

**ENVIRONMENT PROTECTION ACT 1970
SECTION 62A
CLEAN UP NOTICE**

TO: CITIPOWER PTY (ACN 064 651 056)
OF: LEVEL 8 40 MARKET STREET MELBOURNE 3000

WHEREAS you are the occupier of premises known as Lot 1 on Title Plan 326810H (formerly known as part of Crown Allotment A Section 40 City of Richmond Parish of Jika Jika), Lot 1 on Tile plan TP411795, lot 1 on Title Plan 225238 and that area of land located between map co-ordinates 37°49'39.4" S 145°00'15.51"E; 37°49'38.89" S 145°00'14.22"E; 37°49'40.98" S 145°00'13.87"E and 37°49'41.3" S 145°00'14.473"E comprising the premises known as 17 Madden Grove, Burnley ("the premises") upon and from which pollution has occurred

NOW TAKE NOTICE that for the reasons stated in Attachment "A" to this notice, the Environment Protection Authority ("EPA") **HEREBY DIRECTS** you to comply with each of the requirements specified in Attachment "B" to this notice on and from the 30th of April 2007

DATED 30th of April 2007

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JAMIE GORDON MCCAFFREY
CLIENT MANAGER, YARRA REGION
ENVIRONMENT PROTECTION AUTHORITY

NOTE:

IF FOUND GUILTY OF CONTRAVENING A REQUIREMENT TO WHICH THIS NOTICE IS SUBJECT, YOU MAY BE ORDERED TO PAY A FINE OF UP TO \$251,544 (SECTION 62A(3) OF THE ACT)

ATTACHMENT "A"

REASONS FOR WHICH THE CLEAN UP NOTICE IS SERVED

The Environment Protection Authority ("EPA") has issued this notice because:

- The premises has been historically used for a variety of industrial purposes, including quarrying, landfilling, asphalt / road material manufacturing and activities associated with power distribution infrastructure.
- Remote vehicle inspection footage of the Richmond Quarry Main Drain recorded on the 20th of June 2006 by Melbourne Water and contained on a DVD entitled MH003-002 containing the MPEG file *MPEG_A_06202006_0951_1_1i.mpg* indicates the presence of a tar like material entering the drain from joints and failures within the Richmond Quarry Main Drain.
- Ingress of tarry materials observed in footage recorded by the remote vehicle inspection footage specified above appears to be sourced from premises occupied by CitiPower Pty.
- The report entitled "*Site Environmental Assessment Distribution Depot Rooney Street – Burnley*" Number EMU/92/24 dated the 16th of October 1992 prepared by S Black and T McKinley (Geo-Eng Australia Pty Ltd) shows that soil at the premises contains high levels of heavy metals and Polycyclic Aromatic Hydrocarbons.
- The report entitled "*Environmental Site Assessment - Rooney Street, Burnley*" dated the 29th of April 2004 prepared by Parsons Brinkerhoff Pty Ltd numbered 2130454ARPT001A Rev A. indicates the presence of soils containing concentrations of Polycyclic Aromatic Hydrocarbons in excess of the National Environment Protection (Assessment of Site Contamination) Measure (1999) Health Investigation "F" Levels.
- Pollution has occurred on land and groundwater by discharge, emission or deposit of waste containing hydrocarbons and other materials.
- Action is needed to determine the possible environmental impacts from the premises.

ATTACHMENT "B"

REQUIREMENTS

1. By no later than the 11th of May 2007, the occupier must engage an environmental auditor appointed under section 53S of the *Environment Protection Act 1970 (The Act)*.
2. By no later than the 26th of October 2007, the occupier must submit to the Authority, an environmental audit report prepared by an environmental auditor appointed under the Environment Protection Act (1970) in relation to the risk of any possible harm or detriment to the land and groundwater environments caused by activities conducted at the premises, as determined by:
 - 2.1. Review of any systems, plans, procedures, monitoring programs, data, records, reports or other information relevant to the scope of the audit;
 - 2.2. Inspection of any relevant activities, processes, plant and/or equipment on site; and
 - 2.3. Collection and/or modelling of any data as the auditor sees fit.
3. The environmental audit report referred to in condition 2 must:
 - 3.1. Indicate if the activities conducted at the premises causes a risk of any possible harm or detriment to the land and groundwater environments as determined by an assessment of compliance with the requirements of the State Environment Protection Policy (Prevention and Management of Contaminated Land) and State Environment Protection Policy (Groundwaters of Victoria).
 - 3.2. Where a risk of any possible harm or detriment to a segment of the environment has been determined in 3.1, recommend any measures necessary to reduce the risk to an acceptable level; and
 - 3.3. Include an indicative implementation timetable for any recommended clean-up and/or management works referred to in requirement 3.2.