



Australian Government

**Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts**

ENVIRONMENTAL REMEDIAL ORDER

Made under regulation 6.18 of the Airports (Environment Protection) Regulations 1997

TO: Airservices Australia

OF: 25 Constitution Avenue, Canberra ACT 2600

WHEREAS I, Brooke Warren, an Airport Environment Officer (AEO) for Canberra Airport appointed under regulation 10.01 of the *Airports (Environment Protection) Regulations 1997* (the Regulations) have reasonable grounds to believe that

Airservices Australia

has caused pollution by perfluoroalkyl and polyfluoroalkyl substances (PFAS) of soil and groundwater at the main fire station and fire training ground at Canberra Airport.

I DIRECT Airservices Australia to carry out the remedial work specified in the attachment to this Order in respect of that pollution, within the applicable time periods specified in the attachment.

DATED 28 March 2024

Brooke M Warren

Brooke Warren

AIRPORT ENVIRONMENT OFFICER

NOTICE:

Failing to comply with this Order is an offence punishable on conviction by a fine of up to 50 penalty units (in the case of a natural person) or 250 penalty units (in the case of a body corporate).

A person affected by a decision of an AEO to direct a person to carry out remedial work under regulation 6.18 of the Regulations may apply under regulation 9.01 for review of the decision by the Secretary of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. An application under regulation 9.01 must be in writing and set out the reasons for the application.

On application under regulation 9.01 of the Regulations, the Secretary will review the decision of the AEO under regulation 9.02(1) and either affirm the AEO's decision or substitute a different decision. Subject to the *Administrative Appeals Tribunal Act 1975*, a person affected by the decision of the Secretary under regulation 9.02(1) of the Regulations may apply to the Administrative Appeals Tribunal for review of the decision.

ATTACHMENT

POLLUTION TO WHICH THIS ORDER APPLIES

1. This order applies to PFAS pollution in soil and groundwater:
 - a. at the main fire station (MFS) and the fire training ground (FTG) at Canberra Airport, which are currently leased to Airservices Australia (Airservices) by Canberra Airport Pty Ltd (CAPL); and
 - b. that has migrated from the MFS and FTG.

REMEDIAL WORK AND TIME PERIODS

2. Airservices must engage a person as an independent assessor, who, because of their qualifications or employment history, is regarded and accredited in their State or Territory as having expertise in environment protection issues.
3. Airservices must ensure the independent assessor can have direct and unrestricted communications with the AEO.

Detailed Site Investigation

4. Airservices must complete the detailed site investigation (DSI) report that is currently being drafted about the PFAS pollution to which this Order applies and provide a copy of the report, in draft (the first draft), to the independent assessor and the AEO.
5. Airservices must require the independent assessor to review the first draft of the DSI report and to provide a written assessment of it to Airservices and the AEO within 15 business days¹ of receiving the first draft from Airservices.
6. Within 10 business days of receiving the written assessment from the independent assessor, Airservices must prepare a revised draft of the DSI report (the revised draft), taking into account the independent assessor's comments on the first draft.
7. Airservices must provide the revised draft of the DSI report to the independent assessor, the AEO, CAPL and the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department).
8. Airservices must invite comments on the revised draft from the independent assessor, the AEO, CAPL and the Department and allow 10 business days for these comments to be provided to Airservices.
9. Within 15 business days of inviting comments on the revised draft under paragraph 8, Airservices must prepare a final draft of the DSI report (the final draft), taking into account any comments received in response to that invitation, and provide the final draft to the independent assessor.
10. Airservices must require the independent assessor to review the final draft of the DSI report, and to provide a written assessment of it to Airservices, CAPL and the AEO within 15 business days of receiving the final draft from Airservices.
11. Airservices must finalise the DSI report, taking into account the independent assessor's comments on the final draft, and provide copies of the finalised report to the AEO, CAPL and the Department by 28 June 2024.

¹ References to 'business days' in this Order refer to days that are not a Saturday, a Sunday or a public holiday in the Australian Capital Territory.

Remedial Plan

12. Airservices must prepare a remedial plan, which is informed by the findings of the DSI report for PFAS pollution to which this Order applies.
13. Airservices must ensure that the remedial plan aligns with:
 - a. PFAS National Environment Management Plan version 2.0 (PFAS NEMP); and
 - b. *National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM)*; and
 - c. National Remediation Framework (NRF).and as a minimum:
 - d. documents site background details, current site characterisation, data gaps, soil and groundwater remedial objectives, applicable screening options, preferred remedial options, remedial criteria and a remedial action and validation approach, and
 - e. describes practical solutions to manage PFAS impact at the MFS and the FTG and selects an appropriate soil remedial methodology that will reduce the leachable PFAS mass present at the MFS and the FTG and minimise PFAS flux from the MFS and the FTG.
14. Airservices must provide a copy of the remedial plan in draft (the first draft remedial plan), to the AEO and CAPL by 9 August 2024.
15. Airservices must invite comments on the first draft remedial plan from the AEO and CAPL, and allow 10 business days for these comments to be provided to Airservices.
16. Within 20 business days of inviting comments on the first draft remedial plan from the AEO and CAPL, Airservices must prepare a second draft of the remedial plan (the second draft remedial plan) taking into account any comments received in response to that invitation. Airservices must provide the second draft remedial plan to the independent assessor, and require the independent assessor to provide a written assessment of the second draft remedial plan to the AEO and to Airservices within 10 business days of receiving it from Airservices.
17. Airservices must finalise the remedial plan, taking into account the independent assessors' comments on the second draft remedial plan, and provide copies of the finalised plan to the AEO and CAPL. The final remedial plan must be submitted to the AEO by 4 October 2024.
18. Airservices must commence remedial work² in accordance with the remedial plan within 20 business days of providing the finalised remedial plan to the AEO under paragraph 17.
19. Unless the AEO agrees otherwise in writing, Airservices must provide a written report to the AEO and CAPL, no later than the last Friday of each month after this Order is made, on progress made in the preceding month on the preparation and implementation of the DSI report and remedial plan referred to in this Order. Provision of these reports must continue until such time that remedial works have been completed in accordance with the remedial plan.
20. Within 30 business days of all physical remedial work being completed in accordance with the remedial plan, Airservices must submit a written report to the AEO and CAPL which details the work completed and includes the results of the tests and monitoring that verify the objective of the remedial plan have been achieved.

² The term 'remedial work' is defined in regulation 6.17 of the Regulations. The definition can include seeking relevant approvals.

Monitoring and Validation Sampling Plan

21. Airservices must develop a monitoring and validation sampling plan that details the sampling and analysis program that will be used to verify that the objectives of the remedial plan have been achieved and the concentrations of PFAS in soil and groundwater meet the remedial criteria. The plan should align with:
 - a. PFAS NEMP; and
 - b. ASC NEPM; and
 - c. NRF.
22. Airservices must commence implementation of the monitoring and validation sampling plan within 40 business days of all physical remedial work being completed in accordance with the remedial plan.
23. Airservices must provide a written report to the AEO and CAPL at 6 monthly intervals on the effectiveness of physical remedial work completed in accordance with the remedial plan, as evidenced by the implementation of the monitoring and validation sampling plan during the preceding 6 months.
24. Each report provided by Airservices under paragraph 23 must be accompanied by a copy of the results of any test or other monitoring exercise carried out in accordance with the monitoring and validation sampling plan in the period to which the report relates.
25. Regular reports must be provided to the AEO and CAPL under paragraph 23 until the independent assessor determines that the objectives of the remedial plan have been achieved and the concentrations of PFAS in soil and groundwater meet the remedial criteria.
26. Airservices must require the independent assessor to review the final monitoring report under paragraph 23 as verified by the results of the tests and monitoring carried out in accordance with the monitoring and validation sampling plan prepared, and to provide a written assessment of the report to the AEO within 20 business days of the final report being provided to the AEO.

Communication and Engagement

27. Airservices must develop, in writing, and implement a community communication and engagement strategy relating to PFAS pollution to which this Order applies, having regard to the guidance in Section 4, Communication and Engagement, of the PFAS NEMP. The strategy must contain, at a minimum, a description of the parties involved and their responsibilities in respect of PFAS pollution at Canberra Airport. The strategy should be available through multiple channels including but not limited to the websites of Airservices and the Department.
28. Airservices must seek input to the community communication and engagement strategy from the Canberra PFAS Engagement Steering Committee.³

³ The Canberra PFAS Steering Committee is a committee of the Canberra PFAS Round Table and includes CAPL, the ACT Environment Protection Authority, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, and the Department of Climate Change, Energy, the Environment and Water. The Committee meets quarterly and input from the committee may be requested in the normal sequencing of meetings or out of sequence.