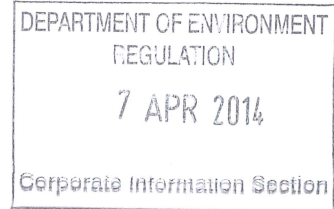
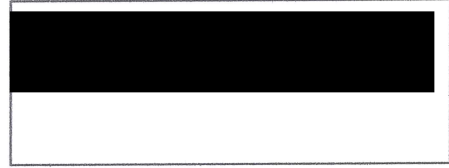


CEO 435/14



T.A. & S.M. Cockerham



Attn. Jason Banks, ADG *4/5/14*
Department of Environmental Regulation
Locked Bag 33, Cloisters Square
PERTH WA 6850

4th April 2014

Wagerup Alumina Refinery Noise Amelioration Plan March 2014

Submission

This Plan is full of the same contradictions and misinformation Alcoa have used to justify their supposed compliance with government regulation of all matters pertaining to their Wagerup operation and its adverse effects on the neighboring community. This time it is their inability to control their noise pollution, which saw them be allowed an exemption under Regulation 17. Regarding this plan we comment as follows:-

At **1. Introduction** where Clause 6 is reproduced,

6 (2)(b) There is a requirement to have "A land Management Plan setting out the procedures for the purchase of noise-affected land", and the following definition is given.

Noise-affected Land means land on which there are noise sensitive premises that receive, *at any noise sensitive location* on the premises, noise emitted from the Wagerup Refinery at a level that is likely to exceed the standard prescribed under regulation 7(1)(a) in respect of noise received at a noise sensitive location"

This definition is very clear, but in practice it seems to be ignored.

Under **2. Background** It states "In the Application Alcoa Committed to: A land management strategy (Land Management Plan) to facilitate relocation of adversely affected people *within the noise affected area.*"

A very clear commitment

Under **3. Wagerup Land Management Plan**. Alcoa state the following:

Area B

Incorporates the townships of Yarloop and Hamel. *No environmental factors influenced the Area B boundaries. Although Area B lies outside of the modeled 35db(A) contour, refinery noise is still audible.*

It then goes on to say in Page 3, Para 2. Alcoa purchases properties in Area A at 35% above unaffected market value and Alcoa contributes \$7,000 towards relocation costs. At Page 3, Para 3. Properties in Area B. are purchased at unaffected market value.

Here there is a clear statement that the Area B boundary was not influenced by any environmental factor, however in the Appendix A it is said to have been delineated based on the 35db(a) noise contour, a contradiction.

There is also a clear admission that the noise affected area extends beyond the Area A boundary and yet Alcoa treat affected residents differently in each area.

At Page 3, Para 5 *The Land management Plan does not extend to properties outside of Areas A & B , as these properties do not experience noise levels above the assigned levels allowed under the regulations.*

This is another clear admission that both Area A & Area B are noise affected.

Section 4 on Page 5. *The Residential Acoustic Treatment Program is available to residents in Area A.*

Again a different treatment for Area A & Area B residents.

We lived in Area B and the then DEC's John Macpherson came along when we complained of sleep deprivation due to noise from both the refinery and associated rail traffic and discussed acoustic treatments with us. However it would have required our wooden home to be totally sealed with no fresh air and the loss of our common law right to the Peaceful Enjoyment of our property inside and out.

Section 5 on Page 6. It is Alcoa's intention to ensure that the level of noise emitted from the Wagerup Refinery complies with regulation 7(1)(a) of the regulations at **All noise sensitive premises outside of Area A**. Alcoa has implemented a noise management strategy with this as the primary aim.

If during the period of the approval, there is a belief that residences outside of Area A receive noise from the refinery above the assigned levels allowed under the Regulations. Alcoa will conduct acoustic monitoring and/or acoustic modeling to determine if the noise levels are attributable to the Refinery.

This is another admission that there are noise sensitive premises outside Area

Appendix A Land Management July 2013. Under Area A

"Area A was delineated on to the North and the South based on 35db (A) noise contour".

This contradicts the claim at 3, Area B; that no environmental factors influenced the area B boundaries. The Southern boundary of Area A is the Northern boundary of Area B.

The reasons for the setting of the Area A –B boundary has changed to counter various claims over the years. i.e.:-

- Eric Ripper, Dep. Premier, Treasurer and Minister for State Development Feb 2007. *"..simply that Area A is a zone immediately surrounding the refinery and, therefore more susceptible to noise and emission impact."*
- Eric Ripper, 22th March 2007, *"The boundary was established by the company primarily on the basis of NOISE MODELING, as there was no scientific means or data available to delineate areas on any other basis"*
- Simon Butterworth, Alcoa April 2007 at a meeting with CAPS *"It was determined by the properties Alcoa wanted to own."*
- Simon Butterworth Alcoa in letter to Nigel Hallett MLC 12th April 2007 *People in this area (Area A) may experience noise levels above the night time limit.....based on the modeled 35db(A) Noise contour surrounding the refinery."*
- Paul Vogel Chairman EPA. 24th July 2009. *"Outside of Area A "No evidence was obtained that noise levels exceeded the noise regulations. This is why the emphasis of the Reg 17 is on resolving negotiations within Area A."*
- Alan Cransberg M.D. Alcoa Australia, Letter to Hon. Sally Talbot MLC 24th Oct 2013. *"I fully understand why some may refer to the Area A boundary as a "property purchase line" rather than a noise contour - as this is correct."*
- Dr. Garry Middle. Appeals Committee, 16th October 2013, They (Alcoa) came up with the yellow / purple line which is their Land Management Line defining areas A & B. *It is not a line developed based on any technical data"*.
- Dr. Garry Middle. Appeals Committee, 18th November 2013, *"....the line defines the extent of area A. This is not the 35db(A) contour line, but Area A contains all the land within the 35db(A) contour line. As I understand it, Alcoa uses the extent of Area A for its property purchase plans."*

This Noise Amelioration Plan clearly does not meet with the requirements of Clause 6 (1) and (2) of the Environmental Protection approval 2012 as amended.

For so long Alcoa have perpetuated the myth about their area A-B boundary being based on a 35db(A) noise contour, a claim on which they built their Land Management Plan, designed to defraud so many affected residents of their rightful compensation and save the company millions of dollars.

In 2005 the estimated cost of noise compliance (to 35db(A))was put at \$53million, a short time later it was revised to \$63 million and to take up to 26 years to complete with no guarantee of achieving full compliance. With the Wagerup 3 expansion the noise output and compliance costs will double. Good reasons to seek the Reg.17 exemption and then to mislead the DER about compliance, by providing this questionable noise amelioration plan.

The 35db(A) noise contour was mapped more than 12 years ago at a time when the Wagerup refinery was producing far less alumina and subsequently creating much less noise. This is obvious when one looks at the number of noise complaints, between 1996 and 99 (3 years) there were just 20, rising to 346 in 2001-2 (1 year) as production and thus noise increased. Therefore the noise contours have changed since they were mapped and the affected area is much larger than Alcoa claim.

At no time have any meaningful noise readings been taken south of the Area A-B line, except on one occasion when the DEC's equipment was "*Faulty*" and there were no follow up tests done. Tests Independent of DEC/DER and Alcoa have shown noise levels in excess 35db(A) at a number of locations across Area B, the Yarloop Townsite

Alcoa are now using their outdated, flawed data and an unchanged 2002 Land Management Plan, to claim compliance with the Regulation 17, when they know and admit that there have been noise affected properties well outside of Area A and have done nothing to compensate those adversely affected who they have driven from their homes.

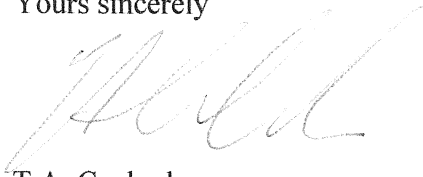
They have been aided by the EPA & DEC / DER who take their word and fail to test noise levels outside of Area A, just as the DoH have refused to provide Blood, Hair and Water testing to check for the effects of toxic emissions from Wagerup ,or investigate the effects of sleep deprivation and the effects of exposure to industrial noise which the W.H.O. states causes a range of health issues. It seems to be a case of if Alcoa says so, it must be true.

Obviously Alcoa need to rewrite their Noise Amelioration Plan, using new and correct data, including independent noise level testing beyond their Area A Boundary, something they have never done, to identify Noise Affected Land and Premises as per the Requirements of the Reg. 17 ruling. Then provide a one size fits all compensation plan for all noise affected people, past and present.

Alcoa's statement that they will not operate outside of the existing land management plan because it is not considered fair to change the process, is not valid. As their previous purchases were made using a formula designed to defraud sellers outside of Area A, then they must be made to make up the difference to compensate everyone retrospectively.

Thanking you for your attention

Yours sincerely

A handwritten signature in dark ink, appearing to be 'T.A. Cockerham', written in a cursive style.

T.A. Cockerham

A handwritten signature in dark ink, appearing to be 'S.M. Cockerham', written in a cursive style.

S.M. Cockerham (Mrs.)