



# Clean-Up Notice

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Licence 13426

DIAL-A-DUMP (EC) PTY LTD  
Trading as Bingo Industries Pty Ltd  
76 115 345 769  
PO BOX 7  
ENFIELD NSW 2136

Attention: ROS DENT

Notice Number            3500173  
Reference Number        REG-172  
Date                        23-04-2021

## Clean-up Notice

### Why is the EPA writing to you?

The Environment Protection Authority (EPA) reasonably suspects that a pollution incident has occurred or is occurring on land that forms part of 1 KANGAROO AVENUE EASTERN CREEK NSW 2766 (Premises). The EPA has issued you with this Clean-up Notice. Further information is set out in the notice below.

### What are you required to do?

Please read this notice carefully and carry out the clean-up action specified in this notice by the date required. If you have any queries about this matter, please contact Rashad Danoun on 9995 6370.

### BACKGROUND

- A. The EPA has responsibility for the administration and enforcement of the *Protection of the Environment Operations Act 1997 (Act)*.



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- B. DIAL-A-DUMP (EC) PTY LTD holds Environment Protection Licence number 13426 (Licence) issued under the Act in respect of the Premises. The Licence authorises the carrying out of waste storage and waste disposal by application to land. As the holder of the Licence, the Licensee is the occupier of the Premises for the purposes of s 91(1)(a) of the Act.
- C. The EPA is the appropriate regulatory authority for pollution incidents regarding offensive odours from licensed premises.
- D. The EPA has received reports made to the Environment Line between 26 March 2021 up to 22 April 2021 of odours including those like 'rotten egg gas' experienced by the residential community in Minchinbury, allegedly coming from the Premises.
- E. It is a breach of the section 129 of Act to emit offensive odour. Offensive odour is defined in the Act as an odour that interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted. Condition L6.1 of the Licence notes that no condition of the Licence identifies a potentially offensive odour for the purposes of section 129 of the POEO Act.
- F. The EPA has been investigating the source of the odour through different means including odour surveys, inspections of surrounding areas and inspection of the Premises. On 14 April 2021, two EPA officers inspected the Premises, including the landfill surface tip area to identify potential sources of the odours. The EPA officers identified a strong 'rotten egg gas' hydrogen sulphide (H<sub>2</sub>S) odour in two locations within the landfill area that were identified by the Licensee's representatives as the leachate riser and leachate vent pipe.
- G. The EPA officers raised concerns of the H<sub>2</sub>S odour at the riser and vent pipe during the inspection and requested the Licensee to present short, intermediate and long-term actions to prevent or minimise the odour impacts from the Premises on the community. The leachate risers were identified as two of the potential sources of the odour identified by the community and the EPA investigation.
- H. On the evening of 20 April 2021, an EPA officer conducted a joint odour survey with an officer of Blacktown City Council at the surrounding areas of the Premises. The EPA and council officers identified very strong 'rotten egg gas' odour mixed with strong organic waste odour similar to mixed waste organic outputs (MWOO) at the end of Honeycomb Drive and a strong odour of rotten egg gas odour and MWOO along Honeycomb Drive.
- I. On 21 April 2021 Bingo Industries provided the following information to the EPA on action taken to date to manage any potential odours from the landfill:
- To manage any immediate odour within the vicinity of the leachate riser and vent, the Licensee has commenced applying lime to those areas to disperse any potential odour.
  - the Licensee has commissioned an odour assessment through NorthStar. This assessment includes a field survey of the surrounding areas. The Licensee expects to have a draft of the assessment report by early next week and we will update the EPA upon receipt and provide a summary of the report.
  - The Licensee has undertaken a number of inspections of the landfill including leachate tanks to identify any areas of odour other than those identified by the EPA while on site on 14 April (being the leachate riser and vent). To date the Licensee has not been able to identify any.
  - The Licensee has commissioned a gas assessment (taking samples from the leachate tanks and riser) to determine whether there are specific chemical compounds responsible for the



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odours detected by the EPA on 14 April 2021. The monitoring and sampling is due to take place on 23 April 2021.

- The Licensee notes that there has been a decline in odour both in and around the landfill over the past few days and the Licensee is of the view that the lime will assist with this decline further. Odour has not been attributed back to the Premises prior to now and the Licensee will explore all options to manage potential odour on site moving forward.

J. Section 91 of the Act enables the EPA to issue a Clean-up Notice in respect of a pollution incident.

K. The Dictionary to the Act defines:

- "Pollution incident" as an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.
- "Pollution" as including air pollution.
- Air pollution means the emission into the air of any air impurity.

L. The EPA reasonably suspects that a pollution incident is occurring or is likely to occur at the Premises, namely:

- a. that due to the description of the odour and the wind direction during the time of the complaints and the outcomes of the odour surveys conducted by the EPA and council, the Premises is the likely source of the identified odours.

H. The EPA is directing you to take clean-up action because you are the occupier of the Premises and the EPA reasonably suspects you of causing or having caused the pollution incident.

## **DIRECTION TO TAKE CLEAN-UP ACTION**

1. The EPA directs DIAL-A-DUMP (EC) PTY LTD to take the following clean-up action:

2. By **4:00pm on 27-04-2021**:

- i) Take reasonable action to manage odorous gas emissions from the leachate riser and the leachate vent pipe, such as by sealing gaps or cracks in the leachate riser, capping the leachate vent pipe, or otherwise filtering the outlet to the leachate vent pipe such as by use of activated carbon or compost / mulch material.

(Note - the above action is required to address immediate risks. The EPA will review the proposed North Star report and observations from our inspections and surveys, and specify additional works or landfill management activities if/as required to address intermediate or long-term risks through a further Notice, amendment to licence conditions and/or a Pollution Reduction Program.)

## **FEE TO BE PAID**

- You are required by law to pay a fee 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.

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**Rob Hogan**  
**Manager Regional Operations**  
(by Delegation)

## **WARNINGS AND INFORMATION ABOUT THIS CLEAN-UP NOTICE**

- This notice is issued under section 91 of the Act.
- It is an offence against the Act not to comply with a clean-up notice unless you have a reasonable excuse.
- Details provided in this notice will be available on the Public Register in accordance with section 308 of the Act

## **Penalty for not complying with this notice**

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

## **When this notice begins to operate**

- This notice operates from the day the notice is given, unless a later date is specified in the notice.

## **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 in full, even if the due date for compliance has passed.

## **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.



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

## Other costs

- The 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 required to pay these other costs and expenses you will later be sent a separate notice called a "Notice Requiring Payment of Reasonable Costs and Expenses".

## Variation of this notice

- The requirements of this notice may only be varied or revoked by written notice issued by the EPA.