

Pollution Incident Response Management Plan

EPL 4181: Application of Herbicides,
Waterways, Moree Plains Shire.

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Version History

Version Number	Date	Description of Amendments	Authorisation
1	29/8/2013	Development of PIRMP	Ian Schwartz

Distribution

A hard copy of this plan will be retained by the Chief Weeds Officer and additional copies will be located on each of the weed spray vehicles, and in the chemical storage shed. The controlled copy will be retained in TRIM, Council's document management system, where it can be accessed by all personnel as necessary. A public version of this plan will also be placed on Council's website:

<http://www.mpsc.nsw.gov.au>

Terms and Definitions

EPA	Environment Protection Authority
EPL	Environment Protection Licence
Immediately	Promptly and without delay
Notifiable Incident	A pollution incident causing or threatening material harm (actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or results in actual or potential loss or property damage of an amount, exceeding \$10,000).
PIRMP	Pollution Incident Response Management Plan
POEO ACT	Protection of the Environment Operations Act 1997
Pollution Incident	Pollution incident means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is

	occurring or is likely to occur.
Relevant Authority	Environment Protection Authority, NSW Health (Public Health Unit), WorkCover, Moree Plains Shire Council and Fire and Rescue NSW
MSDS	Material Safety Data Sheet

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1.0 Introduction

Under the *Noxious Weeds Act 1993* Moree Plains Shire Council (Council) is responsible for the management and control of weeds on all land that is under Council's care and control. In order to meet this requirement, Council implements an integrated weed management approach for the removal and control of weeds.

One of the primary techniques utilised is the application of Herbicides. Although in most cases, the negative impacts of herbicide can be prevented by exercising due care and carrying out the control programs in an environmentally responsible manner, in some circumstances Council is required to apply herbicides directly to aquatic weeds which has the potential to result in pollution of waters and impact on non-target species.

As a result Council currently holds an Environment Protection Licence under the *Protection of the Environment Operations Act 1997* (POEO Act) for the application of herbicides to the waterways of Moree Plains Shire Council Local Government Area*. The licence contains conditions which aim to minimise the environmental impacts of herbicide application, prevent water pollution and ensure the implementation of best practice weed management.

Under part 5.7A of the POEO Act, licensees are required to prepare *Pollution Incident Response Management Plans*. These plans are designed to ensure that pollution incidents are minimised through the identification of risks and the development of planned actions to minimise and manage those risks, and to ensure that emergency response procedures are developed and implemented in the event that an incident occurs.

This plan has been prepared in accordance with the requirements contained in section 153C of the *Protection of the Environment Operations Amendment Act 2011* and the details prescribed by the *Protection of the Environment Operations (General) Regulation 2009*.

* See Appendix 1 for a copy of the Environment Protection Licence (EPL) 7643.

2.0 Objectives

The objectives of this plan are to ensure:

- The effective management of noxious and environmental weeds, in order to reduce the negative impacts of weeds on the environment.
- That the risks associated with this activity are mitigated, to ensure the protection of workers, the community and the environment.
- That Council's weed management practices are ecologically, socially and financially sustainable.
- That a comprehensive and timely response to all pollution incidents occurs, including the effective communication of the incident to the relevant authorities and those who may be affected by the impacts of the incident.
- Compliance with all legislative requirements.

3.0 Scope

This plan applies to all waterways within the Moree Plains LGA including the waters of Gwydir, Barwon & McIntyre Rivers and tributaries, where the application of herbicides either by or on behalf of Council occurs*. This includes all ancillary activities associated with the application of herbicides including storage, handling, transportation and disposal.

* See Appendix 2 for a map of the waterways to which this plan applies and maps of these locations.

4.0 Legal Requirements

Pesticide Act 1999

Under the POEO Act, Council has a responsibility to:

- Only use pesticides which are registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA)
- Take all reasonable steps to determine all the risks involved in using a pesticide and taking appropriate action to avoid and minimise those risks,
- Only use pesticides in accordance with the label instructions unless an APVMA off-label permit is obtained and complied with or a lower application rate is used than recommended on the label (unless the label instructions or an EPA pesticide control order specifically prohibits use at lower rates).
- Store pesticides in a container appropriate to the chemical being stored with an approved label.
- The *Pesticides Regulation 2009* makes it compulsory for all people who use pesticides for commercial or occupational purposes to make a record of their pesticide use. The record must be made within 24 hours of use and kept for three years. The record needs to contain information about:
 - who applied the pesticide
 - what was applied
 - when, how and where it was applied
 - what it was applied to
 - the quantity that was applied
 - if the pesticide was applied outdoors by spray equipment: an estimate of wind speed and direction.
- Ensure that all staff that use pesticides as part of their job, are trained in the use of pesticides. This training must be renewed every five years. The minimum level of competency in pesticide use required under the Regulation is Australian Qualifications Framework Level 2 (AQF2).

Protection of the Environment Operations Act 1997

Under the POEO Act, Council has a responsibility to:

- Prevent pollution relating to air, water, land, noise and waste disposal.
- Immediately notify the Relevant Authorities (EPA, Council, Public Health Unit, WorkCover Authority, and Fire & Rescue NSW) of pollution incidents which involve actual or potential material harm to the health or safety of people or to the environment.
- Obtain an Environment Protection Licence for the carrying out of non-scheduled activities for the purpose of regulating water pollution which may result from the activity and comply with the conditions outlined in the licence.
- Prepare a Pollution Incident Response Management Plan for the licensed premise, to be publicly displayed on Councils website.
- Complete an Annual Return for the licensed premise.

Work Health and Safety Act 2011

Under the WH&S Act, Council must ensure that:

- Risks to health and safety associated with using, handling, generating or storing a hazardous chemical at a workplace are identified and managed.
- All hazardous chemicals used, handled or stored at the workplace are labelled correctly.
- A current material safety data sheet (MSDS) for a hazardous chemical is readily accessible to a person at the workplace.
- A register of hazardous chemicals used, handled or stored at the workplace is prepared and kept at the workplace and is regularly maintained to ensure the information in the register is up to date.
- A record is prepared and maintained of the quantity of the chemicals or group of hazardous chemicals used, handled or stored at the workplace exceeds the manifest quantity
- A hazardous chemical used, handled or stored at the workplace does not become unstable, decompose or change (and in the process creates a new hazard or significantly increases the risk).
- Appropriate safety signage is displayed.
- Where there is a risk from a spill or leak of a hazardous chemical, provision is made in each part of the workplace where the hazardous chemical is used, handled, generated or stored for a spill containment system.

5.0 Roles and Responsibilities

Assessment Manager is responsible for ensuring that:

- Adequate resources are provided for the implementation of this plan,
- Staff are trained and competent in undertaking their roles,

Chief Weeds Officer is responsible for:

- Authorising this plan including all subsequent amendments,
- Initiating this plan (as the 24 hour contact),

- Ensuring that staff carry out activities in accordance with the procedures outlined in this plan by undertaking regular inspections,
- Undertaking the site assessment to determine the methodology and herbicide required,
- Providing notification as per the current Pesticide Use Notification Plan before the application of the herbicide,
- Notifying the Relevant Authorities in the event of a pollution incident,
- Completion of the Annual Return and renewal of the EPL.

Workers/ Contractors are responsible for:

- Carrying out activities in accordance with the procedures outlined in this plan,
- Participating in the testing and review of this plan,
- Participating in training as required.

6.0 Risk Management

6.1 Hazard Identification

The hazards and risk associated with the application of herbicides are identified in Council’s IMS Risk Register *Flexirisk*. The register identifies the hazards, risk, inherent risk rating, control measures and residual risk rating. Table 1 below provides an extract of the hazards which are associated with this activity.

Table 1 – Description and Likelihood of Hazards

Hazard	Impact	Likelihood (with controls in place)
Chemical spill or leak	Contamination of water	Rare: May happen in exceptional circumstances
	Land contamination	Possible: Might occur at sometime
	Harm to non-target species	Unlikely: Not likely to occur
Incorrect application (herbicide type, quantity or method)	Contamination of water	Rare: May happen in exceptional circumstances
	Land contamination	Rare: May happen in exceptional circumstances
	Harm to non-target species	Rare: May happen in exceptional circumstances
Generation of noise	Excessive noise generation resulting in reduction in amenity and disturbance to the community	Probably: Might occur at sometime
Spread of weeds	Increased competition and biodiversity impacts	Rare: may happen in exceptional circumstances
Exposure to persons through contact with skin, inhalation or swallowing	Death	Rare: may happen in exceptional circumstances
	Injury	Unlikely: Not likely to occur
	illness	Possible: Might occur at sometime

The following methods will be utilised to identify additional hazards/risks:

- Use of Council's *Site Specific Risk Assessment Form* .This form is completed by the Supervisor prior to works commencing and identifies the hazards and controls implemented in accordance with standard work procedures. A copy of this form is provided in Appendix 3.
- Follow Standard Operating Procedures as set down by the Chief Weeds Officer.

6.2 Hierarchy of Controls

When determining how to control risks in the workplace the following hierarchy of control must be applied:

1. **Eliminate** the hazard altogether.
2. **Substitute** the hazard with a safer alternative.
3. **Isolate** the hazard from anyone who could be harmed.
4. Use **engineering** controls to reduce the risk.
5. Use **administrative** controls to reduce the risk.
6. Use **personal protective equipment (PPE)**.



7.0 Training

7.1 Herbicide Mixing, Application, Transport and Storage

- All staff who mix or apply herbicides or calibrate equipment used to apply herbicides must hold Australian Qualifications Framework Level 3 (AQF 3) or above. AQF 3 requires the following units of competency to be attained:
 - *AHCCHM303A (Prepare and Apply Chemicals), and*
 - *AHCCHM304A (Transport, Handle and Store Chemicals).*
- Staff with AQF 2 must be supervised by a staff member with Australian Qualifications Framework Level 4 (AQF 4) or above.
- Proof of training must be carried on all staff at all times as it may be requested to be produced by and Authorised Officer of the EPA. This may include:
 - a certificate or statement of attainment issued by the registered training organisation in accordance with the Australian Qualifications Framework (AQF)
 - a card that has been approved by the EPA as being an equivalent record of evidence to the above forms of proof – currently this applies to cards issued by ChemCert NSW, SmartTrain and RuralBiz training, or
 - a permit or licence held by groups such as pest technicians and aerial applicators, who are subject to separate mandatory qualification requirements.
- A refresher course must be completed every 5 years to ensure competency.

7.2 Induction Training

- All MPSC staff are required to participate in a formal Induction Training Program relating to the role of a Council employee and responsibilities regarding Environmental Management and Work Health and Safety.
- Site induction training is undertaken by the Chief Weeds Officer. Training involves the detailed review and acceptance of documented procedures relevant to the each staff member to ensure that staffs are aware of their roles and responsibilities and any site specific safety procedures.
- All staff that apply or mix herbicides in or around waterways will be required to undertake training in relation to the procedures outlined in this plan, to ensure that staff re aware of their roles and responsibilities. The objectives of providing training and updates will be to:
 - Create awareness of the potential hazards associated with the activity which may cause for harm to staff the community and the environment, and the controls implemented to minimise the risk,
 - Ensure staff understand the procedures which must be implemented in the event of a pollution incident, and
 - Ensure staff understand the internal and external reporting requirements.

7.3 Record Keeping

- A record of training attendance and competencies for each staff member is maintained in HRIS. This system provides an automatic alert to the relevant Supervisor when staff are required to undertake refresher training.

8.0 Procedure

Step 1 – Undertake a site assessment

In most instances a site assessment is required prior to implementing weed management techniques in order to determine the methodology and herbicide to be utilised. This will be undertaken by the Chief Weeds Officer /Weeds Inspector Operator and the following aspects should be considered:

- Identify the type of weed/s.
- Establish the exact location and extent of the weed/s.
- Identify any hazards/risk associated with the site.

Step 2 – Determine the methodology

Using the information obtained from the site assessment, the appropriate method of weed control must be determined. An integrated weed management approach management is the most effective method used to control weeds. It involves a sustainable approach to long-term management of weeds using a combination of the following techniques:

- Weed prevention
- Mechanical control
- Chemical control
- Biological control

Where the use of chemicals is considered the hierarchy of control must be implemented.

- 1. Elimination:** Where possible alternative weed control methods should be utilised.
- 2. Substitution:** Where possible replace the chemical with a less toxic chemical.
- 3. Minimisation:** Minimise the amount of chemical used (e.g. by increasing efficiency, dilution, or recycling of the chemical).
- 4. Engineering controls:** Reduce the risk of chemicals or their by-products entering the environment or affecting the health and safety of staff and the community (e.g. through PPE, staff training, safe work procedures).

Step 3 - Selection of herbicide

- Only herbicides registered by the Australian Pesticides and Veterinary Medicines Authority for use in aquatic environments will be used in to control weeds in and around waterways unless an Off label permit is obtained from the Australian Pesticides and Veterinary Medicines Authority for the product to be used for a purpose or in a manner that is not included on the approved label.
- The herbicide utilised will be based on the type of weed.
- Council currently uses two chemicals in waterways:
 - Roundup Biactive (or generic Glyphosate)and
 - *Affray 300*.(2,4D)

These chemicals are utilised for their non-residual and low toxicity properties.

Step 4 – Notification

- The Pesticides Use Notification Plan will be displayed on Council’s website, with notifications being given in line with this plan (see link below)
- A copy of this plan is provided in Appendix 4.
- <http://www.mpsc.nsw.gov.au>
 - what herbicide(s) is to be applied,
 - when the herbicide(s) is to be applied,

- that further information can be obtained from Council, and
- a contact person and phone number.

Step 5 – Quantity of herbicide applied

Herbicides if mixed incorrectly can have a significant impact on the environment. To minimise the risk of this occurring the following controls must be in place at all times:

- All herbicides must be mixed in accordance with the instructions on the label (unless an Off Label Permit is obtained from the Australian Pesticides and Veterinary Medicines Authority).
- If the herbicide has not been used previously, a minimum of two staff must read the label and the Material Safety Data Sheet (MSDS) prior to mixing. A copy of the MSDS's for *Banish360*, Roundup Biactive and *Affray 300* have been provided in Appendix 5.
- Council reserves the right to use different or new chemicals subject to suitability for use if and when new technology becomes available.

Step 6 - Transportation of Herbicides

- The quantity of herbicide transported for major operations will be pre- positioned at a safe accessible site when the operations are to proceed for more than one day and it is impractical to move chemical for use daily.
- For other operations, the quantity of herbicide will be limited to what is assessed required for the job on a daily basis.

Step 7 - Application of Herbicides

Prior to Use

- Prior to the application of herbicides, undertake a site specific risk assessment, including an assessment of weather conditions to identify any site specific controls (weed spraying will not occur in unsuitable conditions). These details are to be recorded in the Daily Spray Log Form. A copy of the Spray Log Book is provided in Appendix 6.
- Weed spraying operations must be timed as to not risk or interfere with common agricultural practices in the region
- During Use
 - Herbicides must be applied in accordance with the directions on the label (unless an Off Label Permit is obtained from the Australian Pesticides and Veterinary Medicines Authority).

- Appropriate PPE must be worn at all times when mixing and applying herbicides.
- Staff must work in pairs at all times whilst applying herbicide to waterways.
- Aerial operators must be accredited and equipped for the operations as specified.

Step 8 - Records of herbicides applied

- The *Spray Log Book* must be completed by operators after each individual job.
- The forms must include the following details:
 - location of where the herbicide(s) was applied and the area of water covered by the application,
 - date of herbicides(s) application
 - type of weeds(s) treated,
 - name of herbicide (s) applied and formulation /mixing details of the herbicide(s),
 - the amount of herbicide(s) used,
 - the wind speed (km/h) and direction at the time of the herbicide(s) application
 - the air temperature (degrees celsius) at the time of the herbicide(s) application,
 - humidity (where applicable).
 - names of person(s) applying the herbicide(s)
- The *Spray Log Book* must be kept for at least 3 years after the herbicide(s) application to which they relate was undertaken.
- A chemical inventory will be kept which will identify the type and quantity of chemicals used.

Step 9 - Wash down of spray rigs

- Spray tanks are to be triple rinsed and cleaned thoroughly using clean water or a registered tank cleaner on a usage basis or prior to a change in chemical used. Apply a neutralising agent in accordance with the relevant MSDS, where required.

Step 10 - Disposal of Herbicide Drums

- All empty containers must be triple rinsed as soon as practical when are empty and recycled by drum muster.

Step 11 - Storage of Herbicides

- Herbicides must be stored:
 - In the original container.
 - In containers that are labelled correctly in accordance with *Code of Practice: Labelling of Workplace Hazardous Chemicals*.
 - In an area protected from the weather and with adequate ventilation.
 - In a bunded area which is appropriate to the herbicide being stored and greater than the capacity of chemicals stored. The bund must be regularly monitored to ensure it is free from contamination.
 - With appropriate hazchem signage displayed where the herbicide is stored to identify the potential risks.

- Separately from non-compatible hazardous chemicals.
- The volume of herbicides stored should be kept to a minimum, taking into consideration usage and shelf life.
- An up-to-date MSDS must be easily accessible where herbicides are stored.
- A copy of MSDS is also held by Council's Stores Officer

Step 11 - Maintenance of Plant & Equipment

- All plant & equipment will be maintained and serviced regularly in accordance with Council Fleet Management System.
- The Daily Plant Checklist must be completed prior to commencing works including checking hoses and connections prior to use A copy of the Daily Plant Start up List is provided as Appendix 7
- All equipment used to apply herbicides will be calibrated as required.

9.0 Emergency Response

9.1 Pollution Complaints

- Complaints can be made by phoning Moree Plains Shire Council on ph: (02 6757 3222). This number can be obtained from the signage displayed whilst applying the herbicide as well as the public notifications.
- Records must be kept of all complaints made to Council in relation to pollution arising from any of the activities associated with the Environment Protection Licence. The record must include details of the following:
 - the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken, the reasons why no action was taken.
- The record of a complaint must be kept for at least 4 years after the complaint was made.
- The record must be produced to any authorised officer of the EPA who asks to see them.

9.2 Emergency Response

It is not feasible to provide comprehensive instructions on the precise actions to be taken for every possible pollution incident. Each situation will need to be assessed and responded to in a manner which is appropriate for the circumstances of the incident, using the process steps outlined below.

Councils Chief Weeds Officer is responsible for activating this plan in the event of an incident, and can be contacted via the following means:

Ph: 02 67573222 Mob: 0427 044521

In the event that an incident occurs, the first step is to undertake a risk assessment of the site to determine if there is a risk to people, property and/or the environment and implement immediate corrective actions to prevent further harm in accordance with the relevant MSDS.

In general, the primary control which should be implemented is to eliminate the pollution source through isolation. Once this is completed the spill kit must be utilised to contain the spill and once contained the contaminated material should be disposed of at an approved waste management facility.

9.3 Incident Reporting & Investigation

All incidents require some form of notification. The two different types of reporting include External and Internal Reporting. Staff who are involved in or witness the incident are required to immediately assess whether the incident is of a notifiable nature – that is any incident resulting in actual or potential material harm to the health or safety of human beings or the environment that is not trivial, or results in actual or potential loss or property damage exceeding \$10,000.

If unsure as to whether it is a reportable incident, consult with the Assessment Manager **IMMEDIATELY**. If the incident occurs outside of standard operating hours when the Assessment Manager is not available for consultation - **IMMEDIATELY** contact the relevant Authorities identified below.

External Reporting

Environmental incidents which require external notification are required to be notified **IMMEDIATELY**. Where adequate resources are available to allow for concurrent notification and immediate response to an environmental incident, notification to the relevant Authorities must be given 'immediately'. The decision on whether to notify should not delay immediate actions to ensure the safety of people or contain a pollution incident, however the notification to the relevant Authorities should be made as soon as it is safe to do so.

If the pollution incident presents an immediate threat to human life or property '000' must be called first. If the incident does not present an immediate threat to human life or property or once '000' has been called then the other relevant Authorities listed below must be notified **IMMEDIATELY** in the following order:

	Relevant Authority	Phone Number
1	EPA – Environment line	131 555 (24 hours)
2	Public Health Unit –	4349 4845 or

	Contact person John James	4320 2111 (if after hours)
3	Work Cover	13 10 50 (24 hours)
4	Moree Plains Shire Council	02 67573222 (24 hours)
5	Fire and Rescue NSW	000 (24 hours)

When notifying the relevant Authorities, state that you are calling to advise of a pollution incident and provide the following information (if known):

- The time, date, nature, duration and location of the incident,
- The location of the place where pollution is occurring or is likely to occur,
- The nature, the estimated quantity or volume and the concentration of any pollutants involved,
- The circumstances in which the incident occurred (including the cause of the incident, if known),
- The action taken or proposed to be taken to deal with the incident and any resulting pollution or threatened pollution, and
- Other information prescribed by the regulations.

Any required information that is not known when the incident is notified must be notified to the relevant Authorities immediately once it becomes known.

When each of the relevant Authorities are notified, the following must be recorded:

- The time of the call,
- The date of the call,
- Incident/reference numbers given by the relevant Authority,
- The name of the operator,
- Information provided, and
- If further notification is required.

These details must be recorded on the *Incident Report Form* and forwarded to the Assessment Manager **IMMEDIATELY**. A copy of this form is provided as Appendix 8.

The Assessment Manager will scan and register the incident report form into TRIM with the relevant précis.

Internal Reporting

All incidents and near misses must be reported to the HR Department (RTW Officer) via the *Incident Report Form*. These forms must be forwarded to the RTW Officer within 24 hours of the incident occurring. A copy of this form is provided as Appendix 8.

The RTW officer will scan and register the incident report form into TRIM with the relevant précis.

An investigation will be undertaken with the relevant staff, the Chief Weeds Officer and Assessment Manager to determine the cause of the incident and identify corrective and preventative actions to ensure that the incident does not re-occur.

All corrective and preventative actions will be reviewed within 3 months of the implementation to determine if the actions were 'effective' or 'ineffective'. Where the action is determined to be 'not effective', additional corrective/preventative actions will be identified and implemented.

Communication

Communication is an important aspect of managing any response to a pollution incident. The mechanisms used and the information provided to stakeholders will depend on the circumstances of the pollution incident.

The objective of communication is to ensure that those potentially affected by a pollution incident know what has happened, how they may be affected by the incident, what they can do avoid potential harm, and to explain what Council is doing to rectify the incident.

Following a pollution incident the occupiers of neighbouring premises will be notified via a phone call. Contact numbers will be located on all weed control vehicles which can be distributed immediately by staff. An assessment of who should be notified will be undertaken by the Chief Weeds Officer in consultation with Assessment the Manager as necessary.

In most cases, a pollution incident will be confined to a particular location and notification to stakeholders can be handled by the erection of warning signage. Where the incident is not confined to a particular area and/or may have a significant impact upon the environment the following types of communication mechanisms are to be considered when selecting an appropriate means of providing stakeholder notification;

- Phoning stakeholders,
- Emailing stakeholders,
- Issuing of media releases, and
- Posting of notices on Council's website.

The EPA is also able to issue a direction to notify any other person of the incident that the EPA considers necessary therefore directions given by the EPA must also be complied with.

10.0 Testing & Review

This plan will be reviewed and tested annually prior to submission of the Annual Return to ensure that the plan is accurate and up-to-date, and that the plan is capable of being implemented in a workable and effective manner.

In addition the plan will be reviewed and tested:

- within one month of any pollution incident (or near miss) occurring,
- when legislative requirements are changed, or

- when there is a change in work processes.

The scenarios tested will be obtained from the hazards identified in Table 1 of this plan and those with the highest risks will be tested as a priority. Two methods will be utilised which include undertaking desktop simulations and practical. The results will be detailed in the Testing and Review Log which will be registered in ECM (see appendix 9).

Appendix 1 – EPL

Appendix 2 – MPSC Waterways Map, and Gingham Watercourse

Appendix 3 – Site Specific Risk Assessment Form

Appendix 4 – Pesticides Use Notification Plan

Appendix 5 –MSDS

Appendix 6 – Spray Log Form

Appendix 7 – Daily Plant Start Up Checklist

Appendix 8 – Incident Report Form

