



Pollution Incident Response Management Plan

EPL 1697 Newcastle Bulk Terminal

Pollution Incident Response Management Plan

Kooragang Berths 2 & 3, Port of Newcastle

Quality Information

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Take immediate action to ensure the safety of people at the site and minimise the impact of the event (if safe to do so).



If the pollution incident presents an immediate threat to human health or property

Phone 000 for emergency assistance



If the incident does not require an initial combat agency, or once the 000 call has been made, notify NPC VTIC (24/7) of the incident and all relevant information by phoning:

Port Wide Emergency Line (02) 4929 3890



NPC VTIC to use agreed decision support tool to direct incident information to PON where incident response lies with PON.



Vessel Scheduler must contact the on call PON Duty Manager



Contact



| Contact | Phone Number |
|---|--|
| The EPA Environment Line | 131 555 |
| The Minister of Health via the Newcastle Public Health Unit | (02) 4924 6477 (after hours diverts to John Hunter Hospital – ask for the Public Health Officer on call) |
| The WorkCover Authority | 131 050 |
| Newcastle City Council | Water Pollution incident reporting (02) 4974 2525 Environmental Services Unit (02) 4974 2562 |
| Fire and Rescue NSW | 000 |

Following notification, follow PON’s emergency and incident response procedures:

- Environment Incident Response and Reporting Procedure EMS-009
- Emergency Environment Response Procedure EMS-010
- Kooragang 2 Emergency Procedure WHS-0640
- Kooragang 3 Emergency Procedure WHS-0607

Which procedure to follow will depend on the nature of the incident and will be determined by the supervisor and manager’s onsite and the time of the incident.

1.0 Introduction

This pollution incident response management plan (PIRMP) has been prepared for Port of Newcastle (PON's) Berths No. 2 & 3, Kooragang Island (K2 & K3). The PIRMP sets out the procedure to be followed in the event of a pollution incident at the site.

1.1 What is a Pollution Incident?

In accordance with the POEO Act (section 153F), if a pollution incident occurs in the course of an activity so that material harm to the environment is caused or threatened, the person carrying on the activity must immediately implement the PIRMP.

'Pollution Incident' is defined in the dictionary of the POEO Act as:

A pollution incident means an incident or set of circumstances during or as a consequence of which there is, or is likely to be, a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.

'Material Harm' is defined in section 147 of the POEO Act. Material harm includes on-site harm, as well as harm to the environment beyond the premises where the pollution incident occurred.

147 Meaning of material harm to the environment

(1) For the purposes of this Part:

(a) harm to the environment is material if:

(i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or

(ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and

(b) loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

(2) For the purposes of this Part, it does not matter that harm to the environment is caused only in the premises where the pollution incident occurs.

1.2 Immediate Notification

Environment Protection Licence (EPL) licensees and anyone carrying on an activity or occupying a premises who becomes aware of a pollution incident are required to report the pollution incident **immediately** (under section 148 of the POEO Act). (formerly the requirement was 'as soon as practicable').

'Immediate' means licensees need to report pollution incidents promptly and without delay. There is a \$2 million maximum penalty for failure to notify of a pollution incident in accordance with the requirements of the POEO Act.

The duty to notify does not apply to a pollution incident involving only the emission of an odour and does not include an incident or set of circumstances involving only the emission of noise.

2.0 Requirements of the PIRMP

The legislative requirements of the PIRMP and where these requirements have been met in this document are shown in Table 1. The parts of the PIRMP that must be made publicly available are noted in Table 1.

Table 1 Legislative Requirements of the PIRMP

| Legislation | Requirement | Where this requirement is met | Must be Publicly Available? |
|---|---|---|-----------------------------|
| POEO Act: Part 5.7A Duty to prepare and implement pollution incident response management plans | | | |
| 153A Duty of licence holder to prepare pollution incident response management plan | The holder of an environment protection licence must prepare a pollution incident response management plan that complies with this Part in relation to the activity to which the licence relates. | This PIRMP in conjunction with the following PON documents: <ul style="list-style-type: none"> – Emergency Environmental Response Procedures (EMS-010). – Environmental Incident Response and Reporting Procedure (EMS-009) – Kooragang 2 Emergency Procedure WHS-0640 – Kooragang 3 Emergency Procedure WHS-0607 | |
| 153C Information to be included in plan | A pollution incident response management plan must be in the form required by the regulations and must include the following: <ul style="list-style-type: none"> a) the procedures to be followed by the holder of the relevant environment protection licence, or the occupier of the relevant premises, in notifying a pollution incident to: <ul style="list-style-type: none"> i) the owners or occupiers of premises in the vicinity of the premises to which the environment protection licence or the direction under section 153B relates, and | Refer to Section 4.0 of this PIRMP. <ul style="list-style-type: none"> – Section 5.2 Environmental Incident Response and Reporting Procedure (EMS-009). | |
| | ii) the local authority for the area in which the premises to which the environment protection licence or the direction under section 153B | Refer to Table 3 of this PIRMP. <ul style="list-style-type: none"> – Section 5.2 | |

| Legislation | Requirement | Where this requirement is met | Must be Publicly Available? |
|-----------------------------|---|---|-----------------------------|
| | relates are located and any area affected, or potentially affected, by the pollution, and | Environmental Incident Response and Reporting Procedure (EMS-009). | |
| | iii) any persons or authorities required to be notified by Part 5.7 | Refer to Table 3 of this PIRMP. Also referenced in: – Section 5.2 Environmental Incident Response and Reporting Procedure (EMS-009). | |
| | b) a detailed description of the action to be taken, immediately after a pollution incident, by the holder of the relevant environment protection licence, or the occupier of the relevant premises, to reduce or control any pollution | Response procedures are specified in: – Emergency Environmental Response Procedures (EMS-010). – Environmental Incident Response and Reporting Procedure (EMS-009). | |
| | c) the procedures to be followed for co-ordinating, with the authorities or persons that have been notified, any action taken in combating the pollution caused by the incident and, in particular, the persons through whom all communications are to be made | Refer to Section 3.3 of this PIRMP. | |
| 153D Keeping of plan | A person who is required to prepare a pollution incident response management plan under this Part must ensure that it is kept at the premises to which the relevant environment protection licence relates, or where the relevant activity takes place, and is made available in accordance with the regulations. | A copy of the PIRMP is kept onsite. | |
| 153E Testing of plan | A person who is required to prepare a pollution incident response management plan under this Part must ensure that it is tested in accordance with the regulations. | Refer to Section 5 of this Procedure | |
| 153F Implementation of plan | If a pollution incident occurs in the course of an activity so that material harm to the environment (within the meaning of section 147) is caused or threatened, the | Refer to: – Refer to Section 5.5.12 of Kooragang 2 Emergency | |

| Legislation | Requirement | Where this requirement is met | Must be Publicly Available? |
|--|--|--|-----------------------------|
| | <p>person carrying on the activity must immediately implement any pollution incident response management plan in relation to the activity required by this Part.</p> | <p>Procedure (WHS-0640).</p> <ul style="list-style-type: none"> - Refer to Section 5.5.12 of Kooragang 3 Emergency Procedure (WHS-0607). | |
| <p>Protection of the Environment Operations (General) Regulation 2009: Part 3A Pollution incident response management plans</p> | | | |
| <p>98B Form of plan</p> | <p>1) A plan is to be in written form</p> <p>2) A plan may form part of another document that is required to be prepared under or in accordance with any other law so long as the information required to be included in the plan is readily identifiable as such in that other document.</p> | <p>This PIRMP.</p> <p>As noted, this PIRMP in conjunction with the following PON documents:</p> <ul style="list-style-type: none"> - Kooragang 2 Emergency Procedure (WHS-0640). - Kooragang 3 Emergency Procedure (WHS-0607). - Emergency Environmental Response Procedures (EMS-010). - Environmental Incident Response and Reporting Procedure (EMS-009). | |
| <p>98C Additional matters to be included in plan</p> | <p>1) General</p> <p>The matters required under section 153C (d) of the Act to be included in a plan are as follows:</p> <p>a) a description of the hazards to human health or the environment associated with the activity to which the licence relates (the relevant activity),</p> <p>b) the likelihood of any such hazards occurring, including details of any conditions or events that could, or would, increase that likelihood</p> | <p>Refer to:</p> <ul style="list-style-type: none"> - Appendix 2 of Kooragang 2 Emergency Procedure (WHS-0640). - Appendix 2 Kooragang 3 Emergency Procedure (WHS-0607). <p>Refer to:</p> <ul style="list-style-type: none"> - Appendix 2 of Kooragang 2 Emergency Procedure (WHS-0640). | |

| Legislation | Requirement | Where this requirement is met | Must be Publicly Available? |
|-------------|--|--|-----------------------------|
| | | <ul style="list-style-type: none"> – Appendix 2 Kooragang 3 Emergency Procedure (WHS-0607). | |
| | <p>c) details of the pre-emptive action to be taken to minimise or prevent any risk of harm to human health or the environment arising out of the relevant activity</p> | <p>Refer to:</p> <ul style="list-style-type: none"> – Appendix 2 of Kooragang 2 Emergency Procedure (WHS-0640). – Appendix 2 Kooragang 3 Emergency Procedure (WHS-0607). | |
| | <p>d) an inventory of potential pollutants on the premises or used in carrying out the relevant activity</p> | <p>Refer to:</p> <ul style="list-style-type: none"> – Section 5.2 of Kooragang 2 Emergency Procedure (WHS-0640). – Section 5 Kooragang 3 Emergency Procedure (WHS-0607). | |
| | <p>e) the maximum quantity of any pollutant that is likely to be stored or held at particular locations (including underground tanks) at or on the premises to which the licence relates</p> | <p>Refer to:</p> <ul style="list-style-type: none"> – Section 5 of Kooragang 2 Emergency Procedure (WHS-0640). – Section 5 Kooragang 3 Emergency Procedure (WHS-0607). | |
| | <p>f) a description of the safety equipment or other devices that are used to minimise the risks to human health or the environment and to contain or control a pollution incident</p> | <p>Refer to:</p> <ul style="list-style-type: none"> – Section 5 of Kooragang 2 Emergency Procedure (WHS-0640). – Section 5 Kooragang 3 Emergency Procedure (WHS-0607). | |
| | <p>g) the names, positions and 24-</p> | <p>Refer to:</p> | |

| Legislation | Requirement | Where this requirement is met | Must be Publicly Available? |
|-------------|--|---|-----------------------------|
| | hour contact details of those key individuals who: <ul style="list-style-type: none"> i) are responsible for activating the plan, and ii) are authorised to notify relevant authorities under section 148 of the Act, and iii) are responsible for managing the response to a pollution incident. | <ul style="list-style-type: none"> - Emergency Environmental Response Procedures (EMS-010). | |
| | h) the contact details of each relevant authority referred to in section 148 of the Act . | Refer to Table 3 of this PIRMP. | |
| | i) details of the mechanisms for providing early warnings and regular updates to the owners and occupiers of premises in the vicinity of the premises to which the licence relates or where the scheduled activity is carried on. | Refer to Section 4 of this PIRMP. | ✓ |
| | j) the arrangements for minimising the risk of harm to any persons who are on the premises or who are present where the scheduled activity is being carried on. | Refer to: <ul style="list-style-type: none"> - Section 5 of Kooragang 2 Emergency Procedure (WHS-0640). - Section 5 Kooragang 3 Emergency Procedure (WHS-0607). | |
| | k) a detailed map (or set of maps) showing the location of the premises to which the licence relates, the surrounding area that is likely to be affected by a pollution incident, the location of potential pollutants on the premises and the location of any stormwater drains on the premises | Refer to EPL 1967 Plan Ref:A625405 | |

| Legislation | Requirement | Where this requirement is met | Must be Publicly Available? |
|--------------------------|--|--|-----------------------------|
| | l) a detailed description of how any identified risk of harm to human health will be reduced, including (as a minimum) by means of early warnings, updates and the action to be taken during or immediately after a pollution incident to reduce that risk | Refer to Section 4 of this plan | |
| | m) the nature and objectives of any staff training program in relation to the plan | Refer to: – Section 5.8 of Kooragang 2 Emergency Procedure (WHS-0640). – Section 5.8 Kooragang 3 Emergency Procedure (WHS-0607). | |
| | n) the dates on which the plan has been tested and the name of the person who carried out the test | Refer to the Quality Information section of this document | |
| | o) the dates on which the plan is updated | Refer to the Quality Information section of this document | |
| | p) the manner in which the plan is to be tested and maintained. | Refer to Section 5 of this plan | |
| | 2) Trackable waste transporters | Not applicable. | |
| 98D Availability of plan | 1) A plan is to be made readily available: a) to an authorised officer on request, and | The PIRMP will be made readily available to an authorised EPA officer on request. | |
| | b) at the premises to which the relevant licence relates, or where the relevant activity takes place, to any person who is responsible for implementing the plan. | A copy of the PIRMP is kept onsite at each security guard house. | |
| | 2) A plan is also to be made publicly available in the following manner within 14 days after it is prepared: a) in a prominent position on a publicly accessible website of the person who is required to | The PIRMP is publicly available on Port of Newcastle's Website | ✓ |

| Legislation | Requirement | Where this requirement is met | Must be Publicly Available? |
|---------------------|---|--|-----------------------------|
| | b) prepare the plan, if the person does not have such a website—by providing a copy of the plan, without charge, to any person who makes a written request for a copy. | | |
| | 3) Subclause (2) applies only in relation to that part of a plan that includes the information required under: a) section 153C (a) of the Act, and b) clause 98C (1)(h) and (i) or (2)(b) and (c) (as the case requires). | The publicly available PIRMP includes those sections referred to in the Act and Regulation (refer to the right-hand column of this Table 1). | |
| | 4) Any personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a plan that is made available to any person other than a person referred to in subclause (1). | Noted. | |
| 98E Testing of plan | 1) The testing of a plan is to be carried out in such a manner as to ensure that the information included in the plan is accurate and up to date and the plan is capable of being implemented in a workable and effective manner. | See Section 5.0 of this plan | |
| | 2) Any such test is to be carried out: a) routinely at least once every 12 months, and b) within 1 month of any pollution incident occurring in the course of an activity to which the licence relates so as to assess, in the light of that incident, whether the information included in the plan is accurate and up to date and the plan is still capable of being implemented in a workable and effective manner. | See Section 5.0 of this plan | |

3.0 Pollution Incident Notification Protocol

This Section of the PIRMP sets out the procedure to be followed by PON in notifying a pollution incident to authorities.

3.1 Who do you notify?

Firstly, call 000 if the incident presents an immediate threat to human health or property. Fire and Rescue NSW, the NSW Police and the NSW Ambulance Service are the first responders, as they are responsible for controlling and containing incidents.

If the incident does not require an initial combat agency, or once the 000 call has been made, you must immediately notify the NPC Vessel Traffic Information Centre (VTIC) of the incident and all relevant information about it. Contact NPC VTIC by phoning the Port Wide Emergency Line (contact details are provided in Table 2) below.

Table 2 Notification to VTIC

| Contact | Phone Number |
|--------------------------|--------------|
| Port Wide Emergency Line | 02 4929 3890 |

Immediately following notification to NPC VTIC, you must report the incident to the applicable Supervisor. The NPC VTIC is to use the agreed decision support tool to direct incident information to PON where the incident response lies with PON.

The Vessel Scheduler must contact the on call PON Duty Manager who will consult the PON General Manager Operations.

The PON Duty Manager is:

- i) responsible for activating the PIRMP, and
- ii) authorised to notify relevant authorities as advised below, and
- iii) responsible for managing the response to a pollution incident.

Upon receiving notification, the Duty Manager must determine the level of the incident. If the event is a pollution incident (refer to section 1.1), the Duty Manager must then immediately (that is, promptly and without delay), provide notification of the pollution incident to all the authorities identified in Table 3, in the order as listed.

Table 3 Notification to Relevant Authorities

| Contact | Phone Number |
|--|---|
| 1. The EPA Environment Line | 131 555 |
| 2. The Ministry of Health via the Newcastle office of the Public Health Unit | Ph: 02 4924 6477 (after hours calls divert to John Hunter Hospital - ask for the Public Health Officer on call) |
| 3. The WorkCover Authority | 13 10 50 |
| 4. Newcastle City Council | Water pollution incident reporting: 02 4974 2525 (during business hours) After hours phone the call centre: 4974 2000. Ask for the Compliance Duty Officer) |
| 5. Fire and Rescue NSW | 000 |

Whenever you make an incident notification you must **contact all five** relevant authorities. For example:

- If you initially rang Fire and Rescue on 000 due to an immediate threat to life and property, you must still contact the other four authorities; or
- If the incident did not require an initial combat agency, you must still notify all of the response authorities (including Fire and Rescue) in the order listed in Table 3.

You do not have to notify if you know that all relevant authorities are already aware of the incident (section 151 POEO Act).

If, at the time of making the notification, you believe that some of these authorities do not need to attend the incident, you may provide that advice. However, you must still provide all the information you have regarding the incident to each authority. It is the responsibility of each authority to decide whether they need to attend the incident.

Where authorities decide not to attend, the incident notification enables each authority to respond to enquiries about the incident and provides them with initial information in the event that the incident escalates or their involvement in managing the incident is required at some later stage.

PON may also need to make the following notifications:

- If the incident is also a security incident, PON must notify the Department of Infrastructure, Transport, Regional Development and Local Government within four hours of being notified. Contact details are found in the Port Security Management System.;
- If the incident is a ship related incident or pollution and oil spill, PON must notify NSW Maritime's 24 hour Duty Officer, on 02 9962 9074; and
- If the incident involves an accident that involves a commercial vessel and /or a serious injury/fatality, PON must notify NSW Maritime Incident Reporting Hotline, on 0419 434 826.

3.2 What information must you provide?

Sufficient detail of the incident must be reported to the EPA to enable appropriate follow-up action. The relevant information required includes:

- a) the time, date, nature, duration and location of the incident;
- b) the location of the place where pollution is occurring or is likely to occur;
- c) the nature, the estimated quantity or volume and the concentration of any pollutants involved, if known;
- d) the circumstances in which the incident occurred (including the cause of the incident, if known); and
- e) the action taken or proposed to be taken to deal with the incident and any resulting pollution or threatened pollution, if known.

Any information that is not known when the incident is notified must be provided immediately once it becomes known.

3.3 Coordination with authorities

In the event of an immediate threat to life and property, the incident will be coordinated by emergency services. PON will act under instruction from emergency services and take any action as directed to combat pollution caused by the incident.

Following initial notification, the PON person through whom all communications are to be made to coordinate with authorities is the PON Duty Manager. Contact details are provided in Table 4.

Table 4 PON Person to Communicate with Authorities

| Contact | | Phone Number |
|---|-----------------------------|------------------------------|
| PON Duty Manager (who will consult with PON General Manager Operations) | Glen Hayward Keith Wilks | 0407 040 719 0412 872 762 |

4.0 Notifying a Pollution Incident to Neighbours

This section of the PIRMP sets out the procedures to be followed by PON in notifying a pollution incident to the owners or occupiers of premises in the vicinity of K2.

4.1 Wider notification

The EPA can formally direct PON to notify others. If so directed, PON would contact commercial, industrial and residential neighbours to inform them of the circumstances of the incident and what action is being taken in response to it. It will be an offence not to comply with such a direction.

The EPA may advise PON of the extent of notification required. If not, PON would determine the extent of who to contact based on the nature of the pollution incident and the conditions at the time (for example, the type of pollutant, prevailing winds, magnitude of incident, and possible impacts).

In addition to the above notification process, advice would also be sought from relevant tenants should the pollution incident involve their product, as follows:

- Carrington Precinct: Graincorp; Citrosuco; BP; Conports; NAT; Patricks
- Kooragang 2: Orica; Cement Australia; Cargill
- Kooragang 3: Kooragang Bulk Facilities; Incitec Pivot; Cargill
- Mayfield 4: Stolthaven

In this instance each tenant would implement their respective Pollution Incident Management Plan.

4.2 Communication mechanisms

In the event that the pollution incident is being coordinated by emergency services, communications would be under the control of emergency services. Emergency services are able to send out SMS messages to defined catchment areas to alert and advise the community if required. PON's governance team (through the person nominated at Table 4) would work with emergency services to provide communications assistance and support, including direct doorknocks if they were required.

If communication is not coordinated by emergency services, notification to the owners or occupiers of premises in the vicinity of K2 would be coordinated by the person nominated in Table 4.

PON has in place mechanisms for providing early warnings and regular updates to the owners and occupiers of premises in the vicinity of the berths, and the community. The mechanisms available include:

- SMS messages to immediate neighbours;
- media releases to the broader community (radio and television);
- incident notification on the PON website;
- emails to community representatives; and
- doorknocking of affected community members.

The communication response to be used in the event of a pollution incident would depend on the circumstances of the event, and any direction that may be provided by the EPA.

A media liaison officer is available to be contacted 24/7 in the event that a media release is required. Media updates could be provided on an ongoing basis depending on the incident.

PON conducts a consultative meeting with various Newcastle Port users every three months (Newcastle Port User Group). This two-way consultative meeting could also be a forum for PON to report on any progress, updates or changes following an incident to Port users.

4.3 Information to be provided

In the event of a pollution incident, communication to the community would include specific information to minimise the risk of harm. For example, this may include instructions to close windows and doors and remain inside for incidents involving emission of air pollutants.

The information to be provided would be dependent on the nature and circumstances of the event.

5.0 Testing of the Plan

Testing requirements are outlined in section 98E of the Protection of the Environment Operations General Amendment (Pollution Incident Response Management Plans) Regulation 2012:

- (1) The testing of a plan is to be carried out in such a manner as to ensure that the information included in the plan is accurate and up to date and the plan is capable of being implemented in a workable and effective manner.
- (2) Any such test is to be carried out:
 - (a) routinely at least once every 12 months, and
 - (b) within 1 month of any pollution incident occurring in the course of an activity to which the licence relates so as to assess, in the light of that incident, whether the information included in the plan is accurate and up to date and the plan is still capable of being implemented in a workable and effective manner.

Section 5 of the EPA's Environmental Guidelines: Preparation of pollution incident response management plans identifies that there are two methods of testing these are:

- Undertaking desktop simulations; and
- Practical exercises or drills.

Testing must cover all components of the plan. Additional matters to be included in plan are outlined in section 98C of the Regulation:

- (n) the dates on which the plan has been tested and the name of the person who carried out the test,
- (o) the dates on which the plan is updated,
- (p) the manner in which the plan is to be tested and maintained.

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