

# Clean-Up Notice

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WOLLONGONG RECYCLING (NSW) PTY LTD  
ABN 93 615 301 650  
PO Box 7  
ENFIELD NSW 2136

Attention: Ms Ros Dent

|               |             |
|---------------|-------------|
| Notice Number | 1557160     |
| File Number   | EF17/9001   |
| Date of Issue | 03-Oct-2017 |

To The Proper Officer

## **LEGAL CLEAN-UP NOTICE**

### **MATTER(S) TO WHICH THIS NOTICE RELATES**

This Notice is issued in relation to the supply of aggregate materials purported to be from the Wollongong Recycling (NSW) Pty Ltd Kembla Grange Premises to consumers which has been confirmed to be contaminated with asbestos waste and which is resulting in a Pollution Incident at 4 separate application sites (terms defined below).

The EPA reasonably suspects that the Pollution Incident at the 4 separate application sites was caused by Wollongong Recycling (NSW) Pty Ltd.

### **PURPOSE(S) FOR WHICH THIS NOTICE IS ISSUED**

The Pollution Incident has the potential to cause, or is in fact causing, a risk to human and environmental health.

This Notice is being issued to Wollongong Recycling (NSW) Pty Ltd directing Wollongong Recycling (NSW) Pty Ltd as the person the EPA reasonably suspects caused the Pollution Incident at the 4 separate application sites to take such clean-up action as specified.

### **DEFINITIONS**

In this Notice, unless explicitly stated otherwise, the following definitions apply:

- a. The EPA - NSW Environment Protection Authority;
- b. The POEO Act - the *Protection of the Environment Operations Act 1997*;
- c. The Regulation - the *Protection of the Environment Operations (Waste) Regulation 2014*;
- d. The ARA - the Appropriate Regulatory Authority;

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- e. Waste - as defined in the Dictionary of the POEO Act;
- f. Asbestos - as defined in Schedule 1, Division 2 of the POEO Act;
- g. Asbestos Waste - any waste that contains asbestos material;
- h. Pollution Incident - as defined in the Dictionary of the POEO Act;
- i. The 4 application sites:

| Consumer                  | Location                             | Asbestos | Bonded/Friable                 |
|---------------------------|--------------------------------------|----------|--------------------------------|
| Wollongong City Council   | Blue Mile Tramway, Wollongong        | Yes      | Bonded and Friable             |
| Shellharbour City Council | 206 Wattle Road, Shellharbour        | Yes      | Bonded                         |
| GC Civil Pty Ltd          | Calderwood Valley Estate Development | Yes      | Bonded and Friable             |
| Mr and Mrs Williams       | 770 Old Hume Highway, Yerrinbool     | Yes      | Bonded and potentially friable |

**Note:** Current copies of legislation referred to in this Notice can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

## BACKGROUND

- A. The EPA both administers and investigates potential breaches of the POEO Act and the Regulation, including potential breaches relating to:
  - a. the unlawful transportation, deposition and land application of waste, including confirmed asbestos waste, as the ARA;
  - b. the re-use and recycling of asbestos waste.
- B. The EPA may also, by Notice in writing, and where it reasonably suspects that a Pollution Incident has occurred or is occurring, direct the person the EPA reasonably suspects caused the Pollution Incident to take such clean-up action as specified.
- C. Since early August 2017, the EPA has been investigating the supply of various aggregate materials from the Wollongong Recycling (NSW) Pty Ltd Kembla Grange Premises to various consumers which was suspected to contain asbestos waste.
- D. Following further EPA investigations, aggregate materials contaminated with asbestos waste has been confirmed at the 4 application sites. Information and Records obtained by the EPA indicate that the aggregate materials contaminated with asbestos waste was supplied from the Wollongong Recycling (NSW) Pty Ltd Kembla Grange Premises.
- E. On 25 September 2017, the EPA met with representatives of Wollongong Recycling (NSW) Pty Ltd to progress the response to this matter.
- F. The EPA has decided to direct activities.
- G. The presence of asbestos waste is likely to cause degradation of the land resulting in potential human and environmental health impacts. Uncontrolled asbestos waste has the potential to cause air pollution. The EPA therefore reasonably suspects that Wollongong Recycling (NSW) Pty Ltd have caused a Pollution Incident at the 4 application sites by supplying aggregate materials contaminated with asbestos waste as has been discussed.
- H. The EPA therefore directs Wollongong Recycling (NSW) Pty Ltd to take action to address the risks.

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## DIRECTION TO TAKE CLEAN-UP ACTION

The EPA directs Wollongong Recycling (NSW) Pty Ltd to take the following clean-up action:

1. By **5pm on 15 October 2017**; Wollongong Recycling (NSW) Pty Ltd must engage and have a suitably qualified/licensed and independent asbestos removal contractor lawfully remove and lawfully dispose of all asbestos contaminated aggregate material from the Blue Mile Tramway, Wollongong.

**Note:** the EPA will liaise with Wollongong City Council about this direction including supplying permission to access the land.

2. By **5pm on 15 October 2017**; Wollongong Recycling (NSW) Pty Ltd must engage and have a suitably qualified/licensed and independent asbestos removal contractor lawfully remove and lawfully dispose of all asbestos contaminated aggregate material from 206 Wattle Road, Shellharbour.

**Note:** the EPA will liaise with Shellharbour City Council about this direction including supplying permission to access the land.

3. By **5pm on 22 October 2017**; Wollongong Recycling (NSW) Pty Ltd must engage and have a suitably qualified/licensed and independent asbestos removal contractor lawfully remove and lawfully dispose of all asbestos contaminated aggregate material from 770 Old Hume Highway, Yerrinbool.

**Note:** the EPA will liaise with Mr and Mrs Williams about this direction including supplying permission to access the land.

4. By **5pm on 22 October 2017**; Wollongong Recycling (NSW) Pty Ltd must engage and have a suitably qualified/licensed and independent asbestos removal contractor lawfully remove and lawfully dispose of all asbestos contaminated aggregate material stockpiled aboveground at the Calderwood Valley Estate.

**Note:** the EPA will liaise with the Principal Contractor about this direction including supplying permission to access the land.

5. By no later than **5pm on 27 October 2017**, Wollongong Recycling (NSW) Pty Ltd must provide the EPA with the following documentation regarding the actions referred to in Direction 1-4 above:

- a. The name, address, and contact details of the waste facility/ies where the asbestos waste was transported and disposed of;
- b. Evidence that the facility where the asbestos waste was transported to and disposed of has the necessary statutory approvals to receive and dispose of asbestos waste;
- c. A log sheet documenting the registration details of all vehicles that transported asbestos waste from the Premises to the waste facility;
- d. A list of all persons/companies (name, address, contact details, ABN's etc) who removed and/or transported the asbestos waste from the Premises to the waste facility;
- e. Copies of all invoices and/or receipts for this asbestos waste transportation and disposal; and
- f. A clearance certificate prepared by a suitably qualified person who has assessed each of the 4 application sites and certifies its status.

**Note:** All requested documentation must be submitted to Unit Head Waste Compliance, PO Box 513, WOLLONGONG, NSW, 2520 or by email to [waste.operations@epa.nsw.gov.au](mailto:waste.operations@epa.nsw.gov.au) or by Fax to (02) 4224 4110.

6. Wollongong Recycling (NSW) Pty Ltd must give the EPA at least 24 hours notification prior to undertaking any works associated with each Direction being Directions 1-4 above. This notification

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must be given by way of a self report made the EPA's Environment Line Telephone Service on 131 555.

**Note:** This will allow the EPA to clearly direct and oversee clean-up activities.

7. Wollongong Recycling (NSW) Pty Ltd must comply with any other relevant legislation and/or regulations regarding asbestos management, handling, removal and disposal (e.g. Work Health and Safety Regulation 2017).

## FEE TO BE PAID

- Wollongong Recycling (NSW) Pty Ltd are required by law to pay a fee of \$535 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Corradin'.

**MATTHEW CORRADIN**  
**Unit Head Waste Compliance**  
**Environment Protection Authority**  
(by Delegation)

## INFORMATION ABOUT THIS CLEAN-UP NOTICE

- This Notice is issued under Section 91 of the POEO Act.
- It is an offence against the POEO Act not to comply with this Notice without lawful 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.

## Cost recovery from the person who caused the incident

- If you comply with this 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 Pollution 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 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 cost

- The POEO 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 POEO 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.