredited | E. coli (MPN) | AS 4276.21 | NATA Accredited |
| Total Coliforms (MPN) | AS 4276.21 | NATA Accredited | | | |

| Lab Number | Sampling Point* | Customer Reference* | Free Cl (mg/L)* | Total Cl (mg/L)* | Sample Collection Temp (°C)* | Temp on Arrival (°C) # | Type of Sample |
|------------|-----------------|---------------------|-----------------|------------------|------------------------------|------------------------|----------------|
| D202929-01 | BEV 1 | | Not supplied | Not supplied | Not supplied | 26 | Water |

*Based on information supplied by customer. # Reported arrival temperature reflects the approximate temperature of the group of samples when received by the laboratory. This measurement does not fall within the scope of the Laboratory's NATA Accreditation.

Holding Time

Max Holding Time is the maximum time permitted between sample collection and commencement of analysis. Reference: AS 2031.


A indicates the sample has exceeded the maximum holding time permitted for the analysis. Affected results must be considered indicative only.

**Sample collection dates and times are reported as supplied by the customer and reported holding times are calculated from this information. While all due care is taken during transcription, the accuracy of this information is not guaranteed by the laboratory.

| Lab Number | Sample Collected | Enterococci | | E. coli | | Total Coliforms | |
|------------|-------------------|--------------------|--------------------------|--------------------|--------------------------|--------------------|--------------------------|
| | | Date of Analysis | Max Holding Time: 24 hrs | Date of Analysis | Max Holding Time: 24 hrs | Date of Analysis | Max Holding Time: 24 hrs |
| D202929-01 | 22/12/2020 8:45am | 22/12/2020 10:55am | 2h 10m | 22/12/2020 10:55am | 2h 10m | 22/12/2020 10:55am | 2h 10m |

Results of Analysis

| D202929-01 BEY 1 | Enterococci MPN/100mL | E. coli MPN/100mL | Total Coliforms MPN/100mL |
|------------------|-----------------------|-------------------|---------------------------|
| | 184200 | 178500 | 1732900 |

The results in this report were authorised by:
 Louisa Cowie - Technical Officer


Measurement Uncertainty (MU) should be considered when assessing quantitative results. Contact the laboratory for current MU values.

Dates are reported in the format ddmmYY.

CHEMICAL TEST REPORT

intertek
Total Quality. Assured.

Environment Protection Authority

Patrick Doran
pollution@nt.gov.au
2nd Floor Darwin Plaza
41 Smith St Mall Darwin NT 0800
Australia

| | |
|------------------|----------------------------------|
| JOB NUMBER | NT52469 |
| PO NUMBER | |
| PROJECT | BEY1 22/12/2020 |
| CHAIN OF CUSTODY | ADWG General Parameters |
| DATE RECEIVED | 22/12/2020 |
| DATE REPORTED | 15/01/2021 |
| NO. SAMPLES | 1 Water/Solution(s) for Analysis |

COMMENTS

- Results required for compliance may be compromised: Potentially affected results will be highlighted in the report.
 - Holding time breaches
 - Field related preparation or preservation techniques
- Samples will be discarded one month from final report date.

TESTED BY

Intertek NTEL
55 Export Drive
East Arm NT 0822
AUSTRALIA
P: +61 8 8947 0510
E: ntel@intertek.com



RESULTS AUTHORISED BY

NAME Fiona Dunbar-Smith
POSITION Intertek NTEL signatory

Accredited for compliance with ISO/IEC17025 - Testing
Accreditation Number 14610
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REPORT CODE: NTS2469
 Methodology:



| Analysis Code | Description | Method Reference | Analytical Scheme | Technique / Instrument | Detection Limit | Data Units |
|---------------|--|------------------|-------------------|------------------------|-----------------|------------|
| pH | pH | WWM07 | ALK1 | ELECTRODE | 0.1 | units |
| EC | Electrical Conductivity | WWM12 | ALK1 | ELECTRODE | 1 | µS/cm |
| Alkalinity | Total Alkalinity (as CaCO3) | WWM08 | ALK1 | ELECTRODE | 1 | mg/L |
| CO3 | Carbonate Alkalinity (as CaCO3) | WWM08 | ALK1 | ELECTRODE | 1 | mg/L |
| HCO3 | BiCarbonate Alkalinity (as CaCO3) | WWM08 | ALK1 | ELECTRODE | 1 | mg/L |
| OH | Hydroxide Alkalinity (as CaCO3) | WWM08 | ALK1 | ELECTRODE | 1 | mg/L |
| Turbidity | Turbidity | WWM15 | TURB1 | METER | 1 | NTU |
| True Colour | True Colour - filtered | WWM16 | COLOUR | UV/VIS | 5 | PCU |
| TSS | Total Suspended Solids | WWM14 | TSSTDS | GRAV | 10 | mg/L |
| TDS | Total Dissolved Solids | WWM14 | TSSTDS | GRAV | 10 | mg/L |
| NO2_N | Nitrite as Nitrogen | WWM22 | FIAS_4 | COLOUR | 0.005 | mg/L |
| NO2 | Nitrite | WWM22 | FIAS_4 | COLOUR | 0.02 | mg/L |
| NO3_N | Nitrate as Nitrogen | WWM22 | FIAS_4 | COLOUR | 0.005 | mg/L |
| NO3 | Nitrate | WWM22 | FIAS_4 | COLOUR | 0.02 | mg/L |
| Cl | Chloride | WWM19 | FIAS_4 | COLOUR | 0.1 | mg/L |
| PO4_P | Reactive/ortho Phosphate as P | WWM25 | FIAS_4 | COLOUR | 0.005 | mg/L |
| NH3_N | Ammonium as Nitrogen | WWM22 | NH3_N | COLOUR | 0.005 | mg/L |
| F | Fluoride | WWM20 | FISE1 | ELECTRODE | 0.1 | mg/L |
| Hardness | Total Hardness (as CaCO3 - calculated) | WWM11 | TH1 | CALC. | 0.1 | mg/L |
| Ca_F | Calcium_Filtered 0.45µm | W100 | W108I | ICPOES | 0.1 | mg/L |
| K_F | Potassium_Filtered 0.45µm | W100 | W108I | ICPOES | 0.1 | mg/L |
| Mg_F | Magnesium_Filtered 0.45µm | W100 | W108I | ICPOES | 0.1 | mg/L |
| Na_F | Sodium_Filtered 0.45µm | W100 | W108I | ICPOES | 0.1 | mg/L |
| SiO2 | Silicon as Silica_Filtered 0.45µm | W100 | W108I | ICPOES | 0.2 | mg/L |
| SO4_F | Sulfur as Sulfate_Filtered 0.45µm | W100 | W108I | ICPOES | 0.1 | mg/L |



REPORT CODE:

NT52469

Project:

ADWG General Parameters

| Element: | pH | EC | Alkalinity | CO3 | HCO3 | OH | Turbidity | True Colour | TSS |
|----------------------------|----------|----------|------------|----------|----------|----------|-----------|-------------|---------|
| Units: | units | µS/cm | mg/L | mg/L | mg/L | mg/L | NTU | PCU | mg/L |
| Method: | ALK1 | ALK2 | ALK1 | ALK2 | ALK3 | ALK1 | TURB1 | COLOUR | TSS125 |
| Detection Limit: | 0.1 | 1 | 1 | 1 | 1 | 1 | 1 | 5 | 30 |
| Analysis Date: | 29/12/20 | 29/12/20 | 29/12/20 | 29/12/20 | 29/12/20 | 29/12/20 | 4/01/21 | 5/01/21 | 6/01/21 |
| Sample ID BEY1 22/12/20 | 7.3 | 75 | 22 | <1 | 22 | <1 | 540 | 100 | 240 |

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REPORT CODE:

NT52469

Project:

ADWG General Parameters

| Element: | TDS | NO2_N | NO2 | NO3_N | NO3 | Cl | PO4_P | NH3_N | F |
|----------------------------|---------|----------|----------|----------|----------|----------|----------|----------|---------|
| Units: | mg/L | mg/L | mg/L | mg/L | mg/L | mg/L | mg/L | mg/L | mg/L |
| Method: | 130706 | FIAS_4 | FIAS_4 | FIAS_4 | FIAS_4 | FIAS_4 | FIAS_4 | NH3_N | FIAS |
| Detection Limit: | 10 | 0.005 | 0.02 | 0.005 | 0.02 | 0.1 | 0.005 | 0.005 | 0.1 |
| Analysis Date: | 4/01/21 | 29/12/20 | 29/12/20 | 29/12/20 | 29/12/20 | 29/12/20 | 29/12/20 | 30/12/20 | 4/01/21 |
| Sample ID BEY1 22/12/20 | 70 | 0.030 | 0.10 | 0.865 | 3.82 | 5.0 | 0.160 | 0.320 | <0.1 |

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REPORT CODE:

NT52469

Project:

ADWG General Parameters

| Elements: | Hardness | Ca_F | K_F | Mg_F | Na_F | SiO2 | SO4_F | | |
|------------------|----------|----------|----------|----------|----------|----------|----------|--|--|
| Units: | mg/L | mg/L | mg/L | mg/L | mg/L | mg/L | mg/L | | |
| Method: | TM1 | W308 | W308 | W308 | W308 | W308 | W308 | | |
| Detection Limit: | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 0.2 | 0.1 | | |
| Analysis Date: | 25/01/21 | 25/12/20 | 25/12/20 | 25/12/20 | 25/12/20 | 25/12/20 | 25/12/20 | | |
| Sample ID | | | | | | | | | |
| BEY1 22/12/20 | 16.0 | 4.5 | 8.9 | 1.1 | 1.8 | 3.0 | 2.1 | | |

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