

From: Pollution Hotline [PollutionHotline@ehp.qld.gov.au]
Sent: Friday, 6 September 2013 9:51 AM
To: Murphy Shari
CC: Mooney Chris; Birch Kerynne; Hawas Olga; Wilson Vicki; Adams Tim
Subject: FW: Incident Notification
Attachments: Northgate Environmental Licence.pdf; Duty To Notify.pdf

Good morning,

Please see attached duty to notify we have received from Sims Metal Management.

I have ecotracked the details, the reference number is CR60123.

Regards,
Alison
Pollution Hotline

From: Mart Altschwager [mailto:Mart.Altchwager@simsmm.com]
Sent: Friday, 6 September 2013 8:44 AM
To: Pollution Hotline
Subject: Incident Notification

Please see attached duty to notify form.

This transmission may contain information that is privileged, confidential, proprietary, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please contact the sender and delete the material from any computer immediately. Thank you.

RTI DL RELEASE - EHP



Sustainable Planning Act 2009

DERM Permit ¹ number: IPDE00927408

This document replaces document issued on 13-SEP-2002

Assessment manager reference (if any)	IPDE00927408
Permit type:	Replacement document for SR1420.
Date of decision:	25-AUG-2010
Decision:	The assessment manager's conditions are stated in this Permit.
Relevant laws and policies:	Section 621 of the <i>Environmental Protection Act 1994</i> .

Development Description(s)

Property/Location		Development
46 Crockford Street NORTHGATE QLD 4013	Lot 2 RP 85826 Parish of Toombul, City of Brisbane	ERA 20 Metal recovery Threshold 2(a) - operating a scrap yard or a facility for dismantling automotive or mechanical equipment recovering 100t or more of metal in a day, or 10000t or more of metal in a year without using a fragmentiser

Reason(s) for inclusion of conditions

The conditions are included pursuant to section 73B of the *Environmental Protection Act 1994*.

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which a development approval is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by a development approval as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

A development permit authorising the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the permit specifically authorises environmental harm.

A person carrying out an ERA must hold a registration certificate issued under the *Environmental Protection Act 1994*, or must be acting under a registration certificate, for the ERA.

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

Contaminated land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

Section 78B(2) RTI Act

Shari Murphy
Delegate of Administering Authority
Environmental Protection Act 1994
Department of Environment and Resource Management
25-AUG-2010

RTI DL RELEASE - EHP

CONDITIONS

This Development Permit consists of the following schedules of conditions relevant to various issues:

The aforementioned description of the environmentally relevant activity (ERA) for which this Development Permit is issued is simply a restatement of the activity as prescribed in the legislation at the time of issuing this Development Permit. Where there is any conflict between the above description of the ERA for which this Development Permit is issued and the conditions as specified in this Development Permit as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This Development Permit authorises the ERA. It does not authorise environmental harm unless a concurrence agency condition within this Development Permit explicitly authorises that harm. Where there is no condition or the Development Permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

Schedule A - General conditions

Maintenance of Plant and Equipment

(A1) The registered operator must:

- (i) install all plant and equipment necessary to ensure compliance with the conditions;
- (ii) maintain such plant and equipment in a proper and efficient condition; and
- (iii) operate such plant and equipment in a proper and efficient manner.

In this condition, "plant and equipment" includes:

- (i) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused;
- (ii) devices and structures to contain foreseeable escapes of contaminants and waste;
- (iii) vehicles used to transport waste;
- (iv) devices and structures used to store, handle, treat and dispose of waste;
- (v) monitoring equipment and associated alarms; and
- (vi) backup systems that act in the event of failure of the primary system.

Records

(A2) Any record or document required to be kept by a condition of this permit must be kept at the Queensland State Office of Simsmetal Limited, 148 Dunn Road Rocklea QLD 4106, for a period of at least five (5) years and be available for examination by an authorised person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.

Alterations

(A3) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this environmental permit.

An example of a substantial increase in the risk of environmental harm is an increase of ten percent (10%) or more in the quantity of the contaminant to be released into the environment.

Calibration, Monitoring and Measurements

- (A4) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this permit must be calibrated, and appropriately operated and maintained by a person or body possessing appropriate experience and qualifications to perform the required determinations and the required measurements.

Integrated Environmental Management System (IEMS)

- (A5) The registered operator must implement an Integrated Environmental Management System (IEMS) and ensure that the implemented IEMS provides for the effective and appropriate management of the actual and potential environmental impacts resulting from the carrying out of the environmentally relevant activities at the site.
- (A6) The Integrated Environmental Management System must provide for at least the following functions:
- (i) The monitoring of releases of contaminants into the environment, for example measurement of the quantities and concentrations of releases of contaminants to the environment as required under this permit;
 - (ii) The assessment of the environmental impacts of any releases of contaminants into the environment, for example any ambient environmental quality monitoring, noise monitoring or complaints monitoring required under this permit;
 - (iii) The training of all relevant staff, agents and contractors ("staff") to competent levels in at least the following:
 - (a) The environmental policy of the registered operator of this permit so that staff are aware of any relevant commitments to environmental management;
 - (b) Any relevant environmental objectives and targets so that all staff are aware of the relevant performance objectives and can work towards these;
 - (c) Control procedures for routine operations for day to day operational activities to prevent or minimise environmental harm, however occasioned or caused;
 - (d) Contingency plans and emergency procedures for non-routine situations to deal with foreseeable risks and hazards including corrective responses to prevent and mitigate environmental harm (including any necessary site rehabilitation);
 - (e) Organisational structure and responsibility to ensure that roles, responsibilities and authorities are appropriately defined to manage environmental issues effectively;
 - (f) Effective communication to ensure two-way communication on environmental matters between operational staff and management, as well as communications with the administering authority;
 - (g) Documentation systems so that appropriate records of environmental matters are kept to satisfy the registered operator, the administering authority, and the community that the registered operator is meeting environmental commitments; and
 - (h) Responsibilities of the registered operator and staff under the *Environmental Protection Act 1994* so that these can be met.
 - (iv) The conduct of environmental and energy audits to review periodically:
 - (a) the level of environmental performance;
 - (b) the effectiveness of environmental management procedures adopted; and
 - (c) efficiency in using energy and resources and opportunities for more efficient usage.

- (v) The implementation of effective and appropriate practices and procedures for waste prevention, treatment and disposal (including implementation of any waste management plans or waste audits required for particular sites and/or activities under specific conditions of this permit).
- (A7) The conduct of environmental and energy audits required by (A6(iv)) of this schedule must be carried out as often as necessary but not less frequently than the frequency specified below:
- (i) the level of environmental performance: annually;
 - (ii) the effectiveness of environmental management procedures adopted: once every two (2) years; and
 - (iii) efficiency in using energy and resources and opportunities for more efficient usage: within two years of the granting of this environmental permit and then not less than once every five (5) years.
- (A8) The registered operator must prepare a report summarising the outcomes of the environmental and energy audits required by A6(iv) of this schedule and submit the report with the Annual Return which follows the conduct of the audits.
- (A9) The registered operator must submit details of any amendment to the Integrated Environmental Management System annually to the administering authority with the Annual Return that immediately follows the enactment of any such amendment.

END OF CONDITIONS FOR SCHEDULE A

Schedule B - Air

Non Specific Releases to the Atmosphere

- (B1) Except as otherwise provided by the conditions of Schedule B - Air of this permit, the environmentally relevant activities must be carried out by such practicable means necessary to prevent the release or likelihood of release of contaminants to the atmosphere.

Dust Control

- (B2) Unsealed trafficable areas must be maintained using all reasonable and practicable measures to minimise the release of windblown dust or traffic generated dust to the atmosphere. Reasonable and practicable measures may include but are not limited to:
- (i) sealing with bitumen or other suitable material;
 - (ii) keeping surfaces clean;
 - (iii) use of water sprays;
 - (iv) adoption and adherence to speed limits; and
 - (v) windbreaks.
- (B3) Waste oils, leachate, stormwater contaminated by contact with waste materials or effluent resulting from washing trucks, plant or equipment must not be used for dust suppression purposes.
- (B4) All sealed traffic areas must be cleaned as necessary to minimise the release of dust to the atmosphere.

- (B5) Handling, loading, unloading, movement of vehicles and storing of raw materials and products must be carried out in such a manner as to minimise the release of dust to the atmosphere.
- (B6) In the event of a complaint being made to the administering authority regarding dust generated on the licensed sites that constitutes annoyance, and the administering authority considers the complaint to be neither frivolous or vexatious, the registered operator must take measures to mitigate the source of dust generation so as to minimise the released dust from the approved site.

Noxious or Offensive Odour

- (B7) In the event of a complaint made to the administering authority about odour generated at the approved ERA activities that constitutes annoyance and the administering authority considers that complaint to be neither frivolous or vexatious, the registered operator must take measures to mitigate the odour source to minimise noxious or offensive odour being released beyond the boundaries of the approved place.

Oxy Cutting Operations

- (B8) Any fire resulting from oxy-cutting operations must be completely extinguished as soon as practicable and not left to smoulder.

END OF CONDITIONS FOR SCHEDULE B

Schedule C - Water

Release of Contaminants to Waters

- (C1) Contaminants that will or may cause environmental harm must not be directly or indirectly released from a place to which this permit relates to any waters or the bed and banks of any waters except to a sewer as permitted or otherwise agreed from time to time by the relevant Local Government.

END OF CONDITIONS FOR SCHEDULE C

Schedule D - Stormwater Management

Release of Contaminated Stormwater Runoff

- (D1) Except as otherwise provided by the conditions of the stormwater management schedule and the water schedule of this permit, the environmentally relevant activity must be carried out by such practicable means necessary to prevent and or minimise the release or likelihood of release of contaminated runoff from a place to which this permit relates to any stormwater drain or waters or the bed or banks of any such waters.

Metal Recovery Operations

- (D2) All uncontaminated stormwater run-off must be diverted away from any metal recovery areas and motor vehicle body storage areas of the approved place.
- (D3) The oil separator(s) must be operated and maintained such that:
- (i) an effluent oil and grease concentration of not more than 10 mg/L is released from the separator(s);
 - (ii) the quality of effluent is within the pH range of 6.5 - 8.5;
 - (iii) an effluent quality for Suspended Solids (SS) must not exceed 30mg/L;
 - (iv) collected waste oil and sludge from the separators is removed as often as necessary to ensure effective operation of the separator(s); and
 - (v) detergents or other emulsifying agents are prevented as far as reasonable and practicable from entering the separator(s).
- (D4) The outlet pipe from each oil separator to stormwater must be fitted with a sample point to facilitate the collection of samples of the release.
- (D5) Any petroleum products or other chemicals which have been drained from the motor vehicle parts, must be stored in a chemical drum storage container or in a chemical tank storage.

Maintenance and Clean up

- (D6) All maintenance and clean up of vehicles and other equipment or plant must be carried out in areas from where contaminants cannot be released into any waters, roadside gutter or stormwater drainage system.
- (D7) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.
- (D8) Suitable absorbent materials must be used in cleaning up any spills of petroleum products and chemicals.

Chemical Storage

- (D9) All chemical tank storage must be bunded so that the capacity of the bund is sufficient to contain at least one hundred and ten percent (110%) of the largest storage tank plus ten percent (10%) of the second largest tank within the bund.
- (D10) All chemical drum storage must be bunded so that the capacity of the bund is sufficient to contain at least one hundred percent (100 %) of the largest container plus twenty-five percent (25%) of the storage capacity up to 10,000 litres, together with ten percent (10 %) of the storage capacity beyond 10,000 litres.
- (D11) All bunding must be constructed of materials which are impervious to the materials stored.
- (D12) All bunding on chemical drum storage must be roofed.
- (D13) All required pipework from the bunded areas must be directed over the bund wall and not through it.

(D14) Where vehicle access to a bunded area is required, the access must be by way of a rollover bund.

(D15) All empty drums must be stored on a concrete pad with their closures in place.

Regulated Waste Storage

(D16) All regulated waste receipt and storage areas must be roofed.

(D17) All regulated waste receipt and storage areas must be maintained in a manner which prevents the release of any wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.

(D18) Suitable absorbent materials must be used in cleaning up any spills in the regulated waste storage areas.

(D19) Notwithstanding D16, batteries may be stored in unroofed areas only when palletised and plastic wrapped.

END OF CONDITIONS FOR SCHEDULE D

Schedule E - Land Application

Release of Contaminants to Land

(E1) There must be no release or likelihood of release of any contaminants to land.

END OF CONDITIONS FOR SCHEDULE E

Schedule F - Noise

Emission of Noise

(F1) In the event of a complaint about noise that constitutes intrusive noise being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise from the approved place must not result in levels greater than those specified in Schedule F - Table 1.

SCHEDULE F - TABLE 1

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
Period	Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Amax,adj,T}$
7 am - 6 pm	Background noise level plus 5 dB(A)
6 pm - 10 pm	Background noise level plus 5 dB(A)

10 pm - 7 am	Background noise level plus 3 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
Period	Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level $L_{Amax,adj,T}$
7 am - 6 pm	Background noise level plus 10 dB(A)
6 pm - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)

END OF CONDITIONS FOR SCHEDULE F

Schedule G - Waste Management

General

(G1) The registered operator must not:

- (i) burn waste at or on a place to which this licence relates; nor
- (ii) allow waste to burn or be burnt at or on a place to which this permit relates.

(This conditions does not apply to material that is required to be burnt under quarantine regulations and burning of such materials is to be carried out in a way that does not cause environmental harm and this condition does not refer to activities carried out under the provisions of the Fire Services Act 1990.)

Notification of Improper Disposal of Regulated Waste

(G2) If the registered operator becomes aware that a person has removed regulated waste from a place to which this permit relates and disposed of the regulated waste in a manner which is not authorised by this permit or improper or unlawful, then the registered operator must, as soon as practicable, notify the administering authority of all relevant facts, matters and circumstances known concerning the disposal.

Security

(G3) The registered operator must ensure that:

- 1) at all times while the environmentally relevant activity is operating, at least one (1) person is present and whose duties must include but are not limited to:
 - (a) supervising all persons entering the facility;
 - (b) supervising the reception, storage and removal of waste; and
 - (c) monitoring compliance with the waste acceptance criteria; and

- 2) at all times while the environmentally relevant activity is operating, at least one (1) person must be responsible and contactable concerning the management of the facility and whose duties must include but are not limited to:
- (a) managing any employees working in the facility;
 - (b) managing any emergencies or incidents that may occur; and
 - (c) maintaining the facility to an appropriate environmental standard.

(G4) The premises must be enclosed by security fence which must be maintained to a standard that will prevent as far as practicable unauthorised access to the premises.

(G5) The registered operator must ensure that all access gates are securely locked when the environmentally relevant activity is unattended.

Removal of Regulated Wastes

(G6) The registered operator must ensure that only a transporter possessing a current permit for the transport of regulated waste is used for the removal of regulated waste from the approved place.

(G7) Where the regulated waste is transported to a place in the State of Queensland, that regulated waste must only be transported to a facility permitted under the *Environmental Protection Act 1994*:

- (i) to dispose of that regulated waste;
- (ii) to recycle or reprocess or recondition that regulated waste;
- (iii) as a waste transfer station that can receive that waste;
- (iv) to receive and store that regulated waste;
- (v) to receive and treat that regulated waste;
- (vi) to compost that regulated waste; or
- (vii) to incinerate that regulated waste.

Public Health Issues

(G8) The registered operator must:

- (i) install and operate all works and control equipment; and
- (ii) take all measures, perform all acts and do all things, necessary to ensure that the carrying out of the environmentally relevant activity does not cause any adverse effect on public health or any nuisance, particularly in relation to propagation of diseases, fly breeding, mosquito breeding, and harbourage and/or breeding of rats and other pest organisms and/or vectors.

(G9) In the event of any adverse effect upon public health and/or any nuisance arising from the conduct of the environmentally relevant activity, the registered operator must do all such acts and things and carry out any such works as may be necessary to:

- (i) abate such adverse effects and such nuisance; and
- (ii) prevent the likelihood of any recurrence of the circumstances which gave rise to such adverse effects and/or such nuisance.

Regulated Waste Storage

(G10) Batteries, lead, nickel, miscellaneous foundry residues and quarantine waste are the only regulated wastes which may be received and stored at the premises.

(G11) Regulated wastes must only be stored within those areas designated for those purposes.

Battery Draining

- (G12) The draining of acid or other liquids from batteries must only occur within the designated area.
- (G13) The area specified for battery draining operations must be constructed and roofed to prevent any entry of overland stormwater flow, flood water, and incident rainfall.
- (G14) Battery acid must be stored in a dedicated roofed and bunded storage tank prior to removal.

END OF CONDITIONS FOR SCHEDULE G

Schedule H - Self Monitoring and Reporting

Complaint Recording

- (H1) All complaints received by the registered operator relating to releases of contaminants from operations at the approved place must be recorded in a log and kept with the following details:
 - (i) time, date and nature of complaint;
 - (ii) type of communication (telephone, letter, personal etc.);
 - (iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
 - (iv) response and investigation undertaken as a result of the complaint;
 - (v) name of person responsible for investigating complaint; and
 - (vi) action taken as a result of the complaint investigation and signature of responsible person.

Incident Recording

- (H2) A record must be maintained of at least the following events:
 - (i) the time, date and duration of equipment malfunctions where the failure of the equipment resulted in the release of contaminants reasonably likely to cause environmental harm;
 - (ii) any uncontrolled release of contaminants reasonably likely to cause environmental harm;
 - (iii) any emergency involving the release of contaminants reasonably likely to cause material or serious environmental harm requiring the use of fire fighting equipment; and
 - (iv) the hours of operation of the plant.

Notification of Emergencies and Incidents

- (H3) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this permit, the registered operator must notify the administering authority of the release.
- (H4) The notification of emergencies or incidents as required by H3 must include but not be limited to the following:
 - (i) the registered operator;
 - (ii) the location of the emergency or incident;

- (iii) the number of the permit;
- (iv) the name and telephone number of the designated contact person;
- (v) the time of the release;
- (vi) the time the registered operator became aware of the release;
- (vii) the suspected cause of the release;
- (viii) the environmental harm caused, threatened, or suspected to be caused by the release; and
- (ix) actions taken to prevent further any release and mitigate any environmental harm caused by the release.

(H5) No more than fourteen (14) days following the initial notification of an emergency or incident, the registered operator must provide written advice of the information supplied in accordance with H4 in addition to:

- (i) proposed actions to prevent a recurrence of the emergency or incident; and
- (ii) outcomes of actions taken at the time to prevent or minimise environmental harm; and
- (iii) the results of any environmental monitoring performed.

Exception Reporting

(H6) The registered operator must notify the administering authority in writing of any monitoring result which indicates an exceedance of any licence limit within twenty eight (28) days of completion of analysis.

(H7) The written notification required by H6 above must include:

- (i) the full analysis results;
- (ii) details of investigation or corrective actions taken; and
- (iii) any subsequent analysis.

Monitoring Reporting

(H8) The registered operator must ensure that the results of all monitoring performed in accordance with this environmental permit for the period covered by the return are submitted with the Annual Return.

Monitoring of Contaminant Releases

(H9) The registered operator is responsible for the making of determinations and keeping of records of the quality of the contaminants released from the oil separator(s), and at the frequency specified in TABLE 1.

Schedule 1H - Table 1

Parameters	Frequency
oil & grease (mg/L)	when releasing
pH (pH units)	when releasing
Suspended Solids (mg/L)	when releasing

Ship Loading Activities

(H10) Prior to all loading operations to the docks for shipping, written advice must be provided to the administering authority, at least two (2) weeks prior to the forecast date, and again 5 days prior to the actual start date. Written advice must also be provided to the nearby residents of all licensed sites which undertake ship loading activities at least two (2) weeks prior to the forecast date, and again five (5) days prior to the actual start date.

Noise Monitoring

- (H11) For the purposes of investigation of complaint of unreasonable intrusive noise annoyance and for checking compliance with F1 of the Noise Schedule, monitoring and recording the noise levels from the environmentally relevant activities must be undertaken for at least the following descriptors, characteristics and conditions:

- (i) $L_{Amax, adj, Tmin}$;
- (ii) $L_{Aeq, T}$ (or $L_{A90, T}$);
- (iii) $L_{AN, T}$ (where N equals statistical levels of 1, 10, 50, 90 and 99);
- (iv) $Max L_{pA, T}$;
- (v) $L_{Aeq, T}$;
- (vi) the level and frequency of occurrence of impulsive or tonal noise;
- (vii) atmospheric conditions including temperature, relative humidity and wind speed and direction; and
- (viii) effects due to extraneous factors such as traffic noise.

- (H12) In conjunction with measurement and recordings of the noise, the following parameters and conditions must be recorded:

- (i) location, date and time of recording.

- (H13) Noise monitoring must be undertaken to investigate any complaint of noise annoyance upon receipt of a written request from the administering authority to carry out such monitoring.

Quality Assurance: Noise Measurements

- (H14) The method of measurement and reporting of noise levels must comply with the *Department of Environment and Resource Management Noise Measurement Manual*, or more recent editions or supplements to that document as become available.
- (H15) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

Report Submission

- (H16) The registered operator must ensure that all complaints and results of all monitoring performed in accordance with conditions of this permit for the period covered by the annual return are submitted with the annual return.

END OF CONDITIONS FOR SCHEDULE H

Schedule I - Definitions

For the purposes of this environmental permit the following definitions apply:

- (11) "regulated waste" means non-domestic waste mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (whether or not it has been treated or immobilised), and includes:
- (a) for an element - any chemical compound containing the element; and
 - (b) anything that has contained a regulated waste.
- (12) "noxious" means harmful or injurious to health or physical well-being.
- (13) "offensive" means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.
- (14) "Waters" - includes the bed and/or banks of any water(s), stormwater runoff and any part of a river, stream, lake, lagoon, pond, dam, swamp, wetland, unconfined surface water, underground water, unconfined water, natural or artificial watercourse, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter.
- (15) "contaminated runoff" means stormwater and/or stormwater runoff that contains contaminants that may cause environmental harm.

Noise Definitions

- (16) " $L_{Amax,adj,T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than fifteen (15) minutes, using Fast response.
- (17) " $Max L_{pA,T}$ " means the maximum A-weighted sound pressure level measured over a time period of not less than fifteen (15) minutes, using Fast response.
- (18) "Background noise level" means $L_{A90,T}$ being the A-weighted sound pressure level exceeded for ninety percent (90%) of the time period of not less than fifteen (15) minutes, using Fast response.
- (19) "noise sensitive place" means any of the following places:
- (a) a dwelling;
 - (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
 - (c) a hospital, surgery or other medical institution;
 - (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
 - (e) a marine park under the *Marine Parks Act 1982*;
 - (f) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.
- (110) "commercial place" means a place used as an office or for business or commercial purposes.
- (111) "intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration -
- (a) is clearly audible to, or can be felt by, an individual; and
 - (b) annoys the individual.

In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be had to *Australian Standard 1055.2 - 1997 Acoustics - Description and Measurement of Environmental Noise Part 2 - Application to Specific Situations* or supplements to that document as such become available.

END OF CONDITIONS FOR SCHEDULE I

END OF CONDITIONS

RTI DL RELEASE - EHP

Notice

Environmental Protection Act 1994

Duty to notify of environmental harm

This form is to be used for notifying the administering authority about incidents causing or threatening serious or material environmental harm in accordance with the duty to notify contained in ss. 320–320G of the Environmental Protection Act 1994.

Office use only

Date entered in Ecotrack:		Relevant regional manager:	
Ecotrack reference number:		Date sent to regional manager:	
Relevant regional area:		Officer actioning this item:	

1. Person providing notification

NAME Mart Altschwager		TELEPHONE (BUSINESS HOURS) Section 78B(2) RTI Act
		TELEPHONE (AFTER HOURS)
COMPANY/ORGANISATION NAME Sims Metal Management		
POSTAL ADDRESS PO Box 225 Archerfield 4108		
EMAIL mart.altschwager@simsmm.com	FACSIMILE 32778886	

2. Details of the site or location where the incident has occurred

2.1. Please provide details of the lot and plan description at which the incident or activity has taken place (and full street address if available).

NAME BY WHICH THE PROPERTY IS KNOWN SIMS METAL MANAGEMENT	
FULL STREET ADDRESS OF THE SITE 46 CROCKFORD ST, NORTHGATE, 4013, QLD	
ANY OTHER INFORMATION THAT WILL ASSIST IN QUICKLY LOCATING THE LOCATION WHERE AN INCIDENT HAS OCCURED OPERATIONS AREA	
LOT(S) 2RP85826	PLAN(S)
GRID REFERENCES NORTHING	EASTING
LOCAL GOVERNMENT AUTHORITY BRISBANE CITY COUNCIL	

Notice
Duty to notify of environmental harm

2.2. Area of the land over which the incident has occurred or affected? _____ m² (estimated)

2.3. State whether the activity or activities that led to the incident were being carried out under:

- environmental authority ☐ No ☒ Yes
- other environmental approval (please specify) ☐ No ☐ Yes

2.4. Please provide the identifying details of the relevant environmental authority or other environmental approval. If possible attach a copy of the relevant document.

Registration Certificate A003615475

3. Special requirements for non-mining resource activities (i.e. petroleum and gas, geothermal and greenhouse gas storage activities)

3.1. Does this notice relate to notification of an incident that has occurred while carrying out a non-mining resource activity that has:

- negatively affected, or is reasonably likely to negatively affect, the water quality of an aquifer; ☒ No ☐ Yes
or
- has caused the connection of two or more aquifers. ☒ No ☐ Yes

4. Nature and circumstances of how incident has occurred

4.1. Describe the nature of the activity being carried out that gave rise to the actual or threatened serious or material environmental harm.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Possible release of a gaseous substance during processing material

4.2. Describe the circumstances in which the incident has occurred. Please provide details of the events that led up to the incident, any preventive steps that may have been taken, any factors that may make the incident worse, and any other matters that may be relevant to the incident and any cleanup up action.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Fire department attended site to investigate an odour complaint reported to them. Fire department instructions followed to ensure containment of possible non conforming material.

Notice
Duty to notify of environmental harm

4.3. Provide any additional information that may be relevant to this notification or incident.

If additional space is required attach the information on a separate sheet and make reference to that sheet here.

--

4.4. Incident type:

- | | | | |
|--|------------------------------------|-------------------------------|-----------------------------------|
| ☐ Spill | ☐ Discharge | ☐ Fire | ☐ Fishkill |
| ☒ Other <u>Release</u> | | | |

4.5. Source of release:

- | | | | |
|---|---|--|---|
| ☐ Vehicle spill | ☐ Vessel spill | ☐ Pipeline breach | ☐ Dam/pond failure |
| ☐ Drain outlet | ☒ Bulk/tank | ☐ Vessel sinking | ☐ Dumping |
| ☐ Sewage discharge | ☐ Other _____ | | |

4.6. Contaminants:

- | | | | |
|--|---|---------------------------------------|--|
| ☐ Solid chemicals | ☐ Liquid chemicals | ☐ Hydrocarbons | ☒ Gas/vapour |
| ☐ Pesticide/herbicide | ☐ Nutrients | ☐ BOD/COD | ☐ Dangerous goods |
| ☐ Other _____ | | | |

4.7. Details:

Quantity: Unknown Litres/Kilograms/Tonnes/<other>

Area/extent affected: Unknown m by _____ m

4.8. Environmental risk, impact and recovery issues:

- | | | | |
|---|--------------------------------------|---|-------------------------------------|
| ☐ Waterway/drain | ☐ Marine | ☐ Estuarine | ☐ Freshwater |
| ☐ Land contamination | ☐ Urban area | ☒ Air/fallout | ☐ Vegetation |
| ☐ Protected area | ☐ Other _____ | | |

5. Details of registered owners or occupiers of affected land to which notice has been given

Note: Notification of registered owners or occupiers of affected land does not have to occur before notification of the administering authority.

5.1. Have any registered owners or occupiers of affected land been notified of this incident?

- ☒ No
- ☐ Yes (provide details of the occupiers and registered owners of land affected, or potentially affected, by this incident including details of how notice to those persons was given)

NAME	TELEPHONE
------	-----------

Notice
Duty to notify of environmental harm

POSTAL ADDRESS
DESCRIPTION OF HOW NOTICE WAS GIVEN

If you require additional space you may attach the information on a separate sheet.

5.2. Has a map or locality plan been attached to this notification?

The processing of this information will be greatly assisted by the inclusion of a map or locality plan that shows the affected land.

☒ No ☐ Yes

5.3. State the time and date when you first became aware of the event for which notice is given.

TIME 11:34AM	DATE 5/9/13
-----------------	----------------

6. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

I do solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge. I understand that it is an offence under s. 480 of the *Environmental Protection Act 1994* to give to the administering authority or an authorised person a document containing information that I know is false, misleading or incomplete in a material particular.

I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTIFYING PERSON'S SIGNATURE <div style="border: 1px solid black; width: 100px; height: 15px; margin-top: 5px;"></div>	TIME / DATE <div style="font-family: cursive; font-size: 1.2em; margin-top: 5px;">6/9/13 8:35 AM.</div>
---	--

Privacy statement

The Department of Environment and Heritage Protection (EHP) is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. EHP is collecting your personal information in accordance with ss. 320-320G of the *Environmental Protection Act 1994* in order to respond to notice given of material or serious environmental harm. The information will only be accessed by authorised employees within the department. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@ehp.qld.gov.au or telephone: (07) 3330 5436.

7. Sending the written notice

Please return the completed notice to Permit and Licence Management by:

Email: pollutionhotline@ehp.qld.gov.au

Fax: (07) 3330 5875

Note: Include 'Duty to notify of environmental harm' in the subject line of the fax or email and attach a completed copy of the template.

Registered post:

Permit and Licence Management
Implementation and Support Unit
Department of Environment and Heritage Protection
Level 3, 400 George Street
Brisbane QLD 4000

8. Phoning the pollution hotline

In addition to providing the written notice if you become aware of a matter which has caused or threatens serious or material environmental harm you should immediately call the pollution hotline on **1300 130 372** and report the matter. Reporting the matter through the pollution hotline allows the administering authority to take necessary measures to prevent further harm and to mitigate the effects of an incident or event.

In addition to notifying the administering authority, and where that is not the relevant local government, it is good practice to notify the local government for the area where the event has occurred.

Further information

The latest version of this publication can be found at www.qld.gov.au using the publication number EM468 as a search term or by contacting Permit and Licence Management on 13 QGOV (13 74 68).

For further information, refer to the guideline *Duty to notify of environmental harm* (EM467).

From: Alan Girle [Alan.Girle@sparke.com.au]
Sent: Wednesday, 5 March 2014 2:29 PM
To: MULHERAN Beau
CC: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]
Attachments: 41142100(1) - Letter to DEHP dated 4 March 2014.PDF

Hi Beau

Please find correspondence **attached**.

I had thought I'd sent this to you already, but don't seem to have a record on my computer of having done so. If not, I apologise for the delay.

Kind regards

Alan Girle | Special Counsel | Workplace
Sparke Helmore Lawyers | Level 25, 240 Queen Street, Brisbane
t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: MULHERAN Beau [<mailto:Beau.Mulheran@ehp.qld.gov.au>]
Sent: Friday, 28 February 2014 10:38 AM
To: Alan Girle
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Does Tuesday the 18th of March 10am suit?
Once the date and time is agreed, I will send the notice through.
Kind Regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

Level 1 | 173 Hume St Toowoomba Qld 4350
PO Box 731 | Toowoomba Qld 4350
P: (07) 4615 3634 | **M:** Section 78B(2) RTI Act
E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Tuesday, 25 February 2014 9:50 AM
To: MULHERAN Beau
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

Can you propose a date for interview of Roger Swift in the week commencing 17 March 2014.

Mr Swift is the National Safety, Health, Environment and Community Manager for Sims Metal Management.

Can you also please send the section 465 notice to us well in advance of the proposed interview, including an outline of the proposed questions for interview.

Kind regards

Alan Girle | Special Counsel | Workplace
Sparke Helmore Lawyers | Level 25, 240 Queen Street, Brisbane
t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: Mulheran Beau [<mailto:Beau.Mulheran@ehp.qld.gov.au>]
Sent: Friday, 21 February 2014 2:27 PM
To: Alan Girle
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Thankyou for your email. Just confirming there are no problems postponing the proposed interview dates as indicated in my initial correspondence.
I'll await your advice on the company representative and forward through the notice once we negotiate a suitable time and date.
Kind regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
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E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Thursday, 20 February 2014 2:23 PM
To: Mulheran Beau
Subject: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Dear Beau

We confirm that we act for Sims Metal Management.

Further to our telephone conversation today, we confirm that our client would have difficulty in providing for you, a person you can formally interview, in the times outlined in your letter delivered today.

We expect that our client should be able to provide the identity of the interviewee before Monday next week and we will endeavour to obtain instructions so that the notice can be served on directly on us. We'll try to get instructions on service quickly so that that aspect is resolved quickly for the convenience of all.

If we could then have reasonable time to respond to the notice once served; say 1-2 weeks?

For all future correspondence, we are instructed by Sims Metal Management to request that it be sent to us direct.

Kind regards

Alan Girle | Special Counsel | Workplace
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4 March 2014

Senior Investigator Beau Mulheran
Enforcement Services
Department of Environment and Heritage Protection
Level 1, 173 Hume Street
TOOWOOMBA QLD 4350

By email

Dear Mr Mulheran

Incident at Northgate in September 2013

Our ref: MBS/ARG/SIM011-00039

We refer to your correspondence dated 13 February 2014 and subsequent emails.

We confirm that we act for Roger Swift and for Sims Metal Management.

Mr Swift is available for interview on the afternoon of 18 March 2014 at your offices in Brisbane. Please note that Mr Swift is travelling to Brisbane from interstate, so a morning interview is not possible.

In the notice can you please identify the reasonable grounds upon which you suspect that:

1. an offence against the Act has happened, and
2. an employee of Sims Metal Management may be able to give information about the offence.

We would also be grateful if you could provide an outline of the questions you propose to ask so that Mr Swift may prepare for the interview.

You may serve your written notice on us by email.

Yours faithfully



Partner responsible:

Matthew Smith

e: matthew.smith@sparke.com.au

Contact:

Alan Girle, Special Counsel

t: +61 7 3016 5035

m: Section 78B(2) RTI Act

e: alan.girle@sparke.com.au

Brisbane

Level 25, 240 Queen Street, Brisbane Qld 4000

PO Box 10220, Brisbane Qld 4000

t: +61 7 3016 5000 | f: +61 7 3016 5100 | DX 302 | www.sparke.com.au

adelaide | brisbane | canberra | melbourne | newcastle | perth | sydney | upper hunter

From: MULHERAN Beau [Beau.Mulheran@ehp.qld.gov.au]
Sent: Monday, 17 March 2014 11:24 AM
To: 'Alan Girle'
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,

Have you had any luck with the clarification of the correct entity responsible for the Crockford st scrap yard?

I discussed this with management re issuing the notice to Roger, and they preferred the notice be issued to the company.

I will forward the notice as soon as I have had confirmation from you.

Also, just confirming that everything is fine for the interview tomorrow afternoon?

Thanks Alan.

Regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
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Level 1 | 173 Hume St Toowoomba Qld 4350
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P: (07) 4615 3634 | **M:** Section 78B(2) RTI Act
E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [mailto:Alan.Girle@sparke.com.au]
Sent: Friday, 14 March 2014 8:06 AM
To: MULHERAN Beau
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

I'm not sure of the significance between the 2 entities, but it doesn't cause us any issues. I'll make some enquiries, but it might take a while.

Would it help if you addressed your notice to Roger?

Kind regards

Alan Girle | Special Counsel | Workplace
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Connect at: <http://www.linkedin.com/in/alangirle>

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Sent: Friday, 14 March 2014 7:34 AM
To: Alan Girle

Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Sorry I missed your call yesterday, was in and out of meetings in Brisbane all day and unfortunately have the same issue today.

I have been drafting the statutory notice for the requirement to answer questions and identified a possible issue that I am seeking clarification on.

Whilst I conducted checks with Sims metal when I first made contact to notify them of the investigation, it would appear that in other correspondence, I have observed that Sims group Australia Holdings Limited has been referenced in regard to the Sims metal yard at Northgate.

Can you please confirm the correct legal entity for Sims metal Northgate scrap yard?

If Sims Metal Management Limited is not the correct entity, can you please advise if this causes any issues with yourself and your client and who he/she represents?

Appreciate your assistance with this request.

Kind regards
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From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Tuesday, 11 March 2014 12:29 PM
To: Alan Girle; MULHERAN Beau
Cc: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]
Importance: High

Hi Beau

Can you please confirm that the afternoon of 18 March 2014 is suitable. We will have difficulties with Mr Swift's flights and accommodation if you can't and it might be best to aim for a later date.

Kind regards

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Mr Swift is the National Safety, Health, Environment and Community Manager for Sims Metal Management.

Can you also please send the section 465 notice to us well in advance of the proposed interview, including an outline of the proposed questions for interview.



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Senior Investigator | **Enforcement Services Unit**

Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
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The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

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From: Alan Girle [Alan.Girle@sparke.com.au]
Sent: Monday, 17 March 2014 8:12 PM
To: MULHERAN Beau
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

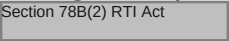
Hi Beau

No clarification, but I've been out of the office.

Where do you want us to meet you tomorrow?

Alan

Kind regards

Alan Girle
e: alan.girle@sparke.com.au
m: 

-----Original Message-----

From: MULHERAN Beau [Beau.Mulheran@ehp.qld.gov.au]
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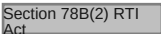
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Can you please confirm the correct legal entity for Sims metal Northgate scrap yard?

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Release



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t: +61 7 3016 5035 | m: Section 78B(2) RTI Act f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Wednesday, 5 March 2014 2:29 PM
To: MULHERAN Beau
Cc: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

Please find correspondence **attached**.

I had thought I'd sent this to you already, but don't seem to have a record on my computer of having done so. If not, I apologise for the delay.

Kind regards

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Beau Mulheran

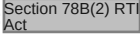
Senior Investigator | **Enforcement Services Unit**

Energy Resources and Enforcement Branch| Environmental Services and Regulation Division

DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

Level 1 | 173 Hume St Toowoomba Qld 4350

PO Box 731 | Toowoomba Qld 4350

P: (07) 4615 3634 | M: 

E: beau.mulheran@ehp.qld.gov.au

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Sent: Tuesday, 25 February 2014 9:50 AM

To: MULHERAN Beau

Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

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Can you propose a date for interview of Roger Swift in the week commencing 17 March 2014.

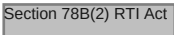
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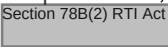
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RTI DL RELEASE - EHP

From: MULHERAN Beau [Beau.Mulheran@ehp.qld.gov.au]
Sent: Tuesday, 18 March 2014 9:25 AM
To: 'Alan Girle'
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
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Confirming the location for the interview is Level 3 400 George St Brisbane, across from the magistrates court.
I will be leaving Toowoomba shortly, was hoping of sending the notice prior to leaving but would like to clarify the correct entity before issuing the notice.
In any case, if I have not spoken to you before leaving Toowoomba, I will hopefully touch base and issue the notice from Brisbane before you attend.
If this is not suitable to yourself and or your client, I am agreeable to postpone the interview if you wish, but I assume if Mr SWIFT is in Brisbane from interstate preference would be to finalise the interview today?
Thanks Alan.
Kind Regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
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Hi Beau

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Where do you want us to meet you tomorrow?

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e: alan.girle@sparke.com.au
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I will forward the notice as soon as I have had confirmation from you.

Also, just confirming that everything is fine for the interview tomorrow afternoon?

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W: www.ehp.qld.gov.au



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Sent: Friday, 14 March 2014 8:06 AM

To: MULHERAN Beau

Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

I'm not sure of the significance between the 2 entities, but it doesn't cause us any issues. I'll make some enquiries, but it might take a while.

Would it help if you addressed your notice to Roger?

Kind regards

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Hi Alan,

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I have been drafting the statutory notice for the requirement to answer questions and identified a possible issue that I am seeking clarification on.

Whilst I conducted checks with Sims metal when I first made contact to notify them of the investigation, it would appear that in other correspondence, I have observed that Sims group Australia Holdings Limited has been referenced in regard to the Sims metal yard at Northgate.

Can you please confirm the correct legal entity for Sims metal Northgate scrap yard?

If Sims Metal Management Limited is not the correct entity, can you please advise if this causes any issues with yourself and/or your client and who he/she represents?

Appreciate your assistance with this request.

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To: Alan Girle; MULHERAN Beau

Cc: Kara Reynolds

Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Importance: High

Hi Beau

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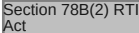
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From: Mulheran Beau [<mailto:Beau.Mulheran@ehp.qld.gov.au>]

Sent: Friday, 21 February 2014 2:27 PM

To: Alan Girle

Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,

Thankyou for your email. Just confirming there are no problems postponing the proposed interview dates as indicated in my initial correspondence.

I'll await your advice on the company representative and forward through the notice once we negotiate a suitable time and date.

Kind regards

Beau

Beau Mulheran

Senior Investigator | **Enforcement Services Unit**

Energy Resources and Enforcement Branch| Environmental Services and Regulation Division
DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION



From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Thursday, 20 February 2014 2:23 PM
To: Mulheran Beau
Subject: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Dear Beau

We confirm that we act for Sims Metal Management.

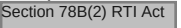
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If we could then have reasonable time to respond to the notice once served; say 1-2 weeks?

For all future correspondence, we are instructed by Sims Metal Management to request that it be sent to us direct.

Kind regards

Alan Girle | Special Counsel | Workplace
Sparke Helmore Lawyers | Level 25, 240 Queen Street, Brisbane
t: +61 7 3016 5035 | m:  Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

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RTI DL RELEASE - EHP

From: Alan Girle [Alan.Girle@sparke.com.au]
Sent: Thursday, 20 February 2014 2:23 PM
To: Mulheran Beau
Subject: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

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From: Alan Girle [Alan.Girle@sparke.com.au]
Sent: Friday, 14 March 2014 8:06 AM
To: MULHERAN Beau
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

I'm not sure of the significance between the 2 entities, but it doesn't cause us any issues. I'll make some enquiries, but it might take a while.

Would it help if you addressed your notice to Roger?

Kind regards

Alan Girle | Special Counsel | Workplace
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t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: MULHERAN Beau [mailto:Beau.Mulheran@ehp.qld.gov.au]
Sent: Friday, 14 March 2014 7:34 AM
To: Alan Girle
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Sorry I missed you call yesterday, was in and out of meetings in Brisbane all day and unfortunately have the same issue today.

I have been drafting the statutory notice for the requirement to answer questions and identified a possible issue that I am seeking clarification on.

Whilst I conducted checks with Sims metal when I first made contact to notify them of the investigation, It would appear that in other correspondence, I have observed that Sims group Australia holdings limited has been referenced in regard to the Sims metal yard at Northgate.

Can you please confirm the correct legal entity for Sims metal Northgate scrap yard?

If Sims Metal Management Limited is not the correct entity, can you please advise if this causes any issues with yourself and or your client and who he/you represent

Appreciate your assistance with this request.

Kind regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

Level 1 | 173 Hume St Toowoomba Qld 4350
PO Box 731 | Toowoomba Qld 4350
P: (07) 4615 3634 | **M:** Section 78B(2) RTI Act
E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Tuesday, 11 March 2014 12:29 PM
To: Alan Girle; MULHERAN Beau
Cc: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]
Importance: High

Hi Beau

Can you please confirm that the afternoon of 18 March 2014 is suitable. We will have difficulties with Mr Swift's flights and accommodation if you can't and it might be best to aim for a later date.

Kind regards

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From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Wednesday, 5 March 2014 2:29 PM
To: MULHERAN Beau
Cc: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

Please find correspondence **attached**.

I had thought I'd sent this to you already, but don't seem to have a record on my computer of having done so. If not, I apologise for the delay.

Kind regards

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Connect at: <http://www.linkedin.com/in/alangirle>

From: MULHERAN Beau [<mailto:Beau.Mulheran@ehp.qld.gov.au>]
Sent: Friday, 28 February 2014 10:38 AM
To: Alan Girle
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Does Tuesday the 18th of March 10am suit?
Once the date and time is agreed, I will send the notice through.
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From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Tuesday, 25 February 2014 9:50 AM
To: MULHERAN Beau
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

Can you propose a date for interview of Roger Swift in the week commencing 17 March 2014.

Mr Swift is the National Safety, Health, Environment and Community Manager for Sims Metal Management.

Can you also please send the section 465 notice to us well in advance of the proposed interview, including an outline of the proposed questions for interview.

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RTI DL RELEASE - EHP

From: Alan Girle [Alan.Girle@sparke.com.au]
Sent: Tuesday, 11 March 2014 12:29 PM
To: Alan Girle; MULHERAN Beau
CC: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]
Attachments: 41142100(1) - Letter to DEHP dated 4 March 2014.pdf

Importance: High

Hi Beau

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Kind regards

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W: www.ehp.qld.gov.au



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RTI DL RELEASE - EHP

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Sent: Tuesday, 11 March 2014 12:46 PM
To: 'Alan Girle'
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
I can confirm that 18 March 2014, 2pm is suitable for the interview.
If there are any problems with this, please let me know.
Regards
Beau

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Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
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Mr Swift is the National Safety, Health, Environment and Community Manager for Sims Metal Management.

Can you also please send the section 465 notice to us well in advance of the proposed interview, including an outline of the proposed questions for interview.

Kind regards

Alan Girle | Special Counsel | Workplace
Sparke Helmore Lawyers | Level 25, 240 Queen Street, Brisbane
t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: Mulheran Beau [mailto:Beau.Mulheran@ehp.qld.gov.au]
Sent: Friday, 21 February 2014 2:27 PM
To: Alan Girle
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Thankyou for your email. Just confirming there are no problems postponing the proposed interview dates as indicated in my initial correspondence.
I'll await your advice on the company representative and forward through the notice once we negotiate a suitable time and date.
Kind regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

Level 1 | 173 Hume St Toowoomba Qld 4350
PO Box 731 | Toowoomba Qld 4350
P: (07) 4615 3634 | **M:** Section 78B(2) RTI Act
E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [mailto:Alan.Girle@sparke.com.au]
Sent: Thursday, 20 February 2014 2:23 PM
To: Mulheran Beau
Subject: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Dear Beau

We confirm that we act for Sims Metal Management.

Further to our telephone conversation today, we confirm that our client would have difficulty in providing for you, a person

you can formally interview, in the times outlined in your letter delivered today.

We expect that our client should be able to provide the identity of the interviewee before Monday next week and we will endeavour to obtain instructions so that the notice can be served on directly on us. We'll try to get instructions on service quickly so that that aspect is resolved quickly for the convenience of all.

If we could then have reasonable time to respond to the notice once served; say 1-2 weeks?

For all future correspondence, we are instructed by Sims Metal Management to request that it be sent to us direct.

Kind regards

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t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

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From: Alan Girle [mailto:Alan.Girle@sparke.com.au]
Sent: Thursday, 20 February 2014 2:23 PM
To: Mulheran Beau
Subject: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

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Kind regards

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t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
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RTI DL RELEASE - EHP

From: MULHERAN Beau [Beau.Mulheran@ehp.qld.gov.au]
Sent: Friday, 14 March 2014 7:34 AM
To: 'Alan Girle'
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Sorry I missed your call yesterday, was in and out of meetings in Brisbane all day and unfortunately have the same issue today.

I have been drafting the statutory notice for the requirement to answer questions and identified a possible issue that I am seeking clarification on.

Whilst I conducted checks with Sims metal when I first made contact to notify them of the investigation, it would appear that in other correspondence, I have observed that Sims group Australia Holdings Limited has been referenced in regard to the Sims metal yard at Northgate.

Can you please confirm the correct legal entity for Sims metal Northgate scrap yard?

If Sims Metal Management Limited is not the correct entity, can you please advise if this causes any issues with yourself and/or your client and who he/she represents?

Appreciate your assistance with this request.

Kind regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

Level 1 | 173 Hume St Toowoomba Qld 4350
PO Box 731 | Toowoomba Qld 4350
P: (07) 4615 3634 | M: Section 78B(2) RTI Act
E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [mailto:Alan.Girle@sparke.com.au]
Sent: Tuesday, 11 March 2014 12:29 PM
To: Alan Girle; MULHERAN Beau
Cc: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]
Importance: High

Hi Beau

Can you please confirm that the afternoon of 18 March 2014 is suitable. We will have difficulties with Mr Swift's flights and accommodation if you can't and it might be best to aim for a later date.

Kind regards

Alan Girle | Special Counsel | Workplace
Sparke Helmore Lawyers | Level 25, 240 Queen Street, Brisbane
t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Wednesday, 5 March 2014 2:29 PM
To: MULHERAN Beau
Cc: Kara Reynolds
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

Please find correspondence **attached**.

I had thought I'd sent this to you already, but don't seem to have a record on my computer of having done so. If not, I apologise for the delay.

Kind regards

Alan Girle | Special Counsel | Workplace
Sparke Helmore Lawyers | Level 25, 240 Queen Street, Brisbane
t: +61 7 3016 5035 | m: Section 78B(2) RTI Act | f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: MULHERAN Beau [<mailto:Beau.Mulheran@ehp.qld.gov.au>]
Sent: Friday, 28 February 2014 10:38 AM
To: Alan Girle
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,
Does Tuesday the 18th of March 10am suit?
Once the date and time is agreed, I will send the notice through.
Kind Regards
Beau

Beau Mulheran
Senior Investigator | **Enforcement Services Unit**
Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

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E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Tuesday, 25 February 2014 9:50 AM
To: MULHERAN Beau
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Beau

Can you propose a date for interview of Roger Swift in the week commencing 17 March 2014.

Mr Swift is the National Safety, Health, Environment and Community Manager for Sims Metal Management.

Can you also please send the section 465 notice to us well in advance of the proposed interview, including an outline of the proposed questions for interview.

Kind regards

Alan Girle | Special Counsel | Workplace
Sparke Helmore Lawyers | Level 25, 240 Queen Street, Brisbane
t: +61 7 3016 5035 | m: Section 78B(2) RTI Act f: +61 7 3016 5100
e: alan.girle@sparke.com.au | www.sparke.com.au

Connect at: <http://www.linkedin.com/in/alangirle>

From: Mulheran Beau [<mailto:Beau.Mulheran@ehp.qld.gov.au>]
Sent: Friday, 21 February 2014 2:27 PM
To: Alan Girle
Subject: RE: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Hi Alan,

Thankyou for your email. Just confirming there are no problems postponing the proposed interview dates as indicated in my initial correspondence.

I'll await your advice on the company representative and forward through the notice once we negotiate a suitable time and date.

Kind regards

Beau

Beau Mulheran

Senior Investigator | **Enforcement Services Unit**

Energy Resources and Enforcement Branch | Environmental Services and Regulation Division
DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

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E: beau.mulheran@ehp.qld.gov.au
W: www.ehp.qld.gov.au



From: Alan Girle [<mailto:Alan.Girle@sparke.com.au>]
Sent: Thursday, 20 February 2014 2:23 PM
To: Mulheran Beau
Subject: Incident on 5 September 2014 [SPARKE-MATT.FID3003306]

Dear Beau

We confirm that we act for Sims Metal Management.

Further to our telephone conversation today, we confirm that our client would have difficulty in providing for you, a person you can formally interview, in the times outlined in your letter delivered today.

We expect that our client should be able to provide the identity of the interviewee before Monday next week and we will endeavour to obtain instructions so that the notice can be served on directly on us. We'll try to get instructions on service quickly so that that aspect is resolved quickly for the convenience of all.

If we could then have reasonable time to respond to the notice once served; say 1-2 weeks?

For all future correspondence, we are instructed by Sims Metal Management to request that it be sent to us direct.

Kind regards

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Department of
Environment and
Heritage Protection

13 February 2014

Sims Metal Management
PO Box 225
Archerfield Qld 4108

By email: Isabel.mau@simsmm.com

Dear Isabel,

Re: Notification of Investigation, requirement for interview

Please be advised that the Department of Environment and Heritage Protection (the Department / EHP) has commenced an investigation in relation to a gas substance being released from Sims Metals scrap yard at Crockford St Northgate on the 5th of September 2013.

The investigation will focus on determining if there have been any breaches of the *Environmental Protection Act 1994*, specifically section 438 of the Offences of causing material environmental harm and also section 25 of the *Environmental Protection (Waste Management) Regulation 2000* Section 24 - Responsibilities of receiver.

As part of the investigation and as an Authorised person under the *Environmental Protection Act 1994* I am requiring Sims Metal Management to nominate a duly authorised person to speak on behalf of the company in a formal record of interview.

The interview will be conducted under direction by virtue of Section 465 of the *Environmental Protection Act 1994*. The interview will focus on whether Sims Metal Management have breached any legislation as mentioned above.

Sims Metal Management are advised that as per the provisions of Section 465 (3) of the *Environmental Protection Act 1994*, it is an offence to fail to comply with the requirement unless the company has a reasonable excuse.

I am proposing to conduct the interview at some stage the week commencing Monday the 24th of February 2014. Please advise by **COB Thursday 20 February 2014**, the company representative nominated and whether there are any issues with the timeframe proposed.

I will make arrangements to forward an official "requirement to answer questions" notice once a mutually agreeable date and location is negotiated.

Should you wish to contact me, I can be contacted on 07 4615 3634 or email beau.mulheran@ehp.qld.gov.au

I look forward to your assistance with this matter.

Yours Sincerely

Section 78B(2) RTI Act



Beau MULHERAN

Senior Investigator
Enforcement Services
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

From: Robinson Stacey [Stacey.Robinson@ehp.qld.gov.au]
Sent: Monday, 24 February 2014 4:24 PM
To: MULHERAN Beau
Subject: FW:
Attachments: cc-bi-era-57-em130.pdf

Version 3!!

Stacey Robinson
Principal Environmental Officer
Brisbane South | Environmental Services and Regulation

Department of Environment and Heritage Protection

P: 07 3330 5044 | **F:** 07 3330 5754

Level 8, 400 George Street, Brisbane | GPO Box 2454 Brisbane Q 4000

www.ehp.qld.gov.au

RTI DL RELEASE - EHP

Code of environmental compliance

ERA 57 — Regulated waste transport

This code of environmental compliance (code) has been made under section Schedule 3 of the Environmental Protection Regulation 2008. It contains the standard environmental conditions approved by the Minister, under section 549(2) of the Environmental Protection Act 1994, for carrying out the aspect of the environmentally relevant activity (ERA) specified in section 2 of this code.

Code of environmental compliance for certain aspects* of regulated waste transport (ERA 57)

Version 3

Note: A reference in this document to the Department of Environment and Resource Management should be read as a reference to the Department of Environment and Heritage Protection.

* This code only applies to the aspects of the ERA that meet with the criteria in section 2 of this code.

ERA 57 — Regulated waste transport

This code of environmental compliance (code) has been made under section Schedule 3 of the Environmental Protection Regulation 2008. It contains the standard environmental conditions approved by the Minister, under section 549(2) of the Environmental Protection Act 1994, for carrying out the aspect of the environmentally relevant activity (ERA) specified in section 2 of this code.

Code of environmental compliance for certain aspects* of regulated waste transport (ERA 57)

Version 3

* This code only applies to the aspects of the ERA that meet with the criteria in section 2 of this code.

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RTI DL RELEASE - EHP

1. Introduction

The Department of Environment and Resource Management (DERM), formerly the Environmental Protection Agency (EPA), has introduced an improved environmental compliance framework for environmentally relevant activities (ERAs) with a relatively low risk of environmental impact by introducing codes of environmental compliance (codes) that set out standard environmental conditions. Codes are appropriate for those activities that can achieve a good level of environmental protection through established practices and compliance with standard environmental conditions.

The codes also include advisory notes to help operators understand the condition or measures that may be taken to ensure compliance. The advisory notes are a guide only and do not limit the range of measures that may be taken to comply with a condition.

This use of codes simplifies and speeds up environmental approvals for the businesses involved, while retaining appropriate standards of environmental protection and performance.

The Minister responsible for the *Environmental Protection Act 1994* (EP Act), pursuant to section 549 of the EP Act, has approved the standard environmental conditions contained in this code. Approved codes are listed in Schedule 3 of the *Environmental Protection Regulation 2008* (EP Reg).

2. Scope of the code

This code applies to ERA 57 — Regulated waste transport, where the operation of the ERA will comply with all the criteria outlined in the following table:

Criteria
Regulated waste is transported by road vehicles only (not by train, boat, aircraft, pipeline or other means).

Where the operation of a particular ERA will not meet the above criteria, this code does not apply and a development approval is required to undertake the ERA.

The ERA — Regulated waste transport, is defined in Schedule 2 of the EP Reg as:

“ERA 57. *Regulated waste transport consists of —*

- a) *transporting on a non-commercial basis 250kg or more of regulated waste in a vehicle; or*
- b) *transporting on a commercial basis any quantity of regulated waste in a vehicle.*

3. When the code takes effect

This code applies immediately to all operators of ERA 57 (that meet the criteria in section 2 of this code) who commenced activities on or after 1 July 2006.

Operators who were carrying out ERA 57 under a development approval before 1 July 2006, and continued to carry out the activity had a 12 month transitional period to ensure their operations complied with the code. The code became effective for those operators on 1 July 2007.

4. Enforcement of the code

This code contains standard environmental conditions for carrying out the aspects of ERA 57 that meet the criteria outlined in section 2 of this code. Failure to comply with the conditions is an offence under the EP Act and penalties apply. Enforcement Guidelines published by the DERM are available at www.derm.qld.gov.au.

Release

5. Other requirements

In addition to the conditions in this code, a person carrying out ERA 57 must comply with other requirements of the EP Act and any other relevant Commonwealth, State or local government legislative requirements. Without limiting statutory requirements that may apply, some additional obligations under the EP Act include:

- holding a “registration certificate” issued by DERM under section 73F; and
- taking all reasonable and practicable measures to prevent or minimise environmental harm. This is referred to as the “general environmental duty”.

It is the operator’s responsibility to obtain any other approvals before carrying out the activity. For example, under section 369 of the EP Act, a person must not, for fee or reward, perform waste management works in a local government area other than under a written contract or written approval from the local government.

6. Amendment of this code

The code may be amended from time to time by gazette notice advising that the Minister has approved new conditions. Proposed changes to the standard environmental conditions, other than changes to correct a clerical error, will be made in consultation with stakeholders. Where there is a significant change to the code, DERM will notify persons affected by the change.

Version 2 did not amend any standard environmental conditions. Minor amendments were made to reflect the new description of the ERA as it appears in Schedule 2 of the EP Reg.

Version 3 contains a number of minor amendments that update references to Department names, contact details for obtaining publications and more recent versions of standards referred to in the advisory notes. It does not amend any standard environmental conditions.

Version 3 of the code has also been amended to reflect the change in the Department name that took place on 26 March 2009. A reference to the EPA in the standard conditions is to be taken to be a reference to DERM.

7. Further information or enquiries

Further information is available at www.derm.qld.gov.au or by contacting a regional office. General enquiries or suggestions for future amendments to the code should be directed to the Ecoaccess Customer Service Unit on telephone 1300 130 372 or by email at: eco.access@derm.qld.gov.au.

8. Standard environmental conditions and advisory notes

The following tables list groups of standard environmental conditions that apply to different aspects of regulated waste transport. Table 8.1 contains a general set of conditions that apply to all activities covered by this code. Advisory notes appear beside the conditions to provide guidance on compliance.

Depending on the type of vehicle used, and the nature of waste transported, additional standard environmental conditions as specified in Tables 8.2 to 8.8 (see below) may also apply. For example, if an activity involves the transport of asbestos in a rigid vehicle, Tables 8.1, 8.2 and 8.6 will apply.

Table 8.2 — Asbestos conditions.

Table 8.3 — Lead conditions.

Table 8.4 — Clinical and related waste conditions.

Table 8.5 — Polychlorinated biphenyl (PCB) conditions.

Table 8.6 — Rigid vehicle conditions.

Table 8.7 — Road tank vehicle conditions.

Table 8.8 — Operating 36 or more vehicles.

Table 8.1 General conditions
Conditions applying to all regulated waste transport activities operating under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 1 – Vehicle details</p> <p>For new operators — details of all vehicles used to transport regulated waste must be provided to the EPA before commencing the activity.</p>	<p>This information may be provided to DERM by completing and submitting the <i>Details of regulated waste vehicles</i> form. This is available from the DERM website or by contacting the Ecoaccess Customer Service Unit on 1300 130 372.</p>
<p>Condition 2 – Change of details notification</p> <p>For existing operators — if any vehicle registration details change, or any vehicles are added to or removed from the fleet of vehicles used to transport regulated waste, details of these changes must be provided to the EPA:</p> <ol style="list-style-type: none"> as soon as practicable after the changes occur; or if transporting tyres — prior to each anniversary day (see section 9); or if transporting other regulated wastes — when paying the annual fee to the EPA for the registration certificate. 	<p>For operators transporting tyres, the <i>Details of regulated waste vehicles</i> form mentioned in the advisory note for condition 1 may be used for providing details of changes.</p> <p>For operators transporting other regulated wastes, an annual notice (including the <i>Details of regulated waste vehicles</i> form) may be sent to the operator when the registration certificate is due for renewal.</p>
<p>Condition 3 – Incompatible wastes</p> <p>Incompatible wastes must not be:</p> <ol style="list-style-type: none"> placed in the same container; or transported in such a way that mixing may occur. 	<p>In general, wastes are incompatible if they are likely to increase the risk to human health and/or the environment when mixed or brought into contact with each other e.g. acids and alkalis and mixing some solid wastes with liquid wastes.</p> <p>If a waste is classified as a dangerous good, the <i>Australian Code for the Transport of Dangerous Goods by Road and Rail</i>, 7th edition, (ADG Code), or more recent versions should also be observed.</p>
<p>Condition 4 – Design and compatibility</p> <p>Regulated waste must only be transported in suitably designed vehicles, tanks, containers or secondary containers that are appropriate for containing the waste being transported.</p>	<p>Design should take into account at least the following matters:</p> <ul style="list-style-type: none"> the relevant design requirements prescribed in Schedule 8 of the <i>Environmental Protection (Waste Management) Regulation 2000</i> (see Appendix 1 of this code); the corrosive nature of the waste being transported (e.g. acid waste must be transported in acid resistant containers); the physical state of the waste (e.g. liquids should only be transported in drums, tanks or tankers); the requirements outlined in the ADG Code; and any relevant Australian Standards.

Standard Environmental Conditions	Advisory Notes
<p>Condition 5 – Maintenance and cleaning</p> <p>All vehicles, tanks, containers and secondary containers used to transport regulated waste:</p> <ol style="list-style-type: none"> must be maintained in a good condition at all times to prevent any spillage or leakage of regulated waste or other contaminants; and kept free of regulated waste residues at all times when not in use. 	<p>Regular inspections, cleaning and maintenance programs should be documented and implemented. For example, tankers and tanks used for transporting liquid wastes should have appropriate integrity tests conducted at regular intervals.</p> <p>The operator will also need to comply with any workplace health and safety requirements in relation to this matter. Contact the Department of Justice and Attorney-General (Division of Workplace Health and Safety Queensland) for advice on telephone 1300 369 915.</p>
<p>Condition 6 – Partitioning of load</p> <p>A solid impervious partition must be provided to separate the load compartment/area of the regulated waste transport vehicle from the driver's compartment.</p>	<p>The partition will need to be of suitable design and construction to prevent the load characteristics from affecting its performance and prevent wastes from entering the driver's compartment.</p>
<p>Condition 7 – Disposal</p> <p>Regulated waste must not be removed or released from any vehicle other than at a facility that can lawfully receive the regulated waste.</p>	<p>Check with the operator of the receiving facility or DERM to ensure that the receiving facility can lawfully accept the regulated waste.</p>
<p>Condition 8 – Prevention of spillage</p> <p>Regulated waste must not leak or spill from the vehicle.</p>	<p>Adequate containment devices (e.g. spill trays or sumps) that are inspected and cleaned regularly should be fitted to prevent spills from leaving the vehicle.</p>
<p>Condition 9 – Clean up of spills</p> <p>Notwithstanding condition 8, any leakage or spillage of regulated wastes must be contained immediately, recovered and disposed of to a facility that can lawfully accept the waste.</p>	<p>Any leakages or spillages should be contained, recovered and disposed of appropriately, not washed into the stormwater system, waters or onto the ground.</p>
<p>Condition 10 – Spill kit</p> <p>An appropriate spill kit, personal protective equipment and relevant instructions for the management of the regulated wastes transported must be maintained and kept in each vehicle.</p>	<p>A designated storage area within or on the vehicle and easily accessible in an emergency should be provided for this purpose.</p>
<p>Condition 11 – Notification of spills (interstate)</p> <p>If operating interstate, any spillage, leak, escape or other loss of regulated waste from the vehicle must be reported as soon as practicable to the relevant regulatory agency of the State or Territory in which the vehicle is travelling when the incident occurs.</p>	<p>Details for the relevant agencies should be kept in the vehicle, or be readily available through communication with the operator's head office, or operations base.</p>

Standard Environmental Conditions	Advisory Notes
<p>Condition 12 – Notification of spills (Queensland)</p> <p>When operating in Queensland, any release of contaminants not in accordance with the conditions of this code must be reported by telephone to the EPA's Pollution Hotline or district office located in the area where the release occurred. Any such release must be reported as soon as practicable, but no later than 24 hours (depending on the level of risk to the environment), after becoming aware of the release.</p>	<p>The DERM may need to respond quickly to some spills that have the potential to cause environmental harm. Priority should be given to notifying the DERM of these spills immediately after they occur.</p> <p>The Pollution Hotline number is 1300 130 372.</p>
<p>Condition 13 – Information about spills</p> <p>A written notice detailing the following information must be provided to the EPA within 14 days of any advice provided in accordance with condition 12:</p> <ol style="list-style-type: none"> the name of the operator, including the operator's registration certificate number; the name and telephone number of a designated contact person; substance and quantity released; vehicle and vehicle registration details; person/s involved (driver and any others); the location and time of the release; the suspected cause of the release; a description of the effects of the release; the results of any sampling performed in relation to the release; actions taken to mitigate the risk or extent of environmental harm caused by the release; the success of any actions taken to mitigate the risk or extent of environmental harm; and proposed actions to prevent a recurrence of the release. 	<p>This written advice should be provided to the DERM district office located in the area where the release occurred.</p>
<p>Condition 14 – Insurance</p> <p>All vehicles used to transport regulated wastes (that are not classified as dangerous goods, or as a placard load of dangerous goods), must be covered by a policy of insurance or other form of indemnity, for a sum that is not less than \$100,000, in respect of:</p> <ol style="list-style-type: none"> personal injury, death, property damage and other damage (except consequential economic loss) arising out of fire, explosion, leakage or spillage of dangerous goods in, on or from the vehicle or a container on the vehicle; and costs incurred by or on behalf of a Commonwealth, State or Territory government authority in a clean-up resulting from any event of the kind referred to in subparagraph a) of this condition. 	<p>If the regulated waste is classified as a placard load of dangerous goods, consult with the Dangerous Goods Unit in the Department of Transport and Main Roads and the ADG Code regarding any additional levels of insurance that may be required.</p>

Standard Environmental Conditions	Advisory Notes
<p>Condition 15 – Records</p> <p>All records required by this code must be kept for 5 years and be made available to an authorised officer of the EPA when requested.</p>	<p>Records should verify the provision of training programs and schedules of routine inspections.</p>
<p>Condition 16 – Waste records</p> <p>A record of all regulated waste (excluding trackable waste) must be kept detailing the following information for every load of waste transported:</p> <ol style="list-style-type: none"> date of pickup of waste; description of waste; quantity of waste; origin of the waste; and destination of the waste. 	<p>Trackable wastes, as listed in Schedule 1 of the <i>Environmental Protection (Waste Management) Regulation 2000</i>, are covered by recording requirements in that Regulation instead of this condition. The regulation is available for viewing at www.legislation.qld.gov.au.</p> <p>Recording requirements for trackable wastes (under the waste tracking system established under the above Regulation) are similar to this condition.</p>
<p>Condition 17 – Documentation</p> <p>At all times, a copy of:</p> <ol style="list-style-type: none"> the registration certificate issued by the EPA for regulated waste transport activities; and the appropriate emergency guides in relation to the waste transported <p>must be carried in the cabin of each vehicle used to transport regulated waste and when requested, be presented to an authorised officer of the EPA or relevant regulatory agency of the State or Territory in which the vehicle is travelling.</p>	<p>Standards Australia publish numerous guides, including:</p> <ul style="list-style-type: none"> • <i>HB 76-2004 Dangerous Goods – Initial emergency response guide</i>; and • emergency procedure guides (AS1678 series); <p>which are available from SAI Global Business Publishing ¹.</p> <p>The ADG Code may require additional documents to be carried if the regulated waste is also classified as a dangerous good.</p>
<p>Condition 18 – Training</p> <p>All vehicle drivers must:</p> <ol style="list-style-type: none"> have access to a copy of this code in the vehicle, or through direct communication with the vehicle depot or operations base; and be trained in the requirements of this code, including the use of all equipment and procedures necessary to comply with the conditions of this code, and document all training undertaken. 	<p>A copy of this code of environmental compliance should be available for reference at a vehicle depot, operations base or place where the vehicle is garaged. If permanent communication is not available to someone with this code, a copy of this code should be kept in the cabin of the vehicle.</p>
<p>Condition 19 – Complaint response</p> <p>The following details must be recorded:</p> <ol style="list-style-type: none"> time, date, name and contact details of the complainant; reasons for the complaint; any investigations undertaken; conclusions formed; and any actions taken. 	<p>This information should be made available to DERM on request.</p> <p>If the complainant does not provide their name and contact details, record this as an anonymous complaint.</p>

¹ SAI Global can be contacted on 131 242 or via their website www.saiglobal.com/shop.

Table 8.2 Asbestos conditions
Additional conditions applying to the transport of asbestos waste under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 20 – Asbestos containment</p> <p>All asbestos transported must be:</p> <ul style="list-style-type: none"> a) double bagged and sealed in heavy-duty polythene bags (minimum 200 µm thickness); or b) contained in sealed drums or bins that are lined with heavy-duty plastic (minimum 200 µm thickness); or c) where the volume or size of asbestos waste (e.g. large asbestos cement sheets) is greater than the volume or size of a bag, drum or bin: <ul style="list-style-type: none"> i) for friable asbestos waste, sealed in double lined heavy-duty plastic sheeting (minimum 200 µm thickness) prior to being placed into a waste skip, vehicle tray or similar container; or ii) for non-friable asbestos waste, kept damp and contained in a waste skip, vehicle tray or similar container that has been double lined with heavy duty plastic sheeting (minimum 200 µm thickness) and then completely sealed with the plastic sheeting and adhesive tape. 	<p>Refer to the <i>Workplace Health and Safety Act 1995 (Qld)</i> and <i>Workplace Health and Safety Regulation 2008 (Qld)</i> for any additional requirements that may apply. These are available from the Office of the Queensland Parliamentary Counsel website www.legislation.qld.gov.au.</p> <p>In addition, the requirements of the National Occupational Health and Safety Commission's (NOHSC's) <i>Code of Practice for the Safe Removal of Asbestos 2nd Edition</i> [NOHSC:2002(2005)] or the <i>Code of Practice for the Management and Control of Asbestos in Workplaces</i> [NOHSC:2018(2005)] or any subsequent versions, may also apply. These are available on the Safe Work Australia website www.safeworkaustralia.gov.au.</p> <p>Additional requirements may apply under the ADG Code.</p>
<p>Condition 21 – Asbestos handling</p> <p>All asbestos transported must be:</p> <ul style="list-style-type: none"> a) labelled with a warning statement to indicate the presence of asbestos and that dust creation and inhalation needs to be avoided; b) securely loaded and stowed on the vehicle during transit in such a way that does not cause the packaging to rupture; c) off loaded carefully to prevent the packaging from rupturing; and d) repackaged immediately if rupturing of the packaging does occur. 	<p>The NOHSC's <i>Code of Practice for the Safe Removal of Asbestos 2nd Edition</i> [NOHSC:2002(2005)] provides the following example of a warning statement which might be used:</p> <p style="text-align: center;">“Caution – Asbestos Do not damage or open bag Do not inhale dust Cancer and lung disease hazard”</p> <p>If repackaging is required due to rupturing, workplace health and safety requirements will apply. Contact the Department of Justice and Attorney-General (Division of Workplace Health and Safety Queensland) for advice on 1300 369 915.</p>

Table 8.3 Lead conditions

Additional conditions applying to the transport of particulate lead waste under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 22 – Lead</p> <p>All particulate lead waste must be:</p> <ul style="list-style-type: none"> a) double bagged and sealed in heavy duty polythene bags (minimum 200 µm thickness), and placed in containers on the vehicle; b) labelled to indicate the presence of lead and with appropriate lead risk and safety phrases (see definitions “risk phrase” and “safety phrase” in section 9 of this code); c) securely loaded and stowed on the vehicle during transit in such a way that does not cause the packaging to rupture; d) off loaded carefully to prevent the packaging from rupturing; and e) repackaged immediately if rupturing of the packaging does occur. 	<p>Particulate lead waste is waste that is capable of becoming airborne or unable to be easily recovered if a spill occurs during transport.</p> <p>Examples of particulate lead wastes include waste from foundry filters and lead based paint residues.</p> <p>Please refer to the <i>Workplace Health and Safety Regulation 2008 (Qld)</i> (or any subsequent versions) for any additional requirements that may apply.</p> <p>If the lead is a dangerous good, additional requirements may apply under the ADG Code.</p>

Table 8.4 Clinical and related waste conditions

Additional conditions applying to the transport of clinical and related waste under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 23 – Vehicle compartment</p> <p>All clinical and related wastes must be transported in a fully enclosed load compartment of a vehicle that:</p> <ul style="list-style-type: none"> a) is bunded or otherwise designed to contain any spills and leaks; b) lockable; and c) has internal surfaces which are rigid and seamless to facilitate cleaning and disinfection. 	<p>Refer to Appendix 1 of this code for specific design rules as required by the <i>Environmental Protection (Waste Management) Regulation 2000</i>.</p> <p>For interstate transport, refer to Australian Standard 3816:1998 — <i>Management of Clinical and Related Waste</i> (or subsequent versions) for any additional requirements that may apply.</p> <p>For radioactive wastes, contact the Queensland Health Radiation Health Unit on (07) 3328 9987 for any licensing requirements that may apply under the <i>Radiation Safety Act 1999</i>.</p> <p>For wastes also classified as dangerous goods, refer to the ADG Code.</p>
<p>Condition 24 – Security</p> <p>Vehicles and load compartments must be locked when unattended.</p>	<p>This is required to prevent unauthorised access.</p>

Standard Environmental Conditions	Advisory Notes
<p>Condition 25 – Secondary containment</p> <p>All clinical and related wastes must be provided with rigid secondary containment during transport.</p>	<p>Secondary containment may be achieved if the waste is fully contained in:</p> <ul style="list-style-type: none"> appropriate bags that comply with the design rules in Appendix 1 of this code (primary containment); and a rigid-walled waste container that complies with the design rules in Appendix 1 of this code (secondary containment). <p>Additional requirements may apply if the waste is also classified as a dangerous good (refer to the Dangerous Goods Unit in the Department of Transport and Main Roads or other relevant authority in the State or Territory in which the vehicle is travelling).</p>
<p>Condition 26 – Cleaning and disinfection</p> <p>Secondary containers used for the transportation of clinical and related wastes must be effectively cleaned and disinfected before reuse.</p>	<p>The local council should be consulted prior to the disposal of any effluent to sewer.</p> <p>The operator will also need to comply with any workplace health and safety requirements in relation to this matter. Contact the Department of Justice and Attorney-General (Division of Workplace Health & Safety Queensland) for advice on 1300 369 915.</p>
<p>Condition 27 – Compaction systems</p> <p>Clinical and related wastes must not be transported in vehicles fitted with compaction systems.</p>	<p>Compaction may cause rupturing of containers and leakage of clinical and related wastes. These wastes need to be transported in totally enclosed, intact, and leak proof containers for treatment and disposal in accordance with the <i>Environmental Protection (Waste Management) Regulation 2000</i>.</p>
<p>Condition 28 – Odour nuisance</p> <p>Noxious or offensive odours must not be released from any vehicle transporting clinical or related wastes.</p>	<p>Refrigeration may be necessary to comply with this condition.</p> <p>When determining if the waste should be refrigerated during transport, consideration should be given to any Queensland Health and workplace health & safety requirements and other factors such as:</p> <ul style="list-style-type: none"> specific type of clinical and related waste being transported; time held in transit; temperature; distance travelled; and state of the waste when received.

Table 8.5 Polychlorinated biphenyl (PCB) conditions
Additional conditions applying to the transport of PCB waste under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 29 – PCB management</p> <p>The transport of wastes containing PCBs that are also classified as scheduled wastes under the Australian and New Zealand Environment and Conservation Council (ANZECC) <i>Polychlorinated Biphenyls Management Plan – July 1999</i> must comply with the requirements of that Plan.</p>	<p>The <i>Polychlorinated Biphenyls Management Plan – July 1999</i> includes the requirement for:</p> <ul style="list-style-type: none"> PCBs to be transported in accordance with the ADG Code; and the development of emergency containment and clean up procedures for the accidental release of PCBs into the environment. <p>A copy of the ANZECC <i>Polychlorinated Biphenyls Management Plan</i> is available from the Commonwealth Department of the Environment, Water, Heritage and the Arts website www.environment.gov.au.</p>
<p>Condition 30 – PCB trained personnel</p> <p>Personnel suitably trained in methods of handling and containing spilled PCBs must accompany any vehicle transporting waste containing PCBs.</p>	<p>As required by condition 18, details of training provided should be documented to demonstrate compliance with this condition.</p>

Table 8.6 Rigid vehicle conditions
Additional conditions applying to the transport of regulated waste in rigid vehicles and trailers under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 31 – Vehicle tray</p> <p>When transporting regulated waste in rigid vehicles and trailers, the tray of the vehicles must be:</p> <ol style="list-style-type: none"> constructed of an impervious material; maintained in a sound condition; and designed to contain any spills on the tray. 	<p>Trays should be inspected regularly and any corrosion or other defect should be attended to so that the integrity of the tray is maintained.</p> <p>Any containment system or sump should be designed to facilitate the collection and removal of spilt waste (e.g. by pumping liquids or shovelling solids).</p>
<p>Condition 32 – Covers</p> <p>When transporting regulated waste in rigid vehicles and trailers, any waste not fully contained within weatherproof packages must be covered during transport to contain the load and protect it from wind and rain.</p>	<p>The covers should be designed to prevent particulate matter becoming airborne and to prevent ingress of rain into the waste, which may result in dangerous reactions, or the runoff of contaminants.</p>

Standard Environmental Conditions	Advisory Notes
<p>Condition 33 – Securing of load</p> <p>When transporting regulated waste in rigid vehicles and trailers, all regulated waste containers must be:</p> <ul style="list-style-type: none"> a) mounted securely to the vehicle; and b) contained within the tray of the vehicle. 	<p>All loads should be restrained in accordance with the requirements of the National Transport Commission and Road & Traffic Authority NSW; <i>Load Restraint Guide, 2nd Edition</i> (or subsequent versions). The guide is available from the National Transport Commission website at www.ntc.gov.au</p> <p>Additional requirements may apply under the ADG Code if the waste is classified as a dangerous good.</p>
<p>Condition 34 – Containment</p> <p>When transporting regulated waste in rigid vehicles and trailers, the vehicle must be fitted with:</p> <ul style="list-style-type: none"> a) adequate cargo securing devices; and b) in the case of vehicles transporting packaged regulated waste (see definitions in section 9 of this code), rigid sides or gates that contain the load while in transit. 	<p>These must be appropriate for the type of containers or cargo being transported and suitable to withstand the rigours of transport and heavy braking.</p>
<p>Condition 35 – Height of load</p> <p>When transporting packaged regulated waste in rigid vehicles and trailers, the top of any container must not protrude above the sides or gates of the vehicle by more than 30% of the height of the container.</p>	<p>This is intended to prevent toppling of the load if the primary restraint fails.</p>

Table 8.7 Road tank vehicle conditions

Additional conditions applying to the transport of liquescent and dry particulate regulated waste in road tank vehicles under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 36 – Vehicle stability</p> <p>Road tank vehicles must be constructed to minimise instability and risk of rollover.</p>	<p>As a guide, refer to Australian Standard 2809.1—2008 <i>Road Tank Vehicles for Dangerous Goods – General requirements for all road tank vehicles</i> (or subsequent versions). This provides information about design features requiring particular attention, e.g. centre of gravity, tyre track, suspension, effect of prime mover, steering geometry and axle alignment, tyres and brakes.</p>

Standard Environmental Conditions	Advisory Notes
<p>Condition 37 – Roll-over protection</p> <p>Road tank vehicles must be provided with roll-over protection to protect all tanks, components and fittings on the upper and side surfaces of the tank in the event of the vehicle rolling over or becoming inverted.</p>	<p>As a guide, refer to the Australian Standard 2809 series. For example, this includes requirements for certain tanks to be fitted with roll-over protection with the following characteristics:</p> <ul style="list-style-type: none"> • a guard in the form of inverted U-coamings, (the thickness of which depends on the type of tank and construction material, e.g. large-compartment made of low carbon steel, must not be less than 5mm in thickness); • any guard, dome or coaming shall project at least 25mm above the top of the fitting, which it protects.
<p>Condition 38 – Transfer equipment</p> <p>Waste transfer equipment, including discharge point and pipe-work on road tank vehicles, must be:</p> <ol style="list-style-type: none"> fitted to the vehicle so as to not extend beyond the outer body line of the vehicle; or designed to provide sufficient inherent resistance to damage; or provided with protection to prevent damage. 	<p>Transfer couplings should be located in a position on the tank(s) that will minimise the risk of the couplings being damaged or severed by an impact.</p> <p>For further information, refer to the Australian Standard 2809 series.</p>
<p>Condition 39 – Sampling points</p> <p>Road tank vehicles used for the transport of liquid regulated waste must have sampling points on the top of each compartment that are readily accessible for the purposes of a roadside inspection.</p>	<p>Where appropriate, additional sampling valves may need to be provided at the bottom of the compartments.</p>
<p>Condition 40 – Transfer hoses</p> <p>Regulated waste material must not leak or spill from waste transfer hoses to the ground while the road tank vehicle is in transit.</p>	<p>Waste transfer hoses should be cleared before disconnection and maintained in good condition so as to prevent spillage or leakage of regulated waste.</p> <p>The following are examples of how hoses can be transported to minimise the risk of spills:</p> <ul style="list-style-type: none"> • carry them in spill proof compartments on the vehicle; • fit them with leak proof caps with captive chains; or • connect them end-to-end. <p>In addition, the ADG Code may include the requirement for hose assemblies to be:</p> <ul style="list-style-type: none"> • inspected at least monthly; and • hydrostatically tested at least yearly.

Standard Environmental Conditions	Advisory Notes
<p>Condition 41 – Road clearance</p> <p>All tank filling and discharge points on road tank vehicles must have adequate ground clearance and be rigidly connected to the tank.</p>	<p>As a guide, refer to Australian Standard 2809.1:2008 — <i>Road Tank Vehicles for Dangerous Goods – General requirements</i> for all road tank vehicles (or subsequent versions), which includes the following requirements:</p> <ul style="list-style-type: none"> • Tank filling and discharge connections should not extend lower than 40mm below the plane through the centre-line of the axles. • Tank components and protection devices should not be less than 250mm within 1 metre of any axle, or 350mm from any other location when the vehicle is unladen.
<p>Condition 42 – Vacuum system</p> <p>All road tank vehicle vacuum pump systems must be fitted with operational:</p> <ol style="list-style-type: none"> a) pressure and/or vacuum relief valves; and b) pump shut-off valves. 	<p>Testing of the system should be carried out regularly and the results recorded, including details of any repairs and/or maintenance conducted.</p>
<p>Condition 43 – Volume measurement</p> <p>Where regulated waste is transported in road tank vehicles, the tank capacity must not be exceeded and a mechanism for volume measurement that is readily visible and calibrated to show maximum volume of waste in the tank must be fitted to each tank.</p>	<p>Sight glasses are an example of a mechanism for volume measurement.</p> <p>Depending on the type of regulated waste, sufficient ullage space should be provided (e.g. 10% or more of the tank capacity) to allow for thermal expansion of the waste during transport.</p>
<p>Condition 44 – Manholes</p> <p>Where regulated waste is transported in road tank vehicles, manholes of sufficient size to allow internal inspection, cleaning and maintenance of the tanks must be fitted.</p>	<p>As a guide, refer to the Australian Standard 2809 series, which specifies a minimum diameter of 400mm for certain types of cargo.</p> <p>The operator will also need to comply with any workplace health and safety requirements in relation to this matter. Contact the Department of Justice and Attorney-General (Division of Workplace Health and Safety Queensland) for advice on 1300 369 915 or via their website www.deir.qld.gov.au/workplace/.</p>
<p>Condition 45 – Outlets</p> <p>All filling and discharge points of road tank vehicles must be fitted with suitable leak proof caps and captive chains when regulated wastes are in transit.</p>	<p>Road conditions, vibration and heavy braking are some considerations that should be taken into account when determining what is suitable.</p>

Standard Environmental Conditions	Advisory Notes
<p>Condition 46 – Rear impact protection</p> <p>Each road tank vehicle must be provided with an effective bumper and/or barrier system to protect the tank and fittings from rear impact.</p>	<p>As a guide, see Australian Standard 2809.1:2008 — <i>Road Tank Vehicles for Dangerous Goods – General requirements</i> for all road tank vehicles (or subsequent versions). This has a requirement for rear impact protection to be fitted so that:</p> <ul style="list-style-type: none"> the inner surface is not less than 150mm from the tank or any component or fitting; the width is not less than the width of the tank; and it is attached to the sub-frame or the chassis of the vehicle or trailer.

Table 8.8 Operating 36 or more vehicles.

Additional conditions applying to an activity that involves the operation of 36 or more regulated waste transport vehicles (i.e. ERA 57(2)(c)) under this code.

Standard Environmental Conditions	Advisory Notes
<p>Condition 47 – Operational management system</p> <p>When an activity involves the operation of 36 or more regulated waste transport vehicles, an Operational Management System (OMS) must be developed for implementation by the person carrying out the activity. The OMS must be implemented on commencement of the activity and provide for:</p> <ol style="list-style-type: none"> identification of actual and potential releases of all contaminants, their environmental impacts and the actions to be taken to prevent the likelihood of environmental harm; establishment and maintenance of procedures to identify the potential for accidents; activation of appropriate responses to emergency situations; training of staff to achieve awareness of the potential for environmental harm and competence in the application of preventative measures and emergency response procedures; and a review of, and continual improvement to, the overall environmental performance of the business operations. 	<p>The OMS documents do not need to be submitted to DERM, but should be kept at the head office address and any transport or operations depots.</p> <p>Staff should be suitably trained in and aware of the requirements and provisions of the OMS.</p> <p>When requested, a copy of the current version of the OMS should be provided to an authorised DERM officer for review when conducting a compliance inspection.</p> <p>Following an incident, DERM may ask the company to demonstrate how they complied with relevant provisions of the OMS. The company may be able to use the document to demonstrate compliance with their general environmental duty.</p>

9. Definitions

Note: If a word or phrase is not defined it must be given the meaning it has under the EP Act or its subordinate legislation, as amended from time to time. If a word or phrase is not defined in this code or the EP Act or its subordinate legislation, it has its ordinary meaning.

Activity means the environmentally relevant activity, or aspect of the ERA to which this code relates.

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, 7th edition, or more recent versions as they become available. The ADG Code is available for purchase from Canprint — Telephone: (02) 6293 8383 or from the National Transport Commission website at www.ntc.gov.au

Anniversary day, for a registration certificate is defined in Schedule 4 of the EP Act.

Asbestos-containing material means any material, object, product or debris that contains asbestos.

Asbestos waste means all removed asbestos-containing materials and disposable items used during the asbestos removal work, such as plastic sheeting used for an enclosure or to cover surfaces in the asbestos work area, disposable coveralls, disposable respirators and rags used for cleaning etc.

Clinical waste means waste that has the potential to cause disease including, for example, the following:

- a) animal waste;
- b) discarded sharps;
- c) human tissue waste; and
- d) laboratory waste.

Code of environmental compliance means a code of environmental compliance approved or made under a regulation of the EP Act.

Environmentally relevant activity (ERA) means an activity prescribed by regulation as an ERA.

EPA means the Environmental Protection Agency or its successor.

Friable asbestos means asbestos-containing material which, when dry, is or may become crumbled, pulverised or reduced to powder by hand pressure.

Note: This may include asbestos containing materials that have been subjected to conditions, such as weathering, physical damage, water damage etc., that leave them in a state where they meet the above definition.

Incompatible wastes means wastes that are likely to interact and increase the risk to human health and/or the environment when mixed or brought into contact.

Liquescent waste means waste tending toward a liquid state; waste that is not spadeable.

Operator means the person carrying out the ERA.

Packaged regulated waste means regulated waste in a container with:

- a) a capacity of not more than 450 litres; and
- b) a nett mass of not more than 400 kilograms.

Registration certificate means a registration certificate given under section 73F of the EP Act to the operator of an ERA.

Regulated waste means waste that—

- 1. a) is commercial or industrial waste, whether or not it has been immobilised or treated; and
b) is of a type, or contains a constituent of a type, mentioned in schedule 7.
- 2. Waste prescribed under subsection (1) includes—
 - a) for an element—any chemical compound containing the element; and
 - b) anything that contains residues of the waste.

Regulatory agency means the agency of a State or Territory that has responsibility for regulating the transport of regulated wastes in that State or Territory.

Related waste means waste that constitutes, or is contaminated with, chemicals, cytotoxic drugs, human body parts, pharmaceutical products or radioactive substances.

Release of a contaminant into the environment, includes:

- a) to deposit, discharge, emit or disturb the contaminant;
- b) to cause or allow the contaminant to be deposited, discharged, emitted or disturbed;
- c) to allow the contaminant to escape; and
- d) to fail to prevent the contaminant from escaping.

Rigid vehicle means a vehicle the load carrying area of which is fixed to the vehicle's chassis or frame (as defined in the ADG Code).

Risk phrase means a phrase stated in the National Occupational Health and Safety Commission's (NOHSC's) document entitled *National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]*, or more recent versions, that gives information about the substance's hazards.

Road tank vehicle means a truck, trailer or semi-trailer or unit in a road train, incorporating a tank, or having a tank or tanks mounted thereon, either permanently or temporarily (as defined in AS 2809.1-2008 — *Road Tank Vehicles for Dangerous Goods*).

Safety phrase means a phrase stated in National Occupational Health and Safety Commission's document entitled *National Code of Practice for the Labelling of Workplace Substances [NOHSC:2012(1994)]*, or more recent versions, that gives information about:

- a) the safe use of the substance; or
- b) the personal protective equipment for the substance.

Standard environmental conditions for a code of environmental compliance, means the standard environmental conditions approved for the ERA, or aspect of the ERA, under section 549 of the EP Act.

Ullage means a vapour space which is left above the liquid surface after filling, to permit a degree of thermal expansion of the liquid without loss of cargo (as defined in AS 2809.1-2008 — *Road Tank Vehicles for Dangerous Goods*)

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water, natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

Appendix 1 — Design rules

General rules applicable to rigid-walled waste containers and waste transport vehicles

It must be designed in a way that ensures:

- a) it performs the intended function when used in accordance with the manufacturer's instructions; and
- b) waste does not spill from it during usual usage or servicing; and
- c) it is not adversely affected by environmental conditions, including, for example, heat, humidity or sunlight; and
- d) it is not adversely affected by the cleaning procedures specified by the manufacturer.

The inner surfaces must be smooth, free of recesses and be able to be readily cleaned.

The inner surfaces must be designed to allow easy removal of waste.

If it has internal seams, the seams must be fully welded.

The following matters must be taken into account in designing it:

- a) the type of waste to be collected, removed or conveyed;
- b) the likelihood of abrasion by solid waste;
- c) the likelihood of chemical attack;
- d) the need to exclude rain or other liquid that may be likely to leach a contaminant from the waste.

It must be constructed of a material that will not undergo a change that impairs its life or performance when it comes into contact with waste.

If it is constructed from plastic, the plastic must be UV resistant for the container's life.

If it is a waste container or waste transport compartment within a waste transport vehicle, it must be constructed:

- a) of a durable material that is capable of withstanding normal operating conditions; and
- b) in a way that ensures it minimises the entry of insects and vermin.

If it is a container designed for use to transport waste, it must be designed in a way that provides a permanent way of securing the lid so that waste is not released during transportation.

Specific design principles for waste transport vehicles

If the vehicle is to be used for transporting waste in containers, the vehicle design must include a permanent method of securing the containers in an upright position.

If the vehicle incorporates a tanker body, the vehicle must be designed in a way that ensures:

- a) each discharge point on the body is protected from possible damage; and
- b) each discharge point is capable of being locked in the off position; and
- c) it is fitted with signs detailing the direction and movement needed to shut the discharge and loading valves; and
- d) effective covers are provided for all manholes; and
- e) the manhole covers are capable of being secured at all times when the manholes are not being used; and
- f) a storage area is provided for the vehicle's hoses.

Specific design principles for plastic bags used for clinical and related waste

It must have sufficient strength to safely contain the waste it is designed to hold.

It must be designed to allow for secure final closure when the bag is filled to a maximum of two-thirds of its capacity, or 6kg, whichever is the lesser.

It must not be designed with closure devices that have sharp protuberances, including, for example, staples.