

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Tuesday, 3 March 2015 12:26 PM
To: GONZO Gus
CC: WAKE Chris
Subject: Inspection outcome letter_Glencore and NSS_19 and 20 feb 15
Attachments: Inspection outcome letter_Glencore and NSS_19 and 20 feb 15.docx

Gus,

Draft Glencore letter attached for review. Have proposed I sign it out, so let me know if you'd prefer it to go under your signature. I'll draft a separate letter to NSS based on this one.

Cheers,
Tony

Released under the RTI Act 2009 - EHP



Our ref: 101/0009170 and CR66501
Your ref: EPPR01436113

Department of
**Environment and
Heritage Protection**

3 March 2015

73(2)Irrelevant
Senior Environmental Advisor
Mt Isa Mines Limited T/A Glencore Port Operations
PO Box 5484
TOWNSVILLE QLD 4810

[By Email] 73(2)Irrelevant

Dear 73(2)Irrelevant

Compliance inspection outcome - Environmental authority EPPR01436113

I refer to the compliance inspection conducted by the Department of Environment and Heritage Protection (EHP) on 19 and 20 February 2015 at berth 8 Port of Townsville (POT). The compliance inspection was undertaken by authorised officers Ms Nina Henney, Ms Wendy Logan and Mr Anthony Morrison of EHP in the presence of representatives of Mt Isa Mines Limited trading as Glencore Port Operations (Glencore), and Northern Stevedoring Services (NSS).

The purpose of the inspection was to evaluate compliance with conditions of environmental authority (EA) EPPR01436113 and more generally, to evaluate the loading of lead dross undertaken at berth 8.

While undertaking the inspection, EHP identified a non-compliance with the EA which is outlined as follows:

Table 1: Details of Non-Compliance with EA EPPR01436113

Condition number	Detail of non-compliance
Schedule B Air – Condition B7	<u>Condition:</u> <i>There must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity.</i> <u>Detail of non-compliance:</u> During the inspections on both the 19 th and 20 th of February EHP authorised officers observed visible dust being released from the ships hold during the loading of lead dross.

You are advised that it is an offence under section 430 of the *Environmental Protection Act 1994* to contravene a condition of an environmental authority and penalties of up to 6250 (\$711,562.50) penalty units or 5 years imprisonment apply.

Level 10 Verde Tower
445 Flinders St Townsville
PO Box 5391 Townsville
Queensland 4810 Australia
Telephone + 61 7 4722 5353
Facsimile + 61 7 4722 5351
Website www.ehp.qld.gov.au
ABN 46 640 292 465 17

EHP notes that NSS was undertaking the loading of lead dross on behalf of Glencore and advises both companies that EHP is currently considering compliance action in response to the non-compliance identified. To be clear, EHP reserves its rights to take compliance and enforcement action in relation to this non-compliance.

I draw your attention to section 431 of the *Environmental Protection Act 1994* (EP Act) which outlines;

431 Environmental authority holder responsible for ensuring conditions complied with

- (1) The holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.
- (2) If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complied with conditions.
- (3) Maximum penalty – the penalty under section 430(2) or (3) for the contravention of conditions.

The department considers this breach with the release of lead dross dust to the atmosphere to be a very serious matter.

Should you wish to discuss any of the matters raised in this letter please contact myself on 4722 53240 or at anthony.morrison@ehp.qld.gov.au.

Yours sincerely

Anthony Morrison
A/Compliance Delivery Manager, North Queensland
Environmental Services and Regulation
Department of Environment and Heritage Protection

From: GONZO Gus [Gus.Gonzo@ehp.qld.gov.au]
Sent: Tuesday, 3 March 2015 1:04 PM
To: MORRISON Anthony
CC: WAKE Chris
Subject: RE: Inspection outcome letter_Glencore and NSS_19 and 20 feb 15

Tony,

Happy for you to sign the letter. My only comments would be that maybe you should highlight GED, and indicate that we intend to present for future loading events and that any non compliances associated with these events will also be considered in terms of the enforcement guidelines.

Regards

Gus

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Cheers,

Tony

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Wednesday, 4 March 2015 12:11 PM
To: GONZO Gus
Subject: RE: Inspection outcome letter_Glencore and NSS_19 and 20 feb 15

Thanks Gus, should be ok.

Anthony Morrison
A/Compliance Delivery Manager, North Queensland
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: GONZO Gus
Sent: Wednesday, 4 March 2015 12:07 PM
To: MORRISON Anthony
Cc: WAKE Chris
Subject: RE: Inspection outcome letter_Glencore and NSS_19 and 20 feb 15

Hi Tony,
I called but you were tied up. The letter was not attached. Regardless, I don't see a need to see before it goes out. If you need some advice on it though, just let me know.
Gus

From: MORRISON Anthony
Sent: Tuesday, 3 March 2015 2:05 PM
To: GONZO Gus
Cc: WAKE Chris
Subject: RE: Inspection outcome letter_Glencore and NSS_19 and 20 feb 15

Gus,

Revised draft attached.

Cheers,
Tony

Anthony Morrison
A/Compliance Delivery Manager, North Queensland
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

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Cheers,
Tony

From: GONZO Gus [Gus.Gonzo@ehp.qld.gov.au]
Sent: Wednesday, 25 March 2015 2:17 PM
To: MORRISON Anthony
CC: HENNEY Nina; CAVICCHIOLO Mark; LOGAN Wendy
Subject: RE: NSS/Glencore ABR and attachments

Hi can I get a copy of attachment 4?

Regards

Gus

From: MORRISON Anthony
Sent: Wednesday, 25 March 2015 10:58 AM
To: GONZO Gus
Cc: HENNEY Nina; CAVICCHIOLO Mark; LOGAN Wendy
Subject: NSS/Glencore ABR and attachments

Gus,

Please find attached a draft ABR for the NSS and Glencore loading of lead dross at berth 8 in the Port of Townsville for consideration. The attachments include video and photos that make them too large to email, so I've saved them in T/far_northern/Gus Gonzo/NSS-Glencore.

Cheers,

Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

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Glencore Lead Dross loading 19/2/15

- Site contact

73(2)Irrelevant

- Manager

73(2)Irrelevant

- NSS loading lead dross under Glencore approval

- I at 5:10 pm met

73(2)Irrelevant

at

gate to berth 8

- Ning B I showed our authorised officer cards B gave an overview of our interest & what we'd like to do

- Asked about WH&S requirements &

s.73

gave us a run down

- Went to the vicinity of loading on the berth

s.73

advised load 5,500t & was expected to take approximately 40 hours

- loaded using ships cranes & rotainer box

- Some sprays in operation & advised by

s.73

& more being brought in / installed

- David King joined us, advised that some sprays in operation but brought over extra as some were dusty
- Winds relatively light at berth level
- 1.5% moisture $\pm$ TML $\pm$ 5.9%
- Only about 10% fines
- From berth container came out dropping from sprays
- no obvious dust on container when removed from hold
- Operating a sweeper on the berth to pick up any dust
- Went on ship approximately 5:45pm
- limited product loaded 9-10 boxes mixture of fines & coarse, fines evident spread through base of hold, 4x spray bars currently in place
- Swapping out spray bars for better one
- s.73 will follow up providing copy of air grab
- Risk assessment meeting done w/ NSS
- raised air quality program.
- raised issue of B12 is nearfield
- Ventilation monitoring raised for modelling
- s.73 advised have internal monitoring program as well as the port ambient program
- No specific monitoring in place for this loading operation
- 1.1 M for Zn for this year
- lead for this year but only excess from smelter

* [REDACTED]

73(2) Irrelevant

- Spray bars set up 6:35pm
- 1st box tip + product very dusty
- B filled the bottom of hold with dust
- 2nd box again very dusty & possible emissions but difficult to distinguish from m.k. & container unit

- observed dust in suspension after sprays cease (1 min after tip) also observed what appeared to be dust leaving hold after sprays off
 - 3rd box not as dusty
 - Spoke w/ [REDACTED] s.73 advised ↑ levels of dust being generated - still in suspension after sprays turned off & observed leaving hold → advised [REDACTED] s.73 to look at implementing controls to mitigate
 - [REDACTED] s.73 said will start wetting boxes to moisten product - very dry currently
 - advised [REDACTED] s.73 on 2 occasions that observed dust leaving hold
 - Material dispersible in suspension 4-5 minutes after last rot box tipped & sprays turned off
 - Particles visible in flash of camera 7:06 pm
 - Stereodopes on meal break from 7 pm
 - Spoke with David King advised of ~~operations~~ observations & that saw dust leaving hold. Advised to look for additional control measures & to ensure sprays are utilised extensively to minimise release
- 49-Sch4 - Personal Information 19/2/15 N. Henney N. Henney.

20/2/15 Glencone/NSS

[REDACTED] 73(2) Irrelevant

[REDACTED] 73(2) Irrelevant

- Met Glencone reps 11:15 am
- [REDACTED] 73(2) Irrelevant advised have been wetting salt heights in shed & have made an improvement in the levels of dust generated
- Boxed in Isa in October 2014 originally planned to ship in November
- Estimate fines < 1% moisture
- Stereodopes on break when we arrived
- On vessel 11:51 am

- First box ↑ dust generated & observed what appeared dust emissions from hold in vortex created by hatch cover
- Observed distinct difference in behaviour pattern between spray mist & dust. Misters had been on for period prior to the tip & the dust created an Air volume & material observed leaving & the colour compared to mist alone. Advised s.73 of this
- 2nd box again very dusty & observed dust rising & leaving the hold
- 73(2)Irrelevant advised they have been hosing 3 min per box & are going to increase to 5
- 12:05 called Scott to advise of observation from first two boxes
- Currently too much water in ship to transport & looking at cleanit to come in at 73(2)Irrelevant & sack out 4:00pm
- Advised 73(2)Irrelevant that saw visible dust leave the hold on the two boxes returned to above s.73 acknowledged
- Advised 73(2)Irrelevant this was a breach of EA & visible dust condition.
- s.73 asked what would occur & I advised of internal process. I advised that as lead product would be viewed as serious issue by department
- Spoke w/ Scott Sullivan on phone
- Advised 73(2)Irrelevant that breach unacceptable & need to look at all options to prevent.
- 12:37pm box, significant dust observed rising to the level of spray bars. Did not see visible dust leaving the hold, was ↑ level of spray leaving the hold. This box had had for hosing time than the ones I observed at start of inspection
- Next box still significant dust. Possible dust (minor) leaving hold on SW corner but unable to definitively say.
- Observation from Nina Henry of box

while I was on phone to Scott Sullivan. Box very dusty - equivalent to last night ~ 12:50 am
 - Spoke w/ Dave King, Mark Hansell & [redacted]

73(2)Irrelevant

Advised of breach, not acceptable & need to look at all options for dust minimisation
 - 73(2)Irrelevant advised look at machinery to increase wetting of boxes

- left berth ~ 1:00 pm

- Spoke with 73(2)Irrelevant & advised of what observed with breach, unacceptable for it to continue & need to look at all options to reduce dust

sch4p4(6) Personal information

20/2/15

N. Henney. N. Henney.

20/2/15

Anthony Morrison & Wendy Logan

- Arrived at Port ~ 3:00 pm

73(2)Irrelevant

& Dave King

- 73(2)Irrelevant advised stopped load - ship going to anchor while identify way to load.
 - Not sure when will start again
 - Won't be able to obtain sample till begin handling product again

- looked at potential sites in Glencore area, 2 potential → 73(2)Irrelevant the contact for access

73(2)Irrelevant

said they would give as much notice as possible for when loading commences.

73(2)Irrelevant

- 73(2)Irrelevant confirmed they would provide us with a sample of the product when they begin handling again.

- I continued seeking copy of monitoring program

From: DARVALL David [David.Darvall@ehp.qld.gov.au]
Sent: Thursday, 26 March 2015 8:48 AM
To: GONZO Gus; BRAIN Tim (EHP); WALL Kate; TARLINTON Sam
Subject: RE: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (3)

I think they've done a text book response to the specific issue, and their explanation of the issue is good; seems to be a pretty clear prima facie.

What I don't get a feel for is the importance of the dust leaving the hold, and whether we have vast billowing clouds or a thin plume. My experience with bulk loaders at Newcastle ports was that to reduce dust they ultimately had to reengineer their loading chutes which took about 6 months of trial and error. So with the best will in the world maybe the client cant effectively fix the dust immediately – the water thing doesn't seem to be working for them? So is a longer term instrument more appropriate. Does the compliance centre need to get their attention through a pin – ie are they not very responsive to our historical approaches. Are there any complaints which makes this an immediate issue, or do we have scope to issue an instrument to move them into compliance over time?

I don't get a feel from this that this is a very aggravating situation; although I think they've done a enough to prima facie issue a pin. If we do go with pin, obviously they'll need to pair it with some further action. Ultimately I think I'd like to see more about the seriousness of the breach.

Dave Darvall

Manager (Compliance) | Industry & Development
Environmental Services and Regulation

Department of Environment and Heritage Protection

173 Hume St, Toowoomba

Tel: (07) 4699 4314 | **Email:** david.darvall@ehp.qld.gov.au | **Web:** www.ehp.qld.gov.au

From: GONZO Gus
Sent: Wednesday, 25 March 2015 4:07 PM
To: DARVALL David; BRAIN Tim (EHP); WALL Kate; TARLINTON Sam
Cc: GONZO Gus
Subject: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (3)

Hi all

I would like to table the attached for moderation tomorrow to progress to csc for a decision.

2 PINs one for NSS one under 430 and one for Glencore under 431.

Relates to lead dross loading at the port of Townsville.

Happy to discuss

Let me know if you would like to see any of the attachments

Gus

From: TARLINTON Sam [Sam.Tarlinton@ehp.qld.gov.au]
Sent: Thursday, 26 March 2015 9:45 AM
To: DARVALL David
CC: GONZO Gus; BRAIN Tim (EHP); WALL Kate
Subject: Re: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (3)

The environmental/community risks around Lead put most of the materials that we deal with in the shade. This stuff being dross makes it likely to be lead oxide, so not as bad from an ecological availability point of view as the lead carbonate that was the big drama at port of Esperance a few years ago.

I think that having observed any material leaving the activity (noting that we wouldn't be able to prove that what was seen 'hanging' in the air was the material being loaded) a PIN is entirely appropriate.

They will be paying vastly more for demurrage in this exercise than the PIN will cost them.

st

On 26 Mar 2015, at 8:48 am, DARVALL David <David.Darvall@ehp.qld.gov.au> wrote:

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From: DARVALL David [David.Darvall@ehp.qld.gov.au]
Sent: Thursday, 26 March 2015 5:35 PM
To: GONZO Gus
CC: BRAIN Tim (EHP)
Subject: RE: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (3)

Having heard dean Ellwood talk re Townsville lead issues I think providing that the prima facie is solid, the pin is a no brainer. Seems pretty much anything we can do in that space is welcome, and the compliance officers are not overreacting to minor dust levels – they are reacting to increasing ambient dust levels in town and everyone needs to be playing their A game to bring them down. I retract my previous comments on this one.

From: GONZO Gus
Sent: Wednesday, 25 March 2015 4:07 PM
To: DARVALL David; BRAIN Tim (EHP); WALL Kate; TARLINTON Sam
Cc: GONZO Gus
Subject: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (3)

Hi all

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Relates to lead dross loading at the port of Townsville.

Happy to discuss

Let me know if you would like to see any of the attachments

Gus

Released under the RTI Act 2009 - EHP

From: GONZO Gus [Gus.Gonzo@ehp.qld.gov.au]
Sent: Tuesday, 31 March 2015 3:21 PM
To: MORRISON Anthony
CC: Cavicchiolo Mark (Mark.Cavicchiolo@ehp.qld.gov.au)
Subject: ESR Alert - PINs Endorsed by the Compliance Steering Committee

Hi Tony,
As discussed can you please QA.
Cheers
Gus

ALERT CATEGORY:

- Penalty Infringement Notices (PIN)

ALERT NAME:

- Compliance Steering Committee decision to approve 4 PINs – 31/03/15

CUSTOMER DETAILS:

- 73(2)Irrelevant
- Mount Isa Mines Limited trading as Glencore Port Operations (Glencore)
- Northern Stevedoring Services Pty Ltd (NSS)

SUMMARY OF ISSUE/S:

73(2)Irrelevant

Mount Isa Mines Limited trading as Glencore Port Operations (Glencore) and Northern Stevedoring Services Pty Ltd (NSS)

- In response to a complaint, EHP inspected the loading of Glencore's lead dross at the Port of Townsville.
- Loading was being conducted by NSS, under an EA held by Glencore.
- Glencore's EA has a condition which effectively requires that there be no visible dust emissions during ship loading operations.
- The loading consisted of half height containers being emptied into the ships hold using a rotainer system.
- There were some dust controls in place (mist sprays and operational controls) during the loading.
- In response to EHPs regular feedback over a period of two days, additional dust mitigation measures were continually added to the process (eg wetting down of containers).
- There was no event based monitoring in place by either company. Metrological conditions were not favourable

to pick up any impact at the nearby DSITI monitoring station.

- When EHP indicated that they intended on installing monitoring equipment, the companies involved made the decision to cease loading and sent the ship to anchor.
- The lead dross being loaded contained a high proportion of fine material and was very dry with a low moisture content.
- On various occasions during the loading event, authorised officers observed that when the containers were tipped into the ships hold, significant quantities of dust were generated, including visual emissions of dross dust exiting the ships hold.
 - Glencore - 1 x PIN for an offence against s.431 (2) (Environmental authority holder responsible for ensuring conditions complied with) \$11,385
 - NSS - 1 x PIN for an offence against s.430 (3) (Contravention of condition of environmental authority) \$11,385

POTENTIAL IMPACTS / RISKS:

- The infringement notices are a significant financial penalty and may be appealed.

CUSTOMER ACTIONS:

- Clients have not yet been advised of the decisions.

DEPARTMENT ACTIONS:

[HISTORICAL ACTIONS]

- Compliance centre has been advised of the outcome of the CSC decision and are preparing a PIN for issuing by the relevant Manager (Compliance).

[PLANNED ACTIONS]

- The PINs will be issued as soon as practicable.

KEY COMMUNICATION MESSAGES:

- EHP is taking strong enforcement action where significant breaches of environmental protection legislation occur.

CONTACT DETAILS:

- Name: Rob Lawrence
- Phone number: 4222 5338
- Division: Environmental Services and Regulation

This email is an initial alert in respect of this matter.

If further advice or action is required, it will be communicated via normal channels such as a briefing note.

END

From: LITTLE Rob [Rob.Little@ehp.qld.gov.au]
Sent: Tuesday, 31 March 2015 3:40 PM
To: GONZO Gus
Subject: matters with I&D delegate

Hi Gus, list of matters with delegate as discussed.

73(2)Irrelevant

Glencore//NSS draft ABR	Revised draft sent to Delegate 25/3/15; Delegate advised it will be discussed during CSC moderation on Thursday 26/3/15
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73(2)Irrelevant

73(2)Irrelevant

Rob Little
Compliance Delivery Manager, North Qld Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection
Telephone 07 4222 5466
Mobile 07 4222 5466
Email: rob.little@ehp.qld.gov.au
5b Sheridan Street Cairns Q 4870.
PO Box 7230 Cairns Q 4870.

ehp-email-signature



From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Tuesday, 31 March 2015 4:13 PM
To: GONZO Gus
CC: ANSCOMB Matt
Subject: Lead dross

Gus,

Lead dross is a by-product of the lead smelting process. The material being loaded by NSS under the Glencore approval was produced in Mt Isa. During the inspection Glencore advised that the majority of the dross produced in Mt Isa was fed back through the smelting process, but there was an excess produced that was stored then shipped out of Townsville. Lead dross shipments have only been occurring every one to two years.

We have not been supplied with an MSDS for the MIM product. General information identifies lead dross is comprised primarily of lead oxides with minor parts other metals. The material has a high percentage of lead and consequently is in the same category as lead concentrate when considering environmental risk and potential impacts.

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

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Released under the RTI Act 2009 - EHP

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Wednesday, 1 April 2015 9:24 AM
To: GONZO Gus
Subject: PINs

Gus,

Nina is drafting the cover letters for Glencore and NSS 73(2)Irrelevant I expect to have drafts to you this morning, along with the signed assessment reports. Do you want PIN's drafted and sent through also?

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
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To: GONZO Gus
CC: HENNEY Nina; ANSCOMB Matt; CAVICCHIOLO Mark
Subject: RE: PINs
Attachments: SKMBT_C45215040112030.pdf

Gus,

Should have the Glencore and NSS draft cover letters to you shortly along with the draft PIN's. Attached is the signed ABR.

s.73

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

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From: GONZO Gus
Sent: Wednesday, 1 April 2015 9:39 AM
To: MORRISON Anthony
Subject: RE: PINs

Thanks Tony,
Re Pins, if you could do a draft of them, using a photocopied version. I will do the finals here.
Cheers
Gus

From: MORRISON Anthony
Sent: Wednesday, 1 April 2015 9:25 AM
To: GONZO Gus
Subject: PINs

Gus,

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To: GONZO Gus
CC: HENNEY Nina; CAVICCHIOLO Mark
Subject: Cover letter PIN5947_NSS_final (3)
Attachments: Cover letter PIN5947_NSS_final (3).docx; DRAFT PIN NSS.PDF

Gus,

Please find attached a draft cover letter and PIN for NSS for consideration.

Cheers,
Tony

Released under the RTI Act 2009 - EHP

From: WAKEFIELD Hollie [Hollie.Wakefield@ehp.qld.gov.au]

Sent: Thursday, 2 April 2015 9:26 AM

To: GONZO Gus

Subject: FW: ESR Alert - Penalty Infringement Notices, s.73 Glencore, Northern Stevedoring Services

Hi Gus

Alert has been escalated ☺

Thanks

Hollie Wakefield

Executive Officer | Minerals & North Queensland Compliance
Environmental Services & Regulation, Northern Region
Department of Environment and Heritage Protection
Level 3 | 5B Sheridan Street | Cairns
PO Box 7230 | Cairns | QLD 4870

Tel 07 4222 5364 | **Fax** 4222 5070

www.ehp.qld.gov.au

ehp-email-signature



From: LAWRENCE Rob

Sent: Thursday, 2 April 2015 9:06 AM

To: ELLWOOD Dean; MCMAIN Lisa

Cc: Corro EHP ESR MaNQC

Subject: ESR Alert - Penalty Infringement Notices, s.73 Glencore, Northern Stevedoring Services

Dean

At Tuesdays CSC meeting, the below PINs were approved.

ALERT CATEGORY:

- Penalty Infringement Notices (PINs)

ALERT NAME:

- Compliance Steering Committee decision to approve 4 PINs – 31/03/15

CUSTOMER DETAILS:

- 73(2)Irrelevant
- Mount Isa Mines Limited trading as Glencore Port Operations (Glencore)
- Northern Stevedoring Services Pty Ltd (NSS)

SUMMARY OF ISSUE/S:

73(2)Irrelevant

Mount Isa Mines Limited trading as Glencore Port Operations (Glencore) and Northern Stevedoring Services Pty Ltd (NSS)

- In response to a complaint, EHP inspected the loading of Glencore's lead dross at the Port of Townsville.
- Loading was being conducted by NSS, under an EA held by Glencore.
- Glencore's EA has a condition which effectively requires that there be no visible dust emissions during ship loading operations.
- The loading consisted of half height containers being emptied into the ships hold using a rotainer system.
- There were some dust controls in place (mist sprays and operational controls) during the loading.
- In response to EHPs regular feedback over a period of two days, additional dust mitigation measures were continually added to the process (eg wetting down of containers).
- There was no event based monitoring in place by either company. Metrological conditions were not favourable to pick up any impact at the nearby Department of Science, Information Technology and Innovation monitoring station.
- When EHP indicated that they intended on installing monitoring equipment, the companies involved made the decision to cease loading and sent the ship to anchor.
- The lead dross being loaded contained a high proportion of fine material and was very dry with a low moisture content.
- On various occasions during the loading event, authorised officers observed that when the containers were tipped into the ships hold, significant quantities of dust were generated, including visual emissions of dross dust exiting the ships hold.
 - Glencore - 1 x PIN for an offence against s.431 (2) EP Act (Environmental authority holder responsible for ensuring conditions complied with) \$11,385
 - NSS - 1 x PIN for an offence against s.430 (3) EP Act (Contravention of condition of environmental authority) \$11,385

POTENTIAL IMPACTS / RISKS:

- The infringement notices are a significant financial penalty and may be appealed.

CUSTOMER ACTIONS:

- Clients have not yet been advised of the decisions.

DEPARTMENT ACTIONS:

[HISTORICAL ACTIONS]

- Compliance centre has been advised of the outcome of the CSC decision and are preparing a PIN for issuing by the relevant Manager (Compliance).

[PLANNED ACTIONS]

- The clients will be spoken to and PINs will be issued as soon as practicable.

KEY COMMUNICATION MESSAGES:

- EHP is taking strong enforcement action where significant breaches of environmental protection legislation occur.

CONTACT DETAILS:

- Name: Rob Lawrence
- Phone number: 4222 5338
- Division: Environmental Services and Regulation

This email is an initial alert in respect of this matter.

If further advice or action is required, it will be communicated via normal channels such as a briefing note.

END

Rob Lawrence
Executive Director, Minerals & North Queensland Compliance
Environmental Services & Regulation
Department of Environment & Heritage Protection
Telephone: 07 4222 5338 **Facsimile:** 07 4222 5070
Mobile: 49-Sch4 - Personal Information
Email: rob.lawrence@ehp.qld.gov.au
5b Sheridan Street Cairns Q 4870.
PO Box 7230 Cairns Q 4870.

ehp-email-signature



From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Thursday, 2 April 2015 10:30 AM
To: GONZO Gus
Subject: PIN contacts

Gus,

FYI the people we will call at Glencore and NSS regarding the PINS are:

David King, Business Support Manager at NSS

73(2)Irrelevant Superintendent Health, Safety and Environment for Glencore Townsville operations

Cheers,

Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

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From: GONZO Gus [Gus.Gonzo@ehp.qld.gov.au]
Sent: Thursday, 2 April 2015 4:34 PM
To: Fomiatti Minnesma Ingrid (Ingrid.FomiattiMinnesma@ehp.qld.gov.au); SHARPE Dean
Subject: FW: Cover letter PIN5947_NSS_final (3)
Attachments: Cover letter PIN5947_NSS_final (3).docx; DRAFT PIN NSS.PDF

From: MORRISON Anthony
Sent: Wednesday, 1 April 2015 2:59 PM
To: GONZO Gus
Cc: HENNEY Nina; CAVICCHIOLO Mark
Subject: Cover letter PIN5947_NSS_final (3)

Gus,

Please find attached a draft cover letter and PIN for NSS for consideration.

Cheers,
Tony

Released under the RTI Act 2009 - EHP

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]

Sent: Wednesday, 15 April 2015 4:48 PM

To: dking@nsspl.com.au

CC: BUTLER Hamish; CAVICCHIOLO Mark; WAKE Chris

Subject: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

Attachments: NSS Pin .pdf

Dave,

As discussed this morning please find attached a copy of the cover letter and penalty infringement notice (PIN) Q200000040195272 issued to Northern Stevedoring Services Pty Ltd following the breach environmental authority conditions identified during lead dross loading on the 19th and 20th of February 2015. The original is being forwarded via registered mail to the current registered office for Northern Stevedoring Services Pty Ltd at 1st Floor, Port Control Building, Suter pier, Townsville QLD, 4810. If you have questions or wish to discuss the PIN please feel free to contact myself.

Regards,

Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

Released under the RTI Act 2009 - EHP

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]

Sent: Thursday, 16 April 2015 3:50 PM

To: David King

CC: BUTLER Hamish; CAVICCHIOLO Mark; WAKE Chris

Subject: RE: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

Dave,

In the cover letter the department provided what it considered to be sufficient particulars to understand what the offence is and the basis for determining it had occurred. If there are specific questions NSS has on these then let me know and we'll work out the appropriate way to deal with them. As stated in the letter there are options for NSS to have the decision internally reviewed or to elect to have the matter heard in court if it wishes to challenge the decision.

With regards to your query seeking the information provided by Glencore, please be advised that the information was received in written correspondence from Glencore and my understanding is that EHP is not in the position to provide this to NSS. However you may be able to access this through the Right to Information process. Please see the below link to the departments website, specifically in relation to Right to Information.

<https://www.ehp.qld.gov.au/about/rti/index.html>

Regards,

Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: David King [mailto:dking@nsspl.com.au]

Sent: Thursday, 16 April 2015 2:28 PM

To: MORRISON Anthony

Cc: BUTLER Hamish; CAVICCHIOLO Mark; WAKE Chris

Subject: RE: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

Tony, further to the attached PIN we are currently considering our position and, in order for us to make an informed decision we need to fully understand how the department has determined there has been a non compliance with the EA. To that end, can you provide a copy of all evidence held by the department relevant to this non compliance.

In addition, it is stated in the facts and circumstances section of your letter that Glencore has confirmed NSS were operating under the EA on 19 and 20 February 2015.

With regard to that statement can you please provide a copy of the advice from Glencore and, any other relevant information provided to the department

by Glencore.

Regards

David King

Business Support Manager

NSS



Northern Stevedoring Services Pty Ltd ABN:36 009 854 899

P.O. Box 5740 M.C. Townsville, QLD, 4810

Level 1 Port Control Building, Suter Pier, Townsville Port, QLD, 4810

t. 07 4722 4804 | m. 0414 512 002 | f. 07 4772 1413 | e. dking@nsspl.com.au

www.nsspl.com.au

JAS-ANZ



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From: MORRISON Anthony [<mailto:Anthony.Morrison@ehp.qld.gov.au>]

Sent: Wednesday, 15 April 2015 4:49 PM

To: David King

Cc: BUTLER Hamish; CAVICCHIOLO Mark; WAKE Chris

Subject: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

Dave,

As discussed this morning please find attached a copy of the cover letter and penalty infringement notice (PIN) Q200000040195272 issued to Northern Stevedoring Services Pty Ltd following the breach environmental authority conditions identified during lead dross loading on the 19th and 20th of February 2015. The original is being forwarded via registered mail to the current registered office for Northern Stevedoring Services Pty Ltd at 1st Floor, Port Control Building, Suter pier, Townsville QLD, 4810. If you have questions or wish to discuss the PIN please feel free to contact myself.

Regards,

Tony

Anthony Morrison

Team Leader (Compliance)

Northern Region

Environmental Services & Regulation

Department of Environment and Heritage Protection

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PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]

Sent: Monday, 4 May 2015 10:51 AM

To: GONZO Gus

Subject: FW: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Attachments: RE: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994; PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

FYI

Anthony Morrison

Team Leader (Compliance)

Northern Region

Environmental Services & Regulation

Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: WAKE Chris

Sent: Friday, 1 May 2015 2:32 PM

To: Litigation Advice

Cc: MORRISON Anthony

Subject: FW: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Hi Litigation advice,

Please see the email below from Connolly Suthers Lawyers who represent NSS. Attached are the relevant preceding emails.

Can you please advise the appropriate course of action. If you have any queries or require any additional information please give me a call.

Kind regards,

Chris

Christopher Wake

Compliance Delivery Manager | North Queensland Compliance

Environmental Services & Regulation

Department of Environment & Heritage Protection

Telephone (07) 4722 5371 **Facsimile** (07) 4722 5351

Email: chris.wake@ehp.qld.gov.au <<mailto:chris.wake@ehp.qld.gov.au>>

Department of Environment and Heritage Protection

Level 10, Flinders Tower,

445 Flinders Street, Townsville Qld 4810

PO Box 5391, Townsville Qld 4810

www.ehp.qld.gov.au



From: MORRISON Anthony
Sent: Friday, 1 May 2015 1:18 PM
To: WAKE Chris; CAVICCHIOLO Mark; SULLIVAN Scott; GONZO Gus; HENNEY Nina
Cc: ESTownsville
Subject: FW: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Good afternoon all,

Please see below from Brad Skinner acting on behalf of NSS. Seeking advice on the appropriate process for actioning this request.

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
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Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: Renee Lovelady [<mailto:Renee.Lovelady@connollysuthers.com.au>] **On Behalf Of** Brad Skinner
Sent: Friday, 1 May 2015 12:08 PM
To: MORRISON Anthony
Cc: Brad Skinner
Subject: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Attn: Mr Anthony Morrison

Dear Anthony,

We act for Northern Stevedoring Services Pty Ltd.

Our client has provided us with a copy of the Penalty Infringement Notice and your correspondence of 15 April, 2015.

We note your advice that on 19 and 20 February, 2015 EHP Officers observed visible dust being released from the ships hold during the load of lead dross.

Can you please provide us with copies of all video footage that the Department relies on in respect to this infringement so that we can properly advise our client on this matter.

Regards,

Brad Skinner | Partner
Connolly Suthers Lawyers

TOWNSVILLE OFFICE: AMP Building | 416 Flinders Street | Townsville QLD 4810

p 07 4729 6611 f 07 4772 5742

AYR OFFICE: 180 Queen Street | Ayr QLD 4807

p 07 4790 4790 f 07 4790 4799

e brad.skinner@connollysuthers.com.au | www.connollysuthers.com.au

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From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]

Sent: Monday, 4 May 2015 12:01 PM

To: GONZO Gus; CAVICCHIOLO Mark; HENNEY Nina

CC: WAKE Chris

Subject: FW: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

FYI

Anthony Morrison

Team Leader (Compliance)

Northern Region

Environmental Services & Regulation

Department of Environment and Heritage Protection

Level 10, Verde Tower

445 Flinders St, Townsville, QLD, 4810

PO Box 5391

Townsville QLD 4810

Ph: (07) 4722 5240

Fax: (07) 4722 5351

www.ehp.qld.gov.au

sch3(7) Information subject to legal professional privilege

From: WAKE Chris

Sent: Friday, 1 May 2015 2:32 PM

To: Litigation Advice

Cc: MORRISON Anthony

Subject: FW: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Hi Litigation advice,

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Can you please advise the appropriate course of action. If you have any queries or require any additional information please give me a call.

Kind regards,
Chris

Christopher Wake

Compliance Delivery Manager | North Queensland Compliance

Environmental Services & Regulation

Department of Environment & Heritage Protection

Telephone (07) 4722 5371 **Facsimile** (07) 4722 5351

Email: chris.wake@ehp.qld.gov.au <<mailto:chris.wake@ehp.qld.gov.au>>

Department of Environment and Heritage Protection

Level 10, Flinders Tower,

445 Flinders Street, Townsville Qld 4810

PO Box 5391, Townsville Qld 4810

www.ehp.qld.gov.au



From: MORRISON Anthony

Sent: Friday, 1 May 2015 1:18 PM

To: WAKE Chris; CAVICCHIOLO Mark; SULLIVAN Scott; GONZO Gus; HENNEY Nina

Cc: ESTownsville

Subject: FW: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Good afternoon all,

Please see below from Brad Skinner acting on behalf of NSS. Seeking advice on the appropriate process for actioning this request.

Cheers,
Tony

Anthony Morrison

Team Leader (Compliance)

Northern Region

Environmental Services & Regulation

Department of Environment and Heritage Protection

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PO Box 5391

Townsville QLD 4810

Ph: (07) 4722 5240

Fax: (07) 4722 5351

www.ehp.qld.gov.au

From: Renee Lovelady [<mailto:Renee.Lovelady@connollysuthers.com.au>] **On Behalf Of** Brad Skinner
Sent: Friday, 1 May 2015 12:08 PM
To: MORRISON Anthony
Cc: Brad Skinner
Subject: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Attn: Mr Anthony Morrison

Dear Anthony,

We act for Northern Stevedoring Services Pty Ltd.

Our client has provided us with a copy of the Penalty Infringement Notice and your correspondence of 15 April, 2015.

We note your advice that on 19 and 20 February, 2015 EHP Officers observed visible dust being released from the ships hold during the load of lead dross.

Can you please provide us with copies of all video footage that the Department relies on in respect to this infringement so that we can properly advise our client on this matter.

Regards,

Brad Skinner | Partner
Connolly Suthers Lawyers

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p 07 4729 6611 f 07 4772 5742

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e brad.skinner@connollysuthers.com.au | www.connollysuthers.com.au
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From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Monday, 4 May 2015 1:29 PM
To: WAKE Chris; GONZO Gus; CAVICCHIOLO Mark
Subject: FW: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Draft response below for review.

Brad,

The department has considered your request and wishes to advise that NSS have the options of seeking an internal review of penalty infringement notice no. Q200000040195272, or contesting the matter in court, as advised in previous correspondence.

Should you wish to pursue the information sought below, you may be able to access this through the Right to Information process. Please see the below link to the departments website, specifically in relation to Right to Information.

<https://www.ehp.qld.gov.au/about/rti/index.html>

Regards,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
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PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: Renee Lovelady [mailto:Renee.Lovelady@connollysuthers.com.au] **On Behalf Of** Brad Skinner
Sent: Friday, 1 May 2015 12:08 PM
To: MORRISON Anthony
Cc: Brad Skinner
Subject: Northern Stevedoring Services Pty Ltd - Penalty Infringement Notice No. Q200000040195272

Attn: Mr Anthony Morrison

Dear Anthony,

We act for Northern Stevedoring Services Pty Ltd.

Our client has provided us with a copy of the Penalty Infringement Notice and your correspondence of 15 April, 2015.

We note your advice that on 19 and 20 February, 2015 EHP Officers observed visible dust being released from the ships hold during the load of lead dross.

Can you please provide us with copies of all video footage that the Department relies on in respect to this infringement so that we can properly advise our client on this matter.

Regards,

Brad Skinner | Partner
Connolly Suthers Lawyers

TOWNSVILLE OFFICE: AMP Building | 416 Flinders Street | Townsville QLD 4810
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From: WAKE Chris [Chris.Wake@ehp.qld.gov.au]
Sent: Tuesday, 12 May 2015 12:23 PM
To: BUTLER Hamish; GONZO Gus
Subject: FW: EHP Data Request - Port Activities

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Guys,

See email below in relation to NSS application for internal review.

Cheers,
C

Christopher Wake

Compliance Delivery Manager | North Queensland Compliance
Environmental Services & Regulation
Department of Environment & Heritage Protection

Telephone (07) 4722 5371 **Facsimile** (07) 4722 5351

Email: chris.wake@ehp.qld.gov.au <<mailto:chris.wake@ehp.qld.gov.au>>

Department of Environment and Heritage Protection
Level 10, Flinders Tower,
445 Flinders Street, Townsville Qld 4810
PO Box 5391, Townsville Qld 4810

www.ehp.qld.gov.au



From: s.73 @glencore.com.au [mailto:s.73 @glencore.com.au]
Sent: Tuesday, 12 May 2015 11:13 AM
To: WAKE Chris
Cc: s.73 @glencore.com.au
Subject: RE: EHP Data Request - Port Activities

Hi Chris,

We refer to Penalty Infringement Notice Q200000040195280 issued to Mount Isa Mines Limited for contravention of section 431(2) of the Environmental Protection Act 1994 – Environmental Authority EPPR01436113.

We are aware that NSS has lodged an internal review with DEHP of the Penalty Infringement Notice issued to it in relation to the alleged non-compliance by NSS to meet condition B7 of the environmental authority.

As discussed yesterday, we would appreciate your assistance to determine the most appropriate mechanism by which a 'hold' or similar may be placed on the PIN issued to MIM, in the event that NSS sought internal review of the PIN issued to them.

The non-compliance identified in the PIN issued to MIM is directly linked to the alleged non-compliance by NSS to meet

condition B7 of the EA. The offence in the PIN was that MIM failed to ensure that NSS complied with the conditions of the environmental authority. Given that NSS has requested an internal review of the PIN received by them, it would seem premature for Glencore to finalise its PIN when there is a review of NSS's offence outstanding (as MIM's PIN is dependent on the offence in NSS's PIN).

Can you please advise us what the options would be to establish a 'hold' on our PIN in this circumstance? We would have thought it would be appropriate to place a hold on the PIN issued to MIM, until such time as the review of the PIN issued to NSS has been finalised. As you are probably aware, the actions under the PIN are due by this Friday 15 May. In the instance that our query cannot be addressed within this timeframe it would be much appreciated if an extension of the due date be made.

Your assistance in this matter is much appreciated.

Thanks and Kind Regards,

73(2)Irrelevant

Superintendent Health, Safety & Environment
Townsville Copper Refinery

73(2)Irrelevant

s.73 @glencore.com.au
www.glencorexstrata.com.au

From: WAKE Chris [<mailto:Chris.Wake@ehp.qld.gov.au>]
Sent: Monday, May 11, 2015 3:01 PM
To: 73(2)Irrelevant
Cc:
Subject: EHP Data Request - Port Activities

Hi Anne,

As discussed, please find attached a data request letter from EHP in relation to activities at the Port of Townsville.

If you have any queries or concerns, please do not hesitate to contact me.

Kind regards,
Chris

Christopher Wake
Compliance Delivery Manager | North Queensland Compliance
Environmental Services & Regulation
Department of Environment & Heritage Protection
Telephone (07) 4722 5371 **Facsimile** (07) 4722 5351
Email: chris.wake@ehp.qld.gov.au <<mailto:chris.wake@ehp.qld.gov.au>>
Department of Environment and Heritage Protection
Level 10, Flinders Tower,
445 Flinders Street, Townsville Qld 4810



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Released under the RTI Act 2009 - EHP

Compliance Delivery Manager | North Queensland Compliance
Environmental Services & Regulation
Department of Environment & Heritage Protection
Telephone (07) 4722 5371 **Facsimile** (07) 4722 5351
Email: chris.wake@ehp.qld.gov.au <<mailto:chris.wake@ehp.qld.gov.au>>
Department of Environment and Heritage Protection
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PO Box 5391, Townsville Qld 4810

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If you have received this electronic communication in error please notify the sender by replying to this electronic communication inserting the word "misdirected" as the subject and delete this communication from your system.

From: GOLDSWORTHY Stephen [Stephen.Goldsworthy@ehp.qld.gov.au]
Sent: Thursday, 14 May 2015 2:14 PM
To: GONZO Gus; DARVALL David
CC: TARLINTON Sam
Subject: FW: PIN Review - 4019527

Further to our discussion this morning – I've been given this...

From: KANE Jasmyrn
Sent: Thursday, 14 May 2015 10:53 AM
To: GOLDSWORTHY Stephen
Cc: SANGSTER Deb
Subject: PIN Review - 4019527

Good Morning Stephen,

We have recently accepted a PIN review request for an EHP PIN issued to Northern Stevedoring Services (NSS) in Townsville (operating under an EA held by Glencore Australia).

Do you currently have the capacity to undertake this review?

If not, are you able to advise which of the compliance delegates the review can be allocated to by COB today?

Thanks for your assistance.

Regards,

Jasmyrn Kane

Supervisor | Infringement Notices Administration Team
Strategic Compliance Unit
Petroleum, Gas & Compliance
Environmental Services & Regulation Division
Department of Environment and Heritage Protection

Telephone: (07) 3330 5619 || **Fax:** (07) 3330 5398

Email: jasmyrn.kane@ehp.qld.gov.au

Level 5, 400 George Street, Brisbane

GPO Box 2454, BRISBANE QLD 4001



From: WAKE Chris [Chris.Wake@ehp.qld.gov.au]

Sent: Wednesday, 3 June 2015 8:58 AM

To: GONZO Gus

Subject: RE: Memo

Thanks – do you know when advise of the Pin review outcome is likely to be provided to NSS and Glencore?

Cheers,

C

Christopher Wake

Compliance Delivery Manager | North Queensland Compliance

Environmental Services & Regulation

Department of Environment & Heritage Protection

Telephone (07) 4722 5371 **Facsimile** (07) 4722 5351

Email: chris.wake@ehp.qld.gov.au <<mailto:chris.wake@ehp.qld.gov.au>>

Department of Environment and Heritage Protection

Level 10, Flinders Tower,

445 Flinders Street, Townsville Qld 4810

PO Box 5391, Townsville Qld 4810

www.ehp.qld.gov.au



From: GONZO Gus

Sent: Wednesday, 3 June 2015 8:52 AM

To: BUTLER Hamish; WAKE Chris

Subject: FW: Memo

FYI

From: GOLDSWORTHY Stephen

Sent: Tuesday, 2 June 2015 5:43 PM

To: GONZO Gus

Subject: Memo

Gus

FYI

Regards

Stephen.

From: HENNEY Nina [Nina.Henney@ehp.qld.gov.au]
Sent: Wednesday, 24 June 2015 12:33 PM
To: GONZO Gus; MORRISON Anthony
Subject: RE: 4019527 Draft response to NSS

Hi Gus and Tony

I agree with the changes Tony has made to the facts. Thanks, Nina

From: MORRISON Anthony
Sent: Wednesday, 24 June 2015 10:42 AM
To: GONZO Gus; HENNEY Nina
Subject: 4019527 Draft response to NSS

Gus and Nina,

A suggested amendment in the attached for review and consideration.

Cheers,
Tony

Released under the RTI Act 2009 - EHP

From: KANE Jasmyn [Jasmyn.Kane@ehp.qld.gov.au]
Sent: Wednesday, 1 July 2015 9:54 AM
To: GONZO Gus
CC: GOLDSWORTHY Stephen
Subject: FW: 150518:NORTHERN STEVEDORING SERVICES PTY LTD:EPA Penalty Infringement Notice
Attachments: M00150518F03807399.pdf

Good Morning,

As discussed last week, can you please advise what response you would like to be sent in response to the attached letter?

Regards,

Jasmyn Kane

Supervisor, Infringement Notices Administration



Strategic Compliance | Petroleum Gas & Compliance

Department of Environment and Heritage Protection

P 07 3330 5619

Level 5, 400 George St, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

From: SANGSTER Deb
Sent: Wednesday, 17 June 2015 4:52 PM
To: Infringement Notices
Cc: kristin.collins@connollysuthers.com.au
Subject: FW: 150518:NORTHERN STEVEDORING SERVICES PTY LTD:EPA Penalty Infringement Notice

Hi Team,

Please see email below for actioning.

Deborah Sangster

Team Leader, Compliance Systems and Support Services

Strategic Compliance | Petroleum Gas & Compliance

P 07 3330 5554

From: Kristin Collins [<mailto:Kristin.Collins@connollysuthers.com.au>]
Sent: Wednesday, 17 June 2015 4:51 PM
To: SANGSTER Deb
Subject: 150518:NORTHERN STEVEDORING SERVICES PTY LTD:EPA Penalty Infringement Notice

Dear Jasmyn,

We refer to our telephone conversation with Deborah of your office and confirm that we were unable to send a facsimile to your office today as the line was busy on all occasions.

Please find **attached** our correspondence.

Kind Regards,

Kristin Collins | Lawyer
Connolly Suthers Lawyers

TOWNSVILLE OFFICE: AMP Building | 416 Flinders Street | Townsville QLD 4810
p 07 4729 6652 f 07 4772 5742

AYR OFFICE: 180 Queen Street | Ayr QLD 4870
p 07 4790 4790 f 07 4790 4799

e kristin.collins@connollysuthers.com.au | www.connollysuthers.com.au
estate planning www.nextgenplanning.com
Liability limited by a scheme approved under professional standards legislation.

Released under the RTI Act 2009 - EHP

Your ref:

Our ref: BNS:5MC:150518

17 June 2015

facsimile

Attn: Jasmyn Kane

Supervisor Infringement Notices Administration Team
Strategic Compliance Environmental Services and Regulation
Department of Environment and Heritage Protection

Facsimile : 07 3330 5398

**NORTHERN STEVEDORING SERVICES PTY LTD - EPA PENALTY
INFRINGEMENT NOTICE**

We refer to your letter dated 11 June 2015 (a copy of which is attached) advising that the Department has determined that the infringement notice not be waived.

Your letter dated 11 June 2015 does not provide reasons for the Department's determination that the infringement notice not be waived.

To enable our client to properly consider its position in respect of this matter, we would ask that you provide us with the Department's reasons for its determination and any documentation or other evidence which the department relies upon in support of that determination.

We further request that the Department allow our client a period of 28 days from the date that the above response is provided to our client to make its election to pay the infringement notice or have the matter heard in court.

Yours faithfully,



Brad Skinner

Partner

Property Law Accredited Specialist

Direct phone: 4729 6611

Email: brad.skinner@connollysuthers.com.au

Solicitor: Renee Lovelady

Direct phone: 4729 6645

Email: renee.lovelady@connollysuthers.com.au

Enc.

M00150518F03807399/tm

connollysuthers

AMP BUILDING
416 FLINDERS MALL
TOWNSVILLE QLD 4810

P.O. BOX 991
TOWNSVILLE QLD 4810

DX: 41405

L A W Y E R S

telephone

(07) 4771 5664

facsimile

(07) 4772 5742

email

law@connollysuthers.com.au

website

www.connollysuthers.com.au

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Monday, 13 April 2015 11:05 AM
To: BUTLER Hamish
CC: SULLIVAN Scott; WAKE Chris; HENNEY Nina
Subject: Glencore and NSS ABR
Attachments: SKMBT_C45215040112030.pdf

Hamish,

Please find attached a copy of the Glencore and NSS ABR as requested by Dean.

Cheers,
Tony

Released under the RTI Act 2009 - EHP

From: BUTLER Hamish [Hamish.Butler@ehp.qld.gov.au]
Sent: Monday, 13 April 2015 12:28 PM
To: MORRISON Anthony
CC: SULLIVAN Scott; WAKE Chris; HENNEY Nina
Subject: RE: Glencore and NSS ABR
Attachments: abr.pdf

Thanks Tony,

Please see my comments, happy to talk through this afternoon.

Cheers.

Hamish Butler
Manager (Assessments), Minerals
Environmental Services and Regulation
Department of Environment and Heritage Protection
Level 3, 5B Sheridan Street, Cairns QLD 4870

Phone: (07) 4222 5333
Fax : (07) 4222 5070
Email: hamish.butler@ehp.qld.gov.au

PO Box 7230
Cairns Qld 4870

www.ehp.qld.gov.au



From: MORRISON Anthony
Sent: Monday, 13 April 2015 11:05 AM
To: BUTLER Hamish
Cc: SULLIVAN Scott; WAKE Chris; HENNEY Nina
Subject: Glencore and NSS ABR

Hamish,

Please find attached a copy of the Glencore and NSS ABR as requested by Dean.

Cheers,
Tony

Alleged Breach Report

Penalty Infringement Notices (PINs)

This document must be read in conjunction with the department's Enforcement Guidelines and PIN Manual to assist officers in recording information which supports a decision to issue a Penalty Infringement Notice (PIN) under the State Penalties Enforcement Act 1999 regime. A PIN may be issued for offences under the Environmental Protection Act 1994, Nature Conservation Act 1992, Waste Reduction and Recycling Act 2011, Chapter 3 of the Water Act 2000, and the Queensland Heritage Act 2000, as listed within the State Penalties Enforcement Regulation 2000. From 1 September 2014, a PIN may also be issued for offences under the Sustainable Planning Act 2009 and the Coastal Protection and Management Act 1995.

Officer Checklist

- ☒ I have considered the department's Enforcement Guidelines which provide guidance in the making of enforcement decisions.
- ☒ I have read the department's PIN Manual which provides administrative guidance on the issuing of PINs.

Note: This document is intended to support a decision to issue a PIN. For support materials for other enforcement tools (i.e. environmental protection orders or direction notices) please refer to the Compliance Support Material intranet pages. For additional administrative guidance on issuing PINs contact infringement.notices@ehp.qld.gov.au. For additional guidance on compliance and enforcement options contact compliance.support@ehp.qld.gov.au

1. Identifying details

Reference details	Mount Isa Mines Limited trading as Glencore Port Operations Permit number: EPPR01436113 Ecotrack number: CR66501
Licence/Permit number	EPPR01436113
File number	Mount Isa Mines Limited trading as Glencore Port Operations 101/0009170 Northern Stevedoring Services Pty Ltd 101/0008781
Name of alleged offender	Mount Isa Mines Limited trading as Glencore Port Operations (Glencore) and Northern Stevedoring Services Pty Ltd (NSS)
Address	Glencore Australia Holdings Pty Ltd Level 38, 1 Macquarie Place

Alleged Breach Report Penalty Infringement Notices (PINs)

	<p>Sydney, NSW, 2000</p> <p>Northern Stevedoring Services Pty Ltd 1st Floor, Port Control Building, Suter Pier Townsville QLD 4810</p>
ACN/ABN	<p>Glencore - 87 009 661 447</p> <p>Northern Stevedoring Services – 36 009 854 899</p>
Contact details	<p>Glencore - s.73 Superintendent Health, Safety and Environment</p> <p>s.73</p> <p>Northern Stevedoring Services – David King Business Support Manager Ph: 4722 4804</p> <p>s.73</p> <p>Email: s.73</p>

2. Background details

Please outline any historical information relevant to the alleged offence/s. This information may assist with the reasoning for the decision, assist in completing a review of the PIN and may be essential should the matter be referred to the Magistrates Court.

Brief history of the matter	<p>In response to a complaint received on 19 February 2015 regarding lead loading occurring at berth 8 POTL, authorised officers Nina Henney and Anthony Morrison undertook compliance inspection of loading at berth 8. EHP officers met with Glencore representatives s.73 Also present was David King of NSS. Officers arrived on site at approximately 5:10pm.</p> <p>Officers identified that loading of lead dross was being undertaken at berth 8 by Northern Stevedoring Services Pty Ltd under EA EPPR01436113 (held by Mount Isa Mines Limited, T/A Glencore Port Operations).</p> <p>Condition B7 of EPPR01436113 requires <i>"there must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity"</i>.</p> <p>After arriving on site officers discussed and read through the relevant conditions of the EA with the Glencore representatives including condition B7.</p>
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Alleged Breach Report Penalty Infringement Notices (PINs)

<p>Why so dry?</p> <p>reverse</p> <p>Ok this why dry</p> <p>Is this on the 20/10/15?</p>	<p>The loading consisted of half height containers being emptied into the ships hold using a rotainer system. There was spray booms/mist curtains mounted around the edge of the hold to provide for dust suppression. The sprays were turned on just before the containers were tipped, and kept on until after the empty container had been removed from the hold.</p> <p>The lead dross being loaded contained a high proportion of fine material and appeared to be very dry. Officers were advised by Glencore representatives that the material had an approximate moisture content of 1.5% and the transportable moisture limit was approximately 5.9%. Officers observed that when the containers were tipped into the hold that significant quantities of dust were generated. This dust was observed rising up from the bottom of the hold and it did not readily settle out. During the initial tipping of containers officers found it was difficult to distinguish if dust was leaving the hold. However as light conditions changed (moving from twilight to artificial lighting at night) officers observed that material was remaining in suspension after the spray booms had been turned off and visible dust was observed leaving the hold.</p> <p>Officers advised a Glencore representative on two occasions that they observed visible dust leaving the hold. Dross dust was still observable in suspension 4 to 5 minutes after the sprays had been turned off. Officers also advised NSS of their observation that visible dust was leaving the hold. Both Glencore and NSS were advised of the need to look for additional control measures and to ensure the sprays were utilised extensively to minimise release. Glencore advised EHP officers that they would request all trucks (with containers) drive through the Glencore process/storage shed so that the material in the boxes could be wet down prior to them being delivered to the wharf in an effort to reduce the dust being generated.</p> <p>Authorised officers Nina Henney, Wendy Logan and Anthony Morrison returned to the vessel on 20 February 2015 meeting Glencore representatives on site at 11:15am. Officers were advised that they had been wetting the material in the containers prior to them being transported to the wharf for unloading and that this had reduced the levels of dust being generated.</p> <p>Officers were advised by Glencore that the material had been boxed in Mt Isa in October 2014 and stored in the containers since then. Glencore representatives estimated the moisture content of the material prior to wetting was less than 1%.</p> <p>EHP officers observed two containers being tipped and both of which generated significant dust, dust which was observed leaving the hold. Officers advised the Glencore representative of this observation. Glencore advised they had been wetting the boxes for 3 minutes each and would increase that to 5-6 minutes each in an effort to reduce the dust being generated. They advised that due to their dust suppression efforts there may be too much water in the hold for transport and in order to manage this they would be getting a vac truck to remain on standby to remove the free water from the ships hold at the end of loading.</p> <p>Officers called the office to discuss their observations. Following this EHP officers again spoke with Glencore representatives advising that visible dust was observed leaving the hold and that this was a breach of the environmental authority. EHP officers advised that the ongoing breach was unacceptable and recommended</p>
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Alleged Breach Report Penalty Infringement Notices (PINs)

<p><i>Do we think non compliance on Friday at not getting out of hold?</i></p>	<p>that Glencore consider all available options to prevent contravention of condition and lead dross dust being released.</p> <p>Following the increased wetting, EHP officers observed boxes still generated significant dust however at this time officers were unable to distinguish if visible dust was leaving the hold.</p> <p>EHP Officers again spoke with Glencore and NSS representatives advising that a breach of EA conditions had been identified and that this had been observed during both the Thursday evening and Friday midday inspections undertaken by EHP officers. EHP Officers advised that the ongoing breach was unacceptable and recommended that Glencore consider all available options to prevent contravention of condition and lead dust being released.</p> <p>Glencore advised that they would use mechanical mixing of the product (while inside the container) to increase the effectiveness of the wetting of the lead dross prior to loading.</p> <p>That afternoon EHP officers called Glencore to advise that EHP would be setting up a TSP sampler downwind of the loading operation and required a sample of the material being loaded.</p> <p>EHP officers again attended the site at 3:00pm that afternoon to observe loading, set up the sampler and obtain a sample of the material being loaded. On site officers were advised that Glencore had decided to cease loading and send the ship out to anchor while they investigated alternative options for loading the material.</p> <p>EHP understands that the loading activity was undertaken over a period of approximately 22:30 hours. <i>Normal time</i></p> <p>On 24 February 2015 Glencore advised EHP that they had sent the ship away and would be holding the remaining dross at their storage facility (located at the POTL) in the short term until they came up with a suitable loading method. To date the remaining material has not been loaded.</p>
Date the department became aware of the offence	19 February 2015
Date(s) & time of offence	From approximately 3pm on 19 th to approximately 1:30pm on 20 th February 2015
Day of the week	Thursday and Friday
Location	Berth 8 Port of Townsville, lot 461 on SP242513 and lot 430 on EP1068
Permit/ Authority details	EPPR01436113
Site activity	<p>ERA 50 1(a) – loading or unloading 100t or more of minerals in a day or stockpiling 50,000t or more of minerals within 5km of HAT or 1km of a watercourse; and</p> <p>ERA 50 2 – loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials.</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Vehicle/vessel details	<p>MV Mandarin Dalian</p> <p>IMO number: 9533359</p>
Compliance history	<p>Department records indicate that a PIN was issued in May 2014 for non-compliance with condition B4 of the EA. The non-compliance was in relation to openings in the concentrate storage shed and tippler shed that had potential to allow release of airborne contaminants.</p>
<p>Contact with alleged offender regarding offence</p> <p><i>NOTE: Any written correspondence with the alleged offender regarding the alleged offence/s should be detailed in Part 5</i></p>	<ul style="list-style-type: none"> 19 February 2015 Officers Nina Henney and Anthony Morrison produced their authorised officer cards to s.73 of Glencore at around 5:15pm. 19 February 2015 Anthony Morrison advised s.73 of Glencore on two occasions that visible dust was observed leaving the hold. 19 February 2015 Anthony Morrison advised David King of NSS that visible dust was observed leaving the hold. 20 February 2015 Officers Nina Henney, Wendy Logan and Anthony Morrison produced their authorised officer cards to s.73 at approximately 11:15am. 20 February 2015 Anthony Morrison advised s.73 of Glencore on three occasions that visible dust was observed leaving the hold. 20 February 2015 Anthony Morrison advised David King of NSS that visible dust was observed leaving the hold. 9 March 2015 s.73 of Glencore (Superintendent Health, Safety and Environment) called Anthony Morrison seeking an overview of what officers had seen. Anthony gave s.73 a description of what was observed during the site inspections and what officers advised Glencore and NSS representatives of at the time.
Possible mitigating or aggravating circumstances	<p>Mitigating circumstances</p> <p>During the loading operation, EHP acknowledges that Glencore undertook actions such as changing the spray bars and hosing inside the boxes prior to loading in an attempt to address the dust issues being generated. After trying dust mitigation measures over the course of approximately 22:30 hours and being unsuccessful, the loading operation was ceased.</p> <p>Aggravating circumstances</p> <p>Additional dust mitigation measures appeared to be implemented as a result of EHP's attendance at the loading event and identification of a breach of licence conditions.</p> <p>The material being loaded, lead dross, contains a known toxicant that bioconcentrates and bioaccumulates in aquatic and terrestrial organisms.</p> <p>The breach of conditions was ongoing, observed by authorised officers on the evening of the 19th and midday of the 20th of February 2015.</p> <p>Berth 8 is located in proximity to commercial and sensitive receptors and the</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

	identified release of dust poses significant risk to the commercial and sensitive receptors.
Other information	<p>Glencore as the EA holder have committed an offence against s.431.</p> <p>431 Environmental authority holder responsible for ensuring conditions complied with</p> <p>(1) The holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.</p> <p>(2) If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.</p> <p>Maximum penalty—the penalty under section 430(2) or (3) for the contravention of the conditions.</p> <p>NSS operating under Glencore's EA have committed an offence against s.430.</p> <p>430 Contravention of condition of environmental authority</p> <p>(1) This section applies to a person who is the holder of, or is acting under, an environmental authority.</p> <p>(2) The person must not wilfully contravene a condition of the authority.</p> <p>Maximum penalty—6250 penalty units or 5 years imprisonment.</p> <p>(3) The person must not contravene a condition of the authority.</p> <p>Maximum penalty—4500 penalty units.</p> <p>See attachment 1 – Environmental authority EPPR01436113.</p>

3. Alleged offence details

Outline what offences are alleged to have been committed. Details include the legislation, section number, penalty units and limitation periods. Include the PIN offence code/s; these can be located on the [EHP intranet PINs page](#) and EcoSteps.

Note: As outlined in the [Enforcement Guidelines](#), PINs are a means of dealing with minor breaches which warrant some form of enforcement action, but which are not serious enough to warrant a prosecution. Issuing successive PINs for multiple or ongoing breaches is generally not appropriate even though each breach may be minor. In such circumstances there may be a continuing compliance problem which needs to be dealt with through escalation of appropriate enforcement measures.

Alleged Breach Report Penalty Infringement Notices (PINs)

No.	Section	PIN offence code	Legislation	Penalty Units	Is the time since offence committed more than 8 months? (YES/NO) <i>If 'yes' officers should contact the <u>Compliance Advisory team</u> or <u>PINs team</u> before continuing</i>
1	430(3)	EPA04 (Corporation)	Environmental Protection Act 1994	100 penalty units - \$11,385	No
2	431(2)	EPA40 (Corporation)	Environmental Protection Act 1994	100 penalty units - \$11,385	NO

4. Elements and supporting evidence

Please outline the elements of each of the offences listed above. Provide in detail what evidence is available to satisfy each and every element of the offence(s), the source, and how and when it was obtained.

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings
Offence No. 1		
<p><i>Section 430(1) This section applies to a person who is the holder of, or is acting under, an environmental authority.</i></p> <p><i>Section 430(3) "The person must not contravene a condition of the authority"</i></p> <p>Person - Corporation: Northern Stevedoring Services Pty Ltd</p>	<p>ASIC search undertaken on 18 December 2014 confirmed that Northern Stevedoring Services Pty Ltd is a resisted company and produced the below results:</p> <p>Business Name: Northern Stevedoring Services Pty Ltd</p> <p>Status: Registered</p> <p>Address for service: 1st Floor Port Control Building Suter Pier, Townsville QLD 4810</p> <p>ABN: 36 009 854 899</p> <p>See Attachment 2.</p>	<p>NSS staff were observed operating the lead dross loading facility and were acting under the environmental authority. A letter from Glencore Port Operations dated 17 March 2015 confirmed NSS undertook the lead dross loading under Glencore's EA (see attachment 8).</p> <p>As a registered company Northern Stevedoring Services Pty Ltd is a legal person></p>
<p><i>Section 430(3) Contravention of condition of environmental authority.</i></p> <p><i>(3) The person must not</i></p>	<p>Site inspections on 19 and 20 February 2015</p> <p>Official notes, photos and video taken by authorised officers</p>	<p>During the site inspection officers identified that Northern Stevedoring Services Pty Ltd was loading lead dross at Berth 8 in the Port of Townsville under environmental authority EPPR01436113 which is held by Mt Isa Mines</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
contravene a condition of the authority	of the ship loading event during the site inspections carried out on 19 and 20 February 2015. See Attachment 4. See Attachment 9 a and b - (Photos 9a and video P2200016 9b).	Limited trading as Glencore Port Operations. A letter from Glencore Port Operations dated 17 March 2015 confirmed the being loaded was lead dross (see attachment 8). <i>Do you break this chain as well??</i>
Section 430(3) Contravention of condition of environmental authority. (3) <i>The person must not contravene a condition of the authority.</i>	Environmental Authority EPPR01436113 See Attachment 1. Official notes, photos and video taken by authorised officers of the ship loading event during the site inspections carried out on 19 and 20 February 2015. See Attachment 4.	<u>Condition B7 requires "there must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity".</u> The Oxford Dictionary online defines emission as "The production and discharge of something, especially gas or radiation". Authorised officer Anthony Morrison observed visible dust leaving the hold during the loading being carried out by Northern Stevedoring Services Pty Ltd during the site inspections carried out on the evening of the 19 February 2015 and <u>midday on 20 February 2015</u> . The tipping of the half height containers were observed producing lead dross dust that rose and discharged from the hold. <i>during loading</i> Authorised officer Nina Henney observed visible dust leaving the hold during the loading being carried out by NSS during the site inspections carried out on evening

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
		<p>on 19 February 2015. For the second inspection carried out by officers on 20 February 2015 officer Nina Henney did not distinguish between water mist and dust. It is noted that Nina Henney was at the time, taking photographs which made it difficult to distinguish between dust and water mist.</p> <p>Authorised officer Wendy Logan observed visible dust leaving the hold during the loading being carried out by NSS during site inspection carried out on 20 February 2015.</p> <p>Photos and video show emissions (including visible dust and spray) leaving the hold.</p> <p>An examination of the Environmental Authority conditions did not identify any other conditions which potentially limit or conflict with condition B7.</p>
Offence No. 2		
<p>Section 431 Environmental authority holder responsible for ensuring conditions complied with</p> <p><i>(2) If another person acting under the authority commits an offence against section 430,</i></p>	<p>ASIC search undertaken on 6 March 2015 confirmed that Mount Isa Mines limited is a registered company Business name: Mount Isa Mines Limited</p> <p>Status: Registered</p> <p>Address for service: Glencore Australia Holdings Pty Ltd Level 38, 17 Macquarie Place, Sydney, NSW, 2000</p>	<p>As a registered company Mt Isa Mines limited is a legal person.</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings)	Fact and circumstances Detail the facts and circumstances that support the department's findings.
<i>the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.</i>	ABN: 87 009 661 447 See Attachment 3. Environmental Authority EPPR01436113	Mount Isa Mines Limited trading as Glencore Port Operations is the holder of EA EPPR01436113
<p>Section 431 Environmental authority holder responsible for ensuring conditions complied with</p> <p><i>(2) If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.</i></p>	<p>EA EPPR01436113 which is held on the Edocs file referred to as Glencore. Also kept on the Ecotrack database. See Attachment 1.</p> <p>Authorised officers official notes of conversation with Glencore and NSS representatives on the days that inspections were carried out.</p> <p>See Attachment 4.</p> <p style="text-align: center;"><i>Let's discuss</i></p>	<p>Glencore is the holder of Environmental Authority EPPR01436113 and therefore considered to be the environmental authority holder responsible for ensuring conditions complied with as stated in s.431 of the EPAct.</p> <p>During the site inspection officers identified that Northern Stevedoring Services Pty Ltd was loading lead dross at Berth 8 in the Port of Townsville under environmental authority EPPR01436113 which is held by Mt Isa Mines Limited trading as Glencore Port Operations.</p> <p>Under s.431(4), it is a defence for the holder to prove—</p> <p>(a) the holder issued appropriate instructions and used all reasonable precautions to ensure compliance with the conditions; and</p> <p>(b) the offence was committed without the holder's knowledge; and</p> <p>(c) the holder could not by the exercise of reasonable diligence have stopped the commission of the offence.</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
		<p>With respect to s.431(4)(a) Glencore was both the holder of the EA and supplier of the product. The product had an extremely low moisture content which contributed to the level of dust generated and consequently the contravention of the EA. Ensuring the product had adequate moisture content to minimise the dust generated when loading is considered a reasonable precaution to ensure compliance with the conditions.</p> <p>With respect to s.431(4)(b) Glencore representatives were present at all times EHP officers were inspecting the loading event and were advised on multiple occasions that a breach of EA condition had been observed.</p> <p>With respect to s.431(4)(c) it EHP's view that better management of the product in ensuring the moisture content was adequate to minimise the potential for dust generation, and addressing the noncompliance proactively rather than as a reaction to compliance inspections, would be considered reasonable diligence and may have stopped commission of the offence.</p>

5. Alleged offender correspondence- relating to the alleged offence/s

Please detail correspondence related to the alleged offence/s that has been received from the alleged offender, or sent from the department to the alleged

Alleged Breach Report Penalty Infringement Notices (PINs)

offender. Attach copies of the correspondence (including letters, emails, file notes of phone conversations, etc.).

Date	Type of Correspondence	Brief description of correspondence	Which alleged offence does the correspondence relate to?	Copy Attached? (YES/NO)
20 February 2015	Email to Mount Isa Mines limited trading as Glencore Port Operations	Email seeking further information following the site inspection. Attachment 5	Offence 2 – the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.	NO
4 March 2015	Letter to Mount Isa Mines limited trading as Glencore Port Operations	Letter notifying of identified breach and advising that the department is considering its compliance response. Attachment 6	Offence 2 – the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.	YES
4 March 2015	Letter to Northern Stevedoring Services Pty Ltd	Letter notifying of identified breach and advising that the department is considering its compliance response. Attachment 7	Offence 1 – a person must not contravene a condition of an environmental authority	YES
17 March 2015	Letter from Glencore to EHP	Response to EHP letter sent on 4 March 2015 outlining mitigating actions undertaken by Glencore on 19 and 20 February 2015. Attachment 8.	Offence 2	YES

6. Other enforcement options

Please detail what other enforcement options have been considered for this matter as per the department's Enforcement Guidelines (refer to section 3.2, 4, 5 6 and 7).

Have other enforcement options been considered?	YES
If yes, what are they and the reasons for using/not using them?	<p>Warning – given the extended period the activity was in non-compliance, that the company's reaction to the non-compliance was prompted but EHP's presence and identification of the breach, and the incident resulted in the release of a toxicant that bioconcentrates and bioaccumulates, a warning was not considered a sufficient penalty.</p> <p>Prosecution – as it was the first time this issue with a loading event had been identified and the company made the decision to cease loading rather than continue the breach of condition, there is considered to be sufficient mitigating circumstances that prosecution is not warranted in this instance.</p> <p>Environmental evaluation – Given the loading of lead dross occurs infrequently (every one to two years) and last load done (2013) was not observed by EHP officers it is not clear if there is an ongoing issue relating to emissions from the loading of lead dross. In this context an EE for this incident in isolation is not considered appropriate.</p>
If no, please advise why no other options have been considered?	N/A

7. Recommendation

The officer is required to make a recommendation in relation to the matter under investigation.

It is the opinion of the department that Northern Stevedoring Services Pty Ltd committed an offence against s430 of the *Environmental Protection Act 1994* by breaching condition B7 of environmental authority EPPR01436113 in allowing visible lead dross dust emissions during loading on the 19th and 20th of February 2015. As this is the first time this issue has been identified and the company decided to cease loading rather than continue the non-compliance it is recommended a penalty infringement notice is appropriate to deter Northern Stevedoring Services Pty Ltd from allowing a similar offence in future.

It is the opinion of the department that Mount Isa Mines Limited trading as Glencore Port Operations has committed an offence against s.431 of the *Environmental Protection Act 1994*. Northern Stevedoring Services Pty Ltd acting under environmental authority EPPR01436113, held by Mount Isa Mines Limited trading as Glencore Port Operations, committed an offence against s.431 and Mount Isa Mines Limited trading as Glencore Port Operations failed to ensure Northern Stevedoring Services Pty Ltd complied with the conditions of the EA. As this is the first time this issue has been identified and the company decided to cease loading rather than continue the non-compliance it is recommended a penalty infringement notice is appropriate to deter Mount Isa Mines Limited trading as Glencore Port Operations from allowing a similar offence in future.

Alleged Breach Report Penalty Infringement Notices (PINs)

8. Review

The recommending officer and supervisory reviewer are required to sign and date below.

Recommending Officer	Supervisory Review
Signature: sch4p4(6) Personal Information	Signature: sch4p4(6) Personal Information
Print Name: Nina Hennessy sch4p4(6) Personal Information	Print Name: Anthony Morrison
Position: Senior Environmental Officer	Position: Team Leader
Date: 1. 4. 15	Date: 1/4/15

9. Endorsement

The appropriate manager or supervisor is required to either support / not support the decision and sign and date below.

Decision for recommendation	<INSERT details support/ not support>
Reasons for decision	
Signature:	Print Name: Gus Gonzo
Position: Manager (Compliance)	Date:

Please ensure that the PIN, cover letter and Alleged Breach Report are saved into Ecotrack and hard copies kept on file.

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Tuesday, 14 April 2015 11:38 AM
To: BUTLER Hamish
CC: CAVICCHIOLO Mark; HENNEY Nina
Subject: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (4)
Attachments: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (4).docx

Follow Up Flag: Follow up
Flag Status: Completed

Hamish,

Amended Glencore and NSS ABR attached for your consideration.

Cheers,
Tony

Released under the RTI Act 2009 - EHP

Alleged Breach Report

Penalty Infringement Notices (PINs)

This document must be read in conjunction with the department's [Enforcement Guidelines](#) and [PIN Manual](#) to assist officers in recording information which supports a decision to issue a Penalty Infringement Notice (PIN) under the State Penalties Enforcement Act 1999 regime. A PIN may be issued for offences under the Environmental Protection Act 1994, Nature Conservation Act 1992, Waste Reduction and Recycling Act 2011, Chapter 3 of the Water Act 2000, and the Queensland Heritage Act 2000, as listed within the State Penalties Enforcement Regulation 2000. From 1 September 2014, a PIN may also be issued for offences under the Sustainable Planning Act 2009 and the Coastal Protection and Management Act 1995.

Officer Checklist

- ☒ I have considered the department's [Enforcement Guidelines](#) which provide guidance in the making of enforcement decisions.
- ☒ I have read the department's [PIN Manual](#) which provides administrative guidance on the issuing of PINs.

Note: This document is intended to support a decision to issue a PIN. For support materials for other enforcement tools (i.e. environmental protection orders or direction notices) please refer to the [Compliance Support Material intranet pages](#). For additional administrative guidance on issuing PINs contact infringement.notices@ehp.qld.gov.au. For additional guidance on compliance and enforcement options contact compliance.support@ehp.qld.gov.au

1. Identifying details

Reference details	Mount Isa Mines Limited trading as Glencore Port Operations Permit number: EPPR01436113 Ecotrack number: CR66501
Licence/Permit number	EPPR01436113
File number	Mount Isa Mines Limited trading as Glencore Port Operations 101/0009170 Northern Stevedoring Services Pty Ltd 101/0008781
Name of alleged offender	Mount Isa Mines Limited trading as Glencore Port Operations (Glencore) and Northern Stevedoring Services Pty Ltd (NSS)
Address	Glencore Australia Holdings Pty Ltd Level 38, 1 Macquarie Place

Alleged Breach Report Penalty Infringement Notices (PINs)

	<p>Sydney, NSW, 2000</p> <p>Northern Stevedoring Services Pty Ltd 1st Floor, Port Control Building, Suter Pier Townsville QLD 4810</p>
ACN/ABN	<p>Glencore - 87 009 661 447</p> <p>Northern Stevedoring Services – 36 009 854 899</p>
Contact details	<p>Glencore - 73(2)Irrelevant Superintendent Health, Safety and Environment</p> <p>73(2)Irrelevant</p> <p>Northern Stevedoring Services – David King Business Support Manager Ph: 4722 4804</p> <p>49-Sch4 - Personal Information</p> <p>Email: dking@nsspl.com.au</p>

2. Background details

Please outline any historical information relevant to the alleged offence/s. This information may assist with the reasoning for the decision, assist in completing a review of the PIN and may be essential should the matter be referred to the Magistrates Court.

Brief history of the matter	<p>Thursday 19 February 2015</p> <p>In response to a complaint received on 19 February 2015 regarding lead loading occurring at berth 8 Port of Townsville (POT), authorised officers Nina Henney and Anthony Morrison undertook compliance inspection of the loading at berth 8 the same day. EHP officers met with Glencore representatives 73(2)Irrelevant and 73(2)Irrelevant. Also present was David King of NSS. Officers arrived on site at approximately 5:10pm.</p> <p>Officers identified that loading of lead dross was being undertaken at berth 8 by Northern Stevedoring Services Pty Ltd under EA EPPR01436113 (held by Mount Isa Mines Limited, T/A Glencore Port Operations).</p> <p>Condition B7 of EPPR01436113 requires “<i>there must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity</i>”.</p>
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	<p>After arriving on site officers discussed and read through the relevant conditions of the EA with the Glencore representatives including condition B7.</p> <p>The loading consisted of half height containers being emptied into the ships hold using a rotainer system. There was spray booms/mist curtains mounted around the edge of the hold to provide for dust suppression. The sprays were turned on just before the containers were tipped, and kept on until after the empty container had been removed from the hold.</p> <p>The lead dross being loaded contained a high proportion of fine material and appeared to be very dry. Officers were advised by Glencore representatives that the material had an approximate moisture content of 1.5% and the transportable moisture limit was approximately 5.9%. Officers observed that when the containers were tipped into the hold that significant quantities of dust were generated. This dust was observed rising up from the bottom of the hold and it did not readily settle out. When first arriving on site and observing the tipping of the first two containers officers found it was difficult to distinguish if visible dust was leaving the hold. However as light conditions changed (moving from twilight to artificial lighting at night) officers observed that material was remaining in suspension after the spray booms had been turned off and visible dust was observed leaving the hold.</p> <p>Officers advised a Glencore representative on two occasions that they observed visible dust leaving the hold. Dross dust was still observable in suspension 4 to 5 minutes after the sprays had been turned off. Officers also advised NSS of their observation that visible dust was leaving the hold. Both Glencore and NSS were advised of the need to look for additional control measures and to ensure the sprays were utilised extensively to minimise release. Glencore advised EHP officers that they would request all trucks (with containers) drive through the Glencore process/storage shed so that the material in the boxes could be wet down prior to them being delivered to the wharf in an effort to reduce the dust being generated.</p> <p>Friday 20 February 2015</p> <p>Authorised officers Nina Henney, Wendy Logan and Anthony Morrison returned to the vessel on 20 February 2015 meeting Glencore representatives on site at 11:15am. Officers were advised that they had been wetting the material in the containers prior to them being transported to the wharf for unloading and that this had reduced the levels of dust being generated.</p> <p>Officers were advised by Glencore that the material had been boxed in Mt Isa in October 2014 and stored in the containers since then. Glencore representatives estimated the moisture content of the material prior to wetting was less than 1%.</p> <p>EHP officers observed two containers being tipped and both of which generated significant dust, dust was observed leaving the hold. Officers advised the Glencore representative of this observation. Glencore advised they had been wetting the boxes for 3 minutes each and would increase that to 5-6 minutes each in an effort to reduce the dust being generated. They advised that due to their dust suppression efforts there may be too much water in the hold for transport and in order to manage this they would be getting a vac truck to remain on standby to remove the free water from the ships hold at the end of loading.</p>
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Alleged Breach Report Penalty Infringement Notices (PINs)

	<p>Officers called the office to discuss their observations. Following this EHP officers again spoke with Glencore representatives advising that visible dust was observed leaving the hold and that this was a breach of the environmental authority. EHP officers advised that the ongoing breach was unacceptable and recommended that Glencore consider all available options to prevent contravention of condition and lead dross dust being released.</p> <p>Following the increased wetting, EHP officers observed boxes still generated significant dust however officers were unable to distinguish if visible dust was leaving the hold from these.</p> <p>EHP Officers again spoke with Glencore and NSS representatives advising that a breach of EA conditions had been identified and that this had been observed during both the Thursday evening and Friday midday inspections undertaken by EHP officers. EHP Officers advised that the ongoing breach was unacceptable and recommended that Glencore consider all available options to prevent contravention of condition and lead dust being released.</p> <p>Glencore advised that they would use mechanical mixing of the product (while inside the container) to increase the effectiveness of the wetting of the lead dross prior to loading.</p> <p>That afternoon EHP officers called Glencore to advise that EHP would be setting up a TSP sampler downwind of the loading operation and required a sample of the material being loaded.</p> <p>EHP officers again attended the site at 3:00pm that afternoon to observe loading, set up the sampler and obtain a sample of the material being loaded. On site officers were advised that Glencore had decided to cease loading and send the ship out to anchor while they investigated alternative options for loading the material.</p> <p>EHP understands that the loading activity was undertaken over a period of approximately 22.5 hours.</p> <p>On 24 February 2015 Glencore advised EHP that they had sent the ship away and would be holding the remaining dross at their storage facility (located at the POTL) in the short term until they came up with a suitable loading method. To date the remaining material has not been loaded.</p>
Date the department became aware of the offence	19 February 2015
Date(s) & time of offence	From approximately 3pm on 19 th to approximately 1:30pm on 20 th February 2015
Day of the week	Thursday and Friday
Location	Berth 8 Port of Townsville, lot 461 on SP242513 and lot 430 on EP1068
Permit/ Authority details	EPPR01436113
Site activity	ERA 50 1(a) – loading or unloading 100t or more of minerals in a day or stockpiling 50,000t or more of minerals within 5km of HAT or 1km of a

Alleged Breach Report Penalty Infringement Notices (PINs)

	<p>watercourse; and</p> <p>ERA 50 2 – loading or unloading 100t or more of bulk materials in a day or stockpiling bulk materials.</p>
Vehicle/vessel details	<p>MV Mandarin Dalian</p> <p>IMO number: 9533359</p>
Compliance history	<p>Department records indicate that a PIN was issued in May 2014 for non-compliance with condition B4 of the EA. The non-compliance was in relation to openings in the concentrate storage shed and tippler shed that had potential to allow release of airborne contaminants.</p>
<p>Contact with alleged offender regarding offence</p> <p><i>NOTE: Any written correspondence with the alleged offender regarding the alleged offence/s should be detailed in Part 5</i></p>	<ul style="list-style-type: none"> 19 February 2015 Officers Nina Henney and Anthony Morrison produced their authorised officer cards to 73(2)Irrelevant of Glencore at around 5:15pm. 19 February 2015 Anthony Morrison advised 73(2)Irrelevant of Glencore on two occasions that visible dust was observed leaving the hold. 19 February 2015 Anthony Morrison advised David King of NSS that visible dust was observed leaving the hold. 20 February 2015 Officers Nina Henney, Wendy Logan and Anthony Morrison produced their authorised officer cards to 73(2)Irrelevant at approximately 11:15am. 20 February 2015 Anthony Morrison advised 73(2)Irrelevant of Glencore on three occasions that visible dust was observed leaving the hold. 20 February 2015 Anthony Morrison advised David King of NSS that visible dust was observed leaving the hold. 9 March 2015 73(2)Irrelevant of Glencore (Superintendent Health, Safety and Environment) called Anthony Morrison seeking an overview of what officers had seen. Anthony gave s.73 a description of what was observed during the site inspections and what officers advised Glencore and NSS representatives of at the time.
Possible mitigating or aggravating circumstances	<p>Mitigating circumstances</p> <p>During the loading operation, EHP acknowledges that Glencore undertook actions such as changing the spray bars and hosing inside the boxes prior to loading in an attempt to address the dust issues being generated. After trying dust mitigation measures over the course of approximately 22.5 hours and being unsuccessful, the loading operation was ceased.</p> <p>Aggravating circumstances</p> <p>Additional dust mitigation measures appeared to be implemented as a result of EHP's attendance at the loading event and identification of a breach of licence conditions.</p> <p>The product was originally boxed for transport in Mt Isa in October 2014 for shipment in November 2014. This did not occur and the material was stored in half</p>

	<p>height containers until this loading event. This handling and storage contributed to the low moisture content of the material and its potential for dust generation.</p> <p>The material being loaded, lead dross, contains a known toxicant that bioconcentrates and bioaccumulates in aquatic and terrestrial organisms.</p> <p>The breach of conditions was ongoing, observed by authorised officers on the evening of the 19th and midday of the 20th of February 2015.</p> <p>Berth 8 is located in proximity to commercial and sensitive receptors and the identified release of dust poses significant risk to the commercial and sensitive receptors.</p>
Other information	<p>Glencore as the EA holder have committed an offence against s.431.</p> <p>431 Environmental authority holder responsible for ensuring conditions complied with</p> <p>(1) The holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.</p> <p>(2) If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.</p> <p>Maximum penalty—the penalty under section 430(2) or (3) for the contravention of the conditions.</p> <p>NSS operating under Glencore's EA have committed an offence against s.430.</p> <p>430 Contravention of condition of environmental authority</p> <p>(1) This section applies to a person who is the holder of, or is acting under, an environmental authority.</p> <p>(2) The person must not wilfully contravene a condition of the authority.</p> <p>Maximum penalty—6250 penalty units or 5 years imprisonment.</p> <p>(3) The person must not contravene a condition of the authority.</p> <p>Maximum penalty—4500 penalty units.</p> <p>See attachment 1 – Environmental authority EPPR01436113</p>

3. Alleged offence details

Outline what offences are alleged to have been committed. Details include the legislation, section number, penalty units and limitation periods. Include the PIN offence code/s; these can be located on the [EHP intranet PINs page](#) and EcoSteps.

Note: As outlined in the [Enforcement Guidelines](#), PINs are a means of dealing with minor breaches which warrant some form of enforcement action, but which are not serious enough to warrant a prosecution. Issuing successive PINs for multiple or ongoing breaches is generally not appropriate even though each breach may be

Alleged Breach Report Penalty Infringement Notices (PINs)

minor. In such circumstances there may be a continuing compliance problem which needs to be dealt with through escalation of appropriate enforcement measures.

No.	Section	PIN offence code	Legislation	Penalty Units	Is the time since offence committed more than 8 months? (YES/NO) <i>If 'yes' officers should contact the Compliance Advisory team or PINs team before continuing.</i>
1	430(3)	EPA04 (Corporation)	Environmental Protection Act 1994	100 penalty units - \$11,385	No
2	431(2)	EPA40 (Corporation)	Environmental Protection Act 1994	100 penalty units - \$11,385	NO

Released under the RTI Act 2009 - EHP

4. Elements and supporting evidence

Please outline the elements of each of the offences listed above. Provide in detail what evidence is available to satisfy each and every element of the offence(s), the source, and how and when it was obtained.

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
Offence No. 1		
<p><i>Section 430(1) This section applies to a person who is the holder of, or is acting under, an environmental authority.</i></p> <p><i>Section 430(3) "The person must not contravene a condition of the authority"</i></p> <p><i>Person - Corporation:</i></p> <p>Northern Stevedoring Services Pty Ltd</p>	<p>ASIC search undertaken on 18 December 2014 confirmed that Northern Stevedoring Services Pty Ltd is a resisted company and produced the below results:</p> <p>Business Name: Northern Stevedoring Services Pty Ltd</p> <p>Status: Registered</p> <p>Address for service: 1st Floor Port Control Building Suter Pier, Townsville QLD 4810</p> <p>ABN: 36 009 854 899</p> <p>See Attachment 2.</p>	<p>NSS staff were observed operating the lead dross loading facility and were acting under the environmental authority. A letter from Glencore Port Operations dated 17 March 2015 confirmed NSS undertook the lead dross loading under Glencore's EA (see attachment 8).</p> <p>As a registered company Northern Stevedoring Services Pty Ltd is a legal person></p>
<p><i>Section 430(3) Contravention of condition of environmental authority.</i></p> <p><i>(3) The person must not</i></p>	<p>Site inspections on 19 and 20 February 2015</p> <p>Official notes, photos and video taken by authorised officers</p>	<p>During the site inspection officers identified that Northern Stevedoring Services Pty Ltd was loading lead dross at Berth 8 in the Port of Townsville under environmental authority EPPR01436113 which is held by Mt Isa Mines</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
<i>contravene a condition of the authority.</i>	of the ship loading event during the site inspections carried out on 19 and 20 February 2015. See Attachment 4. See Attachment 9 a and b - (Photos 9a and video P2200016 9b).	Limited trading as Glencore Port Operations. A letter from Glencore Port Operations dated 17 March 2015 confirmed the being loaded was lead dross (see attachment 8).
<p><i>Section 430(3) Contravention of condition of environmental authority.</i></p> <p><i>(3) The person must not contravene a condition of the authority.</i></p>	<p>Environmental Authority EPPR01436113</p> <p>See Attachment 1.</p> <p>Official notes, photos and video taken by authorised officers of the ship loading event during the site inspections carried out on 19 and 20 February 2015.</p> <p>See Attachment 4.</p>	<p><i>Condition B7 requires "there must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity".</i></p> <p>The Oxford Dictionary online defines emission as "The production and discharge of something, especially gas or radiation".</p> <p>Authorised officer Anthony Morrison observed visible dust leaving the hold during the loading being carried out by Northern Stevedoring Services Pty Ltd during the site inspections carried out on the evening of the 19 February 2015 and midday on 20 February 2015. The tipping of the half height containers were observed producing lead dross dust that rose and discharged from the hold.</p> <p>Authorised officer Nina Henney observed visible dust leaving the hold during the loading being carried out by NSS during the site inspections carried out on evening</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
		<p>on 19 February 2015. For the second inspection carried out by officers on 20 February 2015 officer Anthony Morrison observed visible dust leaving the hold. Nina Henney did not distinguish visible dust leaving the hold as she was taking photographs which made it difficult to track what was occurring and definitively distinguish between dust and water mist.</p> <p>Authorised officer Wendy Logan observed visible dust leaving the hold during the loading being carried out by NSS during site inspection carried out on 20 February 2015.</p> <p>Photos and video show emissions (including visible dust and spray) leaving the hold.</p> <p>An examination of the Environmental Authority conditions did not identify any other conditions which potentially limit or conflict with condition B7.</p>
Offence No. 2		
<p><i>Section 431 Environmental authority holder responsible for ensuring conditions complied with</i></p> <p><i>(2) If another person acting under the authority commits an</i></p>	<p>ASIC search undertaken on 6 March 2015 confirmed that Mount Isa Mines limited is a registered company Business name: Mount Isa Mines Limited</p> <p>Status: Registered</p> <p>Address for service: Glencore Australia Holdings Pty Ltd</p>	<p>As a registered company Mt Isa Mines limited is a legal person.</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
<i>offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.</i>	Level 38, 17 Macquarie Place, Sydney, NSW, 2000 ABN: 87 009 661 447 See Attachment 3. Environmental Authority EPPR01436113	Mount Isa Mines Limited trading as Glencore Port Operations is the holder of EA EPPR01436113
<p>Section 431 Environmental authority holder responsible for ensuring conditions complied with</p> <p>(2) <i>If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complies with the conditions.</i></p>	<p>EA EPPR01436113 which is held on the Edocs file referred to as Glencore. Also kept on the Ecotrack database. See Attachment 1.</p> <p>Authorised officers official notes of conversation with Glencore and NSS representatives on the days that inspections were carried out.</p> <p>See Attachment 4.</p>	<p>Glencore is the holder of Environmental Authority EPPR01436113 and therefore considered to be the environmental authority holder responsible for ensuring conditions complied with as stated in s.431 of the EPAct.</p> <p>During the site inspection officers identified that Northern Stevedoring Services Pty Ltd was loading lead dross at Berth 8 in the Port of Townsville under environmental authority EPPR01436113 which is held by Mt Isa Mines Limited trading as Glencore Port Operations.</p> <p>Under s.431(4), it is a defence for the holder to prove—</p> <p>(a) the holder issued appropriate instructions and used all reasonable precautions to ensure compliance with the conditions; and</p> <p>(b) the offence was committed without the holder's knowledge; and</p> <p>(c) the holder could not by the exercise of reasonable diligence have stopped the commission of the offence.</p>

Alleged Breach Report Penalty Infringement Notices (PINs)

Elements List the elements of any alleged offence	Evidence (including details of how the evidence was obtained) Identify the information considered which is relevant to the elements or proving the grounds (i.e. statements, photographs, and recordings).	Fact and circumstances Detail the facts and circumstances that support the department's findings.
		<p>With respect to s.431(4)(a) Glencore was both the holder of the EA and supplier of the product. The product had an extremely low moisture content which contributed to the level of dust generated and consequently the contravention of the EA. Ensuring the product had adequate moisture content to minimise the dust generated when loading is considered a reasonable precaution to ensure compliance with the conditions.</p> <p>With respect to s.431(4)(b) Glencore representatives were present at all times EHP officers were inspecting the loading event and were advised on multiple occasions that a breach of EA condition had been observed.</p> <p>With respect to s.431(4)(c) it EHP's view that better management of the product in ensuring the moisture content was adequate to minimise the potential for dust generation, and addressing the noncompliance proactively rather than as a reaction to compliance inspections, would be considered reasonable diligence and may have stopped commission of the offence.</p>

5. Alleged offender correspondence- relating to the alleged offence/s

Please detail correspondence related to the alleged offence/s that has been received from the alleged offender, or sent from the department to the alleged

Alleged Breach Report Penalty Infringement Notices (PINs)

offender. Attach copies of the correspondence (including letters, emails, file notes of phone conversations, etc.).

Date	Type of Correspondence	Brief description of correspondence	Which alleged offence does the correspondence relate to?	Copy Attached? (YES/NO)
20 February 2015	Email to Mount Isa Mines limited trading as Glencore Port Operations	Email seeking further information following the site inspection. Attachment 5	Offence 2 – the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.	NO
4 March 2015	Letter to Mount Isa Mines limited trading as Glencore Port Operations	Letter notifying of identified breach and advising that the department is considering its compliance response. Attachment 6	Offence 2 – the holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.	YES
4 March 2015	Letter to Northern Stevedoring Services Pty Ltd	Letter notifying of identified breach and advising that the department is considering its compliance response. Attachment 7	Offence 1 – a person must not contravene a condition of an environmental authority	YES
17 March 2015	Letter from Glencore to EHP	Response to EHP letter sent on 4 March 2015 outlining mitigating actions undertaken by Glencore on 19 and 20 February 2015. Attachment 8.	Offence 2	YES
[[	[[	[[	[[	[[

6. Other enforcement options

Please detail what other enforcement options have been considered for this matter as per the department's [Enforcement Guidelines](#) (refer to section 3.2, 4, 5 6 and 7).

Have other enforcement options been considered?	YES
If yes, what are they and the reasons for using/not using them?	<p>Warning – given the extended period the activity was in non-compliance, that the company's reaction to the non-compliance was prompted but EHP's presence and identification of the breach, and the incident resulted in the release of a toxicant that bioconcentrates and bioaccumulates, a warning was not considered a sufficient penalty.</p> <p>Prosecution – as it was the first time this issue with a loading event had been identified and the company made the decision to cease loading rather than continue the breach of condition, there is considered to be sufficient mitigating circumstances that prosecution is not warranted in this instance.</p> <p>Environmental evaluation – Given the loading of lead dross occurs infrequently (every one to two years) and last load done (2013) was not observed by EHP officers it is not clear if there is an ongoing issue relating to emissions from the loading of lead dross. In this context an EE for this incident in isolation is not considered appropriate.</p>
If no, please advise why no other options have been considered?	N/A

7. Recommendation

The officer is required to make a recommendation in relation to the matter under investigation.

It is the opinion of the department that Northern Stevedoring Services Pty Ltd committed an offence against s430 of the *Environmental Protection Act 1994* by breaching condition B7 of environmental authority EPPR01436113 in allowing visible lead dross dust emissions during loading on the 19th and 20th of February 2015. As this is the first time this issue has been identified and the company decided to cease loading rather than continue the non-compliance it is recommended a penalty infringement notice is appropriate to deter Northern Stevedoring Services Pty Ltd from allowing a similar offence in future.

It is the opinion of the department that Mount Isa Mines Limited trading as Glencore Port Operations has committed an offence against s.431 of the *Environmental Protection Act 1994*. Northern Stevedoring Services Pty Ltd acting under environmental authority EPPR01436113, held by Mount Isa Mines Limited trading as Glencore Port Operations, committed an offence against s.431 and Mount Isa Mines Limited trading as Glencore Port Operations failed to ensure Northern Stevedoring Services Pty Ltd complied with the conditions of the EA. As this is the first time this issue has been identified and the company decided to cease loading rather than continue the non-compliance it is recommended a penalty infringement notice is appropriate to deter Mount Isa Mines Limited trading as Glencore Port Operations from allowing a similar offence in future.

8. Review

The recommending officer and supervisory reviewer are required to sign and date below.

Recommending Officer	Supervisory Review
Signature: []	Signature:
Print Name: [Nina Henney]	Print Name: Anthony Morrison
Position: [Senior Environmental Officer]	Position: [Team Leader]
Date:	Date:

9. Endorsement

The appropriate manager or supervisor is required to either support / not support the decision and sign and date below.

Decision for recommendation		<INSERT details support/ not support> []	
Reasons for decision []			
Signature:		Print Name: [Hamish Butler]	
Position: [Manager (Compliance)]		Date: []	

Please ensure that the PIN, cover letter and Alleged Breach Report are saved into Ecotrack and hard copies kept on file.

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Tuesday, 14 April 2015 1:41 PM
To: BUTLER Hamish
CC: CAVICCHIOLO Mark; HENNEY Nina
Subject: RE: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (4)
Attachments: SKMBT_C45215041413230.pdf

Hamish,

Signed ABR attached for your consideration. Let us know when we're right to contact clients. Chris said you wanted to catch up on the PINs so expect we'll be calling you shortly, he's just in a meeting room at the moment.

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: BUTLER Hamish
Sent: Tuesday, 14 April 2015 12:10 PM
To: MORRISON Anthony
Cc: CAVICCHIOLO Mark; HENNEY Nina
Subject: RE: Glencore-NSS-alleged-breach-report 25 March 2015_V5 (2) (4)

Im ok, if you sign and send back ill progress.

Hamish Butler
Manager (Assessments), Minerals
Environmental Services and Regulation
Department of Environment and Heritage Protection
Level 3, 5B Sheridan Street, Cairns QLD 4870

Phone: (07) 4222 5333
Fax : (07) 4222 5070
Email: hamish.butler@ehp.qld.gov.au

PO Box 7230
Cairns Qld 4870

www.ehp.qld.gov.au



From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Tuesday, 14 April 2015 10:10 AM
To: BUTLER Hamish
CC: CAVICCHIOLO Mark; HENNEY Nina
Subject: Cover letter PIN5947_NSS 13apr15
Attachments: Cover letter PIN5947_NSS 13apr15.docx

Hamish,

Revised cover letter for the NSS Pin for consideration.

Cheers,
Tony

Released under the RTI Act 2009 - EHP



Department of
**Environment and
Heritage Protection**

Our ref: CR67015 and PIN5947
Your ref: EPPR01436113

14 April 2015

Northern Stevedoring Services Pty Ltd
1st Floor Port Control Building Suter Pier
TOWNSVILLE QLD 4810

Comment [AM1]: Address from CITEC
search 17 December 2014

[By Email] dking@nsspl.com.au

Dear Mr King

Penalty Infringement Notice Qxxxxxxx issued for contravention of section 430(3) of the *Environmental Protection Act 1994* - Environmental authority EPPR01436113

I refer to the compliance inspection conducted by the Department of Environment and Heritage Protection (EHP) on 19 and 20 February 2015 at berth 8 Port of Townsville. The compliance inspection was undertaken by authorised officers Ms Nina Henney, Ms Wendy Logan and Mr Anthony Morrison of EHP in the presence of representatives of Mt Isa Mines Limited trading as Glencore Port Operations (Glencore), and Northern Stevedoring Services Pty Ltd (NSS).

The purpose of the inspection was to evaluate compliance with conditions of environmental authority EPPR01436113 (the EA) and more generally, to evaluate the loading of lead dross undertaken at berth 8. While undertaking the inspection, EHP identified a non-compliance with the EA.

Section 430 of the *Environmental Protection Act 1994* (EP Act) outlines;

"430 Contravention of condition of environmental authority

- (1) This section applies to a person who is the holder of, or is acting under, an environmental authority.*
- (2) The person must not wilfully contravene a condition of the authority. Maximum penalty—6250 penalty units or 5 years imprisonment.*
- (3) The person must not contravene a condition of the authority. Maximum penalty—4500 penalty units.*
- (4) In a proceeding for an offence against subsection (2), if the court is not satisfied the defendant is guilty of the offence charged but is satisfied the defendant is guilty of an offence against subsection (3), the court may find the defendant guilty of the offence against subsection (3)."*

The facts and circumstances of the matter are:

- Glencore is the holder of the EA and Glencore has confirmed that NSS were operating under the EA on 19 and 20 February 2015.
- Condition B7 of the EA states:

Level 10 Verde Tower
445 Flinders St Townsville
PO Box 5391 Townsville
Queensland 4810 Australia
Telephone + 61 7 4722 5353
Facsimile + 61 7 4722 5351
Website www.ehp.qld.gov.au
ABN 46 640 294 485

"There must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity".

- On 19 and 20 February 2015 during compliance inspections, EHP authorised officers observed visible dust being released from the ships hold during the loading of lead dross.
- On 19 and 20 February 2015 NSS representatives were observed by EHP authorised officers to be operating the lead dross loading activity at berth 8 and were acting under the EA.

Under section 430(3) of the EP Act it is an offence for a person to contravene a condition of an authority.

On this occasion, and consistent with the department's Enforcement Guidelines, the department has decided to issue NSS a Penalty Infringement Notice (PIN) for contravention of the EP Act.

Please find enclosed a PIN issued to NSS for the amount of **\$11,385.00**. Payment of this sum must be made within 28 days. Payment options available to you include cheque, money order, BPAY and BPOINT. For more information regarding your payment options please refer to the reverse side of the PIN or email infringement.notices@ehp.qld.gov.au

Also contained in the PIN is information regarding your rights and obligations. This includes your right of election to have this matter dealt with by a Court. Should you wish to elect to take this matter to Court, please complete the 'Elect for Court Hearing' section in the PIN and send the notice to Penalty Infringement Notices Team, GPO Box 2454, Brisbane QLD 4001.

Prior to electing to have the matter heard in Court, if you wish to dispute the offence you may lodge a request for matter to be reviewed by EHP. All requests must be made in writing and include a statutory declaration and the application and forwarded, by the due date to:

Post:

Department of Environment and Heritage Protection
Penalty Infringement Notices
GPO Box 2454
Brisbane QLD 4001

Or

Email: infringement.notices@ehp.qld.gov.au

A signed statutory declaration must be included explaining the reasons why the PIN needs to be reviewed. The statutory declaration should contain several elements including the following:

- name, address and signature of the person making the declaration
- signature, name and title of a person authorised to witness a statutory declaration—
a Commissioner of Declarations (Comm Dec) or Justice of the Peace (JP)
- full name and residential address of the nominated person.

If no further correspondence is received or the PIN remains unpaid after 28 days, the matter will be referred to the State Penalties Enforcement Registry (SPER) for debt management. SPER add an additional administrative cost.

To assist you in complying with the EP Act, or for more information about the department's role in regulating Queensland's environment and heritage, please visit the department's website at www.ehp.qld.gov.au

If you have any questions about this letter or require more information about the accompanying PIN, please contact Anthony Morrison on (07) 4722 5240 or via email at anthony.morrison@ehp.qld.gov.au

Yours sincerely,

Signature:

Date:

Hamish Butler
Manager (Compliance), North Queensland
Environmental Services and Regulation
Department of Environment and Heritage Protection

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Thursday, 16 April 2015 3:50 PM
To: David King
CC: BUTLER Hamish; CAVICCHIOLO Mark; WAKE Chris
Subject: RE: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

Dave,

In the cover letter the department provided what it considered to be sufficient particulars to understand what the offence is and the basis for determining it had occurred. If there are specific questions NSS has on these then let me know and we'll work out the appropriate way to deal with them. As stated in the letter there are options for NSS to have the decision internally reviewed or to elect to have the matter heard in court if it wishes to challenge the decision.

With regards to your query seeking the information provided by Glencore, please be advised that the information was received in written correspondence from Glencore and my understanding is that EHP is not in the position to provide this to NSS. However you may be able to access this through the Right to Information process. Please see the below link to the departments website, specifically in relation to Right to Information.

<https://www.ehp.qld.gov.au/about/rti/index.html>

Regards,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: David King [mailto:dking@nsspl.com.au]
Sent: Thursday, 16 April 2015 2:28 PM
To: MORRISON Anthony
Cc: BUTLER Hamish; CAVICCHIOLO Mark; WAKE Chris
Subject: RE: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

Tony, further to the attached PIN we are currently considering our position and, in order for us to make an informed decision we need to fully understand how the department has determined there has been a non compliance with the EA. To that end, can you provide a copy of all evidence held by the department relevant to this non compliance.

In addition, it is stated in the facts and circumstances section of your letter that Glencore has confirmed NSS were operating under the EA on 19 and 20 February 2015.

With regard to that statement can you please provide a copy of the advice from Glencore and, any other relevant information provided to the department

by Glencore.

Regards

David King

Business Support Manager

NSS



Northern Stevedoring Services Pty Ltd ABN: 36 009 854 899

P.O. Box 5740 M.C. Townsville, QLD, 4810

Level 1 Port Control Building, Suter Pier, Townsville Port, QLD, 4810

t. 07 4722 4804 | **m.** 0414 512 002 | **f.** 07 4772 1413 | **e.** dking@nsspl.com.au

www.nsspl.com.au

JAS-ANZ



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From: MORRISON Anthony [<mailto:Anthony.Morrison@ehp.qld.gov.au>]

Sent: Wednesday, 15 April 2015 4:49 PM

To: David King

Cc: BUTLER Hamish; CAVICCHIOLO Mark; WAKE Chris

Subject: PIN Q200000040195272 - issued for contravention of section 430(3) of the Environmental Protection Act 1994

Dave,

As discussed this morning please find attached a copy of the cover letter and penalty infringement notice (PIN) Q200000040195272 issued to Northern Stevedoring Services Pty Ltd following the breach environmental authority conditions identified during lead dross loading on the 19th and 20th of February 2015. The original is being forwarded via registered mail to the current registered office for Northern Stevedoring Services Pty Ltd at 1st Floor, Port Control Building, Suter pier, Townsville QLD, 4810. If you have questions or wish to discuss the PIN please feel free to contact myself.

Regards,

Tony

Anthony Morrison

Team Leader (Compliance)

Northern Region

Environmental Services & Regulation

Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au



Our ref: 101/0009170 and CR66501
Your ref: EPPR01436113

Department of
**Environment and
Heritage Protection**

4 March 2015

73(2)Irrelevant

Senior Environmental Advisor
Mt Isa Mines Limited T/A Glencore Port Operations
PO Box 5484
TOWNSVILLE QLD 4810

[By Email] 73(2)Irrelevant @glencore.com.au

Dear 73(2)Irrelevant

Compliance inspection outcome - Environmental authority EPPR01436113

I refer to the compliance inspection conducted by the Department of Environment and Heritage Protection (EHP) on 19 and 20 February 2015 at berth 8 Port of Townsville. The compliance inspection was undertaken by authorised officers Ms Nina Henney, Ms Wendy Logan and Mr Anthony Morrison of EHP in the presence of representatives of Mt Isa Mines Limited trading as Glencore Port Operations (Glencore), and Northern Stevedoring Services (NSS).

The purpose of the inspection was to evaluate compliance with conditions of environmental authority (EA) EPPR01436113 and more generally, to evaluate the loading of lead dross undertaken at berth 8.

While undertaking the inspection, EHP identified a non-compliance with the EA which is outlined as follows:

Table 1: Details of Non-Compliance with EA EPPR01436113

Condition number	Detail of non-compliance
Schedule B Air – Condition B7	<u>Condition:</u> <i>There must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity.</i> <u>Detail of non-compliance:</u> During the inspections on both the 19 th and 20 th of February EHP authorised officers observed visible dust being released from the ships hold during the loading of lead dross.

You are advised that it is an offence under section 430 of the *Environmental Protection Act 1994* to contravene a condition of an environmental authority and penalties of up to 6250 (\$711,562.50) penalty units or 5 years imprisonment apply.

Level 10 Verde Tower
445 Flinders St Townsville
PO Box 5391 Townsville
Queensland 4810 Australia
Telephone + 61 7 4722 5353
Facsimile + 61 7 4722 5351
Website www.ehp.qld.gov.au
ABN 46 640 294 6517

EHP notes that NSS was undertaking the loading of lead dross on behalf of Glencore and advises both companies that EHP is currently considering compliance action in response to the non-compliance identified. To be clear, EHP reserves its rights to take compliance and enforcement action in relation to this non-compliance.

I draw your attention to section 431 of the *Environmental Protection Act 1994* (EP Act) which outlines;

431 Environmental authority holder responsible for ensuring conditions complied with

- (1) The holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.
- (2) If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complied with conditions.
- (3) Maximum penalty – the penalty under section 430(2) or (3) for the contravention of conditions.

The department considers this breach resulting in the release of lead dross dust to the atmosphere to be a serious matter.

The department intends to be present at any future loading of lead dross and advises that any non-compliance associated with these events will be considered in line with the department's enforcement guidelines. A copy of the enforcement guideline is available from the department's web site at www.ehp.qld.gov.au.

The department also draws your attention to Glencore's requirement to comply with General Environmental Duty (GED) as outlined in the *Environmental Protection Act 1994*. GED requires that a person must not carry out any activity that causes or is likely to cause environmental harm unless they take all reasonable and practicable measures to prevent or minimize the harm.

Should you wish to discuss any of the matters raised in this letter please contact myself on 4722 53240 or at anthony.morrison@ehp.qld.gov.au.

Yours sincerely,

Anthony Morrison
A/Compliance Delivery Manager, North Queensland
Environmental Services and Regulation
Department of Environment and Heritage Protection

From: s.73 @glencore.com.au
Sent: Monday, 23 February 2015 6:35 PM
To: HENNEY Nina
CC: s.73 @glencore.com.au
Subject: Re: Lead Dross loading

Hi Nina,

No problems, will do.

Cheers,

s.73

From: HENNEY Nina
Sent: Monday, 23 February 2015 14:17
To: s.73 (Townsville - AU)
Cc: MORRISON Anthony; LOGAN Wendy
Subject: FW: Lead Dross loading

Good afternoon Elizabeth

I tried calling you earlier and left a message.

Further to Tony's email sent on Friday (20/02/15), please be advised that Tony

s.73

s.73

As a result can I please ask that you include me on any email correspondence and or contact me on 47225303 in relation to any updates regarding ship loading.

Regards

Nina

Nina Henney

Senior Environmental Officer (Compliance), North Queensland Compliance
Environmental Services and Regulation

Department of Environment and Heritage Protection

Level 10 | Flinders Street | Townsville QLD 4810

Tel 07 4722 5303 | **Fax:** 07 4722 5351

www.ehp.qld.gov.au



From: SULLIVAN Scott
Sent: Monday, 23 February 2015 12:52 PM
To: HENNEY Nina
Subject: Fwd: Lead Dross loading

FYI

Sent from my iPhone

Begin forwarded message:

From: MORRISON Anthony <Anthony.Morrison@ehp.qld.gov.au>
Date: 20 February 2015 4:52:52 pm AEST
To: "73(2)Irrelevant" <@glencore.com.au>
Cc: SULLIVAN Scott <Scott.Sullivan@ehp.qld.gov.au>
Subject: Lead Dross loading

73(2)Irrelevant

Just following up on our earlier discussion.

For after-hours notification of when the loading is going to start up again, could you please call Scott Sullivan in the first instance as Sch 4 - Personal Information. If you can't reach Scott then please call myself on Sch 4 - Personal Information. As much notice as you're able to give us would be appreciated as there will be some logistics to get the sampler in place and operating.

We are seeking a sample of the product being loaded and understand from our discussions that you will get a sample for us once the product is being handled again. If there are any issues with this please let me know.

Lastly could you also provide us a copy of the air quality monitoring program required under condition B13 of Glencore's environmental authority?

Thanks again for your assistance.

Regards,
Tony

Anthony Morrison
Team Leader, North Queensland Compliance
Environmental Services & Regulation
Northern Region
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
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Released under the RTI Act 2009 - EHP



Our ref: 101/0009170 and CR66501
Your ref: EPPR01436113

Department of
**Environment and
Heritage Protection**

4 March 2015

73(2)Irrelevant

Senior Environmental Advisor
Mt Isa Mines Limited T/A Glencore Port Operations
PO Box 5484
TOWNSVILLE QLD 4810

[By Email] 73(2)Irrelevant @glencore.com.au

Dear 73(2)Irrelevant

Compliance inspection outcome - Environmental authority EPPR01436113

I refer to the compliance inspection conducted by the Department of Environment and Heritage Protection (EHP) on 19 and 20 February 2015 at berth 8 Port of Townsville. The compliance inspection was undertaken by authorised officers Ms Nina Henney, Ms Wendy Logan and Mr Anthony Morrison of EHP in the presence of representatives of Mt Isa Mines Limited trading as Glencore Port Operations (Glencore), and Northern Stevedoring Services (NSS).

The purpose of the inspection was to evaluate compliance with conditions of environmental authority (EA) EPPR01436113 and more generally, to evaluate the loading of lead dross undertaken at berth 8.

While undertaking the inspection, EHP identified a non-compliance with the EA which is outlined as follows:

Table 1: Details of Non-Compliance with EA EPPR01436113

Condition number	Detail of non-compliance
Schedule B Air – Condition B7	<u>Condition:</u> <i>There must be no visible mineral concentrates, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity.</i> <u>Detail of non-compliance:</u> During the inspections on both the 19 th and 20 th of February EHP authorised officers observed visible dust being released from the ships hold during the loading of lead dross.

You are advised that it is an offence under section 430 of the *Environmental Protection Act 1994* to contravene a condition of an environmental authority and penalties of up to 6250 (\$711,562.50) penalty units or 5 years imprisonment apply.

Level 10 Verde Tower
445 Flinders St Townsville
PO Box 5391 Townsville
Queensland 4810 Australia
Telephone + 61 7 4722 5353
Facsimile + 61 7 4722 5351
Website www.ehp.qld.gov.au
ABN 46 640 294 485

EHP notes that NSS was undertaking the loading of lead dross on behalf of Glencore and advises both companies that EHP is currently considering compliance action in response to the non-compliance identified. To be clear, EHP reserves its rights to take compliance and enforcement action in relation to this non-compliance.

I draw your attention to section 431 of the *Environmental Protection Act 1994* (EP Act) which outlines;

431 Environmental authority holder responsible for ensuring conditions complied with

- (1) The holder of an environmental authority must ensure everyone acting under the authority complies with the conditions of the authority.
- (2) If another person acting under the authority commits an offence against section 430, the holder also commits an offence, namely, the offence of failing to ensure the other person complied with conditions.
- (3) Maximum penalty – the penalty under section 430(2) or (3) for the contravention of conditions.

The department considers this breach resulting in the release of lead dross dust to the atmosphere to be a serious matter.

The department intends to be present at any future loading of lead dross and advises that any non-compliance associated with these events will be considered in line with the department's enforcement guidelines. A copy of the enforcement guideline is available from the department's web site at www.ehp.qld.gov.au.

The department also draws your attention to Glencore's requirement to comply with General Environmental Duty (GED) as outlined in the *Environmental Protection Act 1994*. GED requires that a person must not carry out any activity that causes or is likely to cause environmental harm unless they take all reasonable and practicable measures to prevent or minimize the harm.

Should you wish to discuss any of the matters raised in this letter please contact myself on 4722 53240 or at anthony.morrison@ehp.qld.gov.au.

Yours sincerely,

49-Sch4 - Personal Information

 **Anthony Morrison**
A/Compliance Delivery Manager, North Queensland
Environmental Services and Regulation
Department of Environment and Heritage Protection

GLENCORE PORT OPERATIONS

Mount Isa Mines Limited ABN 87 009 661 447

17 March 2015

Mr Anthony Morrison
Department of Environment and Heritage Protection
Level 10, 455 Flinders Street
Townsville, Queensland 4810

Dear Anthony,

Compliance Inspection Outcome – Environmental Authority EPPR01436113

We refer to your letter dated 4 March 2015 regarding the compliance inspection undertaken by the Department of Environment and Heritage Protection (DEHP) officers on 19 and 20 February 2015 at Berth 8, Port of Townsville regarding the loading of lead dross. Glencore would like to take this opportunity to reiterate to DEHP that we take this situation seriously.

As discussed between you and [REDACTED] s.73 on 9 March 2015, Glencore wishes to provide additional information to DEHP on the circumstances of the alleged non-compliance with condition B7 and the mitigating actions that Glencore engaged in to prevent the release of dust from the loading activities.

Background

Glencore was made aware that the loading of the lead dross would not be able to be undertaken on Berth 3 by Northern Stevedoring Services Pty Ltd (NSS) as was planned. It was then determined that the loading of the lead dross would be undertaken on Berth 8 under Glencore's environmental authority.

A meeting was held with NSS on 17 February 2015 to discuss the risk assessment associated with the loading operations. As NSS was handling the transport and loading of the material, NSS was responsible for preparing and undertaking the risk assessment. At the meeting, Glencore made NSS aware of the conditions in its environmental authority in relation to dust emissions, in particular, condition B7.

It was reiterated by Glencore to NSS numerous times (verbally and in writing) that dust emissions must be controlled to ensure that no dust escapes from the hatch. After the risk assessment meeting, Glencore requested a copy of NSS's risk assessment associated with the loading. The risk assessment provided by NSS to Glencore prior to loading identified dust controls including water sprays (and moving the spray bars as necessary) and tipping the rotabox as low as possible in the hold to minimise dust. There was also a requirement for all NSS personnel to monitor dust levels and report issues immediately. NSS stated to Glencore that they would review the systems in the first couple of hours to ensure the best possible process, and their focus would be on dust control.

PO Box 5422 · Townsville · QLD 4810 · Australia
Berth 7 Lennon Drive · Townsville · QLD 4811 · Australia
Tel +61 7 4726 5600 · Fax +61 7 4721 2717 · Web www.glencorexstrata.com

A copy of Glencore's environmental authority (EPPR01436113) was provided to NSS on 19 February 2015, although as indicated above, NSS was made aware of the relevant conditions prior to this time.

Representatives from the Port of Townsville, Glencore and NSS were present for an inspection at the commencement of loading.

Mitigating Actions

From the commencement of loading of lead dross until cessation, Glencore continued to work, in conjunction with NSS, on improved methodologies to reduce the risk of dust emissions from the loading operations. We have set out below the actions that Glencore undertook in relation to dust mitigation:

1. The product was contained in lidded skips (containers) and the lids were not removed until the skip was lowered into the hold.
2. Soon after the commencement of loading at 3pm, an internal inspection was conducted. The 4th box loaded was noted as being dusty within the hatch. Glencore communicated this to NSS and loading ceased. NSS doubled the number of water sprays in the hatch. Sprays around the ships hold were replaced with more extensive sprays with extended coverage.
3. Additional water was added to the half height containers on Berth 8 prior to loading.
4. Sprays in the ships hold were adjusted to continue running following the product being emptied into the hold.
5. Regular inspections were undertaken during loading.
6. There was a further increase in the volume of water added to the half height containers prior to loading.
7. NSS reduced the drop height so that the containers were closer to the bottom of the hatch before emptying.
8. Increased run time for hatch water sprays and repositioning of hatch water sprays.
9. Loading ceased permanently at approximately 1:30pm on 20 February 2015 and Glencore commenced an investigation into alternate loading methods.

The non-compliance identified is pursuant to condition B7, in that DEHP officers observed visible dust being released from the ship's hold during the loading of lead dross. Glencore wishes the subjective nature of this condition be taken into consideration. As a consequence of using the water sprays as a mitigation measure, it was difficult to discern between water mist and dust in the hold, and therefore the level of dust emissions (if any) escaping the hold.

Further, we would like to point out to DEHP that condition B8 requires Glencore, when unloading materials using skips, to transfer material in a manner that minimises the likelihood of any release of minerals or bulk materials to the atmosphere or waters. We (and NSS) undertook the unloading in accordance with condition B8 and took all actions to minimise the likelihood of dust emissions emanating from the activity.

Glencore believes that it and NSS took all reasonable actions to minimise the likelihood of the release of any dust from the hold.

In regards to the ongoing management of lead dross, it is currently stockpiled within our facility whilst we investigate alternative options for handling, loading and shipping of the product. As requested, we will ensure that DEHP is notified of any future loading activities in regards to lead dross.

Should you have any queries in regards to the information contained in this letter, please do not hesitate to contact either Anne Williams, Superintendent – Health, Safety, Environment and Training (e: 73(2)Irrelevant @glencore.com.au p: 07 73(2)Irrelevant Or m: 73(2)Irrelevant 03(2)Irrelevant 73(2)Irrelevant Superintendent – Glencore Port Operations 73(2)Irrelevant @glencore.com.au p: 07 73(2)Irrelevant).

Yours Sincerely,

49-Sch4 - Personal Information

73(2)Irrelevant

General Manager - Commercial

Tel. + 73(2)Irrelevant s.73

E. 73(2)Irrelevant s.73 @glencore.com.au



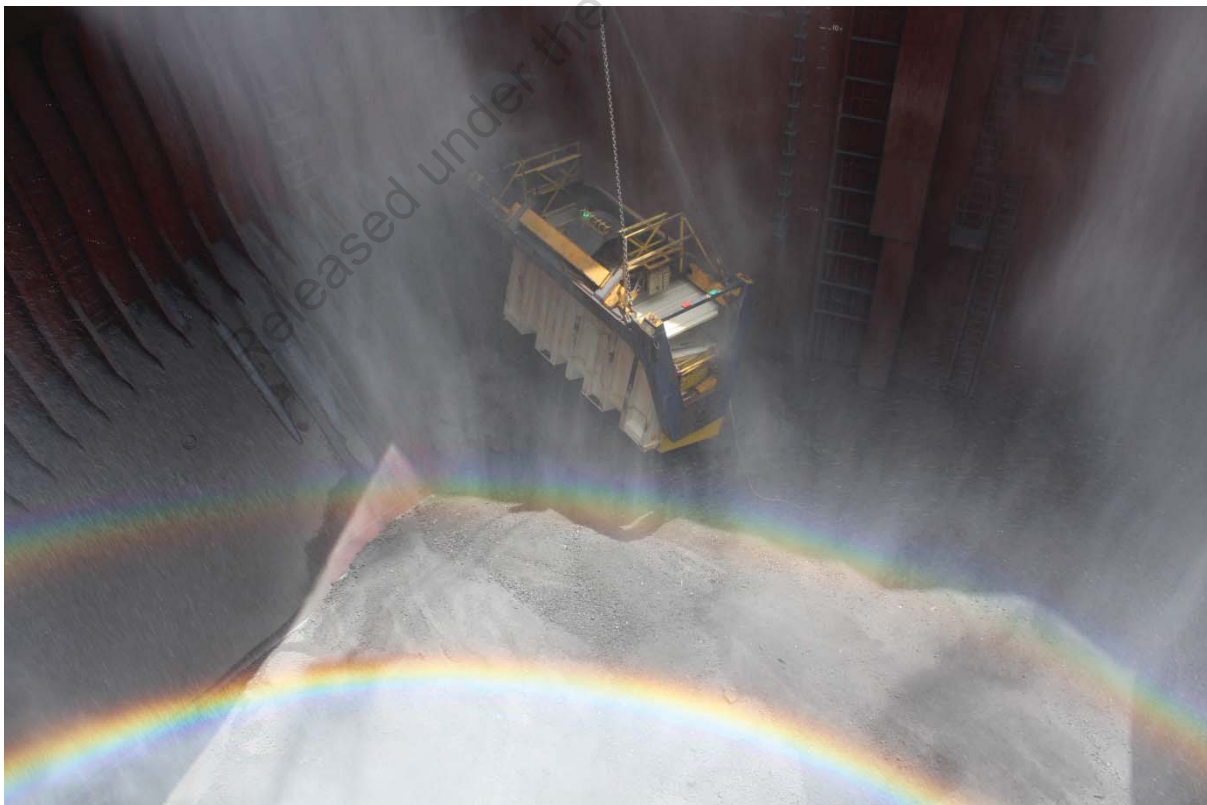
IMG1144 – 19 February 2015, dross dust in suspension after spray bars have been turned off.



IMG1164 – 19 February 2015, emissions (both mist and dust) leaving hold.



IMG1193 – 19 February 2015, lead dross dust in suspension and leaving hold after spray bars have been turned off.



IMG1329 – 20 February 2015, start of container tip



IMG1332 – 20 February 2015, lead dross dust beginning to rise as a result of tip



IMG1335 – 20 February 2015, lead dross dust continuing to rise.



IMG1337 – 20 February 2015, lead dross dust rising in updraft in top center of photo.



IMG1338 - 20 February 2015, lead dross dust rising in updraft in top center of photo.



IMG1350 – 20 February 2015, emissions (spray and lead dross dust) leaving hold.

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Wednesday, 15 April 2015 9:57 AM
To: SULLIVAN Scott
Subject: FW: PIN

Scott,

Sorry, should have included you in the below also.

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: MORRISON Anthony
Sent: Wednesday, 15 April 2015 9:53 AM
To: BUTLER Hamish; WAKE Chris
Cc: CAVICCHIOLO Mark
Subject: RE: PIN

Hamish,

We have just spoken with s.73
s.73 then Glencore and NSS advising we will issue a single PIN to each of them for the lead dross loading non-compliance.

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: BUTLER Hamish
Sent: Wednesday, 15 April 2015 9:08 AM
To: MORRISON Anthony; WAKE Chris
Subject: PIN

Tony/Chris,

I'm happy for you guys to contact the s.73 MIM and NSS this morning and advise them they will be getting the PIN's this afternoon.

Happy to be involved in you want as well.

Cheers.

Hamish Butler
Manager (Assessments), Minerals
Environmental Services and Regulation
Department of Environment and Heritage Protection
Level 3, 5B Sheridan Street, Cairns QLD 4870

Phone: (07) 4222 5333
Fax : (07) 4222 5070
Email: hamish.butler@ehp.qld.gov.au

PO Box 7230
Cairns Qld 4870

www.ehp.qld.gov.au



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From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Friday, 16 October 2015 8:53 AM
To: MORRISON Anthony
Subject: FW: ESR Alert - PINs Endorsed by the Compliance Steering Committee

Anthony Morrison

A/Compliance Delivery Manager

Environmental Services and Regulation | North Queensland Compliance

Department of Environment and Heritage Protection



P 07 4722 5240

Level 10 Verde Tower | 445 Flinders Street | Townsville

PO Box 5391 | Townsville Q 4810

From: GONZO Gus
Sent: Tuesday, 31 March 2015 3:21 PM
To: MORRISON Anthony
Cc: CAVICCHIOLO Mark
Subject: ESR Alert - PINs Endorsed by the Compliance Steering Committee

Hi Tony,
As discussed can you please QA.
Cheers
Gus

ALERT CATEGORY:

- Penalty Infringement Notices (PIN)

ALERT NAME:

- Compliance Steering Committee decision to approve 4 PINs – 31/03/15

CUSTOMER DETAILS:

73(2)Irrelevant

- Mount Isa Mines Limited trading as Glencore Port Operations (Glencore)
- Northern Stevedoring Services Pty Ltd (NSS)

SUMMARY OF ISSUE/S:

73(2)Irrelevant

Mount Isa Mines Limited trading as Glencore Port Operations (Glencore) and Northern Stevedoring Services Pty Ltd (NSS)

- In response to a complaint, EHP inspected the loading of Glencore's lead dross at the Port of Townsville.
- Loading was being conducted by NSS, under an EA held by Glencore.
- Glencore's EA has a condition which effectively requires that there be no visible dust emissions during ship loading operations.
- The loading consisted of half height containers being emptied into the ships hold using a rotainer system.
- There were some dust controls in place (mist sprays and operational controls) during the loading.
- In response to EHPs regular feedback over a period of two days, additional dust mitigation measures were continually added to the process (eg wetting down of containers).
- There was no event based monitoring in place by either company. Metrological conditions were not favourable to pick up any impact at the nearby DSITI monitoring station.
- When EHP indicated that they intended on installing monitoring equipment, the companies involved made the decision to cease loading and sent the ship to anchor.
- The lead dross being loaded contained a high proportion of fine material and was very dry with a low moisture content.
- On various occasions during the loading event, authorised officers observed that when the containers were tipped into the ships hold, significant quantities of dust were generated, including visual emissions of dross dust exiting the ships hold.
 - Glencore - 1 x PIN for an offence against s.431 (2) (Environmental authority holder responsible for ensuring conditions complied with) \$11,385
 - NSS - 1 x PIN for an offence against s.430 (3) (Contravention of condition of environmental authority) \$11,385

POTENTIAL IMPACTS / RISKS:

- The infringement notices are a significant financial penalty and may be appealed.

CUSTOMER ACTIONS:

- Clients have not yet been advised of the decisions.

DEPARTMENT ACTIONS:

[HISTORICAL ACTIONS]

- Compliance centre has been advised of the outcome of the CSC decision and are preparing a PIN for issuing by the relevant Manager (Compliance).

[PLANNED ACTIONS]

- The PINs will be issued as soon as practicable.

KEY COMMUNICATION MESSAGES:

- EHP is taking strong enforcement action where significant breaches of environmental protection legislation occur.

CONTACT DETAILS:

- Name: Rob Lawrence
- Phone number: 4222 5338

- Division: Environmental Services and Regulation

This email is an initial alert in respect of this matter.

If further advice or action is required, it will be communicated via normal channels such as a briefing note.

END

Released under the RTI Act 2009 - EHP

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Friday, 16 October 2015 8:58 AM
To: MORRISON Anthony
Subject: FW: Lead dross

Anthony Morrison

A/Compliance Delivery Manager

Environmental Services and Regulation | North Queensland Compliance

Department of Environment and Heritage Protection



P 07 4722 5240

Level 10 Verde Tower | 445 Flinders Street | Townsville

PO Box 5391 | Townsville Q 4810

From: MORRISON Anthony
Sent: Tuesday, 31 March 2015 4:13 PM
To: GONZO Gus
Cc: ANSCOMB Matt
Subject: Lead dross

Gus,

Lead dross is a by-product of the lead smelting process. The material being loaded by NSS under the Glencore approval was produced in Mt Isa. During the inspection Glencore advised that the majority of the dross produced in Mt Isa was fed back through the smelting process, but there was an excess produced that was stored then shipped out of Townsville. Lead dross shipments have only been occurring every one to two years.

We have not been supplied with an MSDS for the MIM product. General information identifies lead dross is comprised primarily of lead oxides with minor parts other metals. The material has a high percentage of lead and consequently is in the same category as lead concentrate when considering environmental risk and potential impacts.

Cheers,
Tony

Anthony Morrison
Team Leader (Compliance)
Northern Region
Environmental Services & Regulation
Department of Environment and Heritage Protection

Level 10, Verde Tower
445 Flinders St, Townsville, QLD, 4810
PO Box 5391
Townsville QLD 4810
Ph: (07) 4722 5240
Fax: (07) 4722 5351
www.ehp.qld.gov.au

From: MORRISON Anthony [Anthony.Morrison@ehp.qld.gov.au]
Sent: Friday, 16 October 2015 8:59 AM
To: MORRISON Anthony
Subject: FW: Email_Brief_Glencore_270215_v2
Attachments: Email_Brief_Glencore_270215_v3.docx

Anthony Morrison

A/Compliance Delivery Manager

Environmental Services and Regulation | North Queensland Compliance

Department of Environment and Heritage Protection



P 07 4722 5240

Level 10 Verde Tower | 445 Flinders Street | Townsville

PO Box 5391 | Townsville Q 4810

From: MORRISON Anthony
Sent: Friday, 27 February 2015 3:33 PM
To: GONZO Gus
Cc: CAVICCHIOLO Mark; HENNEY Nina; LOGAN Wendy
Subject: RE: Email_Brief_Glencore_270215_v2

Correct version attached this time.

From: MORRISON Anthony
Sent: Friday, 27 February 2015 3:28 PM
To: GONZO Gus
Cc: CAVICCHIOLO Mark; HENNEY Nina; LOGAN Wendy
Subject: FW: Email_Brief_Glencore_270215_v2

Gus,

Brief on the Glencore loading event last week for your consideration.

Cheers,
Tony

Manager (Compliance) – REQUEST FOR DECISION - EMAIL BRIEF

BRIEF	Recommend that a FIR be submitted to investigate the breach of environmental authority (EA) identified by officers when inspecting the lead dross loading operation carried out by Northern Stevedoring Services Pty Ltd under the Glencore Port Operations EA, EPPR01436113.
Compliance or Customer Service Centre	Townsville
Responsible officer	Anthony Morrison, Team Leader (Compliance) – 4722 5240
Required turnaround time	5 business days
Company Name	Mount Isa Mines Limited, T/A Glencore Port Operations Northern Stevedoring Services Pty Ltd
Reference Material	Permit number: EPPR01436113 eDocs site reference: 101/0009170 Ecotrack number: CR66501
Site Activity and location	Berth 8 Port of Townsville off Benwell Road; Lot461 on SP242513. ERA50 (1a) The loading or unloading minerals or stockpiling of minerals, primarily lead concentrate. ERA50 (2) – Loading and unloading 100t or more of bulk materials in a day or stockpiling bulk materials
Notification time and details	Officers undertook compliance inspections on 19 February 2015 and 20 February 2015 and observed dust from lead dross loading being released from the ships hold.
Summary of issues	<p>On 19 February 2015 authorised officers Nina Henney and Anthony Morrison undertook compliance inspection of loading at berth 8. EHP officers met with Glencore representatives 73(2)Irrelevant Also present was David King of NSS.</p> <p>Officers confirmed that loading of lead dross was being undertaken at berth 8 by Northern Stevedoring Services Pty Ltd under EA EPPR01436113 (held by Mount Isa Mines Limited, T/A Glencore Port Operations).</p> <p>During the inspection of ship loading officers observed significant quantities of visible dust being emitted from the hold. Officers raised this issue with representatives from Glencore and NSS.</p> <p>Officers undertook further compliance inspection on 20 February 2015 and again observed visible dust being emitted from the hold during loading of lead dross. Officers again advised company representatives of this and that they needed to consider all options to prevent the non-compliance from continuing.</p>

	Glencore and NSS made a decision to stop loading and send the ship out to anchor while they identified how they could load the remaining material without breaching the EA conditions. The loading activity was undertaken for approximately 18 - 20hours.
Potential Offence	<p>s.430 – contravention of a condition of an environmental authority. Contravention of condition B7 of EPPR01436113.</p> <p>Condition B7 states “There must be no visible mineral concentrate, fertiliser, revert or dross dust emission observed by an authorised officer of the administering authority from any loading, unloading or storage activity.”</p> <p>s.431 The holder of an environmental authority must ensure persons acting under the authority comply with the conditions.</p>
What are the relevant protected values/ sensitivities	Air quality in the Port of Townsville air shed, water quality in the Ross Creek and Ross river estuaries, and the coastal waters of the GBR lagoon.
Overall Impact/ Risk (Table 1 Enforcement Guidelines)	<p>4 – Major impact or risk</p> <p>There is a high level of public concern regarding the emissions from Townsville Port and lead in particular. Contamination resulting from these emissions is likely to be long-term.</p>
Culpability <i>The level of culpability of the alleged offender (Table 2 Enforcement Guidelines)</i>	2 - Moderate culpability
Are there any other relevant considerations	Glencore advised the material has a much higher portion of fines than previous shipments (last loaded lead dross in 2012) and that previously it had a consistency more like gravel and didn't generate the dust issues.
Recommendations	Recommend the submission of a FIR to investigate further the identified breach of environmental authority identified by officers when inspecting the ship loading operation.

GOLDSWORTHY Stephen

From: KANE Jasmyn
Sent: Wednesday, 10 June 2015 9:46 AM
To: GOLDSWORTHY Stephen
Cc: SANGSTER Deb
Subject: RE: PIN review - Northern Stevedoring

Hi Stephen,

Would it be possible to have a copy of the memo for our records? As we handle the administration of all PINS it is usual procedure to keep the results of reviews on file.

I will send out the standard form approved letters stating that the PINs will not be withdrawn.

Thanks

Jasmyn Kane
Supervisor | Infringement Notices Administration Team
Strategic Compliance Unit.
Petroleum, Gas & Compliance
Environmental Services & Regulation Division
Department of Environment and Heritage Protection
Telephone: (07) 3330 5619 || **Fax:** (07) 3330 5398
Email: jasmyn.kane@ehp.qld.gov.au
Level 5, 400 George Street, Brisbane
GPO Box 2454, BRISBANE QLD 4001



sch3(7) Information subject to legal professional privilege

GOLDSWORTHY Stephen

From: KANE Jasmyn
Sent: Wednesday, 3 June 2015 10:49 AM
To: GOLDSWORTHY Stephen
Cc: SANGSTER Deb
Subject: PIN Reviews of 4019527 and 4019687 / NSS & MIM

Good Morning Stephen,

Just following up on the PIN reviews for Mount Isa Mines and Northern Stevedoring Services as they are both due now. Have you completed these yet?

Please forward your review memos to me when they're completed and I will communicate the result to the recipients.

Regards,

Jasmyn Kane
Supervisor | Infringement Notices Administration Team
Strategic Compliance Unit
Petroleum, Gas & Compliance
Environmental Services & Regulation Division
Department of Environment and Heritage Protection
Telephone: (07) 3330 5619 || **Fax:** (07) 3330 5398
Email: jasmyn.kane@ehp.qld.gov.au
Level 5, 400 George Street, Brisbane
GPO Box 2454, BRISBANE QLD 4001



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From: GOLDSWORTHY Stephen
Sent: Thursday, 14 May 2015 2:15 PM
To: KANE Jasmyn
Cc: SANGSTER Deb
Subject: RE: PIN Review - 4019527

Ok.

Please confirm the date by which you want a response.

Deb has told me 28 business days from today and I accept on that basis.

From: KANE Jasmyn
Sent: Thursday, 14 May 2015 10:53 AM
To: GOLDSWORTHY Stephen
Cc: SANGSTER Deb
Subject: PIN Review - 4019527

Good Morning Stephen,

We have recently accepted a PIN review request for an EHP PIN issued to Northern Stevedoring Services (NSS) in Townsville (operating under an EA held by Glencore Australia):

Do you currently have the capacity to undertake this review?

If not, are you able to advise which of the compliance delegates the review can be allocated to by COB today?

Thanks for your assistance.

Regards,

Jasmyn Kane
Supervisor | Infringement Notices Administration Team
Strategic Compliance Unit
Petroleum, Gas & Compliance
Environmental Services & Regulation Division
Department of Environment and Heritage Protection
Telephone: (07) 3330 5619 || **Fax:** (07) 3330 5398
Email: jasmyn.kane@ehp.qld.gov.au
Level 5, 400 George Street, Brisbane
GPO Box 2454, BRISBANE QLD 4001

