

POLLUTION ABATEMENT NOTICE

██████████
AKZO NOBEL PTY LIMITED
51 Mcintyre RD
SUNSHINE NORTH VIC 3020

TO: AKZO NOBEL PTY LIMITED ACN: 000 119 424

ADDRESS: 51 Mcintyre RD, SUNSHINE NORTH VIC 3020

PREMISES: 51 MCINTYRE RD, SUNSHINE NORTH VIC 3020

LEGAL REFERENCE: EP Act 1970 s.31A(1) Remedial notice required to address current or likely pollution, environmental hazard, or non-compliance

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve remedial notices: Remedial notices are served to prevent or remedy actual or likely pollution, environmental hazards and a range of non-compliances with the EP Act.

What you are required to do: Section 31A(2) of the EP Act requires you to comply with the requirements in this notice with one or more actions to prevent or remedy an actual or likely non-compliance. Under section 60A(1), if someone plans to take control of your premises, you must notify them of this notice and your progress towards compliance.

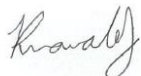
When this notice takes effect: 40 days from the date of issue below.

If you want compliance dates extended: An application to extend a compliance date listed in Section 3 of this notice must be received *at least 10 working days prior to the compliance date*. Application forms, available at www.epa.vic.gov.au/business-and-industry/forms must be addressed to the Manager of the EPA office listed on this notice with the subject line: "Notice amendment application". Your served notice remains legally binding until EPA advises of any change. Refer to the Remedial notices policy (publication 1418) for further information on amendment applications.

What happens if you do not comply: If found guilty of contravening a requirement of this notice, you may be ordered to pay a fine of up to 2400 penalty units (\$396,528) and an additional penalty of up to 1200 penalty units for each day the offence continues (\$198,264 a day).

What your review rights are: An application for review of this notice can be made to EPA and/or the Victorian Civil Administrative Tribunal (VCAT). Applications for an EPA review must be made within 7 calendar days from the notice issue date (below). VCAT applications must be made within 21 days of the notice issue date. Application forms for an EPA review are available at www.epa.vic.gov.au/business-and-industry/forms, or from our offices. For more information on your review rights, refer to the Remedial notice review policy (publication 1531) or contact us on 1300 EPA VIC (1300 372 842).

For the purpose of this notice 'You' means the recipient of this notice or your authorised representative and 'Premises' means the site at the premises address, as identified above.



██████████
DELEGATE OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE OF ISSUE: 24/12/2020

NOTICE STRUCTURE

1 EPA OBSERVATIONS

This section details what was observed during the inspection.

2 REASONS FOR VIEW FORMED

This section interprets the observations and articulates why the authorised officer believes a pollution abatement notice should be issued in accordance with section 31A of the EP Act.

3 REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

Considering the view that has been formed, this section lists the requirements or actions to address the environmental risk(s) or impact(s).

4 AN EXAMPLE OF HOW YOU CAN COMPLY

This section provides an example of how you may achieve compliance with the requirements of this notice.

1 EPA OBSERVATIONS

1.1 In response to a pollution report alleging impacts from noise, an EPA officer attended a residential property at Barwon Avenue, SUNSHINE NORTH at approximately 1009 hours on 18 November 2020. The purpose of the inspection was to deploy a noise logger to determine compliance with State Environment Protection Policy (Control of Noise from industry, Commerce and Trade) No. N-1 (SEPP N-1). The EPA Officers:

1.1.1 Observed a low buzzing noise while deploying the noise logger appeared to be coming from an industrial premises south of the residential property.

1.1.2 Was informed by the resident that their driveway acts as an amplifier of the noise.

1.1.3 Deployed and calibrated noise logger at the front of the premises, at least a meter away from the wall of the residential dwelling and away from the trees.

1.2 An EPA officer completed a detailed desktop assessment of the noise logger analysis relating to noise recordings undertaken from 18 November 2020 to 25 November 2020 at Barwon Avenue, SUNSHINE NORTH on 4 December 2020 to determine compliance with the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1). The EPA officer:

1.2.1 Evaluated the data downloaded from a noise logger (ARL NGARA s/n 87800A).

1.2.2 Noted the noise logger was calibrated by the National Association of Testing Authorities on 4 August 2020 and is due for calibration on 4 August 2022.

1.2.3 Determined that the noise allegedly produced by the fans/stacks of the Akzo Nobel factory, identified a rumbling at about 50 Hz is just detectable and at times a higher frequency at 500 Hz is heard.

1.2.4 Determined that the alleged source of the noise and the sensitive receptor falls within SEPP N-1 Boundary and therefore the SEPP N-1 method of calculating the noise limits apply.

1.2.5 Determined the noise levels for the sensitive receptor to be as follows:

1.2.5.1 - Day Period – 58 dBA

1.2.5.2 - Evening Period – 51 dBA

1.2.5.3 - Night Period – 47 dBA

1.2.6 Determined that over the 7 day recording period, breaches were detected almost every Night and almost every Evening.

1.2.7 Established that exceedances of the Noise Limit for the Night Period were found, between 2 to 9 dBA over the determined 47 dBA limit.

1.2.8 Established that exceedances for the Evening Period were found, between 1 to 7 dBA over the determined limit of 51 dBA.

1.2.9 Established that no exceedances were found during the Day Period.

1.2.10 Determined that the closest sensitive receptor is located approximately 20 meters from the boundary of the premises.

1.2.11 Determined that on Wednesday 18 November 2020 between 2040 hours to 2140 hours the Effective Noise Level was 56 dBA and in exceedance of the limit by 5 dBA.

1.2.12 Determined that on Wednesday 18 November 2020 between 2200 hours to 2230 hours the Effective Noise Level was 56 dBA and in exceedance of the limit by 9 dBA.

1.2.13 Determined that on Thursday 19 November 2020 between 0130 hours to 0200 hours the Effective Noise Level was 55 dBA and in exceedance of the limit by 8 dBA.

1.2.14 Determined that on Saturday 21 November 2020 between 0100 hours to 0130 hours the Effective Noise Level was 51 dBA and in exceedance of the limit by 4 dBA.

1.2.15 Determined that on Saturday 21 November 2020 between 1430 hours to 1500 hours the Effective Noise Level was 58 dBA and in exceedance of the limit by 7 dBA.

1.2.16 Determined that on Sunday 22 November 2020 between 0900 hours to 0930 hours the Effective Noise Level was 56 dBA and in exceedance of the limit by 5 dBA.

1.3 EPA officers conducted an inspection of Akzo Nobel Pty Limited premises located at 51 McIntyre Road, SUNSHINE NORTH (“the premises”) on 25 November 2020 at approximately 1138 hours. The officers:

1.3.1 Met with the site representatives who identified themselves as the HSE&S Manager and the Power

Coating Plant Manager.

1.3.2 Were informed by the site representative that a “turbine” noise was reported by a resident that lived nearby approximately 3 weeks ago.

1.3.3 Were informed by the site representative that the premises have organised for a noise consultant to attend the premises next week.

1.3.4 Observed a consistent buzzing sound can be heard while walking at the North thoroughfare of the premises adjacent to the Powder Coating Plant north of the premises.

1.3.5 Were informed by a site representative that the noise may be coming from an equipment above the thoroughfare.

1.3.6 Were guided by the site representatives to the alleged equipment believed to be emitting the noise at the Powder Coating Plant section of the premises.

1.3.7 Observed vacuum fan blower located at the Powder Coating Plant above the thoroughfare at the premises.

1.3.8 Observed 4 Mill blowers located at the Powder Coating Plant above the thoroughfare at the premises.

1.3.9 Noted loud constant noise appeared to be coming from the Mill blowers.

1.3.10 Asked the site representative to momentarily turn off the Mill blowers approximately around 1254 hours.

1.3.11 Noted that the loud constant noise could not be heard when the Mill blowers were turned off.

1.4 On 17 December 2020 an EPA officer conducted a search of Akzo Nobel Pty Ltd on the EPA licence database and noted that Akzo Nobel Pty Ltd hold licence 9269 to manufacture paints, powder coating and resins for the industrial and powder coating markets under the scheduled activity G01 at their SUNSHINE NORTH premises at 51 McIntyre Road.

1.4.1 Noted licence 9269 include requirement LI_A2: You must ensure that there are no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:

1.4.2 a) the environment in the area around the premises; and

1.4.3 b) the wellbeing of persons and/or their property in the area around the premises.

2 REASONS FOR VIEW FORMED

Akzo Nobel Pty Limited holds and operates licence number 9269 located at 51 McIntyre Road, SUNSHINE NORTH ("the Premises") to manufacture paints, powder coating and resins for the industrial and powder coating markets.

The noise believed to be generated by the Mill blowers ("fans/stacks") at the premises was found to exceed the noise limits outlined in the State Environment Protection Policy (Control of Noise from Industry, Commerce and Trade) No. N-1 (SEPP N-1) during the Night Period by between 2 to 9 dBA and during the Evening Period by between 1 to 7 dBA.

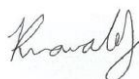
This level of noise is continuing to impact on sensitive receptors on Barwon Avenue, SUNSHINE NORTH.

On this basis, and considering the observations previously stated, I have formed a view and I am satisfied that:

- a process or activity which is being carried on at the premises

has caused or is likely to cause a failure to comply with a requirement contained in a policy, as per section 31A(1)(b)(iii) of the EP Act.

In order to address this, you must meet the requirements listed in this notice.



.....
[REDACTED]
AUTHORISED OFFICER
EPA Metropolitan West
EPA Victoria

DATE OF ISSUE: 24/12/2020

3

REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

General Requirements

3.1 By 26 February 2021, you must modify or install controls on your activities and processes, including but not limited to equipment and plant (e.g. Mill Blowers) to reduce the "effective noise level" generated from your premises so that it does not exceed the following noise levels at Barwon Avenue, SUNSHINE NORTH during the following time periods:

Day limit: 58 dBA

0700-1800hrs weekdays

0700-1300 hrs Saturdays

Evening limit: 51 dBA

1800-2200hrs weekdays

1300-2200hrs Saturdays

0700-2200 Sundays and public holidays

Night limit: 47 dBA

2200-0700hrs all days

Reporting Requirements

3.2 By 5 March 2021 you must, in writing to the authorised officer listed on page [REDACTED] of this notice, provide a report that:

- a) specifies how the process, activity or use has been carried on or will be carried on, modified or controlled to achieve compliance with the notice requirements, and
- b) is signed by your managing director, most senior executive, or a person authorised to speak on behalf of the notice recipient.

4

AN EXAMPLE OF HOW YOU CAN COMPLY

One way of achieving compliance with this notice would be to:

4.1 By the date specified in requirement 3.1:

- a) Refer to the EPA fact sheet "How to reduce noise from your business" (EPA Publication 1481) for information on your obligations to address noise, reducing your "effective noise level", common acoustic controls, and how to find an acoustic expert;
- b) Engage the services of a suitably qualified and experienced acoustic consultant to undertake an independent assessment of the noise generated at the premises and implement the recommendations and works advised, to reduce the noise and comply with the limits specified in the notice.

4.2 By the date specified in requirement 3.2 provide a report to EPA that:

- a) specifies how the noise generated at your premises has been modified or controlled.
- b) is signed by a person permitted to speak on your companies behalf.