

Clean-Up Notice

Licence - 13198



NUMBER 1 DEMOLITION & EXCAVATION (NSW) PTY LTD

Trading as NUMBER 1

ABN 54 133 044 916

Level 15, 135 King Street

SYDNEY NSW 2000

Attention: Mr Angelo Russo

☐ Notice Number 1518066
File Number EF13/4669
Date 21-Feb-2014

NOTICE OF CLEAN-UP ACTION

BACKGROUND

- ☐ A. The Environment Protection Authority ("EPA") is responsible for the administration and enforcement of environment protection legislation, including the *Protection of the Environment Operations Act 1997* ("the POEO Act").
- B. This notice relates to the facility located at 191 Miller Road Chester Hill, NSW ("the Premises").
- ☐ C. Environment Protection Licence number 13198 ("the Licence") held by NUMBER 1 DEMOLITION AND EXCAVATION (NSW) PTY LTD ("Number 1") which permitted Scheduled Activities of 'waste storage and waste processing (non-thermal treatment)' at the Premises was revoked by the EPA on 20 December 2013.
- D. On 24 January 2014 the Land and Environment Court granted a stay in relation to the revocation of the Licence subject to the Applicant (Number 1) giving undertakings that :
- stockpiles not being combined or mixed;
 - there be compliance with conditions of the Licence (L1.1, L6.1, O2.1, O3.1, O3.3, O4.1 and E1.1, E1.2, E1.3 and E1.4); and
 - that no waste be received at the Premises.
- E. On Monday 17 February 2014 the EPA received several complaints that waste at the Premises was burning.
- F. On Tuesday 18 February 2014 authorised EPA officers conducted an inspection of the Premises and observed waste stockpiles on the Premises burning. EPA officers observed fire water migrating off the stockpile's of waste burning, into storm water drains which was released into a nearby concrete canal south of the Premises, see Photos 1 and 2.

Clean-Up Notice



- G. On Tuesday 18 February 2014, Wednesday 19 February 2014 and Friday 21 February 2014 NSW Fire and Rescue representatives attended the Premises with EPA authorised officers. The NSW Fire and Rescue representatives advised onsite operators Mr Michael Fenech and Mr Danial Gallagher how to most effectively extinguish the burning waste.
- H. EPA authorised officers inspected the Premises on Wednesday 19 February 2014, Thursday 20 February 2014 and Friday 21 February 2014 and observed that staff at the Premises were not complying with the advice provided by the NSW Fire and Rescue.
- I. The EPA continues to receive complaints regarding smoke and odours migrating from the Premises and impacting neighbouring facilities.
- J. At 11:38am Friday 21 February 2014 EPA authorised officer Mr Kevin Hiser under Section 93 of the POEO Act gave a verbal clean up notice to Mr Michael Fenech, foreman of the Premises. Following consultation with Mr Fenech the verbal directions were written down and a copy provided to Mr Fenech which he acknowledged and signed.
- K. The EPA reasonably suspects that a pollution incident has occurred at the Premises, in that burning waste at the Premises has polluted the air, impacting neighbouring facilities.
- L. The EPA reasonably suspects that a pollution incident is still occurring at the Premises, in that fire water used to manage the burning waste is migrating from the Premises and into the canal south of the Premises.
- M. The EPA reasonably suspects that pollution incidents (both air and water pollution) have occurred, are occurring and are likely to occur.

DIRECTION TO TAKE CLEAN-UP ACTION

The Environment Protection Authority (EPA) directs NUMBER 1 DEMOLITION & EXCAVATION (NSW) PTY LTD ("Number 1") to take the following clean-up action:

- 1. **Immediately** Separate wood waste and extinguish burning and smoking material using water on each bucket of material removed (see Photo 3).
- 2. **Immediately** engage a eductor truck or equivalent to remove waste water from the storage sump adjacent to the wheel wash. Remove waste water and take to a suitably licensed facility for treatment/disposal (see Photo 4).
- 3. Keep water level in storage sump adjacent to wheel wash low enough so that the stormwater system is not impacted (see Photo 5).
- 4. **Immediately** cease pumping waste water from the storage sump adjacent to the wheel wash onto the waste piles on the Premises (see Photo 4).
- 5. Maintain pumping waste water from the small sump in the car park back to the storage sump adjacent to the wheel wash so that it can be removed by the eductor truck or equivalent (see Photo 6).
- 6. **Immediately** pump out the dammed waste water currently held adjacent to the waste stockpiles on the Premises. Ensure this waste is taken off the Premises and transported to a suitably licensed facility that can lawfully accept it (see Photo 7).
- 7. Identify storm water systems including stormwater sumps, pits, drains and pipes on the Premises and show on a suitably scaled map.
- 8. Carry out all items (points 1-7) in a safe manner so as not to endanger staff handling materials. Work from ground level.

Clean-Up Notice



9. Continue points 1-8 until the EPA notifies you in writing that it is satisfied the environment is no longer being negatively impacted.
10. Provide written confirmation to the EPA by no later than 4pm Monday 24 February 2014 demonstrating compliance with each of the above conditions specified in this notice. All original correspondence must be sent to the Manager Waste Operations, EPA, PO BOX A290 Sydney South NSW 1232 or electronically to waste.operations@epa.nsw.gov.au. Please note hard copies are not required if sent electronically successfully.

This notice is issued under section 91 of the POEO Act.

FEE TO BE PAID

- You are required by law to pay a fee of \$466 for the administrative costs of issuing this notice. An invoice for the fee has been attached to this notice.
- It is an offence not to pay this fee. However you can apply for an extension of time to pay the fee or for the fee to be waived. At the end of this notice there is information about how and when to pay the fee and how to apply for an extension or a waiver of the fee.

.....
Chris McElwain
Manager Waste Management
Waste & Resources - Waste Management
(by Delegation)

INFORMATION ABOUT THIS CLEAN-UP NOTICE

- This notice is issued under section 91 of the Protection of the Environment Operations Act 1997.
- It is an offence against the Act not to comply with a clean-up notice unless you have a reasonable excuse.

Penalty for not complying with this notice

- The maximum penalty for a corporation is \$1,000,000 and a further \$120,000 for each day the offence continues. The maximum penalty for an individual is \$250,000 and a further \$60,000 for each day the offence continues.

Clean-Up Notice



Cost recovery from the person who caused the incident

- If you comply with this clean-up notice but you are not the person who caused the pollution incident to which the notice relates, you have a right to go to court to recover your costs of complying with the notice from the person who caused the incident.

Deadline for paying the fee

- The fee must be paid by **no later than 30 days after the date of this notice**, unless the EPA extends the time to pay the fee, or waives the fee.

How to pay the fee

- Possible methods of payment are listed on the last page of the attached invoice/statement.
- Please include the payment slip from the attached invoice/statement with your payment.

How to apply for an extension of time to pay/waive the fee

- Any application for and extension of time to pay the fee or for the fee to be waived should be made in writing to the EPA. The application should set out clearly why you think your application should be granted.

Other costs

- The Protection of the Environment Operations Act allows the EPA to recover from you reasonable costs and expenses it incurs in monitoring action taken under this notice, ensuring the notice is complied with and associated matters. (If you are going to be required to pay these costs and expenses you will later be sent a separate notice called a "Notice Requiring Payment of Reasonable Costs and Expenses").

Continuing obligation

- Under section 319A of the Act, your obligation to comply with the requirements of this notice continues until the notice is complied with, even if the due date for compliance has passed.

Variation of this notice

- This notice may only be varied by subsequent notices issued by the EPA.

Clean-Up Notice

PHOTO 1:



PHOTO 2:



Clean-Up Notice

PHOTO 3:



PHOTO 4:



Clean-Up Notice



PHOTO 5:



PHOTO 6:



Clean-Up Notice



PHOTO 7:

