



POLLUTION INCIDENT RESPONSE MANAGEMENT PLAN

EPL 131831 Mayfield Berth 4

13 JULY 2022

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DOCUMENT CONTROL

Version	Date	Author	Reviewer	Purpose
A	11/07/2012	Alison Dodds, AECOM; Jackie Spiteri – Environment, Sustainability and Planning Manager	Graham Taylor Technical Director – Environment	Draft
B	14/08/2012		Graham Taylor Technical Director - Environment	Draft (Updated following meeting with NPC)
C	27/08/2012		Graham Taylor Technical Director - Environment	Final Working Copy
D	3/09/2012		Ron Sorensen General Manager Operations NPC	Final Copy following NPC update of internal procedures
E	16/08/2013		Ron Sorensen General Manager Operations NPC	Final Copy following PIRMP Test Annual Review
F	26/06/2014		Keith Wilks General Manager Operations PON	Updated to reflect Port of Newcastle transition and updated procedures
G	13/07/2022		Brigid Kelly Environment Manager	Update to reflect new documents, procedures, and general changes to the document

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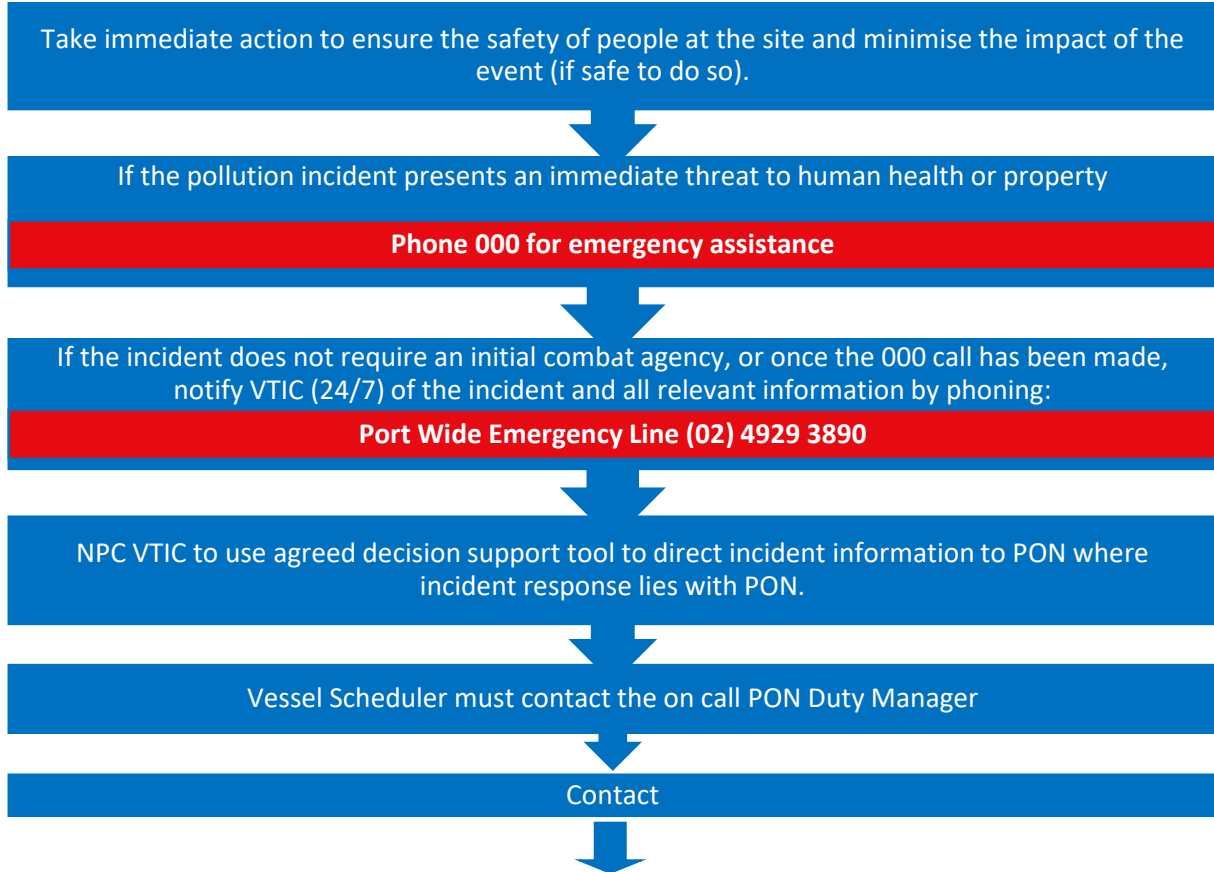
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Environment Protection Licence (EPL) Details	
Name of licensee: (including ABN)	Port of Newcastle Operations Pty Limited 13 165 332 990
EPL number:	13181
Premises name and address:	Mayfield No. 4 Berth Off Selwyn Street Mayfield North NSW 2304
Company or business contact details	(02) 4908 8200
Website address:	www.portofnewcastle.com.au
Scheduled activity/activities on EPL	Shipping in bulk
Fee-based activity/activities on EPL:	Shipping in bulk
Pollution incident – person/s responsible	
PIRMP Activation	Position or title: PON Duty Manager – Senior Manager Operations (or when unavailable Executive Manager Marine & Operation)
Notifying relevant authorities Notification should be made by a person with an appropriate level of authority within the company.	Name of person responsible: Glen Hayward Position or title: Executive Manager Marine & Operations
Managing response to pollution incident	Name of person responsible: Glen Hayward Position or title: Executive Manager Marine & Operations

What to do if an Incident Occurs

A 'Pollution incident is an incident that causes or threatens harm to the environment (See SI.1).



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)
SafeWork NSW	131 050
Newcastle City Council	Water Pollution incident reporting (02) 4974 2000 Environmental Services Unit (02) 4974 2000
Fire and Rescue NSW	000
Portwide Reporting Number	(02) 4929 3890

1. INTRODUCTION

This pollution incident response management plan (PIRMP) has been prepared for Port of Newcastle's (PON's) Mayfield No. 4 Berth (M4). 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 *Protection of the Environment Operations Act 1997* (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

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. 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.

2.1. 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. Follow **Table I**, in the order as listed.

Table I 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. SafeWork NSW	13 10 50
4. Newcastle City Council	Water pollution incident reporting: 02 4974 2000 (during and after business hours)
5. Fire and Rescue NSW	000

Whenever you make an incident notification you must **contact all five (5)** relevant authorities. For example:

- If you initially called 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 I**.

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.

2.2. 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. 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 M4.

3.1. Wider notification

The EPA can formally direct PON to notify others. If so directed, PON would contact the 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; Rex Andrews

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

3.2. 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 **Executive Manager Marine & Operations** or **appropriate persons** to 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 M4 would be coordinated by PON's **Executive Manager Marine & Operations**.

PON has in place mechanisms for providing early warnings and regular updates to the owners and occupiers of premises in the vicinity, and to the broader community if required. 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.

PON's **Executive Manager Corporate Affairs and Strategy (or delegate)** 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 Newcastle Port users every three months under the Newcastle Port User Group (NPUG). This two-way consultative meeting has capability to be a forum for PON to report on any progress, updates or changes following an incident to Port users.