

Variation of Clean-up Notice



ARCADIA INVESTMENT HOLDINGS PTY LTD
ACN 163 459 069
425 GALSTON ROAD
DURAL NSW 2158

Attention: The Proper Officer

Notice Number 1620810
File Number EF17/10112
Date 28-Jul-2022

VARIATION OF NOTICE OF CLEAN-UP ACTION

BACKGROUND

- A. The Environment Protection Authority (**EPA**) issued Notice of Clean-up Action No. 1556544 (**the Previous Notice**) to ARCADIA INVESTMENT HOLDINGS PTY LTD (**the Landowner**) on 20-Sep-2017 in relation to the property at 22 Geelans Road, Arcadia NSW (**the Premises**).
- B. The EPA has varied the Previous Notice through the following:
 - (i) Variation of Clean-Up Action No. 1557934 (**the First Varied Notice**) on 25 October 2017;
 - (ii) Variation of Clean-Up Action No. 1558720 (**the Second Varied Notice**) on 7 December 2017;
 - (iii) Variation of Clean-Up Action No. 1565192 (**the Third Varied Notice**) on 2 November 2018; and
 - (iv) Variation of Clean-Up Action No. 1573648 (**the Fourth Varied Notice**) on 12 December 2018; and
 - (v) Variation of Clean-Up Action No. 1577805 (**the Fifth Varied Notice**) on 6 September 2019.
- C. The Fifth Varied Notice varied Requirement 5 of the Previous Notice to require that various clean-up actions be undertaken to lawfully remove and dispose of the Waste Material at the Premises, including reporting requirements.
- D. The Fifth Varied Notice also varied Requirement 7 of the Previous Notice to update reporting requirements for compliance with the Requirements 1 – 4 and Requirement 5.
- E. On 18 July 2022 the EPA provided a draft of the variation notice No. 1620810 to the Landowner for comment.
- F. On 22 July 2022 the Landowner provided the EPA with comments on the draft variation notice No. 1620810 and copy of a Remediation Action Plan prepared by Foundation Earth Sciences dated 7 July 2022 (**RAP**).

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- G. The EPA continues to reasonably believe that a pollution incident has occurred and is occurring at the Premises, as detailed in the Previous Notice.
- H. Based on the above information, the EPA has determined to vary the Previous Notice.

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By this notice the EPA varies Notice of Clean-up Action No. 1556544 in the following manner:

- 1. Requirements 1 b), 1 c), 1 d), 2, 3, 4 and 6 are deleted.
- 2. Requirement 5 which states that:

"Removal of Waste Material

- a) *Arcadia Investment Holdings Pty Ltd must engage a suitably qualified person to prepare a Site Management Plan in accordance with the Waste Removal Plan.*
- b) *Arcadia Investment Holdings Pty Ltd must ensure that the Site Management Plan referred to in Requirement 5a) is provided to the EPA prior to the commencement of any works to remove the Waste Material.*
- c) *Arcadia Investment Holdings Pty Ltd must ensure that an Asbestos Removal Control Plan prepared in accordance with the Waste Removal Plan is provided to the EPA prior to the commencement of any works to remove the Waste Material.*
- d) *Arcadia Investment Holdings Pty Ltd must ensure that each class of waste identified in the reports titled Soil Classification Report Number - E1527-R1 prepared by Benviron Group and dated 20 November 2017 and Arcadia Stockpile Waste Classification prepared by GHD Pty Ltd and dated 4 June 2018 (**the Waste Classification Reports**), when exposed, is segregated at the Premises using the methods described in the Waste Removal Plan prior to the commencement of the removal of any Waste Material.*
- e) *As far as practicable, when each class of waste identified in the Waste Classification Reports is displaced, it must be segregated and managed in a manner that:*
 - (i) *minimises the dilution of contaminants;*
 - (ii) *minimises the dispersion of soils; and*
 - (iii) *ensures each stockpile is marked and easily identifiable.*
- f) *By no later than **5pm on Friday 17 January 2020**, Arcadia Investment Holdings Pty Ltd must cause all of the Waste Material at the Premises classified as 'Special Waste (Asbestos Waste) and Hazardous Waste' as identified in the report titled Arcadia Stockpile Waste Classification prepared by GHD Pty Ltd and dated 4 June 2018, to have been removed to a lawful facility.*
- g) *Arcadia Investment Holdings Pty Ltd must ensure that all works associated with the removal of the Waste Material from the Premises is undertaken in a manner that will minimise the emission of dust from the Premises.*
- h) *Arcadia Investment Holdings Pty Ltd must ensure that at all times whilst at the Premises, trucks that are carrying loads of dust generating materials have their loads covered, except during loading.*

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- i) *On the first business day of each month commencing from August 2019, Arcadia Investment Holdings Pty Ltd must provide the following information in respect of any Waste Material removed from the Premises and taken to a lawful facility during the proceeding month:*
 - (i) *The registration of all vehicles used to transport the Waste Material,*
 - (ii) *The person or company undertaking the transportation,*
 - (iii) *The date(s) that the Waste Material was transported from the Premises,*
 - (iv) *The company name of the lawful facility (or facilities) to which the Waste Material was transported,*
 - (v) *The location of each facility where the Waste Material was transported,*
 - (vi) *The WasteLocate consignment number for any asbestos waste that is transported and disposed of.*
- j) *On the first business day of each month commencing from October 2019, Arcadia Investment Holdings Pty Ltd must submit to the EPA documents evidencing that any Waste Material removed from the Premises during the proceeding month was taken to a lawful facility. This must include, but is not limited to, the receipts, weighbridge dockets and invoices.*
- k) *Prior to the segregation of waste referred to in Requirement 5d) and the removal of Waste Material from the Premises referred to in Requirement 5f), Arcadia Investment Holdings Pty Ltd must engage a person who is accredited by the EPA as a site auditor under the Contaminated Land Management Act 1997 to oversee the works and ensure the removal of the Waste Material is undertaken in accordance with this notice, the Waste Removal Plan and the Site Management Plan."*

is replaced by:

"Remediation Action Plan

- a) By no later than **5pm on Friday 22 December 2023**, the Landowner must ensure that the requirements of the Remediation Action Plan prepared by Foundation Earth Sciences dated 7 July 2022 (RAP) have been fulfilled.
- b) The Landowner must ensure that all works associated with the removal of any waste material from the Premises in accordance with the RAP are undertaken in a manner that will minimise the emission of dust from the Premises.
- c) The Landowner must ensure that at all times whilst at the Premises, any trucks that are carrying loads of dust generating materials from the Premises have their loads covered, except during loading.
- d) On the first business day of each month, the Landowner must submit to the EPA documents evidencing that all waste material removed from the Premises in accordance with the RAP during the preceding month was disposed of at a facility that could lawfully receive it. This must include, but is not limited to, receipts, weighbridge dockets and invoices.
- e) By no later than **5pm on Friday 19 January 2024**, the Landowner must submit a report to the EPA confirming whether the requirements of the RAP have been fulfilled and approved by the site auditor appointed in accordance with the RAP. The report provided to the EPA must comply with the requirements for the site validation report as set out in the RAP, including but not limited to:

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- (i) The report must present the remediation works undertaken and confirm whether the objectives of the remediation works have been attained; and
- (ii) The report must be prepared in accordance with the NSW EPA 2017 Guidelines for Consultants Reporting on Contaminated Sites; and NSW EPA (2017) Guidelines for the NSW Site Auditor Scheme; and
- (iii) The report must include all waste tracking documentation required to be kept under the RAP and disposal details for all waste removed from the Premises in accordance with the RAP; and
- (iv) The report must be approved and signed by a site auditor accredited under the NSW Site Auditor Scheme."

3. Requirement 7 which states that:

"Confirmation that the steps in Requirement 1 to 4 inclusive have been completed and the actions, information and documents required by Requirement 5 must be provided to the Director Waste Compliance, Environment Protection Authority, PO Box A290 Sydney South NSW 1232 or by email to waste.operations@epa.nsw.gov.au"

is replaced by:

"Confirmation as to whether the steps in Requirement 1 have been completed and the actions, information and documents required by Requirement 5 must be provided to the Director Major Compliance, Environment Protection Authority, Locked Bag 5022, Parramatta, NSW 2124 or by email to info@epa.nsw.gov.au by 5pm on Friday 19 January 2024"

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Trevor Wilson

Unit Head

Environment Protection Authority

(by Delegation)

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on the EPA's Public Register in accordance with section 308 of the Protection of the Environment Operations Act 1997.
- This notice is issued under section 110 of the Protection of the Environment Operations Act 1997.
- This notice operates from the date of issue of this notice unless a later date is specified in this notice.