

Draft WorkSafe guidance threatens small operators

Bernie Napp - Fri, 22 Jan 2021

Consultation closes today on draft WorkSafe guidance on managing hazardous liquid spills, which will impose high compliance costs on operators, the mining and quarrying industry says.

It could cost hundreds of thousands of dollars for an operator to ensure they can capture spills in the event of liquids escaping a primary container, arguing for a transition time for implementation.

MinEx is not lodging a submission on the [draft good practice guidelines](#) because WorkSafe's proposals represent good-practice, its chief executive, Wayne Scott, tells *Inside Resources*.

"I would support an appropriate transition time; there is a big cost and it will take time for sites to comply. What WorkSafe is proposing is pretty much standard, certainly in Australia and in other countries."

The key issue for mines and quarries is the adequacy of bund walls surrounding compounds where "hazardous substances that are liquids, or are likely to liquefy in a fire" are stored.

In heavy rain, water may pool within the bunded area, undermining the effectiveness of the bunds in the event of a spill. One solution is to ensure adequate roof cover to prevent this eventuality.

Secondary containment systems guidance for PCBUs

The Health and Safety at Work (Hazardous Substances) Regulations 2017 specify that hazardous liquids must be captured if they spill from their primary container.

By primary container, WorkSafe means a package, drum or bulk tank. Spills can occur as a result of a fire, earthquake, a valve inadvertently left open, or "failure of operational procedures".

WorkSafe's term for the management of hazardous liquid spills is a "a secondary containment system".

This is one in which liquids held at a workplace will be contained if they escape from their primary container and then recovered, subject to unavoidable wastage.

While WorkSafe terms its proposals as guidance, they are in fact statutory requirements.

The consultation document says: "The PCBU with management or control of a place where hazardous substances are present is responsible for ensuring that the specified controls are in place and are being followed. The Regulations set out detailed secondary containment requirements for the different classes of pooling substances."

PCBU stands for person conducting a business undertaking, defined in the Health and Safety at Work Act 2015.

The PCBU is also responsible for preparing emergency response plans for secondary containment.

WorkSafe's proposed requirements include a minimum containment volume for secondary containment of 20 minutes of firefighting water or foam.

A further example is a maximum volume of 75 million litres of a flammable liquid held within a secondary containment system. This can be increased to 120 million litres on application to WorkSafe.

The new guidance will replace the Code of Practice HSNOCOP 47 Secondary Containment Systems, approved under the Hazardous Substances and New Organisms Act 1996.

It does not apply to explosives, hazardous liquids with inbuilt secondary containment, or hazardous liquids carried on mobile plant.

