

Our reference : 302178A1/02
Contact : James Allen, 9995 6809

Mr Robert Geyer
A/Director
Testsafe Australia
WorkCover Authority of NSW
PO Box 592
RICHMOND NSW 2753

Dear Mr Geyer

**RE: Exemptions under the Protection of the Environment Operations (Clean Air) Regulation 2002.
Testsafe Australia - 919 Londonderry Road, Londonderry**

The Environment Protection Authority (EPA) received a request from WorkCover Authority of NSW (WorkCover) to renew exemptions under the Protection of the Environment Operations (Clean Air) Regulation 2002 ("the CA Regulation") to permit "burning" and the "emission of smoke" at the above premises.

In considering the information provided, the EPA has taken into consideration the impact of the exemption on local and regional air quality and amenity and exemptions are hereby provided as follows:

1. Approval for Open Burning (provided in the attached Notice No 1091621).
2. By this written Notice, the EPA, in accordance with clause 46(1) of the CA Regulation, also grants WorkCover exemption from the operation of s128 of the Protection of the Environment Operations Act 1997 and Divisions 2 and 3 of part 4 of the CA Regulation when carrying out the following activities on site:
 - 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".

Conditions of this Exemption:

- I. This exemption applies from the date of this Notice until 30 September 2009 or unless revoked sooner.
- II. This exemption applies only to activities listed in Table 1 as outlined in Appendix 1.

- III. WorkCover engage an accredited consultant specialising in air pollution mitigation and dispersion techniques and provide a report to the Department of Environment and Climate Change (DECC) by 30 April 2009, which covers (but is not limited too):
- a) Investigation of better methods of air dispersion or pollution reductions from the fire gallery extraction system.
 - b) Investigation of better methods of air dispersion or pollution reductions from cable burn testing activities.
 - c) Investigation of better methods of air dispersion or pollution reductions from fire fighting training tests and activities.

May I finally remind you that 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 which includes maximum penalties of up to \$250,000 for a corporation.

If you have any enquiries regarding this exemption please do not hesitate to contact James Allen on 9995 6809.

Yours sincerely,

JO ZURRER
Manager Sydney industry
Environment Protection and Regulation Group
(By delegation)

Appendix 1

Table 1 Activity Limits

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.

Activity	Maximum number of occurrences	Maximum duration of emissions	Maximum R (see footnote below).
Fuel can tests to AS 2906	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
Research and development into fire and combustion for industry, academic and research organisations	10 per calendar year	5 minutes	4
Fire extinguisher tests to AS 1850	50 per calendar year	3 minutes	4
Fire extinguisher tests to AS 1850	10 per calendar year	5 minutes	4

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.

1. For all activities in Tables 1, a written record must be kept of each test recording the
2. 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.
3. Such records must be kept at the premises for 3 years from the date of
4. the burning activity and made available to an authorised officer of DECC on request.
5. A telephone complaints line must be available (during operating hours) for the purpose of receiving complaints from members of the public in relation to activities conducted at the premises.
6. Each year WorkCover must undertake a letterbox drop to the surrounding community notifying them 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.
7. WorkCover must submit to DECC (at least 28 days prior to the renewal date of this Notice) each year a written report on burning activities conducted under this notice during the previous calendar year. This report must include:

- I. A schedule of all activities listed in Table 1 that were undertaken.
- II. A statement as to compliance with the conditions of this notice and details of any instances of non-compliance.
- III. Details of all complaints received by WorkCover relating to activities subject of this exemption.
- IV. Actions taken by WorkCover in relation to each complaint, including any follow up contact with complainants.
- V. Details of community notification and consultation undertaken by WorkCover regarding the activities undertaken on site.