



city council

**POLLUTION INCIDENT RESPONSE
MANAGEMENT PLAN**

VERSION 9.0

January 2024

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1. INTRODUCTION

Under the *Biosecurity Act 2015* Maitland City Council is responsible for the management and control of priority weeds on all land that is under its control. In order to meet this requirement, Council must manage priority weeds found in both terrestrial and aquatic environments.

As a result, Council currently holds an *Environment Protection Licence (Licence no. 10393)* under the *Protection of the Environment Operations Act 1997* (POEO Act). This licence authorises and regulates the application of herbicides to all waterbodies in the Maitland 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 a *Pollution Incident Response Management Plan*. 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*.

Maitland City Council has chosen to extend the use of this plan to include any pollution incident that may occur in relation to the application of all pesticides and associated activities undertaken by Maitland City Council staff, contractors, volunteers or other persons working on Council land.

2. OBJECTIVES

The objectives of this plan are to:

- Minimise and control the risk of a pollution incident by identifying risks and developing planned actions to minimise and manage those risks.
- Ensure timely and accurate communication about a pollution incident to relevant authorities, Council staff, and all other persons who may be affected by the incident.
- Implement the actions and procedures identified in the plan and regularly test and review for currency and suitability.
- Comply with *Environment Protection Licence 10393* and *Protection of the Environment Act 1997*.

3. SCOPE

This plan relates specifically to herbicide application for the treatment of weeds in all waterbodies within the Maitland Local Government Area (LGA) as per *Environment Protection Licence 10393*. This comprises the Hunter River, Paterson River and their tributaries, as well as all other waterbodies such as creeks, lagoons and wetlands where the application of herbicide by Maitland City Council staff or associated contractors may occur.



This plan also extends to all activities associated with the application of all other pesticides used by Maitland City Council staff and contractors including storage, handling, transportation and disposal.

4. LEGISLATIVE REQUIREMENTS

The specific requirements for a Pollution Incident Response Management Plan are identified in Part 5.7A of the *POEO Act* and the *Protection of the Environment Operations (General) Regulation 2009 (POEO(G) Regulation)*. A summary of these requirements are listed below:

- The holder of an environment protection licence must prepare a pollution incident response management plan in relation to the activity to which the licence relates (section 153A POEO Act).
- A Pollution Incident Response Management Plan must include the information detailed in the *POEO Act* (section 153C POEO Act).
- A Pollution Incident Response Management Plan must be kept at the premises to which the licence relates or, in the case of mobile plant, where the relevant activity takes place (section 153D POEO Act).
- A copy of the Pollution Incident Response Management Plan must be readily available to an authorised EPA officer on request; Maitland City Council Staff involved in implementing the plan; and to the general public on the Maitland City Council website (section 153D POEO Act; clause 98D POEO(G) Regulation).
- A Pollution Incident Response Management Plan must be tested routinely once every 12 months and within one month of any pollution incident occurring which relates to the plan.
- If a pollution incident occurs in the course of activities relating to Maitland City Council's Environment Protection Licence 10393, the person/s carrying out the activity must immediately implement this Pollution Incident Response Management Plan (section 153F POEO Act).

5. POTENTIAL HAZARDS, RISKS AND IMPACTS

A description and likelihood of risks relating to activities included in Maitland City Council's *Environment Protection Licence* can be seen in Table 1. The likelihood of each risk was calculated using Council's Risk Assessment Template and Risk Score Matrix (see appendix).



Table 1 - Hazards, risks and impacts associated with pesticide application.

Hazard	Risk	Likelihood	Potential Impact
Pesticide storage and transportation	Pesticide spill or leak	Possible	Contamination of water Contamination of land Exposure to persons
Fuel storage and refuelling	Fuel spill or leak	Possible	Contamination of water Contamination of land Exposure to persons Fire/Explosion
Pesticide preparation and use	Incorrect preparation or use of pesticide	Unlikely	Contamination of water Contamination of land Exposure to persons Off-target damage
Pesticide waste disposal	Pesticide spill or leak	Unlikely	Contamination of water Contamination of land Exposure to persons

6. ACTIONS TAKEN

In order to minimise all possible environmental and health risks associated with the application of pesticides to waterbodies and related activities, several pre-emptive actions and procedures have been put in place.

6.1. GENERAL PROCEDURES

Prior to work commencing a Site Induction must be carried out for Maitland City Council staff and contractors. This induction includes all appropriate Safe Work Method Statements (SWMS), emergency procedures, first aid and relevant Safety Data Sheets (SDS). These documents must be read, understood and signed (where appropriate) by all Maitland City Council staff and contractors prior to undertaking works.

6.2. PESTICIDE APPLICATION

All pesticide application undertaken by Maitland City Council staff and contractors must take place in accordance with the label and Safety Data Sheet (SDS). All persons must wear the appropriate PPE according to the SDS and label. Only approved pesticides registered for use in aquatic environments will be used by Maitland City Council in waterbodies throughout the LGA.

If a particular pesticide is to be used contrary to the label then a permit must be obtained from the Australian Pesticides and Veterinary Medicines Authority (APVMA). Where possible, pesticide application will be scheduled outside of peak use times, to minimise potential impact on the community.

For weed control in waterbodies Council currently uses herbicides containing the following active constituents, due to their non-residual and low toxicity properties:

- Biactive Glyphosate
- Metsulfuron-methyl



6.3. STORAGE AND TRANSPORTATION OF PESTICIDES

All pesticides used by Maitland City Council and associated contractors must be stored and transported according to the label and SDS. All pesticides are stored in designated bunded storage areas in the weed control shed at the Council Works Depot. Transportation of undiluted herbicides is kept to a minimum.

A spill containment kit is located in Council vehicles involved in the use of pesticides as well as in the weed control shed. These kits will be inspected regularly as part of the testing of this plan (every 12 months and within one month of a pollution incident occurring). This will identify if replacement or updating of equipment is necessary.

6.4. DISPOSAL OF PESTICIDES

In order to reduce the possibility of surplus mixed herbicides, only the amount required for a particular day's work will be prepared. In the case of herbicide application in waterbodies, a maximum of 200L mixed herbicide will be taken out onto the water in a boat or Argo at any one time.

However, in the event of surplus herbicide the following procedures will be implemented:

- Never dispose of pesticide waste or rinsate into drains, toilets, sinks or bodies of water.
- Where possible apply any surplus pesticide onto an appropriate area according to the label.
- If application is not possible, dispose of surplus pesticide into the appropriate Council rinsate storage tank for bulk disposal at a later date by an authorised contractor.

6.5. DISPOSAL OF RINSATE PROCEDURE

Located at Maitland City Council's Works Depot, at the bunded wash-down bay are two rinsate tanks used for waste pesticide and rinsate water. The bunded wash-down area drains into a blind sump which contains a submersible pump. The waste pesticide rinsate is pumped from the sump into the tanks for bulk disposal at a later date by an authorised contractor. The procedure for disposal of pesticide rinsate waste is as follows:

1. Ensure bunded area is clean and free from debris.
2. Ensure the first valve on the wall is turned with the handle facing the direction of flow towards the tanks.
3. Ensure the second valve on the wall is pointing in the direction toward the tank in which the rinsate will be stored (smaller (500L) tank for insecticide; larger (2000L) tank for herbicide).
4. Recheck valves are in the appropriate direction.
5. Wash tank out within the bunded wash-down bay.
6. Once sump is full turn power on at the wall. Sump will drain into the appropriate tank.
7. Turn power off.

6.6. DISPOSAL OF PESTICIDE CONTAINERS

All empty pesticide containers will be recycled via the "DrumMuster" program. Prior to empty pesticide containers being disposed of, they must first be rinsed using the correct method.

To conduct effective rinsing:



1. On emptying the contents into the spray tank, drain the container for an extra thirty seconds after the flow has reduced to drops.
2. Fill the container with suitable solvent (generally water) to about 20% to 25% of its capacity.
3. Replace the cap securely.
4. Shake, rotate, roll and/or invert the container to wash the entire inside with rinse.
5. Remove the cap and add rinsate from the container to the spray tank. Drain the contents for an extra thirty seconds after the flow has reduced to drops.
6. Repeat steps for effective rinsing process two more times.
7. Check the container thread, cap and thread and outside surfaces, and if contaminated, rinse with a hose or hand wash.
8. Where rinsed containers are stored ensure that lids or bungs are removed to prevent reuse and that containers are secure. Steel containers should be punctured using a rod or steel crowbar, by passing it through the neck or pouring opening and out the base of the container.
9. Emptied and rinsed containers should be stored in the specified storage cage located at the Council depot.

6.7. RE-FUELLING OF PLANT AND EQUIPMENT

Wherever possible, vehicles and other plant will not be re-fuelled on site in order to reduce the potential risk of spills and accidents. All Council vehicles will be refuelled in the designated refuelling area located at the Maitland City Council Depot. All plant associated with pesticide application will also be re-fuelled at the Maitland City Council Depot wherever possible. When fuel is required to be taken out on site, suitable containers will be used and stored appropriately.

Maitland City Council's general re-fuelling procedure:

- Ensure that the no smoking policy is adhered to at all times
- Fire extinguisher must be available and maintained
- Refer to relevant SDS (Petrol, Unleaded or Diesel)
- Wear appropriate PPE
- Do not refuel hot engines
- Use funnel when re-fuelling small plant.

6.8. MAINTENANCE OF PLANT AND EQUIPMENT

All plant and equipment associated with pesticide use is regularly maintained and replaced according to Council policy. Plant Inspection Checklists are carried out on all Council-owned and hired plant prior to any work being undertaken. All spray equipment is regularly cleaned, maintained and calibrated when required. Council vehicles are routinely serviced every 10,000km.

6.9. SAFETY EQUIPMENT

The safety equipment and other devices that are utilised by Maitland City Council to minimise the risk to human health and the environment or contain a pollution incident are as follows:



- Spill Containment Kits
- 2000L herbicide rinsate tank
- 500L insecticide rinsate tank
- Bunded Washdown Bay
- Sump
- Safety Data Sheets
- Safe Work Method Statements
- Personal Protective Equipment
- Bunded Chemical Storage Area
- Emergency shower
- Eye-wash facility

This equipment is regularly checked, maintained and replaced where necessary to ensure suitability and currency.

7. COMMUNICATION WITH THE LOCAL COMMUNITY

As part of Maitland City Council's *Pollution Incident Response Management Plan* in relation to Council's *Environment Protection Licence 10393*, details of the mechanisms used for providing information to the local community regarding herbicide use and any pollution incidents must be provided.

7.1. NOTIFICATION OF PESTICIDE USE

The notification of all intended pesticide use will take place as per Council's *Pesticide Use Notification Plan* which is available on the Maitland City Council website via

<https://www.maitland.nsw.gov.au/our-services/environment/weeds-and-pesticides>

As a requirement of Maitland City Council's *Environment Protection Licence 10393*, Council must notify the public of all intended herbicide application in waterbodies within the LGA. At minimum Council must:

- erect a warning sign adjacent to the waters where the herbicide is applied, and
- place a notice in a local newspaper three to seven days prior to the application of the herbicide.

7.2. POLLUTION INCIDENTS

Maitland City Council will inform and update the local community of any pollution events (should they occur) via the following mechanisms:

- Maitland City Council's website
- Maitland City Council's Facebook page
- Letterbox drops (where appropriate)
- Door knocking (where appropriate)

As part of these notifications Maitland City Council will provide specific information to the community such as the extent of the area affected and any instructions (e.g. to avoid a particular waterbody) if appropriate.

8. MINIMISING HARM TO PERSONS

Maitland City Council has an emergency procedure in place for the Council Works Depot in order to minimise the risk of harm to any persons who are likely to be on the premises should an incident occur. This procedure includes



evacuation, specified muster locations and an audible alarm system. Where work is being carried out in the field, a Site Induction will include an appropriate emergency procedure specific to each site.

9. STAFF TRAINING

Staff training relating to implementing this plan is as follows:

9.1. PESTICIDE APPLICATION

All staff undertaking herbicide application must have at a minimum the Australian Qualifications Framework Level 3 (AQF3). This includes the following units of competency:

- AHCCHM303A Prepare and Apply Chemicals
- AHCCHM304A Transport, Handle and Store Chemicals

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. A refresher course must be completed by all staff undertaking pesticide application every five years to maintain competency.

9.2. SPILL CONTAINMENT TRAINING

All Maitland City Council staff performing work related to Councils *Environment Protection Licence 10393* will be trained in spill containment.

9.3. PRACTICAL EXERCISES

All staff involved in undertaking work relating to Councils *Environment Protection Licence 10393* will be actively involved in practical exercises as part of the regular testing and reviewing of this plan.

9.4. TOOLBOX TALKS

Toolbox talks for staff undertaking herbicide application in waterways take place once a month. At these meetings, staff members are encouraged to raise any WH&S, environmental or other concerns. Any general or refresher training associated with this plan will take place during these meetings as required.

10. EMERGENCY RESPONSE

It is not possible to provide precise instructions for each and every possible pollution incident; however, each individual event will be assessed and responded to in a manner that is suitable for the specific circumstances.



10.1. POLLUTION INCIDENT

A pollution incident has been defined by the EPA as “*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. 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”.

In the event of a pollution incident occurring, Maitland City Council staff will implement this plan via the following steps:

1. Assess the site to determine any risk to persons, the environment or property
 - **Contact “000” immediately** if the incident presents an immediate threat to human life or property.
2. Implement immediate corrective actions (where possible) e.g.
 - Isolate valves
 - Turn off pumps
3. Apply correct spill containment procedure
 - Utilise spill kit where appropriate
 - Consult SDS for specific accidental release measures (if required).
4. Report the incident to relevant authorities (table 3) and Council staff (table 4).

10.2. REPORTING

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 whether it is a reportable incident, **immediately** contact Council’s Biosecurity & Environmental Operations Advisor, Operations Manager – Recreation Works, or Manager Works (table 4). If these persons are not available, contact the relevant authorities **immediately** (table 3).

10.2.1. 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.

When notifying the relevant Authorities, state that you are calling to report 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
- Any 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
- If further notification is required

These details must be recorded on Council's *Environmental Incident Form* and forwarded to Council's Operations Manager – Recreation Works **immediately**. Council's Work Health and Safety Specialist must also be contacted **immediately**. The Work Health and Safety Specialist in conjunction with the Biosecurity & Environmental Operations Advisor and/or Operations Manager – Recreation Works will assess and record details of all incidents.

10.2.2. INTERNAL REPORTING

All incidents and near misses must be reported to Council via Council's *Accident & Incident Form* and/or Vault electronic reporting system. These forms must be forwarded to the Operations Manager – Recreation Works. Council's Work Health and Safety Specialist must also be contacted within 24 hours of the incident occurring. The Work Health and Safety Specialist in conjunction with the Biosecurity & Environmental Operations Advisor and/or Operations Manager – Recreation Works will assess and record details of all incidents.

11. INVESTIGATION

An investigation will be undertaken involving the relevant staff, Biosecurity & Environmental Operations Advisor, Operations Manager – Recreation Works and Work Health and Safety Specialist to determine the cause of the incident. Corrective and/or preventative measures will be put in place that will minimise the risk of reoccurrence. A review of these changes will take place within three months of implementation to ensure that these measures are suitable, and changes will be made if necessary.

12. TESTING OF THIS PLAN

As a requirement of the *Protection of the Environment Operations (General) Regulation 2009* (clause 98E) this Pollution Incident Response Management Plan must be tested:

- Routinely at least every 12 months, and
- Within one month of any pollution incident occurring to which the licence relates

The regular testing of the plan will identify any areas of the plan including equipment or training that requires updating. A desktop test and/or practical exercise will be carried out during each test period. Table 2 contains details of testing. This table will be updated following each test of the plan.



Table 2 - Record of testing.

Date completed	Desktop Test	Practical Exercise	Completed by
09/02/2015	Yes	No	Terry Bignell
13/03/2015	No	Yes	Terry Bignell, Brad Shultz, Chris Broadfoot
14/01/2016	Yes	No	Terry Bignell, Robert Eyre, Chris Broadfoot
27/01/2017	Yes	No	Terry Bignell, Robert Eyre
29/06/2018	Yes	No	Terry Bignell, Robert Eyre
18/12/2019	Yes	Yes	Terry Bignell, Robert Eyre, Jacob Burley
16/02/2021	Yes	Yes	Terry Bignell, Robert Eyre, Jacob Burley, Jarrah Newman
20/01/2022	Yes	Yes	Tony Gilson, Robert Eyre, Jacob Burley, Nigel Ford
27/01/2023	Yes	Yes	Tony Gilson, Robert Eyre, Nigel Ford, Garth Cottrill
29/01/2024	Yes	Yes	Robert Eyre, Nigel Ford, Garth Cottrill

13. COMPLAINTS

Any complaints relating to activities conducted under Maitland City Council's *Environment Protection Licence 10393* can be made via Council's 24-hour telephone number (see Table 3). All such complaints made to Maitland City Council, employees, or any other agent must be recorded and kept for a minimum of four years.

14. CONTACT DETAILS

As part of the Pollution Incident Response Management Plan, Maitland City Council must provide the contact details of all relevant authorities (see Table 3) in the event of a pollution incident (section 148 POEO Act).

Table 3 - Relevant authority contacts.

Relevant authority	Telephone number
EPA	131 555 (24 hours)
Fire and Rescue NSW	1300 729 579 (24 hours)
SafeWork NSW	13 10 50
Maitland City Council	4934 9700 (24 hours)
Public Health Unit (Newcastle)	4924 6477 (24 hours)
Hunter Water	1300 657000 (24 hours)



Maitland City Council is responsible for activating the plan, notifying relevant authorities and managing the response to a pollution incident. In the event of a pollution incident occurring, the appropriate person/s will be contacted via Maitland City Council's 24-hour contact (Table 3).

The key Maitland City Council staff members who are responsible are listed in Table 4. The timing of the incident and availability of staff at the time will determine which person/s will be the primary contact.

Table 4 – Key Maitland City Council staff

Name	Position
Robert Eyre	Biosecurity & Environmental Operations Advisor
Caine James	Operations Manager – Recreation Works
Ashley Kavanagh	Manager Works

PLAN HISTORY

Version	Date	Description of changes made
1.0	12/01/2015	New plan created
2.0	15/11/2016	Record of testing updated
3.0	27/01/2017	Record of testing updated
4.0	29/06/2018	Record of testing updated Legislation updated Staff job titles updated Appendix updated
5.0	05/03/2020	Record of testing updated Staff job titles updated Contact details updated Plan history updated
6.0	18/03/2021	Record of testing updated
7.0	20/01/2022	Record of testing updated Staff job titles updated Contact details updated Plan history updated
8.0	27/01/2023	Record of testing updated Staff job titles updated Plan history updated
9.0	29/01/2024	Record of testing updated Staff job titles updated Plan history updated

APPENDIX 1.0

RISK SCORE MATRIX



		CONSEQUENCE					
		Insignificant	Minor	Moderate	Major	Catastrophic	
Description		Medical treatment including first aid Minor < \$5k	Minor injury <less than seven days off work or on suitable duties \$5k - \$50k	Lost time injury / seven days or more off work or on suitable duties \$50k - \$250k	Serious injury / severe irreversible disability \$250k - \$500k	Fatality Major > \$500k	
LIKELIHOOD	Almost Certain	Event <u>expected to occur</u> , most times during normal operations	Medium 8	High 16	High 20	Extreme 23	Extreme 25
	Likely	<u>Will probably occur</u> at some stage based on evidence of previous incidents	Medium 7	Medium 12	High 17	High 21	Extreme 24
	Possible	Not generally expected to occur but <u>may occur</u> under specific circumstances	Low 5	Medium 10	High 15	High 18	High 22
	Unlikely	Conceivable but <u>not likely to occur</u> under normal operations; no evidence of previous events	Low 2	Low 4	Medium 11	Medium 13	High 19
	Rare	Only ever <u>occurs under exceptional circumstances</u>	Low 1	Low 3	Medium 6	Medium 9	High 14

RISK CONTROL GUIDE

ELIMINATE <i>(The best option, if it can be done)</i>	<ul style="list-style-type: none"> Design out the hazard - <i>eg, close the road to public vehicles</i>
SUBSTITUTE	<ul style="list-style-type: none"> Use an alternative plant, substance or material <i>eg, use water based chemicals in lieu of solvent based ones</i>
ISOLATE	<ul style="list-style-type: none"> Use guards on machines or barriers on worksites
RE-DESIGN	<ul style="list-style-type: none"> Design and install equipment to counteract the hazard <i>eg, installing an exhaust ventilation system to extract dangerous fumes or dust</i>
CHANGE WORK METHODS	<ul style="list-style-type: none"> Arrange work so people spend less time near the hazard Develop a Work Method Statement
PERSONAL PROTECTIVE EQUIPMENT	<ul style="list-style-type: none"> Workers need to wear protective equipment and clothing whilst near the hazard. <i>eg, ear plugs, hard hats etc</i>

