

Enquiries: Shamaul Alam
Telephone: (07) 3896 3897
Your reference: WARN3142
Our reference: WARN3142

Queensland Bulk Handling Pty Limited
PO Box 348
WYNNUM CENTRAL, QLD, 4178

Dear Brad Abel,

Re: WARN3142 – Queensland Bulk Handling Pty Ltd (QBH), Premise name, 3 Bulk Terminals Drive, Fisherman Islands.

I refer to the inspection of QBH at 3 Bulk Terminals Drive, Fisherman Islands on 8 February 2012, conducted by officers of the department (administering the *Environmental Protection Act 1994*) in the company of Mr Tony Nielsen and yourself.

The primary purpose of the inspection was to assess whether the activities conducted on site were in compliance with Development Approval Number IPCE01697909.

The inspection was not a complete audit of the site. You are reminded that section 319 of the *Environmental Protection Act 1994* (EP Act), which sets out the general environmental duty, requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practicable measures to prevent or minimise the harm. In that regard, you are encouraged to actively identify all of the environmental risks associated with the activities conducted on the site on an ongoing basis, and to implement strategies to effectively address them.

The inspection was undertaken in response to two spills that occurred on the abovementioned site on 28 January 2012 and 4 February 2012 at the CV10 and CV09 pits respectively.

During the inspection departmental officers observed the following environmental issues:

1. Potential for contaminated stormwater leaving the site (i.e. CV10 pit) and entering waters via a stormwater drain adjoining the northern access way to QBH's wharf; and
2. Potential for contaminants from sump and pump system (associated with CV09 pit) to be released to land and/or waters.

It appears that the requirements of the following development approval conditions are not being met:

1. Condition No. W1 – Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.
2. Condition No. L1 – Contaminants must not be released to land.

I draw your attention to Section 435(2) of the *Environmental Protection Act 1994* which states that it is an offence to contravene a condition of a development approval. This section of the legislation has been attached for your reference. A person who contravenes a condition of their development approval can be prosecuted by the department in court in which case the maximum penalty that the Court can impose is \$166 500 for individuals and \$832 500 for corporations. Alternatively, the department can exercise its discretion to issue an Infringement Notice for the offence that requires the payment of a set fine. The Infringement Notice penalty for contravention of a condition of a development approval is \$2000.00. You should note that an Infringement Notice can be issued for each condition of a development approval that is breached.

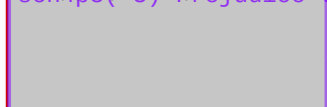
The department has a responsibility to respond to any non-compliance with legislative requirements. In the event of non-compliance with the legislation and the environmental performance standards, the department has the ability to use a number of enforcement tools including warning notices, statutory orders requiring certain actions to be taken, Penalty Infringement Notices and prosecution.

Whilst the department cannot ignore or pardon contraventions of the legislation, the department is focussed on achieving environmental outcomes. In exercising its discretion not to take further enforcement action at this time, the department wishes to advise that future breaches of condition W1 and L1 may result in escalated enforcement action (e.g., a Penalty Infringement Notice) without warning.

If you wish to discuss this matter further please contact Shamaul Alam on telephone (07) 3896 3897.

Yours sincerely,

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Peter Vasel

Delegate of the Administering Authority
Queensland Government
Date: 1 May 2012

ATTACHMENT 1

Environmental Protection Act 1994:

440ZG Depositing prescribed water contaminants in waters and related matters

A person must not—

- (a) unlawfully deposit a prescribed water contaminant—
 - (i) in waters; or
 - (ii) in a roadside gutter or stormwater drainage; or
 - (iii) at another place, and in a way, so that the contaminant could reasonably be expected to wash, blow, fall or otherwise move into waters, a roadside gutter or stormwater drainage; or

Example of a place for subparagraph (iii)—

a building site where soil may be washed into an adjacent roadside gutter

- (b) unlawfully release stormwater run-off into waters, a roadside gutter or stormwater drainage that results in the build-up of earth in waters, a roadside gutter or stormwater drainage.

Maximum penalty—

- (a) if the deposit or release is done wilfully—835 penalty units; or
- (b) otherwise—300 penalty units.

Note—

See section 493A (When environmental harm or related acts are unlawful).

prescribed water contaminant means—

- (a) earth; or
- (b) a contaminant prescribed under section 440ZF.

stormwater drainage means a drain, channel, pipe, chamber, structure, outfall or other work used to receive, store, transport or treat stormwater.

493A When environmental harm or related acts are unlawful

(1) This section applies in relation to any of the following acts (*relevant acts*)—

- (a) an act that causes serious or material environmental harm or an environmental nuisance;
- (b) an act that contravenes a noise standard;
- (c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

ATTACHMENT 2

Section 435(2) of the *Environmental Protection Act 1994*

435 Offence to contravene development condition

(1) A person must not wilfully contravene a development condition of a development approval.

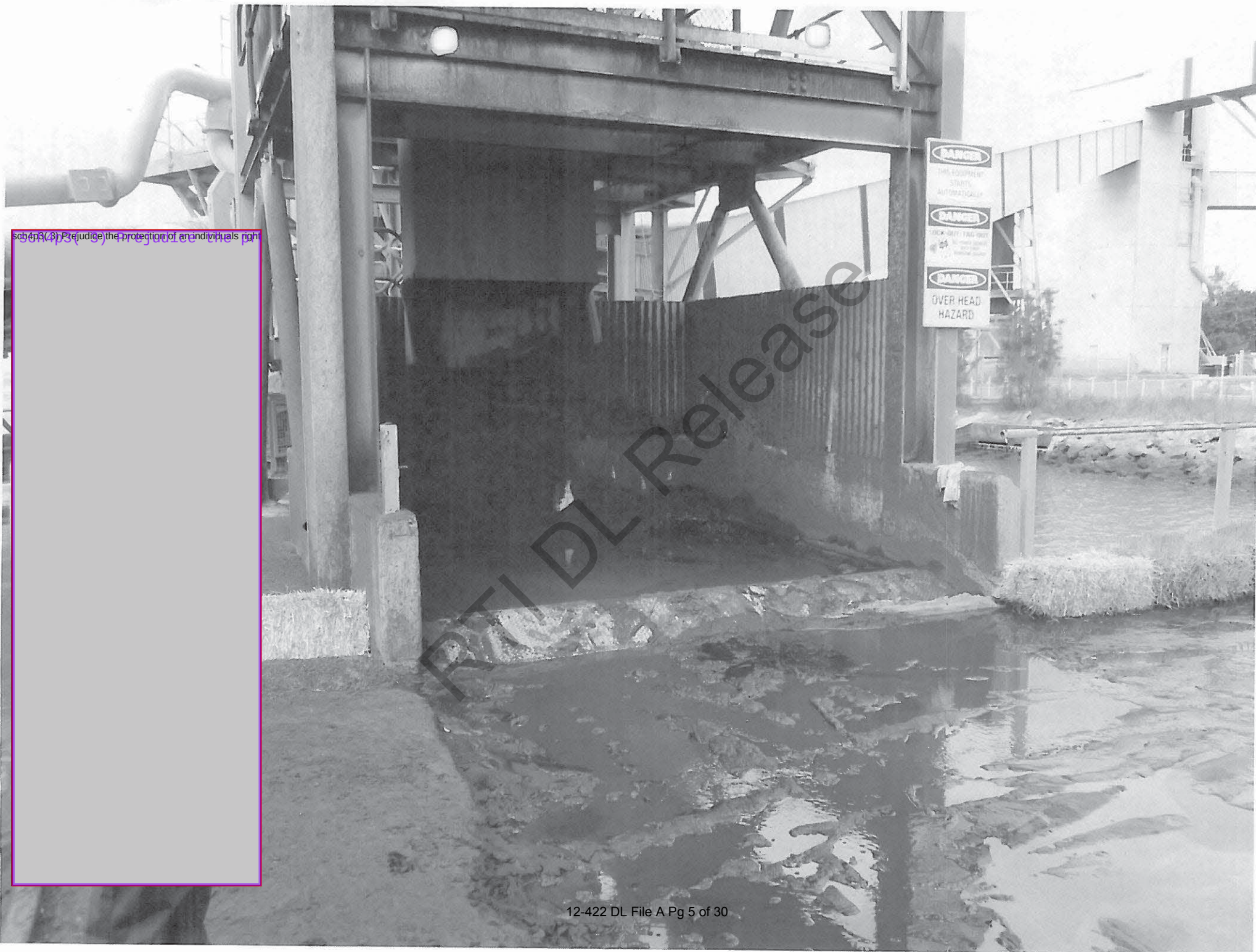
Maximum penalty—2000 penalty units or 2 years imprisonment.

(2) A person must not contravene a development condition of a development approval.

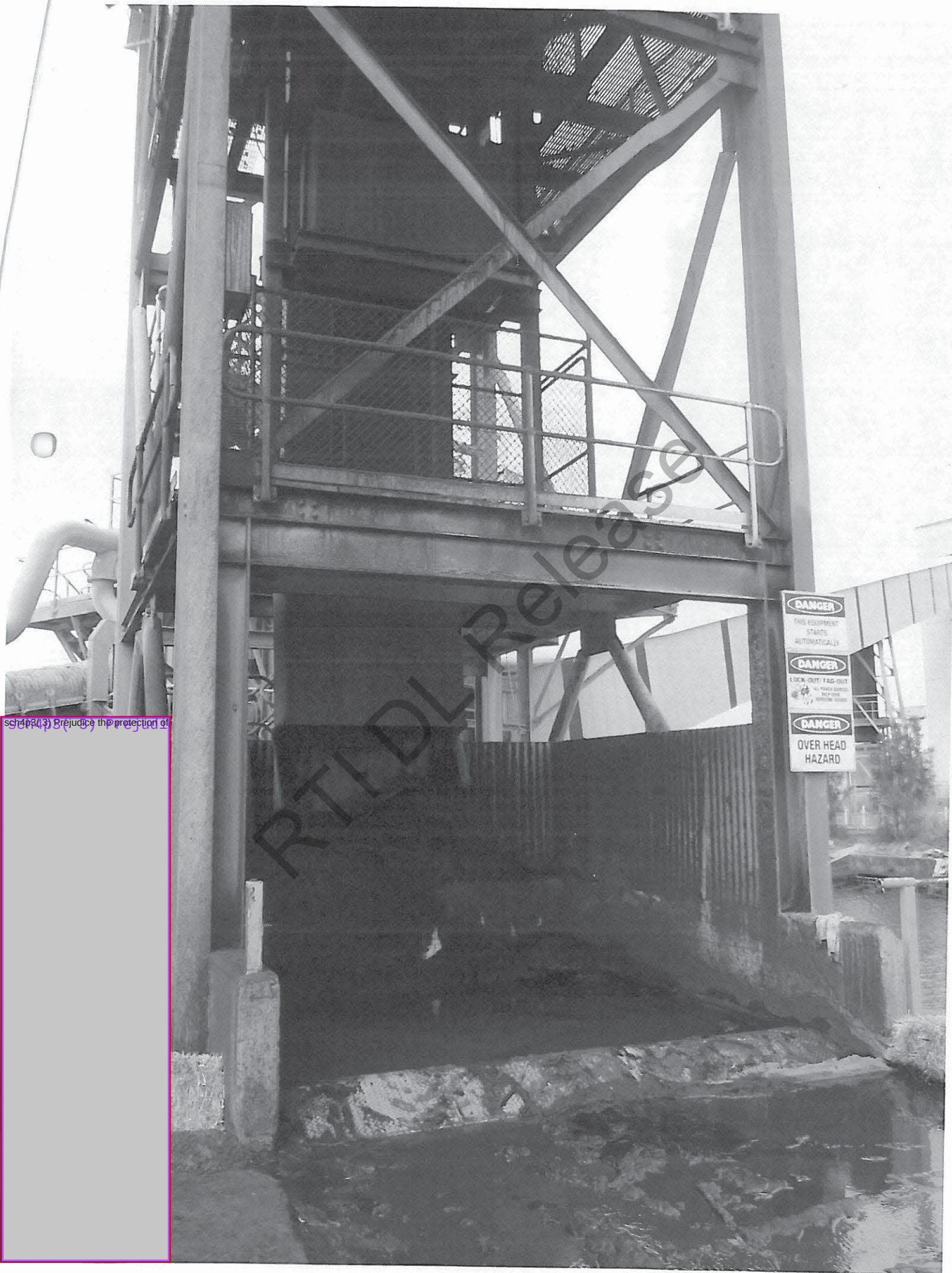
Maximum penalty—1665 penalty units.

(3) In a proceeding for an offence against subsection (1), if the court is not satisfied the defendant is guilty of the offence charged but is satisfied the defendant is guilty of an offence against subsection (2), the court may find the defendant guilty of the offence against subsection (2).

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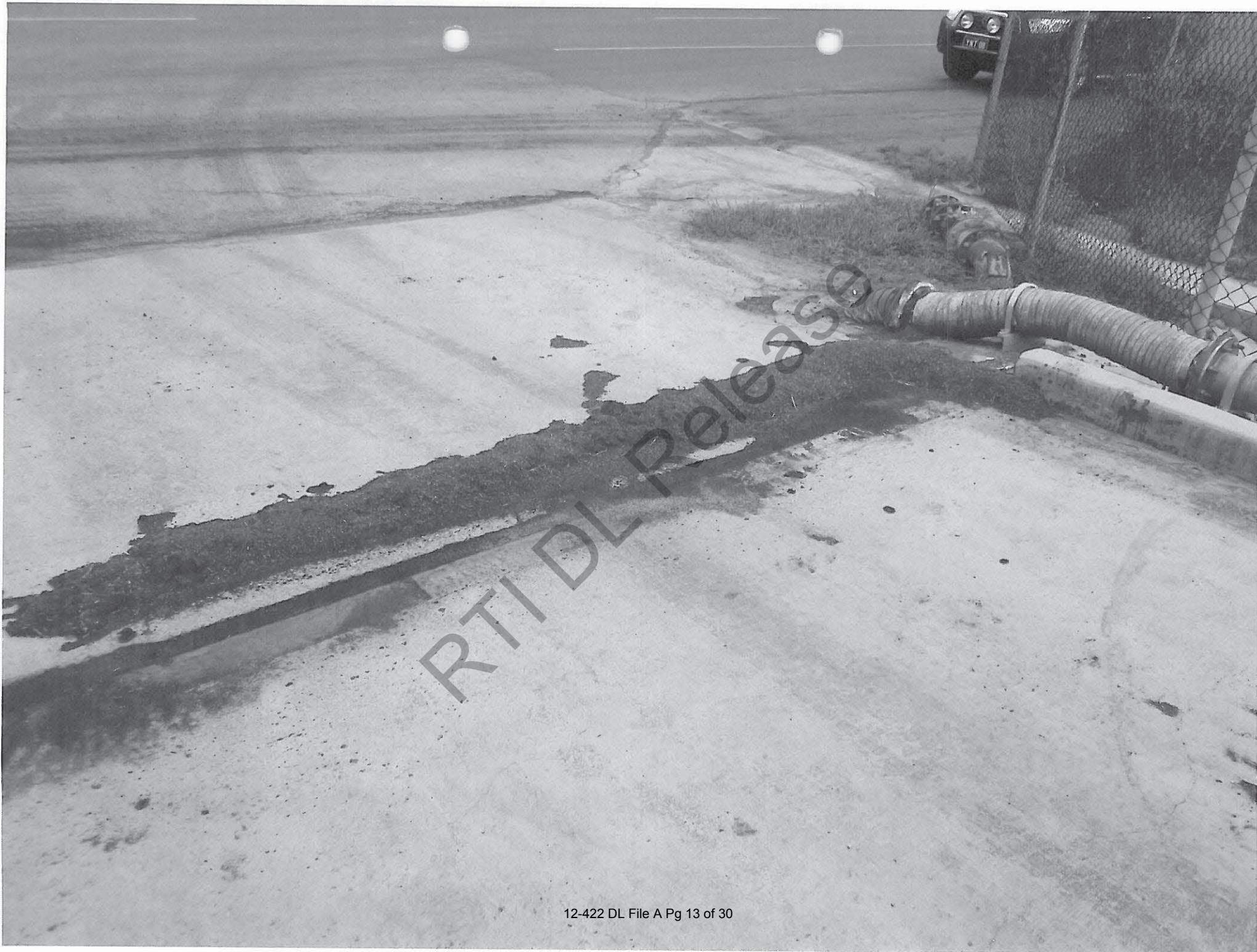














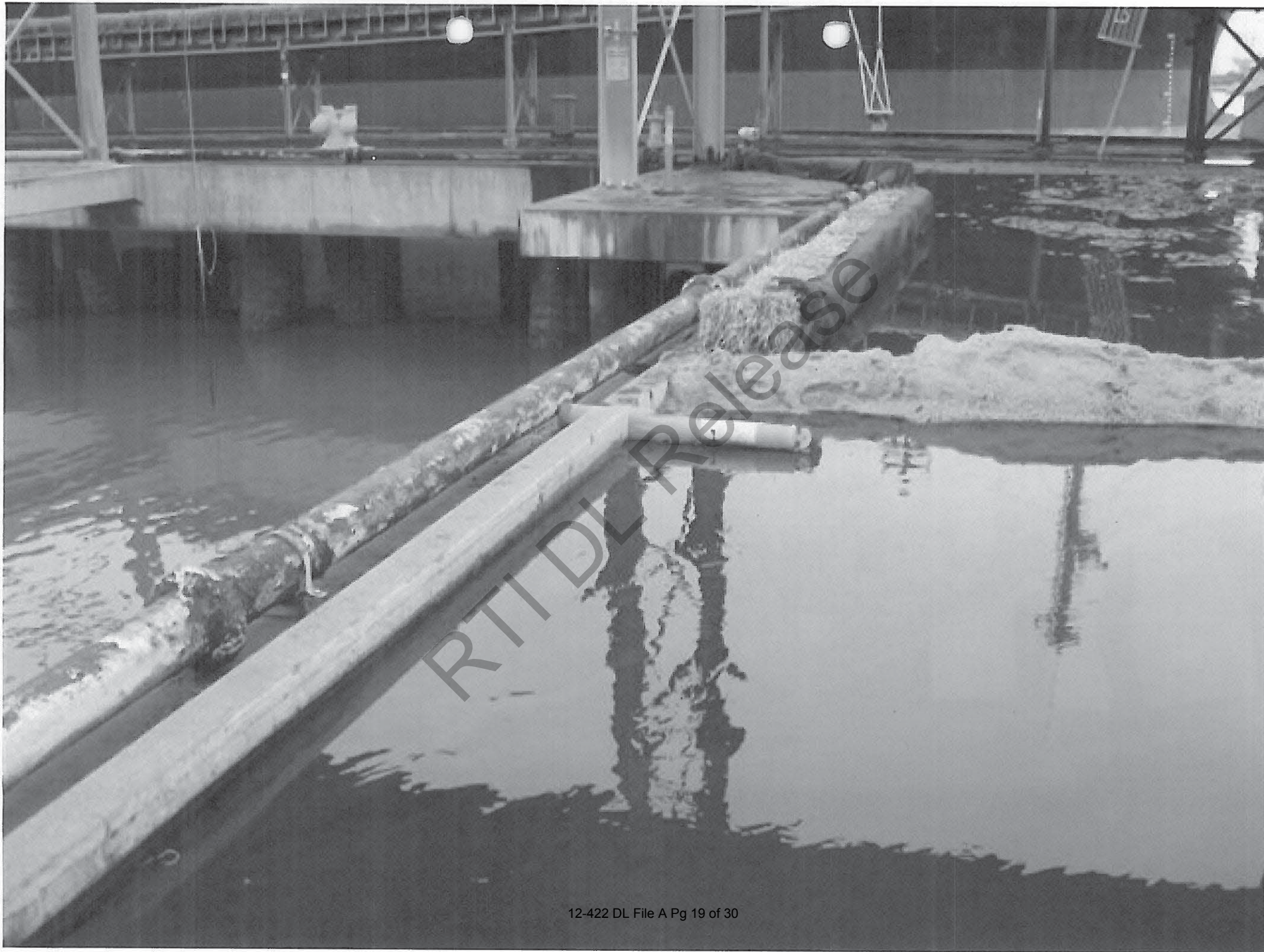


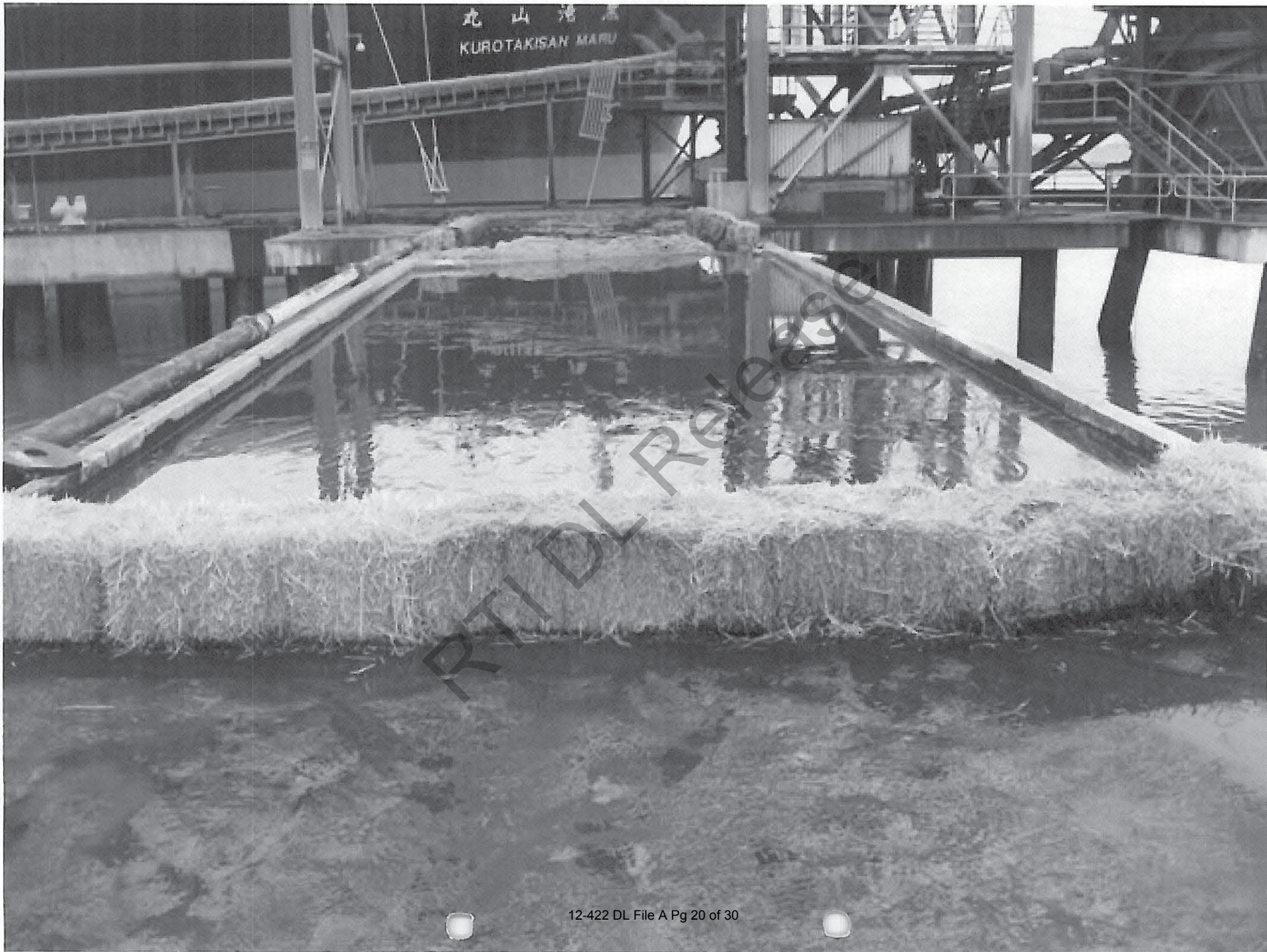
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Port of Brisbane Pty Ltd



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→ call Gladstone EPA
@ GPA

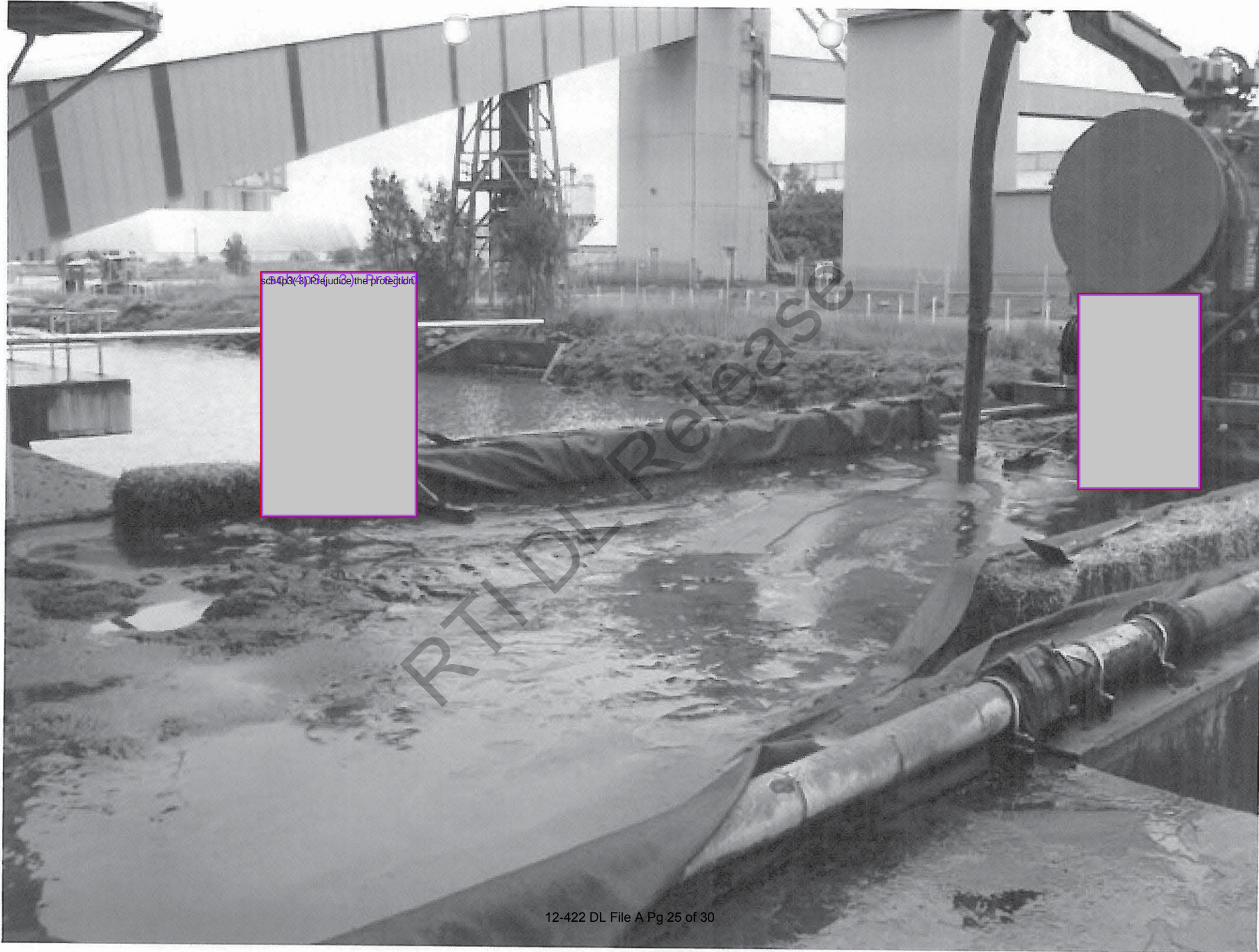
→ coal fires on wharf.

→ call QBH

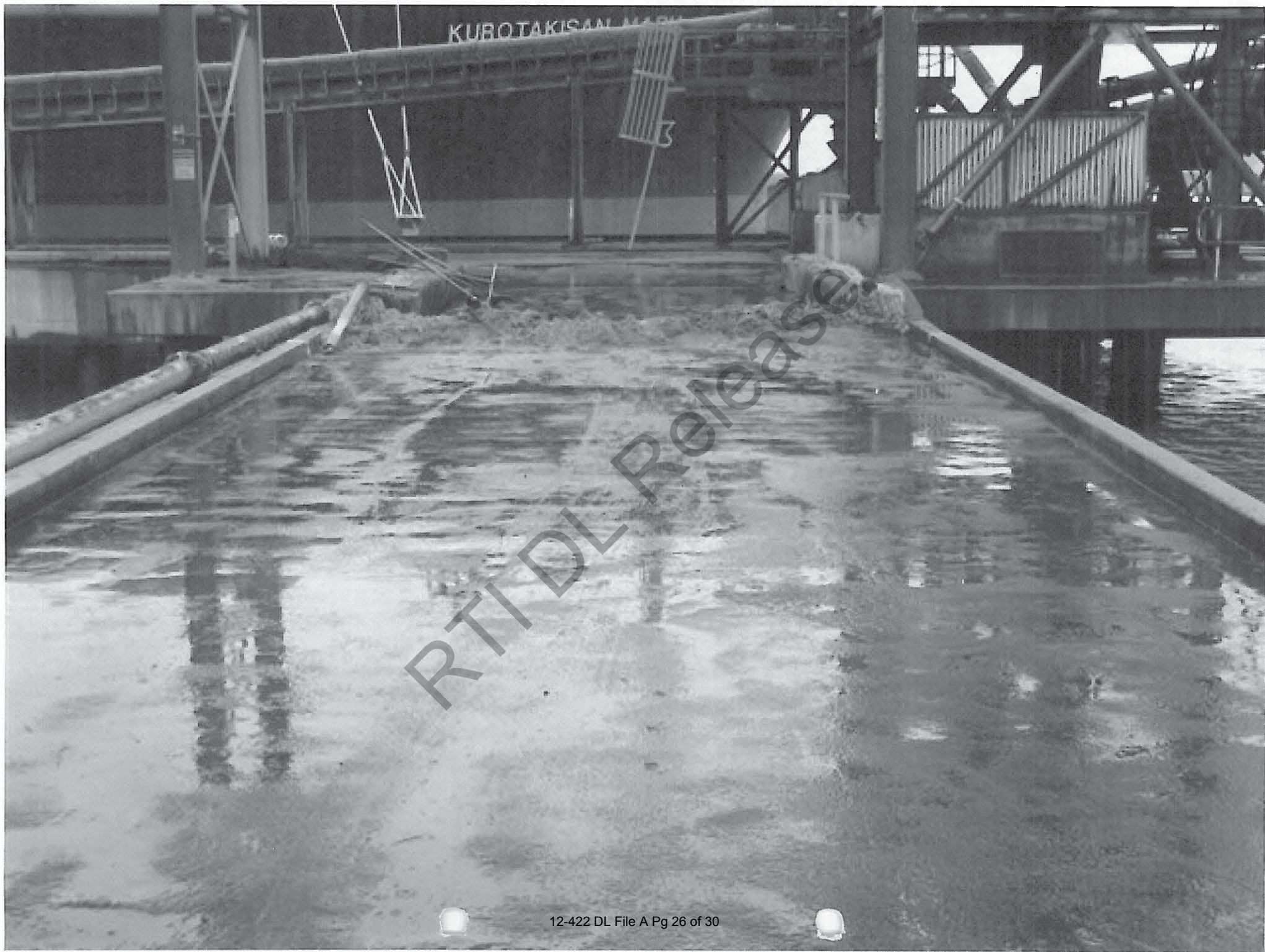
→ organise inspection during
loading times.

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File Note

File Reference: BST366-1

Subject: Queensland Bulk Handling

Print and file when complete.

Date: 8 February 2012

File Name: CR53532

Subject (Detail): Incident Reported regarding coal contaminated spill to Brisbane River.

On 1 February 2012, April Hoyles (AH) and I inspected the Queensland Bulk Handling (QBH) site at the Port of Brisbane to investigate whether the remedial and preventative actions proposed in relation to a spill had been undertaken.

Background:

Brad Abel (Brad) of QBH contacted me via telephone on 30 January 2012 to advise that an approximate 100L of coal contaminated water had been spilt into the Brisbane River on Saturday (28 February 2012). I advised Brad that sch4p3(3) Prejudice the prote he should write me an email with all the details that would be required for notification under QBH's development permit. Brad emailed me the information contained in Attachment 1.

Actions:

Upon Arriving on site on 1 February 2012, the following occurred:

- Brad Abel (Port Operations Manager), Tony Nielsen (HSSET Coordinator Port Facility Security Officer), AH and I discussed the incident that occurred on 28 February 2012 within a conference room of the administration building at QBH's site.
- Brad and Tony advised that:
 - At approximately Midnight Saturday (28 February 2012) the site supervisor noticed that the CV10 pit had become full
 - Brad's email to me on 30 January 2012 is contained in Attachment 1 for reference.
- I advised Brad that the above email fulfilled the notification duties of QBH
- Tony, Brad, April and I (We) investigated the area of the spill and the area around the wharf.
- Upon arriving on the wharf I observed staff of QBH cleaning the Wharf with sweeper trucks and brooms.
- We proceeded with the visit and observed the remedial/preventative measures that were being employed by QBH.
- Figure 1 illustrates the CV10 pit area that was the source location of the spill
- Brad indicated that coal suspended in water had emanated beyond the bund of the CV10 sump and rolled toward the riverbed bank as illustrated by Figure 2.



Figure 1-CV10 pit

- At the time of the inspection, the remedial actions seemed to be effective in containing the spill. Further to this, on-going commitments were made by QBH to prevent a re-occurrence of the spill including:
 - 2 hourly, visual checks by the site supervisor
 - Security guard of the wharf informed of requirements of development approval and required to also undertake a visual observation every hour.
- Whilst observing the driveway of the wharf I enquired whether the contaminated waters had been able to reach the street (seen in Figure 2). QBH advised waters had reached the street.



Figure 2-Driveway of Wharf

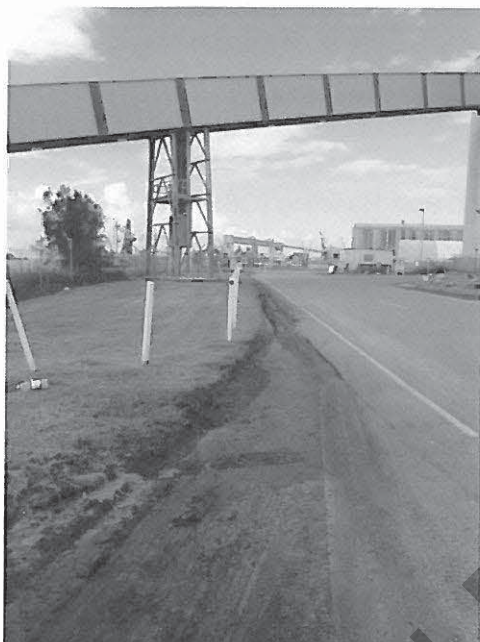


Figure 3-area of impact on land

- Figure 3, shows the extent of impact to be limited. This impact is considered to be limited based on visual observations only.
- QBH explained that the majority of the contaminated waters did not make it onto the street but, collected toward the stormwater drain before spilling into the Brisbane River. The location of how the contaminants entered the river is indicated by Figure 4.
- Figure 5 shows the area where the contaminated waters entered the river. No slicks, sheens or potential contaminants could be observed in this area.



Figure 4-location of contaminated water entering the Brisbane River

Conclusion:

- QBH contained the spill effectively
- QBH's follow up actions are adequate
- The incident incurred a breach of condition W1

W1

Contaminants other than settled/treated stormwater runoff waters must not be released from the site to surface waters or the bed or banks of surface waters.

Recommendations:

- QBH be issued a warning letter advising of the breach and requiring submission of amended operating procedures and full incident report.



Figure 5-Area of Brisbane River impacted by the spill

Attachment 1

Hello Jamal

Thank you for your time this morning. Please read below if I have missed any information please don't hesitate to contact me at anytime.

Queensland Bulk Handling DERM Ref No IPEC01697909

Contact Person is Brad Abel (HSSET Coordinator)

About 100 litres of contaminated water (coal)

Location: Queensland Bulk Handling Coal Wharf Port of Brisbane
Time: 0700 28/01/2012

Cause: CV10 pit overflowed with sloppy wet coal and backed in the pit up, this caused dirty water (approximately 100lts) to enter the Brisbane River. QBH had received 240mm of rain in 5 days, Stockpile two coal that was been loaded on the ship was wet and the coal was very fine, this caused CV11 tray to continue to block and the operators needed to wash CV11 tray down. With washing CV11 tray down the carry back of coal and wet weather the CV10 pit over flow allowing dirty water to enter the Brisbane River.

No sampling was completed.

Action Taken:

1. Operation was suspended until area was cleaned up to prevent further carry back.
2. Area was cleaned up using a vac truck and all material removed from the wharf.

Prevent recurrence

1. Area to be monitored every 2 hours by supervisor
2. CV10 to be cleaned every 6hrs
3. Hay bale to remain in position until weather condition improves

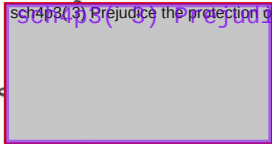
Jamal I have attached some photo, I have gone back through archive incident and we believe that this is the first time this pit has overflowed. We are looking at what improvement that can be made in this area, we believe that the control in place are efficient and this incident happened due to the amount of rain.

Jamal you and your team are very welcome to come to site and inspect the wharf and the CV10 pit area at anytime.

Regards,

Bradley Abel
HSSET Coordinator
QUEENSLAND BULK HANDLING PTY LTD
NEW HOPE GROUP
Direct Phone: +61 7 31074 905
Mobile:
Email: babel@qbh.com.au
Website: www.qbh.com.au

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15 February 2012

Signature
Author: Shamaul Alam
Position: Environmental Officer
Unit/Office: Environmental Services
Phone: (07) 3896 3897

Date

Witness
Position:
Unit/Office:
Phone:

Signature

Date

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