

Variation of Clean-up Notice



COLES GROUP LIMITED
11 004 089 936
800 Toorak Road
Hawthorn East VIC 3123

Attention: Llew Fleming

Notice Number 3508936
Reference Number VN-1142
Date 10-05-2024

VARIATION OF NOTICE OF CLEAN-UP ACTION

BACKGROUND

- A. On 3 March 2023, the Environment Protection Authority (EPA) issued Notice of Clean-up Action No. 3504521 to Coles Group Limited (**Coles**) under s 91 of the *Protection of the Environment Operations Act 1997* (the **Act**). On the same date, the EPA also issued Clean-up Notice No. 3504655 to Woolworths Group Limited (**Woolworths**).
- B. Section 110 of the Act provides:
- (1) *A notice given under this Chapter may be revoked or varied by a subsequent notice or notices.*
 - (2) *A notice may be varied by—*
 - (a) *including a new term or specification in the notice, or*
 - (b) *substituting, omitting or amending a term or specification in the notice.*
 - (3) *Without limiting the above, a notice may be varied by extending the time for complying with the notice.*
 - (4) *A notice may only be revoked or varied by the Minister or by the regulatory authority or public authority that gave it.*



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(5) A fee is not payable for the variation of an environment protection notice under this Chapter.

- C. On 26 April 2023, the EPA issued Notice No. 3505273 to Coles, varying Clean-up Notice No. 3504521, to extend the time for compliance with specified Directions for the Identified Premises known as 'Group B'.
- D. On 10 May 2023, Woolworths, on behalf of Woolworths and Coles, wrote to the EPA, indicating that a prohibition notice issued by SafeWork NSW would prevent compliance with Direction 1 of Clean-up Notice No. 3504521, as varied, with respect to some of the remaining waste on Lot 1 In Deposited Plan 735207.
- E. On 11 May 2023, the EPA issued Notice No. 3505402 to Coles, varying Clean-up Notice No. 3504521 to extend the time for compliance for Lot 1 in Deposited Plan 735207.
- F. In a letter dated 20 March 2024, Woolworths, on behalf of Woolworth and Coles, wrote to the EPA to request additional time to comply with Directions 4 and 6 of Clean-up Notice No. 3504521 (as varied), citing that recycling facilities will require extra time to process the large amount of material.
- G. At the EPA's request, Woolworths, on behalf of Woolworth and Coles, submitted a staged removal plan (**Removal Plan**) on 26 April 2024 to the EPA that detailed key milestones for the progressive removal of the Waste up to the proposed new compliance date.
- H. The EPA has considered the letter dated 20 March 2024, the Removal Plan, and additional information provided by Woolworths and Coles and is now granting the extension of time.

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By this notice the EPA varies Notice of Clean-up Action No. 3504521 (as varied) in the following manner:

1. Insert after Direction 3:

- 3A. By **5pm on the first Monday of each month**, commencing in June 2024 and concluding in March 2025, provide a written update to the EPA on Coles' compliance with the Removal Plan for the preceding month.

2. The following Directions 4 and 6:

- 4. By **5pm on 12 May 2024**, if any Waste is being stored for the purpose of the Interim Storage Solution, remove all Waste from where it is being stored to either:
 - a) a licensed landfill facility; or

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- b) a facility which has lawful authority and capacity to reprocess it; or
- c) to another country pursuant to a lawful exemption that permits the export of the Waste.

6. By **5pm on 9 June 2024**, provide to the EPA evidence of removal of all the Waste from where it is being stored for the purposes of the Interim Storage Solution. Evidence of the removal of all the Waste must include the following information:

- a) the total amount of Waste removed from where it is being stored for the purposes of the Interim Storage Solution; and
- b) the destination of the Waste removed from where it is being stored for the purposes of the Interim Storage Solution.

is substituted with:

4. By **5pm on 12 March 2025**, if any Waste is being stored for the purpose of the Interim Storage Solution, remove the Waste from where it is being stored to either:

- a) a licensed landfill facility; or
- b) a facility which has lawful authority and capacity to reprocess it; or
- c) to another country pursuant to a lawful exemption that permits the export of the Waste.

6. By **5pm on 9 April 2025**, provide to the EPA evidence of removal of all the Waste from where it is being stored for the purposes of the Interim Storage Solution. Evidence of the removal of all the Waste must include the following information:

- a) The total amount of Waste removed from where it is being stored for the purposes of the Interim Storage Solution; and
- b) The destination of the Waste removed from where it is being stored for the purposes of the Interim Storage Solution.

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Note: The remaining directions in Clean-up Notice No. 3504521, as varied by Notice No. 3505273 and Notice No. 3505402 are not varied and continue to have effect.

A handwritten signature in black ink, appearing to read 'Adam Gilligan'.

Adam Gilligan
Director Metro South Operations
(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.