

Registered Post

*WorkCover Authority of New South Wales
PO Box 592
RICHMOND NSW 2753*

Your ref:
Our ref: 301005A

Contact: Mick O'Flynn 9995-6851

Exemption under the Clean Air (Plant and Equipment) Regulation 1997

BACKGROUND -

- A. WorkCover Authority of New South Wales (WorkCover) has applied to the Environment Protection Authority (EPA) for an exemption under clause 16A(1) of the Clean Air (Plant and Equipment) Regulation 1997 (the Regulation).
- B. In relation to the application the EPA:
 - (a) has taken into consideration the impact of the exemption on local and regional air quality and amenity; and
 - (b) is satisfied that it is not practicable for WorkCover to comply with the relevant provisions of the Protection of the Environment Operations Act 1997 and the Regulation by implementing operational changes to plant or practices.
- C. WorkCover undertakes occupational health and safety activities at premises known as Testsafe Australia, 919 Londonderry Road, Londonderry;
- D. WorkCover's activities at the above site are undertaken for the purposes of:

- Research to improve safety in relation to the flammability of materials, and smoke reduction (including the development of testing procedures).
- Training of firefighters and the rating of the effectiveness of fire extinguishers and fire suppression systems
- Testing undertaken to certify that manufactured or imported products comply with Australian Standards or International Standards and meet any legislative requirements placed upon them.

E. WorkCover has also been granted an approval by the EPA by another notice under clause 9(1) of the Protection of the Environment Operations (Control of Burning) Regulation 2000 in relation to activities carried out for the purposes outlined in clause D above.

EXEMPTION -

By this notice, the EPA grants WorkCover an exemption under clause 16A(1) of the Clean Air (Plant and Equipment) Regulation 1997 from the operation of section 128 of the Protection of the Environment Operations Act 1997 and clause 16 of the Regulation in so far as these provisions relate to the emission of smoke, to carry out burning activities for the purposes outlined in clause D above, subject to the following conditions:

1. This exemption only applies to activities listed in Table 1 below.
2. Table 1 below specifies the maximum permissible number of times that activities listed in the Table below may emit a standard of concentration of smoke the same as or darker than Shade 1 on the Ringelmann Chart, and the maximum permissible durations of those emissions.

Note: In this notice "Ringelmann Chart" means the chart described in "Approved methods for the sampling and analysis of air pollutants in New South Wales" (EPA, 1999) that is to be used in accordance with Test Method 16 of that document. Testing is to be conducted at a point approximately 30 metres above ground level.

Table 1

Activity	Maximum number of occurrences	Maximum duration of emission
Fire extinguisher tests to AS 1850	14 per calendar year	40 seconds
Fuel can tests to AS 2906 Appendix F	10 per calendar year	5 minutes
Cable burn tests to AS 1660.5.1	6 per calendar year	20 minutes

Conveyor belt testing and research to AS 4606-2000	2 in any 24 hour period to a maximum of 40 per calendar year	40 minutes
Fire fighting training	10 per calendar year	15 minutes
Research and development into fire and combustion for industry, academic and research organisations	6 per calendar year	40 minutes

3. The standard of concentration of smoke emitted from all activities in Table 1 must not exceed Shade 4 on the Ringelmann Chart.
4. For all activities in Table 1, a written record must be kept of each test recording the date, time, nature and duration of the activities, and the maximum Ringelmann chart reading over the duration of the activity. Such records must be kept on site for 3 years and made available to the EPA on request
5. WorkCover must submit to the EPA by 31 January each year a written report on burning activities permitted under this notice undertaken during the previous calendar year. This report must include:
 - A schedule of all activities listed in Table 1 that were undertaken.
 - A statement as to compliance with the conditions of this notice and details of any instances of non-compliance.
 - Details of any complaints received by WorkCover regarding air pollution from the site.
 - Details of community notification and consultation undertaken by WorkCover regarding activities on the site.
 - Any other matter relevant to the consideration of air pollution from the site.
6. This exemption applies from the date shown below until 31 December 2002.

Note: This exemption may be amended or revoked before 31 December 2002 by the EPA by means of a notice given to you.

Failure to comply with the terms of this exemption may constitute an offence, including against section 128 of the Protection of the Environment Operations Act 1997. Maximum penalty under section 128:

- (a) in the case of a corporation - \$250,000 with, in the case of a continuing offence, a further penalty not exceeding \$120,000 for each day the offence continues; or

- (b) in the case of an individual - \$120,000 with, in the case of a continuing offence, a further penalty not exceeding \$60,000 for each day the offence continues;

Date: 5 January 2001

Per

Mick O'Flynn
Manager Sydney Region Local Government
(By delegation)