

Registered Post

WorkCover Authority of New South Wales

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

BACKGROUND -

- A. The Environment Protection Authority (EPA) granted WorkCover exemption under the Clean Air (Plant and Equipment) Regulation 1997 by notice dated 5 January 2001.
- B. WorkCover Authority of New South Wales (WorkCover) has sought to vary the terms of that exemption under clause 16A(1) of the Clean Air (Plant and Equipment) Regulation 1997 (the Regulation) by letter dated 15 May 2001.
- C. In considering the information provided, 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.
- D. WorkCover undertakes occupational health and safety activities at premises known as Testsafe Australia, 919 Londonderry Road, Londonderry, NSW, ("the premises").
- E. WorkCover's activities at the premises include:
 - 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,

collectively referred to as "the activities".

- F. 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 E above.

PARTIAL REVOCATION OF NOTICE DATED 5 JANUARY 2001 -

By this notice, the EPA revokes conditions 1-4 and 6 of the exemption issued on 5 January 2001.

NOTICE OF 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 E above, subject to the following conditions:

1. This exemption only applies to activities listed in Table 1 , 2 and 3 below.
2. Activities specified in Table 1 below must be conducted in a manner which does not exceed the number of occurrences, duration and Ringelmann (R) Shade, specified in relation to that activity.

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, 2000) that is to be used in accordance with Test Method 16 of that document

Table 1			
Activity	Maximum number of occurrences	Maximum duration of emission	Max R
Fuel can tests to AS 2906 Appendix F	10 per calendar year	5 minutes	4
Cable burn tests to AS 1660.5.1	6 per calendar year	20 minutes	4
Conveyor belt testing and research to AS 4606-2000 and research conducted in Fire Gallery	2 in any 24 hour period to a maximum of 40 per calendar year	40 minutes	4
Fire fighting training	10 per calendar year	15 minutes	4

Research and development into fire and combustion for industry, academic and research organisations	6 per calendar year	40 minutes	4
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For the purposes of calculating the maximum number of occurrences in the 2001 calendar year for activities listed in Table 1, any test conducted under the previous notice issued to WorkCover on 5 January 2001 must be included in this calculation.

3. For the period from the date of this notice to 31 December 2001, fire extinguisher tests to AS 1850 must not exceed the number of occurrences, duration or Ringelmann (R) Shade specified in Table 2 in relation to that activity.

Activity	Maximum number of occurrences	Maximum duration of emission	Max R
Fire extinguisher tests to AS 1850	13	3 minutes	4
Fire extinguisher tests to AS 1850	5	5 Minutes	5

4. For the 2002 calendar year, fire extinguisher tests to AS 1850 must not exceed the number of occurrences, duration or Ringelmann (R) Shade specified in Table 3 in relation to that activity.

Activity	Maximum number of occurrences	Maximum duration of emission	Max R
Fire extinguisher tests to AS 1850	50 per calendar year	3 minutes	4
Fire extinguisher tests to AS 1850	20 per calendar year	5 minutes	5

5. For all activities in Tables 1, 2 and 3, 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. Assessment of the Ringelmann Shade of smoke caused by the activities is to be conducted at a point approximately 30 metres above the vicinity of the activity such that a representative assessment of the smoke can be made. Such records must be kept at the premises for 3 years from the date of the burning activity and made available to an authorised officer of the EPA on request.
6. WorkCover must operate, during its operating hours, a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises.

7. WorkCover must notify the affected public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
8. WorkCover must submit to the EPA by 31 January each year a written report on burning activities conducted under this notice during the previous calendar year. This report must include:
 - A schedule of all activities listed in Table 1, 2 and 3 that were undertaken.
 - A statement as to compliance with the conditions of this notice and details of any instances of non-compliance.
 - Details of all complaints received by WorkCover regarding air pollution relating to activities the subject of this exemption.
 - Actions taken by WorkCover in relation to each complaint, including any follow up contact with complainants.
 - Details of community notification and consultation undertaken by WorkCover regarding the activities.
 - Details of any measure taken, or proposed to be taken, to prevent or mitigate against air pollution caused by the activities.
 - Options to improve the testing conditions at the WorkCover facility in order to reduce air pollution. Options considered must include, but not be limited to, exploring options to reduce the frequency of invalid tests due to unsuitable wind conditions.
 - Any other matter relevant to further minimising the impact of the activities on local air quality.

Note: The effect of condition 8 of this exemption, together with condition 5 of the previous notice issued on 5 January 2001 is that the report submitted to the EPA on 31 January 2002 must report on all burning activities conducted under this notice and the previous notice.

9. This exemption applies from the date shown below until 31 December 2002.

INFORMATION ABOUT THIS EXEMPTION

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. The following maximum penalties apply 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: 11 October 2001

Per

Mick O'Flynn

Manager Sydney Region Local Government

(By delegation)