



Section 65
Environmental Protection Act 1986.

ENVIRONMENTAL PROTECTION NOTICE

Reference No: 202310

PERSON TO WHOM THIS NOTICE IS GIVEN:

Graeme Harris Guns Pty Ltd ACN 009 078 264
170 Great Eastern Highway
MIDVALE, 6056 WA

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

The Premises the subject of the Environmental Protection Notice (Notice) is situated on:

- (a) Lot 10 on Plan 72803 as shown on Certificate of Title Volume 1805 Folio 698, also identified as 170 Great Eastern Highway, MIDVALE, WA otherwise known as Gun-Mart and Tackle.

Reasons for which this notice is issued:

This Notice is given because the CEO suspects on reasonable grounds that there is, or is likely to be, an *emission* from the Premises, which has caused or is likely to cause pollution.

The nature of the suspected pollution being the *emission* of lead residue discharged from a ventilation duct, arising from an indoor shooting range located at the Premises, into the environment at levels likely to result in the alteration of the environment to its detriment or degradation, or the detriment of an environmental value.

I am satisfied that because:

Graeme Harris Guns Pty Ltd, is the owner or occupier of the Premises and person otherwise responsible for the operation of the Premises and activity resulting in the *emission* to the environment;

that you are the appropriate person to whom to give this Notice.

REQUIREMENTS OF THIS NOTICE:

1. From the date of issue of this Notice the Person to which this Notice is given must cease:
 - 1.1. All live firing activities occurring within the indoor ranges at the Premises;
 - 1.2. All activities at the Premises which may result in an *emission* of lead including but not limited to live firing, casting and/or lead smelting activities;

- 1.3. The operation of air handling systems connected to the external vents located within the car park;
- 1.4. Any other activities which have the potential to cause or allow lead *emissions* to the environment not otherwise specified in this Notice.
2. With 4 days of the date of issue of this Notice the Person to which this Notice is given must engage a hazardous materials recovery contractor to remove all lead residue from publicly accessible areas on the Premises, including but not limited to the car park, using certified HEPA vacuum filtration for the removal of lead residue.
3. Any actions taken to assist in the cleaning and removal of lead residues, including but not limited to the use of surfactants or other chemicals to facilitate the removal of lead residue must not result in the dispersal, spreading or aerosolization of lead residue, including dispersal to drains.
4. Lead residue collected by the hazardous materials recovery contractor must be transported by an appropriately Licenced controlled waste carrier and be characterised and disposed of to an appropriately licenced waste disposal facility.
5. Within 60 days of the date of issue of this Notice the Person to which this Notice is given must provide to the CEO for their approval a report prepared by a *suitably qualified and experienced* professional detailing a *plan* for the prevention, control or abatement of the *emission* from the Premises and the rectification of any pollution control systems including air handling systems and lead filtration required at the Premises to reduce *emissions* of lead to the environment to as low as reasonably practicable.

The report must specify as a minimum:

- 5.1. Specify the locations of air extraction from the range and any other lead handling areas and the locations of discharge to the environment;
- 5.2. Specify the filtration method at the point of discharge to the environment and provide evidence of the efficiency of lead filtration and removal;
- 5.3. Provide a plan for the maintenance and removal, including disposal of waste filters or other filtration media.
6. Within 30 days of the date of approval of the plan by the CEO, submitted in accordance with Requirement 5, the Person to which this Notice is given must implement the approved *plan*.
7. Within 30 days of the completion of the *plan* specified in Requirements 4, the Person to which this Notice is given must provide to the CEO a report prepared by a *suitably qualified and experienced* professional detailing the effectiveness of actions taken in accordance with Requirements 5 and 6;

OTHER REQUIREMENTS

8. The CEO may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such variation will not result in an unacceptable risk to human health, the environment or any environmental value.

Ruth Dowd
Executive Director – Compliance and Enforcement
Department of Water and Environmental Regulation
for the Chief Executive Officer
under Delegation No. 143 dated 7 June 2019

6 October 2023

IMPORTANT INFORMATION:

A PERSON WHO IS BOUND BY THIS ENVIRONMENTAL PROTECTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Note that under section 118 of the *Environmental Protection Act 1986* that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this Notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this Notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT.

APPENDIX 1:

DEFINITIONS

In this Notice, unless the contrary intention appears –

‘CEO’ means Chief Executive Officer, Department of Water and Environmental Regulation;

‘CEO’ for the purposes of correspondence means;

Chief Executive Officer
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP DC WA 6919
Telephone: (08) 6364 7000
Email: compliance@dwer.wa.gov.au

‘Emission’ for the purposes of this Notice means a discharge of lead in any form including as a vapour or particulate of lead, lead oxide or any other lead compound to air or any other portion of the environment.

‘Suitably qualified and experienced’ means a person holding formal trade certification or tertiary qualifications in air handling, ventilation engineering or similar related fields or disciplines and having specific experience in the design, construction and/or management and filtration or treatment of air containing lead particulates, vapours or other compounds associated within indoor shooting ranges.