ntepa Northern Territory Environment Protection Authority

ENVIRONMENT PROTECTION LICENCE

(Pursuant to section 34 of the *Waste Management and Pollution Control Act*)

Licensee	JSM Civils Pty Ltd
Licence Number	**EPL154 - 01**
Registered Business Address	35 Tannadice Access Winnellie NT 0820
ABN	38 152 893 117
Premises Address	Portion 01339 Hundred of Bagot Plan(s) A 000273 (35 Tannadice St, Winnellie)
Anniversary Date:	26 July
Commencement Date:	26/07/2015
Expiry Date:	25/07/2020
Scheduled Activity	Collecting, transporting, storing, re-cycling, treating or disposing of a **listed waste** (as per Table 1) on a commercial or fee for service basis, other than in or for the purpose of a sewage treatment plant. Operating **premises**, other than a sewage treatment plant, associated with collecting, transporting, storing, re-cycling, treating or disposing of a **listed waste** (as per Table 1) on a commercial or fee for service basis.
Description	JSM Civils Pty Ltd is a civil contracting company that specialises in utility installation and maintenance. JSM Civils Pty Ltd collects and transports asbestos from telecommunication pits and temporarily stores small volumes of bagged asbestos at its premises in Winnellie, NT.

Table 1 - Listed Wastes Authorised to be Handled

Listed Waste	Collection	Transport	Storage	Treatment	Recycling	Disposal
Asbestos	✓	✓	✓	✗	✗	✗

✓ Activity authorised by this licence

✗ Activity not authorised by this licence

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ATTACHMENTS

There are no attachments

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INFORMATION ABOUT THIS LICENCE

- This licence does not in any way relieve the licence holder from its obligations to comply with the *Waste Management and Pollution Control Act* (**WMPC Act**), including the general environmental duty in section 12 of the **WMPC Act** and the duty to notify of **incidents** causing or threatening to cause **pollution** under section 14 of the **WMPC Act**.

Duration of a licence (section 40, 43 and 45 of the WMPC Act)

- A licence will remain in force until its expiry date or until it is surrendered by the licensee or is suspended or cancelled in accordance with the **WMPC Act**.
- The licensee must notify the Northern Territory Environment Protection Authority (NT EPA) within 14 days after ceasing to conduct **the activity**.
- The licensee may, with the approval of the NT EPA, surrender the licence to the NT EPA.

Amendment or Revocation of a licence (section 37 of the WMPC Act)

- The licensee may apply to amend or revoke a condition of this licence.
- A fee applies and the application must be made using the designated form via **NT EPA Online**.
- The NT EPA may also amend or revoke a condition of this licence as set out in section 38 of the **WMPC Act**.

Transfer of a licence (section 46 of the WMPC Act)

- The licensee can apply to transfer their licence to another person.
- A fee applies and the application must be made via **NT EPA Online**.

Renewal of a licence (section 40 of the WMPC Act and section 3 of the Regulations)

- The licensee may apply for the renewal of their licence not earlier than 90 days, and not later than 30 days, before their licence expires.
- A fee applies and the application must be made via **NT EPA Online**.

Public Register

- A copy of environment protection licences and any plans for environmental management, required as a condition of an environment protection licence, will be placed on a register in accordance with section 9 of the **WMPC Act**.
- A copy of the **Annual Return** will also be placed on the register.
- The NT EPA makes this register freely available from the NT EPA website.

Environment Protection Objectives (Part 4 of the WMPC Act), and Water Quality Standards (section 73 of the Water Act)

- An Environment Protection Objective (EPO) is a statutory instrument to establish principles on which:
  a. environmental quality is to be **maintain**ed, enhanced, managed or protected;
  b. **pollution**, or **environmental harm** resulting from **pollution**, is to be assessed, prevented, reduced, controlled, rectified or cleaned up; and
  c. effective **waste** management is to be implemented or evaluated.

- In accordance with section 18 of the **WMPC Act** a beneficial use, quality standard, criteria or objective declared under section 73 of the *Water Act* and in force is an environment protection objective for the purposes of the **WMPC Act**.
- The following EPOs and Beneficial Use Declarations (BUDs) are relevant to this licence:
  - Declaration of Beneficial Uses and Objectives Darwin Harbour Region Northern Territory Government Gazette No. G27, 7 July 2010.

Environmental Interests

- This section highlights sensitivity of the surrounding land use and environment associated with the location of the approved activity.
- Sites of Conservation Significance (SOCS):
  - Darwin Harbour (SOCS 6)

Cultural Interests

- It is the licensee's responsibility to contact the Aboriginal Areas Protection Authority, appropriate land council or other governing body and ensure that any Authority Certificates required as a result of conducting the licenced activity are obtained and complied with.

RULES FOR INTERPRETING THE CONDITIONS OF THIS LICENCE

- Where there is a discrepancy between the conditions of this licence and any plan, standard, guideline or other document referred to in this licence, the conditions of this licence prevail to the extent of the inconsistency.
- Any reference to any standard (Australian or international) in this licence means the relevant parts of the current version of that standard.
- A reference to any guideline or code of practice (or to the relevant parts of any guideline or code of practice) in this licence means the current version of the guideline or code of practice.
- Under section 39 of the **WMPC Act**, any contravention of or failure to comply with this licence by the licensee may be an offence.
- In determining whether the licensee has committed an offence, the licensee may be liable for the conduct of its directors, employees or agents.
- The licensee should ensure that each of its directors, employees, contractors or agents are aware of, and comply with, this licence.
- In this licence, unless the contrary intention appears, words that are defined in the **WMPC Act** are intended to have the meaning given to them in that Act.

LICENCE CONDITIONS

GENERAL

1 The licensee must ensure the contact details recorded in **NT EPA Online** are accurate.

2 The licensee must at all times have a **24 hour emergency contact**.

3 The licensee must pay the **annual fee** calculated in accordance with the method prescribed in the **Regulations** within 50 **business days** of the anniversary of the commencement date of this licence, for each year or part of a year that this licence is in force.

4 The licensee must cause clear and legible signage, in English, to be displayed in a prominent location at each **public entrance** to the **premises** that includes the following details:

4.1 environment protection licence number issued under the **WMPC Act**; and

4.2 **24 hour emergency contact** details.

5 The licensee must cause a copy of this licence to be available for inspection by any person, in hard copy form, at the **premises**.

6 The licensee must provide to the **NT EPA**, within 10 **business days** of a request, a copy of any document , monitoring data or other information in relation to **the activity**, in the format requested by the **NT EPA**.

7 All notices, reports, documents or other correspondence required to be provided as a condition of this licence, unless otherwise specified as a condition of this licence, must be provided in electronic form by uploading the document via **NT EPA Online** or email to waste@nt.gov.au.

8 The licensee must **maintain** a **Complaint Log** for all complaints received by the licensee in relation to **the activity**.

9 The licensee must ensure that the **Complaint Log** includes, for each complaint received by the licensee, the following information:

9.1 the person to whom the complaint was made;

9.2 the person responsible for managing the complaint;

9.3 the date and time the complaint was reported;

9.4 the date and time of the event(s) that led to the complaint;

9.5 the contact details of the complainant if known, or where no details are provided a note to that effect;

9.6 the nature of the complaint;

9.7 the nature of event(s) giving rise to the complaint;

9.8 prevailing weather conditions at the time relevant to the complaint;

9.9 the action taken in relation to the complaint, including any follow-up contact with the complainant; and

9.10 if no action was taken, why no action was taken.

10 The licensee must implement, **maintain** and follow an **Emergency Response Plan** that addresses procedures for responding to emergencies associated with **the activity** that may cause **environmental**

harm.

EARLY SURRENDER OF LICENCE

11 Any reports, records or other information required or able to be provided by the licensee under this licence must be submitted to the **NT EPA** prior to the licensee surrendering the licence. If the date on which a report, record or other information is required falls after the date the licensee requests to surrender this licensee, the licensee must provide the report, record or information as far as possible using data available to the licensee up to and including the date the request to surrender the licence is made.

OPERATIONAL

12 The licensee must not collect, transport, store, recycle, treat or dispose of **listed waste** other than the **listed waste** specified in Table 1.

13 The licensee must ensure any **plant and equipment** used by the licensee in conducting **the activity**:

13.1 is reasonably fit for the purpose and use to which it is put;

13.2 is **maintain**ed;

13.3 is operated by a person trained to use the **plant and equipment**; and

13.4 is operated by, or operated by a person accompanied by, a person trained to handle, store or dispose of **listed waste** in connection with **the activity**.

14 The licensee must ensure that accurate information about all vehicles used by the licensee in conducting **the activity** is **maintain**ed on the **NT EPA Online Vehicle Register**.

15 The licensee must cause to be carried with the vehicle used to transport **listed waste**:

15.1 a legible copy of this licence;

15.2 a legible manifest of the load being carried;

15.3 spill response equipment; and

15.4 for interstate transport, a **waste transport certificate**.

16 The licensee must cause **listed waste** to be transported in a manner that ensures **listed waste**s do not escape, spill or leak from the transport vehicle at anytime.

17 The licensee must ensure that **wastewater** generated from washing **plant and equipment** associated with **the activity** does not cause **pollution**.

18 The licensee must only handle **asbestos containing material** which is packed and contained in accordance with Section 4.8 of the *NT Worksafe and Safe Work Australia How to Safely Remove Asbestos Code of Practice*.

19 The licensee must cause storage of the **asbestos containing material** at the **premises** to be:

19.1 contained within a secure, locked building with access restricted to persons authorised by the licensee;

19.2 protected from the weather; and

19.3 placarded with signage, at all entrances to the **asbestos containing material** storage area, which includes the following information:

19.3.1 **asbestos containing material**; and

19.3.2 authorised access only.

20 The licensee must keep a log of all **asbestos containing material** stored at the **premises** which includes the following information:

20.1 date stored;

20.2 quantity; and

20.3 date transported for disposal.

21 The licensee must store all **asbestos containing material** in storage containers which are:

21.1 used for the storage of **asbestos containing material** only;

21.2 contained within a secure, locked, perimeter fence at least 1.8 metres in height;

21.3 **maintain**ed to withstand extreme weather events (e.g. cyclones);

21.4 monitored to ensure the integrity of the container is **maintain**ed; and

21.5 placarded with clear and legible signage, which is displayed in a prominent location at all entrances to the **asbestos containing material** storage area and which includes the following information:

21.5.1 **asbestos containing material**; and

21.5.2 authorised access only.

22 The licensee must keep a log of all **asbestos containing material** storage containers used for the storage of **asbestos containing material** at the **premises** which includes the following information:

22.1 **asbestos containing material** storage container identification;

22.2 date stored;

22.3 quantity stored; and

22.4 nature of material. (e.g. bonded **asbestos containing material** or asbestos fibre.)

23 The licensee must implement, **maintain** and follow a **disposal schedule** for stored **asbestos containing material**.

24 The licensee must ensure that all **listed waste** being transported [to and from or from] the **premises** is transported by a person licenced under section 30 of the **WMPC Act** to transport the **listed waste**.

25 The licensee must ensure that all **listed waste** is delivered to a **premises** licenced under section 30 of the **WMPC Act** to receive that **listed waste**.

26 The licensee must comply with the *National Environment Protection (Movement of Controlled Wastes between States and Territories) Measure*.

DISCHARGES AND EMISSIONS

27 The licensee must not allow a **contaminant** or **waste**, which causes or may cause **environmental harm**, to enter **water**.

28 The licensee must ensure that **stormwater** does not come into contact with a **contaminant** or **waste**, which causes or may cause **environmental harm**.

29 The licensee must not cause or permit any point source emissions to **air**.

30 The approved **activity** must not cause environmental nuisance.

MONITORING

31 There are no specified conditions relating to monitoring of **point source discharge**s in this licence.

RECORDING AND REPORTING

32 The licensee must keep and **maintain** records relating to **the activity** undertaken and the **listed waste** handled by the licensee in each successive 12 month period following the commencement of this licence , which include:

32.1 the date of collection;

32.2 the source of the **listed waste**;

32.3 the name of the transport company, if not the licensee;

32.4 the vehicle registration;

32.5 a description of the **listed waste**;

32.6 the quantity of the **listed waste**;

32.7 the final destination of the **listed waste**; and

32.8 whether the **listed waste** was stored, recycled, treated or disposed of.

33 The licensee must retain records relating to **waste**, including **listed waste**, as required by the conditions of this licence, for a period of 2 years after the end of the 12 month period to which the record relates.

34 The licensee must keep records of all **non-compliance**s with this licence. These records must be adequate to enable the licensee to comply with the **non-compliance** notification conditions of this licence.

35 The licensee must notify the **NT EPA** of any **non-compliance** with this licence by completing the Non-Compliance Notification via **NT EPA Online** (or by emailing waste@nt.gov.au), as soon as practicable after (and in any case within 24 hours after) first becoming aware of the **non-compliance**.

36 The licensee must include in the notification of **non-compliance** the following information:

36.1 when the **non-compliance** was detected and by whom;

36.2 the date and time of the **non-compliance**;

36.3 the actual and potential causes and contributing factors to the **non-compliance**;

36.4 the risk of **environmental harm** arising from the **non-compliance**;

36.5 the action(s) that have or will be undertaken to mitigate any **environmental harm** arising from the **non-compliance**;

36.6 corrective actions that have or will be undertaken to ensure the **non-compliance** does not reoccur ; and

36.7 if no action was taken, why no action was taken.

37 The licensee must complete an **Annual Return** via **NT EPA Online** within 10 **business days** after each

anniversary of the commencement date of this licence, which relates to the preceding 12 month period.

38 The **NT EPA** may require the licensee to revise or amend and resubmit any **Annual Return**.

END OF LICENCE CONDITIONS

This licence is not valid unless signed below:

Peter Vasel
Director Pollution Control

Delegate of the Northern Territory
Environment Protection Authority
Dated : 18/04/2016

END NOTES

This Licence is an amendment and supersedes EPL 154 which was issued on 23 July 2015.

DEFINITIONS

All terms in the Licence which are defined in the *Waste Management and Pollution Control Act* have the meaning given in that Act unless otherwise or further defined in this section.

Term	Definition
	In this licence, unless a contrary intention appears:
24 hour emergency contact	the phone number of a person who can be contacted at any time and be capable of responding to and providing information about any **incident** associated with **the activity**.
air	includes any layer of the atmosphere.
annual fee	yearly fee payable in respect of **the activity** as specified in the **WMPC Act** and the **Regulations**.
Annual Return	an NT EPA prescribed format for demonstrating and reporting compliance with the conditions of this licence and providing information on **waste** volumes for the preceding 12 month period.
asbestos containing material	any material that contains asbestos.
business days	a day not Saturday, Sunday or a public holiday, in the Northern Territory.
Complaint Log	a register of complaints to be **maintain**ed by the Licensee that records the details of each complaint received in relation to **the activity**.
contaminant	a solid, liquid or gas or any combination of such substances and includes: (a) noise, odour, heat and electromagnetic radiation; (b) a prescribed substance or prescribed class of substances; and (c) a substance having a prescribed property or prescribed class of properties.
discharge	allow a liquid, gas or other substance to flow out from where it has been confined.
disposal schedule	a plan for disposing of **asbestos containing material** such that **asbestos containing material** is not stored in perpetuity.
Emergency Response Plan	a written plan documenting the licensee's procedures for responding to emergencies caused by, resulting from or associated with **the activity** and that may cause **environmental harm**.
environmental audit	has the meaning given in section 47 of the Act.
environmental harm	(a) any harm to or adverse effect on the environment; or (b) any potential harm (including the risk of harm and future harm) to or potential adverse effect on the environment, of any degree or duration and includes environmental nuisance.
incident	includes: (a) an accident, emergency or malfunction; and (b)a deliberate action, whether or not that action was taken by the person conducting **the activity** in the course of which the **incident** occurred.
land	includes **water** and **air** on, above or under **land**.

listed waste	a **waste** included under Schedule 2 of the **Regulations**.
maintain	kept in a manner that it does not present or cause a risk of **environmental harm** or a hazard to persons or property.
material environmental harm	**environmental harm** that: (a) is not trivial or negligible in nature; (b) consists of an environmental nuisance of a high impact or on a wide scale; (c) results, or is likely to result, in not more than $50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise the **environmental harm** or rehabilitate the environment; or (d) results in actual or potential loss or damage to the value of not more than $50,000 or the prescribed amount (whichever is greater).
non-compliance	failure or refusal to comply, whether by act or omission, with obligations or requirements and includes any exceedance of a licence limit.
non-compliance notification	an NT EPA prescribed format for notifying the NT EPA of a **non-compliance**.
NT EPA Online	online system for Environment Protection Licence (EPL) and Environment Protection Approval (EPA) lodgement and maintenance.
NT EPA Online Vehicle Register	the vehicle register found at **NT EPA Online**.
plant and equipment	all material items used in association with **the activity**, including (but not limited to) storage vessels and containers, pipe work and hosing, vehicles (including vessels), tools, and measuring equipment.
point source discharge	means any discernible, confined or discrete conveyance from which **contaminant**s or **waste** are or may be **discharge**d.
pollute	(a) emit, **discharge**, deposit, or disturb, directly or indirectly, a **contaminant** or **waste**; or (b) cause, permit, or fail to prevent, directly or indirectly, the emission, **discharge**, deposition, disturbance or escape of a **contaminant** or **waste**.
pollution	(a) a **contaminant** or **waste** that is emitted, **discharge**d, deposited or disturbed or that escapes; or (b) a **contaminant** or **waste**, effect or phenomenon, that is present in the environment as a consequence of an emission, **discharge**, deposition, escape or disturbance or a **contaminant** or **waste**.
premises	the **premises** identified in this licence which includes equipment, plant and structures, whether stationary or portable, and the **land** on which **premises** are situated.
public entrance	access to the **premises** that is utilised by the public.
Regulations	*Waste Management and Pollution Control (Administration) Regulations*.
serious environmental harm	**environmental harm** that is more serious than material **environmental harm** and includes **environmental harm** that: (a) is irreversible or otherwise of a high impact or on a wide scale; (b) damages an aspect of the environment that is of a high conservation value, high cultural value or high community value or is of special significance; (c) results or is likely to result in more than $50,000 or the prescribed amount (whichever is greater) being spent in taking appropriate action to prevent or minimise

	the **environmental harm** or rehabilitate the environment; or (d) results in actual or potential loss or damage to the value of more than $50,000 or the prescribed amount (whichever is greater).
stormwater	**water** flowing over ground surfaces in natural streams and drains as a direct result of rainfall over a catchment and consists primarily of rainfall runoff and any material (soluble or insoluble) mobilised in its flow path.
the activity	the Licenced activity as described on the covering page of this licence.
waste	(a) a solid, a liquid or a gas; or (b) a mixture of such substances, that is or are left over, surplus or an unwanted by-product from any activity (whether or not the substance is of value) and includes a prescribed substance or class of substances.
waste transport certificate	the NT EPA **waste** tracking documentation used to track **listed waste** being transported interstate as required in accordance with the *National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure.*
wastewater	**water** that contains a **contaminant** or **waste**.
water	includes: (a) surface **water**, ground **water** and tidal **water**s; (b) coastal **water**s of the Territory, within the meaning of the *Coastal Waters (Northern Territory Powers) Act 1980 of the Commonwealth*; and (c) **water** containing an impurity.
WMPC Act	the Northern Territory *Waste Management and Pollution Control Act*.