

Environmental Protection Act 1986

Section 73A

PREVENTION NOTICE

Person to Whom this Notice is Given:

(being the occupier of the Premises described below)

Esperance Port Authority
Corner of Bower Ave and The Esplanade,
Esperance WA 6450

("the Occupier")

Premises to Which this Notice Relates

The Esperance Port located in Esperance in Western Australia and being more particularly described as:

The whole of Crown Reserve 28207

("the Premises")

Reason for Which this Notice is Served

This Notice is issued because I suspect on reasonable grounds that:

- (a) a condition of pollution is likely to arise or has arisen; and
- (b) Esperance Port Authority has done or is likely to do an act in contravention of section 50A or 50B of *Environmental Protection Act 1986*.

Requirements of this Notice

The Occupier of the Premises who is bound by this Notice is required to do the following:

- 1 To cease the unloading of lead carbonate from rail-cars at the Premises; and
- 2 To cease the export of lead carbonate from the Premises unless that export is in accordance with sections 2.3.3, 2.3.4, 2.3.5, 5.6.1, 5.7, 5.8, 8.2, 8.3 and 8.8 of the document titled "Esperance Port Authority Lead Removal Plan" dated 3 September 2008 and the following conditions:
 - a) The Occupier shall notify the Director of Environmental Regulation of the Department of Environment and Conservation ("the Director") of the commencement date of the bagging operation at least five days prior to that date.
 - b) The Occupier shall ensure that an interlock device is installed and functions at all times to ensure that the roller doors of both the WMC Shed and the New Concentrate Shed (as shown in Attachment 1) cannot be opened at the same time.
 - c) The Occupier shall ensure that a barrier is bolted to the ground at the boundary between the WMC Shed and the New Concentrate Shed to prevent vehicle wheels from entering the WMC Shed.
 - d) The Occupier shall ensure that the external surfaces of all bags of lead carbonate are thoroughly cleaned of dust prior to the bags being brought into the New Concentrate Shed.
 - e) The Occupier shall ensure that the operation of mobile equipment is restricted to the following locations:
 - i. A skid steer loader and forklift to be operated only inside the WMC Shed; and
 - ii. A forklift and road sweeper to be operated only in the New Concentrate Shed.
 - f) The Occupier shall install and operate, in accordance with the manufacturer's instructions, a negative pressure ventilation system which draws air from within the WMC Shed and passes it through a filter system to remove particulates.
 - g) The Occupier shall ensure that stockpile disturbing activities within the WMC Shed are only undertaken if the negative pressure system is operating within a pressure range of -100 to -1,000 Pascals.

h) The Occupier shall ensure that any doors in the WMC Shed are only opened when the negative pressure system is operating within a pressure range of -100 to -1,000 Pascals.

i) The Occupier shall conduct a monitoring program which measures the parameters stated in Column 4 of Table 1 at locations specified in Column 1 of Table 1, at the sampling period durations listed in Column 2 of Table 1 and the frequencies listed in Column 3 of Table 1, using the corresponding methods listed in Column 5 of Table 1.

Table 1 – Additional Monitoring Information

Column 1	Column 2	Column 3	Column 4	Column 5	
Monitoring locations	Sampling period duration	Frequency	Parameter	Method	
High Volume Air Samplers at Site 1, Site 2, Site 3, Site 4 and HV5 (as shown in Attachment 2)	24 hrs	Daily	Total Suspended Particulates ($\mu\text{g}/\text{m}^3$)	AS/NZS 3580.9.3:2003	R o w 1
High Volume Air Sampler situated in the exhaust of negative pressure system	Whenever the negative pressure system is running	Daily	Total Suspended Particulates ($\mu\text{g}/\text{m}^3$)	AS/NZS 3580.9.3:2003	R o w 2

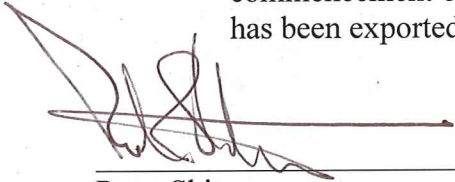
j) For the first two weeks of the bagging operation the Occupier shall have every filter paper collected from the monitoring conducted in accordance with Row 1 of Table 1 analysed for lead. For the remaining period of operations the Occupier shall have every third filter paper collected from the monitoring conducted in accordance with Row 1 of Table 1 analysed for lead.

k) The Occupier shall have every filter paper collected from the monitoring conducted analysed for lead.


l) The Occupier shall ensure that High Volume Air Sampler used to conduct the monitoring in accordance with Row 2 of Table 1 only collects the sample from the exhaust of the negative pressure system and is not contaminated with dust from other sources.

- m) The Occupier shall submit all monitoring samples to a laboratory with current NATA accreditation for the specified parameters for analysis.
- n) The Occupier shall maintain a log of the operating times of the negative pressure system during the lead removal to allow comparison with air quality monitoring results.
- o) The Occupier shall cease all lead removal operations immediately after being advised of a lead analysis result from the monitoring program required by Condition j) or Condition k) which exceeds $0.5 \mu\text{g}/\text{m}^3$ and not resume operations without the approval of the Director.
- p) The Occupier shall advise the Director within 24 hours after being advised of a lead analysis result from the monitoring program required by Condition j) or Condition k) which exceeds $0.5 \mu\text{g}/\text{m}^3$.
- q) The Occupier shall appoint a suitably qualified independent auditor ("the Auditor") to continuously monitor, whenever operations are being conducted, the lead removal operations including but not limited to bag filling, bag cleaning, container loading and placement of loaded containers in the storage area.
- r) The Occupier shall ensure that the Auditor shall stop any operation of the lead removal process which is not being conducted in compliance with this Notice.
- s) The Occupier shall immediately advise the Director of any stoppage of operations required by the Auditor and not resume operations without the consent of the Auditor.
- t) Prior to the completion of export of the containerised lead carbonate concentrate the Occupier shall ensure that all visible accumulations of lead carbonate concentrate are removed from within the WMC Shed. This includes accumulations on the floor, the shed structure and walls and all infrastructure within the shed.
- u) The Occupier shall ensure that the Auditor has conducted a detailed inspection of the WMC Shed following the removal of accumulations required by Condition t), and completed a certificate of compliance with that condition prior, to the completion of export of the containerised lead carbonate concentrate.
- v) The Occupier shall provide to the Director, a copy of the certificate of compliance required by Condition u) prior to completion of export of the containerised lead carbonate concentrate.
- w) Where any condition of this Notice is inconsistent with the document titled "Esperance Port Authority Lead Removal Plan" dated 3 September 2008 these conditions shall prevail.

x) The Occupier shall provide a written report including, but not limited to, the current operational status, weekly reports of the Auditor and results of air quality monitoring to the Director by 4PM of each Friday after commencement of the lead removal and until all lead carbonate concentrate has been exported.



Peter Skitmore
Authorised Person / Inspector Number DEC0075
Department of Environment and Conservation
27 November 2008



Keiran McNamara
Director General
Department of Environment and Conservation
27 November 2008

IMPORTANT NOTE:

A PERSON WHO IS BOUND BY THIS NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE.

A person who is aggrieved by a requirement contained in this notice may within 21 days of being given this notice lodge with the Minister for the Environment an appeal in writing setting out the grounds of that appeal.

Any other person who disagrees with a requirement contained in this notice may within 21 days of the making of that requirement lodge with the Minister for the Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT.

ATTACHMENT 1

Plan view of sheds

