

Pollution Incident Response Management Plan Berth 104 – Bulk Shipping (non-GrainCorp cargo), EPL No. 3577

Public version

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Revisions

Rev No.	Summary of Changes	Date
0	Original	15/03/2014
1	Routine update of contact details	16/03/2015
2	Routine update of contact details	18/03/2016
3	Routine update of contact details	21/03/2017
4	Routine update of contact details	22/03/2018
5	Annual Review of Plan	01/05/2019
6	Routine update of contact details	18/03/2020
7	Annual Review following emergency response exercise on 16.04.2021	07/05/2021

1. Introduction

Berth 104 is a shipping berth located within the Eastern Basin of Port Kembla's Inner Harbour. The primary use of the berth is for bulk export of grain and import of bulk liquids, which is managed by GrainCorp Operations under its own environment protection licence (EPL No. 3693).

The berth is a common-user facility which can be used for handling a broad variety of bulk products. Port Kembla Operations Pty Ltd (trading as NSW Ports) holds a separate licence (EPL No. 3577) to cover bulk products that may be handled by customers other than GrainCorp and its sub-tenants.

It is a requirement under the *Protection of the Environment Operations Act 1997* (POEO Act) for all licence holders to prepare and implement a Pollution Incident Response Management Plan for their licensed premises.

2. Scope and definitions

This Pollution Incident Response Management Plan applies to the shipping of bulk products, other than those handled by GrainCorp and its sub-tenants, over Berth 104 including the following activities:

- Ship loading/unloading
- Road transport of cargo to/from the berth
- Bunkering (i.e. refuelling) of vessels by road tankers
- Deballasting of vessels while at berth
- Other vessel operating activities
- Any other activity associated with the handling of bulk products at the premises

The PIRMP applies to material pollution incidents which originate within the licensed premises. The extent of the premises at Berth 104 to which the EPL applies is shown in Figure 1.

If a pollution incident occurs in the course of an activity so that material harm to the environment is caused or threatened, licensees must immediately implement the plan.

The definition of a “**pollution incident**” provided in the POEO Act is:

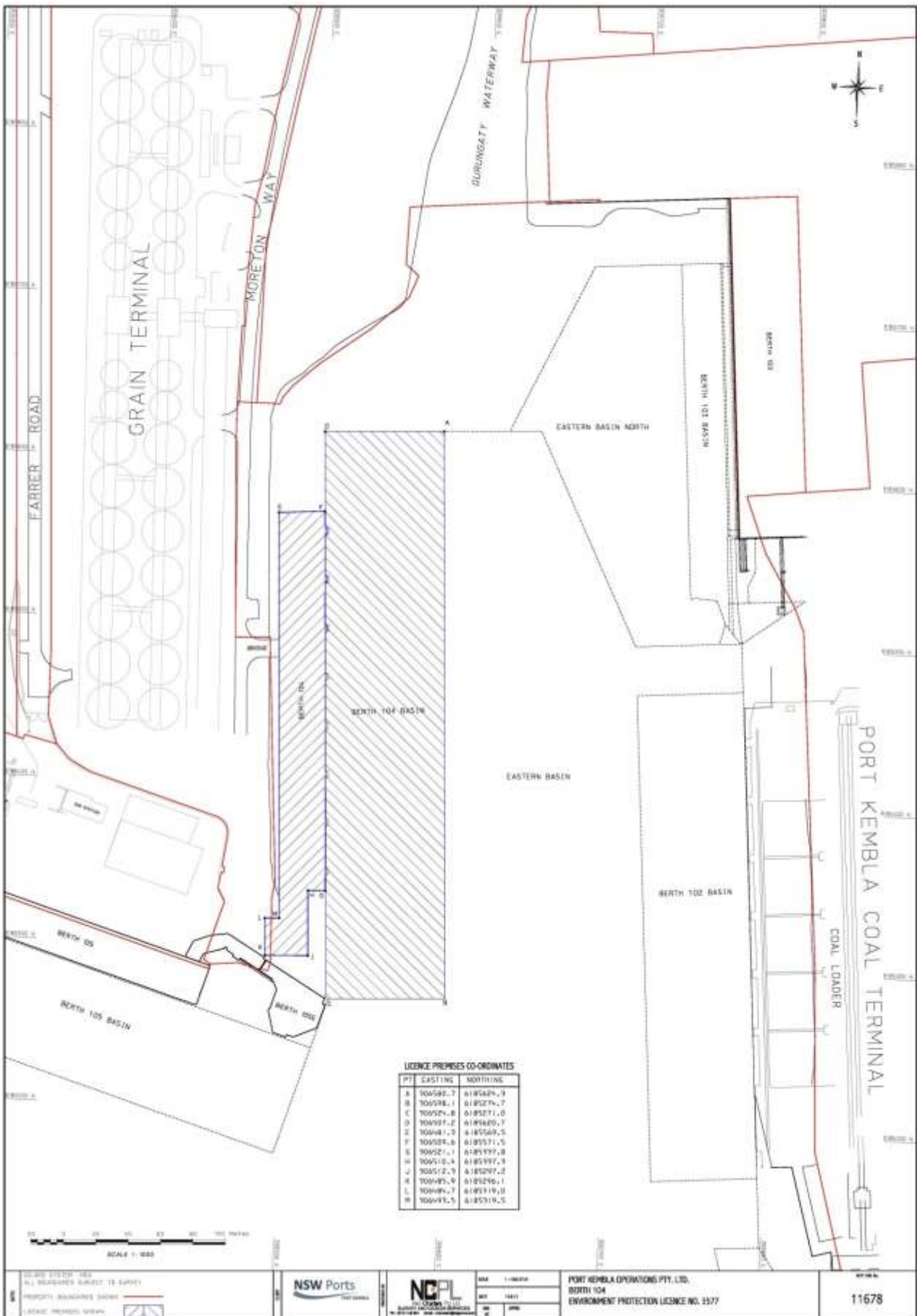
an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance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

A pollution incident is required to be notified if there is a risk of “**material harm to the environment**”, which is defined in section 147 of the POEO Act as:

- (a) harm to the environment is material if:
 - (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or
 - (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and
- (b) loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

NSW Ports is required to report material pollution incidents **immediately** to the EPA, NSW Health, SafeWork NSW, Wollongong City Council and Fire & Rescue NSW. “**Immediately**” has its ordinary dictionary meaning of promptly and without delay.

Figure 1. Location of premises to which Environment Protection Licence No. 3577 applies



3. Legislative requirements

The specific requirements for pollution incident response management plans are set out in Part 5.7A of the POEO Act and the *Protection of the Environment Operations (General) Regulation 2009* (POEO(G) Regulation). In summary, this provision requires the following:

- All holders of environment protection licences must prepare a pollution incident response management plan (section 153A, POEO Act).
- The plan must include the information detailed in the POEO Act (section 153C) and be in the form required by the POEO(G) Regulation (clause 98B).
- Licensees must keep the plan at the premises to which the environment protection licence relates or, in the case of trackable waste transporters and mobile plant, where the relevant activity takes place (section 153D, POEO Act).
- Licensees must test the plan in accordance with the POEO(G) Regulation (clause 98E).
- If a pollution incident occurs in the course of an activity so that material harm to the environment is caused or threatened, licensees must immediately implement the plan (section 153F, POEO Act).

4. Other relevant plans for incident response

Other relevant incident/emergency response plans which may be activated in the event of a pollution incident at Berth 104 are described in Table 1 below.

Table 1. Relevant Plans for Incident/Emergency Response

PLAN	CUSTODIAN
<i>Inner Harbour Emergency Response Plan</i>	NSW Ports
<i>Port Kembla Marine Oil and Chemical Spill Contingency Plan</i>	Port Authority of NSW
<i>Shipboard Oil Pollution Emergency Plan</i>	Master of vessels > 400 GT
<i>Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances</i>	Master of chemical tankers > 150 GT

5. Incident notification

5.1. Notification of relevant authorities

If a **pollution incident** that causes or threatens to cause **material harm to the environment** occurs at Berth 104 during shipping of bulk products other than those handled by GrainCorp or its sub-tenants, NSW Ports is obliged to **immediately notify** each relevant authority as identified in the procedure below. Employees have a duty to notify their employer and agents are obliged to notify the principal in relation to incidents of this kind. Notification is not required for incidents that involve only the emission of an odour or noise.

The procedure for notification in the event of an incident or emergency is to call 000 in the first instance if the incident presents an immediate threat to human health or property. Fire and Rescue NSW, the NSW Police, the NSW Ambulance Service and Port Authority of NSW (for waterside pollution incidents only) are the first responders, as they are responsible for controlling and containing incidents. If the incident does not require an initial combat agency, or once the 000 call has been made, notify the **relevant authorities** in the following order:

- NSW Environment Protection Authority (EPA)
- NSW Health – Wollongong Public Health Unit
- SafeWork NSW
- Wollongong City Council
- Fire and Rescue NSW (for non '000' emergencies)

The following relevant information about a pollution incident shall be supplied when notifying the relevant authorities:

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

If some of the information described in items c), d) and e) above is not known at the time of the initial notification but becomes known afterwards, that information must be notified to all relevant authorities immediately after it becomes known.

Initial notifications are to be made verbally to each relevant authority and followed by notifications in writing within 7 days of the date on which the incident occurred. Contact details for relevant authorities are provided in Table 2 below.

5.2. Informing occupiers of neighbouring premises

After notifying the relevant authorities, NSW Ports shall assess the potential impact of the pollution incident and associated response measures on premises in the vicinity of Berth 104. The premises in the vicinity of the site are occupied by commercial/industrial port-related businesses (Fig. 2). The nearest residential premises are located approx. 1.7 km to the north of the site in Coniston and are unlikely to be affected by a pollution incident at the site.

If a pollution incident creates a significant risk to occupiers of premises in the vicinity of Berth 104 in terms of:

- risk of harm to human health, safety or property; or
- potential disruption to business activities or site access,

then NSW Ports will notify the occupiers of the potentially affected premises. Initial notification shall be made verbally by telephone. Further updates regarding the incident and progress of the response efforts may be made verbally or in writing by SMS or email.

In the unlikely event that areas beyond the port boundaries are affected by a pollution incident, information shall be provided by media release and publication on the NSW Ports website (www.nswports.com.au). Information shall be updated regularly as the incident response progresses.

Table 2. – Emergency and incident response contact numbers for Berth 104

Agency	Phone Number
Emergency	000
Environment Protection Authority (EPA)	131 555 (24 hours)
NSW Health Wollongong Public Health Unit	1300 066 055 or (02) 4222 5000 (Wollongong Hospital and ask for Public Health Officer on call)
Wollongong City Council	(02) 4227 7111 (24 hours)
SafeWork NSW	13 10 50
Fire and Rescue NSW	
Emergency	000
Non-emergency – Hazmat Unit, Shellharbour	(02) 4297 4485
Non-emergency – Wollongong Fire Station	(02) 4224 2020
NSW Ports – Office Hours	4275 0700
After hours – BSMS Security	(02) 4225 7935, Mob: 0434 423 935
Port Authority of NSW VTIC	(02) 4274 4571 (marine pollution incidents only)
Police	
Emergency	000
Non-emergency – Wollongong LAC	(02) 4226 7899
Ambulance	
Emergency	000
Non-emergency - Warrawong	(02) 9320 7777
Non-emergency – West Wollongong	(02) 4227 0222



Further information

For further information, please contact

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