

# ENVIRONMENT PROTECTION ORDER

(Issued pursuant to Section 93 of the *Environment Protection Act, 1993*)

<b>TO:</b>	Flinders Power Holdings GMBH (ARBN 094 284 723), Flinders Labuan (No 1) Ltd (ARBN 094 284 812) and Flinders Labuan (No 2) Ltd (ARBN 094 284 769) ("the Licensees")	
<b>OF:</b>	GPO Box 15 PORT AUGUSTA SA 5700 Australia	
<b>SITE/S to which the Order relates</b>	Northern Power Station and Playford Power Station Ash Dam Power Station Road PORT AUGUSTA SA 5700 CT6180/724 ("the Site")	

## PURPOSE OF ORDER:

1. This order is issued under s93(1) Environment Protection Act 1993 ("the Act") for the following purposes:
  - 1.1. to secure compliance with the general environmental duty in s25 of the Act and is directed at preventing or minimising environmental harm in the form of risks to human health and the amenity value of the local area (s93(1)(a)(i));
  - 1.2. to secure compliance with a condition of an environmental authorisation, namely condition 1.1 Dust Prevention (S-9) of licence number 13006 issued 1 January 2015 as amended on 18 April 2016 ("the Licence") (s93(1)(a)(iii));
  - 1.3. to secure compliance with s82(2) of the Act (s93(1)(a)(v)).

## PARTICULARS:

The EPA is satisfied that:

2. Between 1 and 3 January 2017 inclusive, significant amounts of airborne dust emanating from the ash dam on the Site left the Site and travelled across the Port Augusta area ("the Dust Event").
3. The levels of total suspended particulates emitted during the Dust Event:
  - 3.1. were recorded at levels up to 438.7µg/m<sup>3</sup> at 25°C (24hr average) on 1 January 2017;
  - 3.2. had the potential to cause adverse human health effects and discomfort; and
  - 3.3. constituted an environmental nuisance and / or material environmental harm

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### REQUIREMENTS OF ORDER:

You, the Licensees, are hereby ordered to:

- A. Re-apply dust suppressant to achieve full coverage of the ash dam in accordance with the Dust Management Plan dated November 2016.

**Compliance Date: 20 January 2017**

- B. Undertake a Root Cause Analysis ("RCA") of all material contributing factors to the Dust Event and provide to the EPA a report on the RCA to the EPA's satisfaction.

**Compliance Date: 27 January 2017**

- C. In accordance with the findings of the RCA, undertake a review of the Environmental Closure and Post Closure Plan – Augusta Power Stations dated October 2016 and the Dust Management Plan dated November 2016 ("the Plans"), including consideration of the Plans' adequacy in respect of extreme weather events and provide to the EPA revised versions of the Plans to the EPA's satisfaction.

**Compliance Date: 3 February 2017**

- D. Increase the frequency of sampling conducted pursuant to condition 3.1.2 (TSP and PM10) Ambient Monitoring and Report (U-124) of the Licence to daily rather than one day in six, at the approved locations within the Port August Township. The results of such sampling must be provided to the EPA within 1 business day following the Licensees' receipt of the results.

**Compliance Date: Forthwith and until notified in writing by the EPA that such increased sampling may cease**

- E. Provide to the EPA a revised version of the Ash Dam Rehabilitation Plan (as required by the Environmental Closure and Post Closure Plan – August Power Stations dated October 2016) to the EPA's satisfaction. This must include endorsement by the Site Contamination Auditor for the Site.

**Compliance Date: 3 February 2017**

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**NOTE:** Compliance with this Environment Protection Order does not absolve you of criminal responsibility from a breach of the *Environment Protection Act 1993*. The Environment Protection Authority ("the Authority") reserves the right to pursue other enforcement measures including prosecution. Further, pursuant to s135 of the Act, the Authority may seek recovery of administrative and technical costs associated with contraventions.

Dated: 9 JANUARY 2017



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Sophie Martin  
**DELEGATE**  
**ENVIRONMENT PROTECTION AUTHORITY**



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## IMPORTANT NOTICE

You have the right of appeal to the Environment Resources and Development Court against this order within 14 days of service of the order. For information on how to lodge an appeal, contact the Court on 8204 0300.

Making an appeal does not affect your obligations under this order unless the Court makes a decision affecting this order (section 107 Environment Protection Act).

Failure to comply with this order is an offence under the Environment Protection Act. Significant penalties may be imposed (section 93(8) Environment Protection Act) and there may also be penalties for each day of ongoing failure to comply (section 123 Environment Protection Act).

You are advised that the EPA will record the details of this order on the EPA Public Register pursuant to section 109(3) (ia) of the Environment Protection Act.

### SERVICE OF ORDER

To: Brad Williams

At: 168 Greenhill Road PARKSIDE 5063

Time and Date: 09 January 2017

Personal/post/facsimile: .....

Signed: [Signature]

Name: Katie Williams of the Environment Protection Authority