



Department of
Environment and Conservation

PREVENTION NOTICE

Section 73A of the *Environmental Protection Act 1986*

Person to whom this notice is given (the Person)

BHP Billiton Nickel West Pty Ltd
ACN 004184598
'BHP Billiton Centre' Level 27
180 Lonsdale Street
MELBOURNE VIC 3000

By registered post

Land to which this notice relates (the Land)

That portion of:

Lot 310 on Deposited Plan 244038 in Certificate of Crown Land Title LR3096/496 as shown coloured pink on the map annexed to this Notice (Attachment 1);

Lot 394 on Deposited Plan 219858 in Certificate of Crown Land Title LR3111/24 as shown coloured green in Attachment 1; and

the Unallocated Crown Land in Plan 10534 as shown coloured purple in Attachment 1.

Reason for which this notice is given

- A. This Notice is given to the Person because I, Christopher Andrew Malley, an inspector and authorised person under the *Environmental Protection Act 1986* (EP Act) reasonably suspect that the Person has done, is doing, or is likely to do, an act in contravention of ss.50A or 50B of the EP Act (such provisions relate to the causing of serious or material environmental harm) via the discharge of liquid waste into the environment at the Land.
- B. I consider it appropriate to give the Person this Notice because the Person is responsible for the operation of the pipeline on the Land from which the liquid waste, that likely caused a contravention of ss.50 or 50B of the EP Act, has been or is being discharged.

Requirements of this notice

- 1) The Person is hereby required to control or abate the environmental harm arising as a result of the act referred to in paragraph A.

2) I consider the following action to be appropriate to achieve the result required in paragraph 1) of this notice:

a. Before 5pm on 15 August 2008, the Person shall:

- i. cease to cause, or allow to be caused, any further liquid waste to be discharged into the environment at the Land;
- ii. construct 3 recovery bores at the locations marked as BAL-ES-06, BAL-ES-07 and BAL-ES-08 on Attachment 1;
- iii. construct 3 monitoring bores at the locations marked as BAL-ES-09, BAL-ES-10 and BAL-ES-11 on Attachment 1;

b. As soon as possible but at least before 5pm on 15 June 2009, the Person shall:

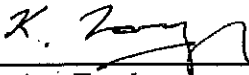
- i. clean up all liquid waste discharged into the environment at the Land, including removing or recovering any soil and groundwater contaminated as a result of the liquid waste;
- ii. recover any groundwater contaminated as a result of the liquid waste from the environment at the Land in accordance with a groundwater recovery program (GRP):
 1. a draft of which the Person is to provide to the Regional Leader of the Kwinana Office of the Department of Environment and Conservation (Regional Leader), containing at least 3 recovery bores and 3 monitoring bores at the locations referred to in paragraph 2(a) of this Notice;
 2. that is approved by the Regional Leader; and
 3. may be amended by the Regional Leader at any time, including requiring the construction of further recovery and monitoring bores.
- iii. dispose of any liquid waste and contaminated groundwater recovered from the environment at the Land to the evaporation cells located on the land comprised in Lot 2209 on Plan 211650 in Certificate of Title 1914/279;
- iv. dispose of any contaminated soil removed from the environment at the Land at a licensed waste disposal site or treatment facility;
- v. provide reports on a monthly basis to the Regional Leader in relation to the GRP, and the first report shall be provided within 1 month from 15 August 2008.

- c. The Person shall maintain and monitor any groundwater monitoring bores constructed on the Land pursuant to this Notice and the GRP for at least two years after the date of this Notice and report the results of monitoring to the Regional Leader every 3 months, and the first report shall be provided within 3 months from 15 June 2008. Reports of monitoring results shall be prepared in accordance with relevant guidelines made under section 97 of the *Contaminated Sites Act 2003*.

This Notice is given by Christopher Andrew Malley, Authorised Person and Inspector under ss.87 and 88 of the EP Act and approved by the Director Environmental Regulation Division of the Department of Environment and Conservation under delegated authority.



Christopher Andrew Malley



Director Environmental Regulation Division

Friday, 18 July 2008

IMPORTANT NOTE: A PERSON WHO IS BOUND BY THIS NOTICE AND WHO DOES NOT COMPLY WITH A REQUIREMENT OF THIS NOTICE COMMITS AN OFFENCE (S.73B(6) AND (7))

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 (S.103(1))

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 (S.103(2)).

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT (S.103(3)).

