

CERTIFIED MAIL

The Director-General
Pacific Power
GPO Box 5257
SYDNEY NSW 2001

Our Reference: Section 35 Notice #379/3063

Your Reference:

ENVIRONMENTALLY HAZARDOUS CHEMICALS ACT, 1985
NOTICE UNDER SECTION 35

WHEREAS:-

- A. Pacific Power (Pacific Power is the registered business name of The Electricity Commission of New South Wales) is the occupier and owner of premises located at Lot 122 DP 828957, Pyrmont Street, Pyrmont, NSW 2009, known as Pyrmont Power Station.
- B. The premises have been or are being used for or in connection with the carrying on of a prescribed activity, namely an act of manufacturing, processing, keeping, distributing, conveying, using, selling or disposing of a chemical waste or any act relating to such act.
- C. The premises have been deemed to be contaminated by reason of their being environmentally degraded.
- D. A Section 35 Notice was served on the Electricity Commission of New South Wales as the occupier of the site on 3 May 1989 ("Notice 1").
- E. The State Pollution Control Commission (SPCC) as the predecessor to the Environment Protection Authority NSW (EPA) granted approval on 27 June 1989 ("Notice 2") to the Electricity Commission of NSW to remove asbestos as specified in the Electricity Commission of NSW Specification and Contract No.3974.
- F. The SPCC granted approval on 17 April 1990 ("Notice 3") to the Electricity Commission of NSW to remove and to dispose of asbestos from the stacks as specified.
- G. The SPCC granted approval on 27 April 1990 ("Notice 4") to the Electricity Commission of NSW to remove drums and vessels containing chemicals and chemical wastes.
- H. The SPCC granted approval on 13 February 1991 ("Notice 5") to the Electricity Commission to carry out asbestos dust monitoring as specified.
- I. The EPA granted approval on 11 January 1994 ("Notice 6") to Pacific Power to

carry out a program of validation sampling as specified.

- H. On 3 May 1994, the EPA received a report entitled "Site Assessment Report, Soil Conditions Former Pymont Power Station, for Pacific Power", by Dames & Moore Pty Ltd, dated 2 May 1994, and is advised by means of this report that "surface and subsurface soils on the site conform with the basic validation criteria", and "the concentrations of the potential contaminants in soils are within acceptable limits for medium density residential housing purposes", and that the Dames & Moore's conclusion assumes that:
- any development of the site would necessitate either excavation or backfilling of the water-filled sumps currently onsite;
 - any contaminated sediments currently contained within sumps would be removed offsite or appropriately sealed during the course of the development; and
 - the small amount of potentially PAH contaminated soil in the south east corner of the site will be appropriately handled when the sewerage line is decommissioned.

TAKE NOTE THAT:-

1. The EPA is satisfied that Pacific Power has carried out the studies, remedial action and validation work in relation to the Premises (the "Work") in accordance with all the requirements of the EPA in relation to proposals and documents submitted to the EPA by Pacific Power.
2. The EPA is satisfied that the Works have been performed in conformity with the EPA policy for, and consistently with the standards currently applied by the EPA in relation to, the investigation and remediation of contaminated sites, being:
 - the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites published in January 1992 by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NH&MRC).
3. In accordance with the powers vested in the EPA by the provisions of Section 35 of the Environmentally Hazardous Chemicals Act, 1995:-
 - The EPA hereby revokes the previous Notices 1, 2, 3, 4, 5 and 6 issued under Section 35 of the Environmentally Hazardous Chemicals Act, 1985 on the understanding that the potentially PAH-s contaminated soil as stated in (H) will be removed when the sewer main is decommissioned.
4. Notwithstanding this advice, should there be evidence of any significant or harmful effects arising from any contamination remaining on the site, the assessment evidenced by this notice does not derogate from any powers the EPA may have under any legislation .in relation to the premises.
5. Insofar as the Notice is be upon information made available to the EPA by Pacific Power or its agent, the EPA does not accept any responsibility for the completeness of that information, nor does it accept any responsibility for any contamination that may exist in the area or that may be identified or occur subsequent issue of this

Notice.

6. Any purchaser/user of the whole or part of the premises must satisfy themselves that the area is safe for use and is suitable for the purpose to which it is to be put.
 7. This Notice does not derogate from any other environmental or planning legislation.
- Separate approvals must be obtained, as required, from relevant statutory agencies.

NEIL SHEPHERD
Director-General

(signed) 13/5/94

ERROL SAMUEL
Director, Hazardous Substances
(by authorisation)

CC: Regional Manager, Inner Sydney
The Town Clerk, Sydney City Council
Register of Section 35 Notices