

Appendix 1



Department of
Environment and Conservation

Your ref:
Our ref:
Enquiries:
Phone: KIM TAYLOR
Fax: 6487 5100
Email:

PREVENTION NOTICE

Section 73A of the *Environmental Protection Act 1986*
DEC No. 4 of 2007

Person to whom this notice is given

Esperance Port Authority

Person's address

PO Box 35
Esperance WA 6450

Premises to which this notice relates ("the Premises")

Esperance Port Authority, Crown Reserve 28207, Esperance WA 6450

("The Premises" as defined in Licence Number 5099/10 commencement date 7 October 2006, expiry date 6 October 2008).

Reason for which this notice is given

This notice is given to the Esperance Port Authority because I, Peter John Skitmore; Inspector and authorised person *under the Environmental Protection Act 1986*, reasonably suspect that :

1. a condition of pollution is likely to arise or has arisen; and
2. Esperance Port Authority has done or is likely to do an act in contravention of section 50A or 50B of the *Environmental Protection Act 1986*.

The grounds for reasonable suspicion

The grounds for reasonable suspicion are as follows :

1. The results of monitoring conducted by the Esperance Port Authority at various locations have demonstrated elevated levels of lead following the commencement of the export of lead carbonate from the Port of Esperance ("the Port") in May 2005.

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 168 St Georges Terrace, Perth, Western Australia
Phone: (08) 6364 6500 Fax: (08) 6364 6520 TTY: 1880 555 630

PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia
Phone: (08) 9442 0300 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia
Phone: (08) 9334 0333 Fax: (08) 9334 0498 Teletype: (08) 9334 0546

POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
www.dec.wa.gov.au

Requirements of this Notice

Until I consider that appropriate action has been taken to ensure that a condition of pollution is unlikely to arise and that the Esperance Port Authority is unlikely to do an act in contravention of section 50A or 50B of the *Environmental Protection Act 1986* this Notice requires the person who is bound by it to take the following action :

1. To cease the unloading of lead carbonate from rail-cars at the Port.
2. To cease the export of lead carbonate from the Port.

This notice is given by Peter John Skitmore, Authorised person and Inspector under Sections 87 and 88 of the *Environmental Protection Act 1986* and approved by the A/Deputy Director General, Environment Department of Environment and Conservation under delegated authority.



124

Peter John Skitmore
Authorised Person/ Inspector
Department of Environment and Conservation
Date:
15 March 2007



Kim Taylor
A/ Deputy Director General, Environment
Department of Environment and Conservation
Date:
15 March 2007