

# Media Release

## Environment Protection Authority



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### **Nyrstar penalty keeps focus on Transformation Project**

The Nyrstar Smelting Plant will pay a \$21,000 civil negotiated penalty for failing to meet federal air-testing standards, which could have made its lead-in-air data unreliable.

While recognising Nyrstar's achievements in reducing emissions in recent years, the Environment Protection Authority (EPA) said it would continue to ensure the smelter operator did all it could to comply with its licence conditions, including obtaining National Association of Testing Authorities (NATA) accreditation.

Reductions in lead emissions from the Nyrstar smelter aim to ultimately reduce the blood lead levels in children.

On 16 May 2014, the South Australian Government and Nyrstar announced a \$514 million investment by Nyrstar to transform the smelter using the latest available technology.

The transformation will substantially reduce emissions and will be supported by a 10-year, \$50 million Targeted Lead Abatement Programme.

EPA Executive Director Operations Andrew Wood says transformation of the smelter will substantially reduce emissions and will be a significant benefit to the environment and the Port Pirie community.

"This has been the focus of our recent regulatory effort," Mr Wood said.

Between 2006 and 2011, Nyrstar invested \$50 million in emissions-reducing technology. This saw the percentage of Port Pirie children exceeding a blood lead level of 10 ug/dl reduce from 60 per cent to 28 per cent during that period.

Despite the improvements, the EPA investigated alleged elevated lead emissions from the plant between August 1 2009 and 30 April 2010. Advice stated there was insufficient evidence of short term harm from these events to proceed with a court case. Consequently, the EPA has now concluded its investigations in the 2009-10 incidents.

However, Mr Wood said the EPA did recognise that further action was needed and, in July 2012, Nyrstar's licence was changed to include new, enforceable air quality limits for lead in air at key monitoring sites. This was a significant catalyst for the transformation project.

"Had the EPA not tightened the licence standards, the transformation to cleaner smelting technology would not have occurred so swiftly.

"It has long been acknowledged that only new technology could assist in the long term to reduce lead in air to more acceptable levels," Mr Wood said.

The updated EPA licence sets limits for measured lead in air at 0.5 micrograms per cubic metre. Earlier this year, the final data collection for the 2013 year showed an average lead in air of 0.51 ug/m<sup>3</sup> or 1.6 per cent above the limit.

"While only just above the limit, the EPA considers all alleged breaches of licence conditions to be of concern, prompting an investigation," Mr Wood said.

A subsequent investigation by the EPA found that the method used to collect air samples did not meet the required National Association of Testing Authorities (NATA) standard, which could have made the reported data unreliable.

**For further information please contact Ros Agate: 0434 609 394**

Environment Protection Authority

Page 1 of 2

The EPA initiated its negotiated civil penalty process to deal with the alleged licence breach and applied a penalty of \$21,000, the second largest civil penalty to date.

The EPA has also imposed tighter licence conditions on Nyrstar requiring it to report on its monitoring performance quarterly.

Nyrstar has accepted the penalty and has since attained NATA accreditation.

EPA approval of the transformed facility will include a comprehensive air monitoring regime on and off site.

It is anticipated that the EPA will set the initial emission levels for the fully operational transformed facility by the end of 2016 and will continue to manage Nyrstar's operating licence.

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