

From: BROWN Ruth [Ruth.Brown@ehp.qld.gov.au]
Sent: Wednesday, 14 May 2014 8:59 AM
To: CLEARY Amanda
Subject: FW: CR62886 - Notification - Caltex Toowoomba 11870
Attachments: Duty to notify of environmental harm.pdf

Hi Amanda,

Here's something you can deal with please and determine if it needs further investigation or just filing.

Thanks. Ruth

Ruth Brown
Principal Environmental Officer
Environmental Services - Southern Region
Department of Environment & Heritage Protection
173 Hume St Toowoomba QLD 4350
PO Box 731 Toowoomba QLD 4350
Ph: (07) 4699 4304
Email: Ruth.Brown@ehp.qld.gov.au
www.ehp.qld.gov.au

From: DARVALL David
Sent: Monday, 12 May 2014 5:14 PM
To: BROWN Ruth
Subject: FW: CR62886 - Notification - Caltex Toowoomba 11870

Think this would be an era 8.

Dave Darvall
Manager | Environmental Services and Regulation Division | Southern Region (West)
Department of Environment and Heritage Protection
T: (07) 4699 4314 | Email: david.darvall@ehp.qld.gov.au | Web: www.ehp.qld.gov.au
173 Hume St TOOWOOMBA QLD 4350
PO Box 731, TOOWOOMBA QLD 4350
ehp-email-signature



From: Pollution Hotline
Sent: Thursday, 8 May 2014 12:03 PM
To: HILL Chris
Cc: ESR - Toowoomba; Pollution Incidents SouthWest
Subject: CR62886 - Notification - Caltex Toowoomba 11870

Hi Chris,

Pollution Hotline received the attached email & duty to notify form from Caltex. The incident details have now been entered into Ecotrack (email & form also attached to integrated documents) under reference **CR62886**.

Regards, Geoff

Geoff Dunbar

Senior Administration Officer
Permit and Licence Management
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Email: palm@ehp.qld.gov.au

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LIDOR icon



From: Damien Davidson [<mailto:dsdavid@caltex.com.au>]
Sent: Wednesday, 7 May 2014 1:16 PM
To: Pollution Hotline
Subject: Notification - Caltex Toowoomba 11870

Hi

Please find attached notification form in relation to measurement of LNAPL in one well at the Caltex Toowoomba Service Station.

Kind regards

Damien Davidson
Senior Environmental Specialist (QLD, NT)

CALTEX AUSTRALIA PETROLEUM PTY LTD
2 Market St, Sydney NSW 2000 | Postal: GPO Box 3916, Sydney NSW 2001
T: (02) 9250 5724 | M: 0478 310 289 | F: (02) 9250 5742

E: dsdavid@caltex.com.au | www.caltex.com.au

signature%20logo.gif



*** IMPORTANT INFORMATION ***

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Notice

Environmental Protection Act 1994

Duty to notify of environmental harm

This form is to be used for notifying the administering authority about incidents causing or threatening serious or material environmental harm in accordance with the duty to notify contained in ss. 320–320G of the Environmental Protection Act 1994.

Office use only

Date entered in Ecotrack:		Relevant regional manager:	!! FORMTEXT
Ecotrack reference number:		Date sent to regional manager:	
Relevant regional area:		Officer actioning this item:	

1. Person providing notification

NAME Damien Davidson	TELEPHONE (BUSINESS HOURS) 0478 310 289
	TELEPHONE (AFTER HOURS) 0478 310 289
COMPANY/ORGANISATION NAME Caltex Australia Petroleum Pty Ltd	
POSTAL ADDRESS Lvl 24, 2 Market Street, Sydney NSW 2000	
EMAIL dsdavid@caltex.com.au	FACSIMILE

2. Details of the site or location where the incident has occurred

2.1. Please provide details of the lot and plan description at which the incident or activity has taken place (and full street address if available).

NAME BY WHICH THE PROPERTY IS KNOWN CALTEX TOOWOOMBA 11870	
FULL STREET ADDRESS OF THE SITE 875-877 RUTHVEN ST CNR STENNER ST, TOOWOOMBA, QLD, 4350	
ANY OTHER INFORMATION THAT WILL ASSIST IN QUICKLY LOCATING THE LOCATION WHERE AN INCIDENT HAS OCCURED	
LOT(S) LOT 1	PLAN(S) GROUP TITLES PLAN 1810, LOCAL GOVERNMENT AREA TOOWOOMBA, PARISH OF DRAYTON, COUNTY OF AUBIGNY
GRID REFERENCES NORTHING 6947315 EASTING 396108	

LOCAL GOVERNMENT AUTHORITY TOOWOOMBA

2.2. Area of the land over which the incident has occurred or affected? 25 m² (estimated)

2.3. State whether the activity or activities that led to the incident were being carried out under:

- | | | |
|---|--|---|
| • environmental authority | ☐ No | ☒ Yes |
| • other environmental approval (please specify) | ☒ No | ☐ Yes |

2.4. Please provide the identifying details of the relevant environmental authority or other environmental approval. If possible attach a copy of the relevant document.

ERA/2011/5296

3. Special requirements for non-mining resource activities (i.e. petroleum and gas, geothermal and greenhouse gas storage activities)

3.1. Does this notice relate to notification of an incident that has occurred while carrying out a non-mining resource activity that has:

- | | | |
|--|--|------------------------------|
| • negatively affected, or is reasonably likely to negatively affect, the water quality of an aquifer; or | ☒ No | ☐ Yes |
| • has caused the connection of two or more aquifers. | ☒ No | ☐ Yes |

4. Nature and circumstances of how incident has occurred

4.1. Describe the nature of the activity being carried out that gave rise to the actual or threatened serious or material environmental harm.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Groundwater monitoring wells have recently been installed at the site as part of a larger program to install wells on Caltex sites. During the well installation on 29/4/14, potential LNAPL (~1cm) was observed in one well. Caltex's consultant returned to the site to sample the wells yesterday (6/5/14) and were able to confirm LNAPL was present in one well at approximately 14mm thickness.

4.2. Describe the circumstances in which the incident has occurred. Please provide details of the events that led up to the incident, any preventive steps that may have been taken, any factors that may make the incident worse, and any other matters that may be relevant to the incident and any cleanup up action.

If you require additional space attach the information on a separate sheet and make reference to that sheet here.

Review of SIRA records for the last 6 months (between October 2013 and March 2014) has been undertaken - there were no fails in these records suggesting the LNAPL is not the result of a recent or current leak. A sample of the LNAPL has been undertaken to assess the product type and age. It is noted that LNAPL has not been detected in the three other groundwater monitoring wells on this site, suggesting the impact is localised in a small area of the site.

The geology is clay and as such significant LNAPL migration is not anticipated.

4.3. Provide any additional information that may be relevant to this notification or incident.

If additional space is required attach the information on a separate sheet and make reference to that sheet here.

4.4. Incident type:

- ☐ Spill
 ☐ Discharge
 ☐ Fire
 ☐ Fishkill
☒ Other Observation of LNAPL in monitoring well

4.5. Source of release:

- ☐ Vehicle spill
 ☐ Vessel spill
 ☐ Pipeline breach
 ☐ Dam/pond failure
☐ Drain outlet
 ☐ Bulk/tank
 ☐ Vessel sinking
 ☐ Dumping
☐ Sewage discharge
 ☒ Other Likely historical leak

4.6. Contaminants:

- ☐ Solid chemicals
 ☐ Liquid chemicals
 ☒ Hydrocarbons
 ☐ Gas/vapour
☐ Pesticide/herbicide
 ☐ Nutrients
 ☐ BOD/COD
 ☐ Dangerous goods
☐ Other _____

4.7. Details:

Quantity: unknown but likely <10L Litres/Kilograms/Tonnes/<other>

Area/extent affected: estimate 5 m by 5 m

4.8. Environmental risk, impact and recovery issues:

- ☐ Waterway/drain
 ☐ Marine
 ☐ Estuarine
 ☐ Freshwater
☒ Land contamination
 ☐ Urban area
 ☐ Air/fallout
 ☐ Vegetation
☐ Protected area
 ☐ Other _____

5. Details of registered owners or occupiers of affected land to which notice has been given

Note: Notification of registered owners or occupiers of affected land does not have to occur before notification of the administering authority.

5.1. Have any registered owners or occupiers of affected land been notified of this incident?

- ☐ No
☒ Yes (provide details of the occupiers and registered owners of land affected, or potentially affected, by this incident including details of how notice to those persons was given)

NAME
Caltex Australia Petroleum Pty Ltd

TELEPHONE
as above

Notice
Duty to notify of environmental harm

POSTAL ADDRESS As above
DESCRIPTION OF HOW NOTICE WAS GIVEN email

If you require additional space you may attach the information on a separate sheet.

5.2. Has a map or locality plan been attached to this notification?

The processing of this information will be greatly assisted by the inclusion of a map or locality plan that shows the affected land.

☐ No ☒ Yes

5.3. State the time and date when you first became aware of the event for which notice is given.

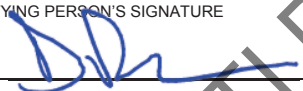
TIME Preliminary advice 29/04/14; Confirmation at 15:58	DATE 6/5/14
--	----------------

6. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

I do solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge. I understand that it is an offence under s. 480 of the *Environmental Protection Act 1994* to give to the administering authority or an authorised person a document containing information that I know is false, misleading or incomplete in a material particular.

I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

NOTIFYING PERSON'S SIGNATURE 	TIME / DATE 7/05/14 11:44
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Privacy statement

The Department of Environment and Heritage Protection (EHP) is committed to protecting the privacy, accuracy and security of your personal information in accordance with the *Information Privacy Act 2009*. EHP is collecting your personal information in accordance with ss. 320-320G of the *Environmental Protection Act 1994* in order to respond to notice given of material or serious environmental harm. The information will only be accessed by authorised employees within the department. Your information will not be given to any other person or agency unless you have given us permission or we are authorised or required by law. All information supplied on this form may be disclosed publicly in accordance with the *Right to Information Act 2009* and *Evidence Act 1977*. For queries about privacy matters email: privacy@ehp.qld.gov.au or telephone: (07) 3330 5436.

7. Sending the written notice

Please return the completed notice to Permit and Licence Management by:

Email: pollutionhotline@ehp.qld.gov.au

Fax: (07) 3330 5875

Note: Include 'Duty to notify of environmental harm' in the subject line of the fax or email and attach a completed copy of the template.

Registered post:

Permit and Licence Management
Implementation and Support Unit
Department of Environment and Heritage Protection
Level 3, 400 George Street
Brisbane QLD 4000

8. Phoning the pollution hotline

In addition to providing the written notice if you become aware of a matter which has caused or threatens serious or material environmental harm you should immediately call the pollution hotline on **1300 130 372** and report the matter. Reporting the matter through the pollution hotline allows the administering authority to take necessary measures to prevent further harm and to mitigate the effects of an incident or event.

In addition to notifying the administering authority, and where that is not the relevant local government, it is good practice to notify the local government for the area where the event has occurred.

Further information

The latest version of this publication can be found at www.qld.gov.au using the publication number EM468 as a search term or by contacting Permit and Licence Management on 13 QGOV (13 74 68).

For further information, refer to the guideline *Duty to notify of environmental harm* (EM467).

RTI DL RELEASED



Google earth



RTI DL RELEASE-ETIP

From: BROWN Ruth [Ruth.Brown@ehp.qld.gov.au]

Sent: Wednesday, 14 May 2014 10:49 AM

To: CLEARY Amanda

Subject: RE: CR62886 - Notification - Caltex Toowoomba 11870

Hi Amanda,

Good idea. Please contact Contaminated Land section for advice.

Ruth

Ruth Brown
Principal Environmental Officer
Environmental Services - Southern Region
Department of Environment & Heritage Protection
173 Hume St Toowoomba QLD 4350
PO Box 731 Toowoomba QLD 4350
Ph: (07) 4699 4304
Email: Ruth.Brown@ehp.qld.gov.au
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From: CLEARY Amanda
Sent: Wednesday, 14 May 2014 10:48 AM
To: BROWN Ruth
Subject: RE: CR62886 - Notification - Caltex Toowoomba 11870

Morning Ruth

I have reviewed the notification by Caltex.

Light Non-Aqueous Phase Liquid (LNAPL) is a groundwater contaminant that is not soluble in water and has lower density than water. Once LNAPL infiltrates the ground, it will stop at the height of the water table because the LNAPL is less dense than water.

Whilst the amount of LNAPL is less than 10L, the location of the service station is in a residential/light commercial area and approximately 400 m from the West Creek Reserve.

Therefore I would like to check with contaminated land to see if they have concerns/suggestions.

Kind Regards,
Dr Amanda Cleary | Principal Environmental Officer
Department of Environment and Heritage Protection (EHP)
Environmental Services & Regulation Division (ESR) Southern Region
173 Hume Street Toowoomba
PO Box 731, Toowoomba QLD 4350

T: 07 4699 4371 **F:** 07 4699 4399
E: Amanda.Cleary@ehp.qld.gov.au
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Please note I only work Tuesdays, Wednesdays and Thursdays.

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Email: palm@ehp.qld.gov.au

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GPO Box 2454, Brisbane Q 4001
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From: Damien Davidson [<mailto:dsdavid@caltex.com.au>]
Sent: Wednesday, 7 May 2014 1:16 PM
To: Pollution Hotline
Subject: Notification - Caltex Toowoomba 11870

Hi
Please find attached notification form in relation to measurement of LNAPL in one well at the Caltex Toowoomba Service Station.
Kind regards

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Senior Environmental Specialist (QLD, NT)

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of any kind.

RTI DL RELEASE - EHP

From: BRADSHAW Tony [Tony.Bradshaw@ehp.qld.gov.au]

Sent: Wednesday, 14 May 2014 1:44 PM

To: WLCA

CC: CLEARY Amanda

Subject: RE: CR62886 - Notification - Caltex Toowoomba 11870

Hi Amanda, initially I would seek further information from Caltex, specifically the results of the groundwater monitoring program. EHP could then decide whether the incident was trivial in nature or something that needs to be followed up further such as via an environmental evaluation. Environmental risks are not just related to presence of LNAPL as dissolved phase hydrocarbons can also cause significant environmental harm to users of/person in contact with groundwater and via vapour intrusion into buildings (on and off-site) and services.

Results of product age investigations (e.g. presence/absence of volatile equivalent carbon fractions and lead) will also provide information on whether risks are likely to increase (due to more leakage). SIRA data, though helpful, is not always conclusive.

Cheers Tony

From: MYERS Mark **On Behalf Of** WLCA
Sent: Wednesday, 14 May 2014 11:22 AM
To: BRADSHAW Tony
Cc: COOK David; JOHNS Allen
Subject: FW: CR62886 - Notification - Caltex Toowoomba 11870

Hi Tony,
Can you respond and cc me to close out the WLCA tracker

Thanks,

Mark

From: CLEARY Amanda
Sent: Wednesday, 14 May 2014 10:56 AM
To: WLCA
Subject: FW: CR62886 - Notification - Caltex Toowoomba 11870

Hello Contam land

We have received an incident duty to notify environmental harm from Caltex (see attached).

I have reviewed the notification by Caltex.

They report Light Non-Aqueous Phase Liquid (LNAPL) has been found in one of their monitoring bores

Whilst the amount of LNAPL is less than 10 L, the location of the service station is in a residential/light commercial area and approximately 400 m from the West Creek Reserve.

Could you please confirm if action is required, or should we just request subsequent monitoring.

Kind Regards,

Dr Amanda Cleary | Principal Environmental Officer
Department of Environment and Heritage Protection (EHP)
Environmental Services & Regulation Division (ESR) Southern Region
173 Hume Street Toowoomba
PO Box 731, Toowoomba QLD 4350

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RTI DL RELEASE - EHP

From: BROWN Ruth [Ruth.Brown@ehp.qld.gov.au]

Sent: Wednesday, 14 May 2014 3:34 PM

To: CLEARY Amanda

Subject: RE: Caltex

<http://team:6002/ehp/esr/sr/SitePages/Home.aspx>

Ruth Brown
Principal Environmental Officer
Environmental Services - Southern Region
Department of Environment & Heritage Protection
173 Hume St Toowoomba QLD 4350
PO Box 731 Toowoomba QLD 4350
Ph: (07) 4699 4304
Email: Ruth.Brown@ehp.qld.gov.au
www.ehp.qld.gov.au

From: CLEARY Amanda
Sent: Wednesday, 14 May 2014 3:05 PM
To: BROWN Ruth
Subject: Caltex

Hi Ruth

Do you have a second to proof this before I email it to the caltex guy? Also I found a GL for what to do with one of these notices. It says:

6 Steps required by the relevant Regional Office upon receipt of written notice

The relevant Regional Office must:

1. Ensure an adequate response is provided to the client and in response to the incident
2. Brief the relevant Regional Service Director (RSD) in accordance with current EHP protocols and procedures and if required initiate briefing of the Director-General
3. Investigate the incident in accordance with current EHP compliance procedures and protocols
4. Consult with relevant branches or departments (e.g. Petroleum and Gas, LNG Enforcement Unit, SIRM etc.) as the appropriate management level deems necessary.

Therefore I will commence writing a brief

Hi Damien

In regards to our telephone conversation, it is now understood that you hold an approval with Council and not EHP because there is less than 200,000 L of fuel stored on site.

To assist the department in understanding the incident, could you please provide the following information:

- A map of the site showing where the monitoring wells are located;
- A copy of the Statistical Inventory Reconciliations Analysis (SIRA) records for the last 6 months;
- A copy of the Light Non-Aqueous Phase Liquid (LNAPL) sample analysis;
- What mitigation/remediation measures Caltex is undertaking and within what timeframes will this matter be rectified.

In regards to your reporting obligations, our guideline states that:

A condition of an environmental authority, development approval, code of environmental compliance or other type of environmental approval (an **approval condition**) may include a separate requirement to notify the administering authority in certain circumstances. This is separate and in addition to the duty to notify harm. An approval condition that requires the operator to notify the administering authority will generally be more prescriptive and may require different information to be provided to that required under the duty to notify harm.

The notification requirement under an approval condition may also arise in circumstances that do not trigger the duty to notify harm (that is notification may be required under an approval condition for an event that does not trigger the duty to notify harm).

- Where a person has a duty to notify harm under ss. 320–320G of the EP Act, they may also be required to give notice under an approval condition.
- Where notice is required to be given for both the duty to notify harm and for a notification requirement under an approval condition, it may be possible to provide a single notice to the administering authority. In order to comply with both requirements the written notice must:
- include relevant information to satisfy the necessary requirements of the duty to notify harm and the relevant approval condition
 - clearly indicate that the written notice is given in compliance with ss. 320–320G and the relevant approval condition
 - be given within the earliest expiring timeframe.

While the EP Act does not contain a duty to notify the relevant local government, unless it is also an owner or an occupier, as a matter of good practice, notification is encouraged, especially for large scale events.

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Kind Regards,
Dr Amanda Cleary | Principal Environmental Officer
Department of Environment and Heritage Protection (EHP)
Environmental Services & Regulation Division (ESR) Southern Region
173 Hume Street Toowoomba
PO Box 731, Toowoomba QLD 4350

T: 07 4699 4371 F: 07 4699 4399
E: Amanda.Cleary@ehp.qld.gov.au
W: www.ehp.qld.gov.au

Please note I only work Tuesdays, Wednesdays and Thursdays.

????????????????????



From: CLEARY Amanda [Amanda.Cleary@ehp.qld.gov.au]

Sent: Wednesday, 14 May 2014 4:55 PM

To: BROWN Ruth

Subject: Caltex

Attachments: 20140514 ESR Alert Email.docx

Hi Ruth

Just discussed the matter with Chris, because we don't have a Regional Service Director (RSD) as per the procedural guide: Actioning written notice of environmental harm, he recommended I follow the Environmental Services and Regulation - Alert protocol.

I have now done this and have determined the ERS alert to be low risk and as an ESR Alert is not required for escalation to the DDG but I have done an ERS for Chris's information.

If you have any questions please don't hesitate to ask.

Kind Regards,
Dr Amanda Cleary | Principal Environmental Officer
Department of Environment and Heritage Protection (EHP)
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173 Hume Street Toowoomba
PO Box 731, Toowoomba QLD 4350

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????????????????????



Subject: ESR ALERT – Ruthven Street Caltex Service Station

ALERT CATEGORY:

- Environmental incident.

ALERT NAME:

- Notice to department received under section 320-320G of the *EP Act* – notification of environmental harm on 8 May 2014.

CUSTOMER DETAILS:

- Damien Davidson - Caltex Australia Petroleum Pty Ltd (Caltex)
- Caltex service station Toowoomba 11870: 875-877 Ruthven St cnr Stenner St, Toowoomba, Qld, 4350

SUMMARY OF ISSUE/S:

- Caltex notified the department of groundwater contamination at their service station;
- The contaminant has been identified as Light Non-Aqueous Phase Liquid (LNAPL). The exact quantity is unknown but estimated to be <10 L;
- Registered owners/occupiers of the land are aware of the incident;
- Additional information regarding the incident including mitigation measures have been requested by the department;
- The site is licensed by Local Government.

POTENTIAL IMPACTS / RISKS:

- Potential contamination of groundwater and/or soil outside the perimeter of the service station.

CUSTOMER ACTIONS:

- Caltex have engaged a consultant to undertake an investigation into the incident.

DEPARTMENT ACTIONS:

[HISTORICAL ACTIONS]

- Requested additional information from Caltex regarding mitigation/remediation measures they are undertaking and within what timeframes to rectify the situation.

LOCALITY DETAILS AND PHOTOGRAPHS:

- The service station is located in a residential/commercial zone.

KEY COMMUNICATION MESSAGES:

- The department is currently investigating the matter.

CONTACT DETAILS:

- Amanda Cleary
Principal Environmental Officer
(07) 4699 4371

END

From: Damien Davidson [dsdavid@caltex.com.au]
Sent: Friday, 16 May 2014 2:41 PM
To: CLEARY Amanda
Subject: RE: Duty to notify environmental harm
Attachments: 11870_CaltexToowoomba_SoW.PDF; SIRA_Caltex Australia_2014-3.pdf

Follow Up Flag: Follow up

Flag Status: Flagged

Hi Amanda

Thank you for the clarifications on reporting obligations. In response to your questions:

1. A map of the site showing where the monitoring wells are located;
Please see attached map. LNAPL was only identified in one well, MW1 (upgradient well).
2. A copy of the Statistical Inventory Reconciliations Analysis (SIRA) records for the last 6 months;
Please see attached report. (note data is from Oct13 to Mar14 – data from Apr14 not yet available).
3. A copy of the Light Non-Aqueous Phase Liquid (LNAPL) sample analysis;
The LNAPL sample was only collected and sent for analysis about 2 weeks ago. The typical analysis time is 6-8weeks. I will forward the results of this analysis to you once received.
4. Results of product age investigations (e.g. presence/absence of volatile equivalent carbon fractions and lead);
This is reported in the same analysis as above. I will forward the results of this analysis to you once received.
5. What mitigation/remediation measures Caltex is undertaking and within what timeframes will this matter be rectified
At this stage, we consider the LNAPL to be most likely the result of an historical event. As the soil is clay, we don't anticipate significant migration of LNAPL in the groundwater. As groundwater is at about 11m below ground, there is unlikely to be a vapour risk to the site. Caltex notes that our consultant AECOM will provide further information (once laboratory test results are received) on potential contamination risk. This will be used to guide appropriate actions in relation to the LNAPL. I consider the likely remedial response will be to recover the LNAPL using either a mobile vacuum truck or using a passive skimmer installed in the monitoring well. Subject to equipment availability should commence within the next few months.

Please do not hesitate to contact me if you have any further questions.

Kind regards,

Damien Davidson
Senior Environmental Specialist (QLD, NT)

CALTEX AUSTRALIA PETROLEUM PTY LTD
2 Market St, Sydney NSW 2000 | Postal: GPO Box 3916, Sydney NSW 2001
T: (02) 9250 5724 | M: 0478 310 289 | F: (02) 9250 5742
E: dsdavid@caltex.com.au | www.caltex.com.au



From: CLEARY Amanda [mailto:Amanda.Cleary@ehp.qld.gov.au]

Sent: Wednesday, 14 May 2014 4:18 PM

To: Damien Davidson

Subject: Duty to notify environmental harm

Hi Damien

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To assist the department in understanding the incident, could you please provide the following information within 7 days:

- A map of the site showing where the monitoring wells are located;
- A copy of the Statistical Inventory Reconciliations Analysis (SIRA) records for the last 6 months;
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- Results of product age investigations (e.g. presence/absence of volatile equivalent carbon fractions and lead);
- What mitigation/remediation measures Caltex is undertaking and within what timeframes will this matter be rectified.

In regards to your reporting obligations, our guideline states that:

*"A condition of an environmental authority, development approval, code of environmental compliance or other type of environmental approval (an **approval condition**) may include a separate requirement to notify the administering authority in certain circumstances. This is separate and in addition to the duty to notify harm. An approval condition that requires the operator to notify the administering authority will generally be more prescriptive and may require different information to be provided to that required under the duty to notify harm.*

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Where a person has a duty to notify harm under ss. 320–320G of the EP Act, they may also be required to give notice under an approval condition.

Where notice is required to be given for both the duty to notify harm and for a notification requirement under an approval condition, it may be possible to provide a single notice to the administering authority. In order to comply with both requirements the written notice must:

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Sent: Wednesday, 14 May 2014 4:18 PM
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Subject: Duty to notify environmental harm

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PROPOSED SCOPE OF WORKS

Cluster: QLD Regional

Site Name: Toowoomba (AKA Kearney's Springs)

Caltex Site ID: 11870

Pre/Post Site Inspection: Pre Inspection

Revision Number: 3

0 = Pre-Caltex review for pre-inspection SoW, 1 = Post Caltex comments pre-inspection, 2 = Pre-Caltex review for SoW Post inspection, 3 = Post Caltex Review Post Inspection

No.	Task	Scope of Works	Primary Sampling & Analysis	QA/QC Sampling & Analysis
1	Preliminary CSM (Background Review)	Note: Based on background review, groundwater is anticipated to be present at a depth of approximately 18 m bgs in clay and/or weathered basalt, and flow towards the northwest (towards West Creek Reserve). Drilling to commence at the location most likely to target potential on-site contamination (if present) e.g. down gradient of the UPSS (MW1). If water bearing zones are not encountered within 20 metres below ground surface, the decision to install any of the additional proposed wells will be re-assessed (in consultation with Caltex).		
2	Well Installation	<ul style="list-style-type: none"> - Review and induction of site specific safety plan - AECOM and drilling contractor mobilisation rural site to install and develop 3 wells (MW1-MW3) in locations shown on attached sampling plan - Groundwater Monitoring Well Installation Report (combined with GME Report) 	<u>Borehole samples (3)</u> <ul style="list-style-type: none"> - 1 per hole - TPH (C6-C40)/BTEX/Lead 	<u>Interlab (split) duplicates (1 per 20 samples)</u> <ul style="list-style-type: none"> - TPH (C6-C40)/BTEX/Lead

No.	Task	Scope of Works	Primary Sampling & Analysis	QA/QC Sampling & Analysis
3	GME	<ul style="list-style-type: none"> - Review site safety plan - AECOM mobilisation to rural site to purge and sample 3 newly installed wells (plus any existing wells identified) using low flow purging and sampling - Survey of 3 new wells to m AHD - Factual report (combined with GMW Report) 	<u>Groundwater Samples (3)</u> <ul style="list-style-type: none"> - 1 per well - TPH (C6-C40)/BTEX/Lead - MNA Parameters 	<u>Interlab duplicate (1 per 20 samples)</u> <ul style="list-style-type: none"> - TPH (C6-C40)/BTEX/Lead

Rationale for well locations

In selecting the groundwater well locations, AECOM considered the following:

- Identified locations that were as close to the USTs and fuel bowzers as possible.
- Ensure that the locations minimise disruption to site operations and are safe for personnel to sample groundwater
- Ensure the wells are installed hydrogeologically up gradient and down gradient from the UPSS.
- Locations are clear of underground and overhead utilities.

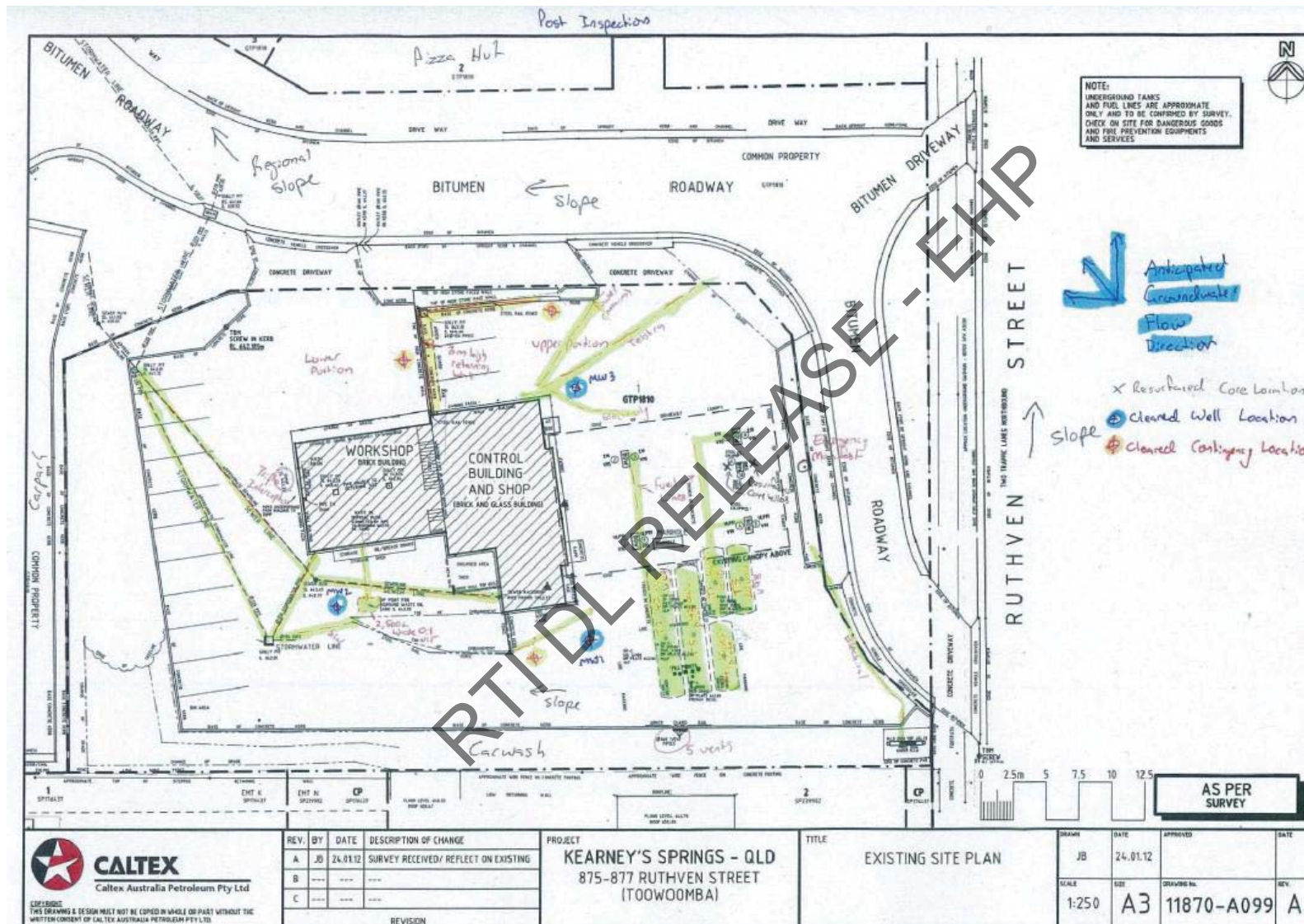
Based on these criteria, AECOM has proposed the following:

MW1 – Anticipated to be hydrogeologically down gradient from identified UPSS infrastructure. Drilling this location would likely require the temporary closure of the western most dispensing pump bay.

MW2 – Anticipated to be hydrogeologically down gradient from the identified UPSS infrastructure and a waste oil tank identified on the Caltex provided plan. MW2 is clear of underground services and is in a location that does not significantly disrupt site traffic.

MW3 – Anticipated to be hydrogeologically down gradient from identified UPSS infrastructure. This location is clear of underground services and is in a location that will not significantly impact upon site traffic.

Contingency points have been selected for monitoring wells MW1 and MW3 if the initial proposed locations are considered too disruptive to site traffic.



11870_CaltexToowoomba_SoW.docx

3

Report Date: 14 Apr 2014
Report Period: Mar 2014
Business Line: Caltex Australia



11870 Toowoomba Garden City
875-877 Ruthven St Cnr Stenner St
Toowoomba QLD 4350

page 432

Site Comments: Apart from the one data discrepancy, the results are good.

Legend

Inconclusive
 See Report for Details
 Fail

Uncertified Result (insufficient data)
Trend (lpd) Period Trend (Litres per Day)
Trend % Period Trend (%)
MDLR Minimum Detectable Leak Rate
PDs Poor Dip Count
DDs Data Discrepancy Count
* Tank Calibration Adjustment
Unx. (lpd) Unexplained Loss (Litres per Day)

	Period	Result	Trend (lpd)	Trend %
Vortex 98	Oct-13	PASS	-4.4	-0.59%
All Tanks	Nov-13	PASS	-3	-0.44%
Pass	Dec-13	PASS	-4.1	-0.50%
	Jan-14	PASS	-4.3	-0.55%
	Feb-14	PASS	-5.3	-0.67%
	Mar-14	PASS	-5.1	-0.70%

Vortex Diesel	Oct-13	PASS	-18.6	-0.43%
All Tanks	Nov-13	PASS	-16.8	-0.42%
Pass	Dec-13	PASS	-14.7	-0.38%
	Jan-14	PASS	-10.6	-0.28%
	Feb-14	PASS	-14.1	-0.32%
	Mar-14	PASS	-16.9	-0.43%

Unleaded	Oct-13	PASS	-36.4	-0.73%
All Tanks	Nov-13	PASS	-32.7	-0.74%
Pass	Dec-13	PASS	-38.4	-0.87%
	Jan-14	PASS	-30	-0.72%
	Feb-14	PASS	-35.4	-0.73%
	Mar-14	PASS	-37.5	-0.86%

Premium Unle	Oct-13	PASS	-13.5	-0.70%
All Tanks	Nov-13	PASS	-17.5	-0.99%
Pass	Dec-13	PASS	-3.4	-0.19%
	Jan-14	PASS	-12.5	-0.79%
	Feb-14	PASS	-9.4	-0.52%
	Mar-14	PASS	-15.6	-0.87%

E10	Oct-13	PASS	-17.2	-0.88%
All Tanks	Nov-13	PASS	-18.4	-0.85%
Pass	Dec-13	PASS	-15.3	-0.69%
	Jan-14	PASS	-11.6	-0.59%
	Feb-14	PASS	-16.1	-0.79%
	Mar-14	PASS	-19.4	-0.88%

From: Damien Davidson [dsdavid@caltex.com.au]
Sent: Wednesday, 28 May 2014 9:50 AM
To: CLEARY Amanda
Subject: RE: Duty to notify environmental harm
Attachments: ERA conditions 875 Ruthven ID11870.pdf

Hi Amanda

Sorry for the delay. Please find attached.

Kind regards,

Damien Davidson 

Senior Environmental Specialist (QLD, NT)

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From: CLEARY Amanda [mailto:Amanda.Cleary@ehp.qld.gov.au]
Sent: Wednesday, 21 May 2014 8:54 AM
To: Damien Davidson
Subject: RE: Duty to notify environmental harm

Hi Damien

Thank you for your response. Can you please provide a copy of your Council approval. Basically I need to confirm if there are conditions relevant to this situation as the matter may need to be responded to by Council.

Thank you

Kind Regards,

Dr Amanda Cleary | Principal Environmental Officer
Department of Environment and Heritage Protection (EHP)
Environmental Services & Regulation Division (ESR) Southern Region
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Please consider the environment before printing this email

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TOOWOOMBA REGIONAL COUNCIL

A.B.N. 997 8830 5360

SCHEDULE 1

DEVELOPMENT PERMIT FOR ENVIRONMENTALLY RELEVANT ACTIVITY

APPLICATION NUMBER:	ERA/2011/5296
APPLICANT:	Caltex Australia Petroleum P/L
LOCATION:	875-877 Ruthven Street, KEARNEYS SPRING QLD 4350
PROPERTY DESCRIPTION:	L1/GTP1810:PAR DRAYTON
APPROVED USE:	Chemical Storage ERA8(1c) – Threshold 3(a) 10m ³ -500m ³ of Class C1 or C2 Combustibles under AS1940 or Dangerous Goods Class 3.
ZONING:	Sub-Regional Centre

A. ASSESSMENT MANAGER'S CONDITIONS:

GENERAL CONDITIONS

1. Environmental harm is not authorised by this Authority except to the extent that the harm is expressly authorised by a condition of this Authority.
2. The Holder must not change, replace or operate any plant or equipment installed at the Premises if the change, replacement or operation increases, or is likely to substantially increase, the risk of environmental harm.
3. The Holder must keep a copy of this Authority in a location readily accessible to personnel carrying out this activity.
4. The Holder must keep all records and documents required to be kept by a condition of this Authority at the premises for a period of not less than 12 months and make the records and documents available for examination by an Authorised Person immediately upon request.
5. Within one (1) year of the granting of this Authority, the Holder must develop and implement a Site Based Management Plan that addresses the management of the environmental impacts of the activities under this Authority that includes:
 - 5.1 Operating procedures to prevent or minimise environmental harm;
 - 5.2 Maintenance practices and procedures;
 - 5.3 Contingency plans to deal with foreseeable risks and hazards including corrective responses to prevent and minimise environmental harm;
 - 5.4 An Emergency Spill Response Plan (ESRP);
 - 5.5 Communication of procedures, plans, incidents, potential environmental problems and results;
 - 5.6 Handling of environmental complaints
 - 5.7 Keeping and production of environmental records and reports;
 - 5.8 Monitoring of the release of contaminants into the environment;
 - 5.9 Staff training and awareness of environmental issues;
 - 5.10 An Underground Petroleum Storage System (UPSS) Plan.

- 6 The Holder must at all times install plant and equipment necessary to comply with the conditions of this Authority.
- 7 The Holder must ensure that the activities at the premises comply with the Site Based Management Plan
- 8 The Holder must at all times maintain plant and equipment in proper working order.
- 9 Where the existing UPSS undergoes 'significant modification' the whole system must be upgraded to meet the requirements for a new system in accordance with Toowoomba Regional Council's standards.
- 10 Where the existing UPSS undergoes 'significant modification' all stormwater infrastructure together with associated forecourt gradients shall be installed and operated in compliance with Toowoomba Regional Council's standards for a new site.
- 11 All ground surfaces within fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and shall be maintained free of gaps or cracks.
- 12 All non-fuel dispensing forecourt surfaces not under canopy shall be constructed of concrete or equivalent (asphalt is considered suitable for non-dispensing areas other than in new or 'significantly modified' sites) and shall be maintained free of gaps and cracks.
- 13 Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays, etc. by methods such as a painted line on the ground, roll-over bunds, different coloured concrete etc. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.
- 14 Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as 'flows to creek' or 'flows to treatment system'.
- 15 All hazards associated with bulk fuel delivery operations shall be identified and all reasonable measures shall be taken to prevent spills from entering Council stormwater infrastructure or otherwise leaving the site. Practicable measures such as protecting down-gradient storm drains during the filling process and the use of drip pans under hose connections must be considered.
- 16 Forecourts are not to be hosed down or cleaned with the use of emulsifying detergents. Dry cleaning methods appropriate for forecourt areas include:
 - 16.1 Industrial class brooming
 - 16.2 Mechanical or powered sweepers
 - 16.3 Industrial vacuum units
 - 16.4 Industrial absorbents
- 17 Leakage and spills of oil and/or other fluids from cars entering forecourt areas shall be cleaned up as soon as practicable to prevent access of contaminants to stormwater drains.
- 18 Spill kits must be provided and maintained in strategic locations. They shall be appropriate in size and type and contain appropriate equipment to manage identified hazards. Kits must contain, but not be limited to the following:

- 18.1 Oil absorbent materials; and
- 18.2 Impervious drain covers; and
- 18.3 Drip trays; and
- 18.4 Spades, funnels; and
- 18.5 Hydrocarbon compatible containers; and
- 18.6 Appropriate PPE.

- 19 Where an existing UPSS undergoes 'significant modification' all areas of forecourt outside of the designated fuel dispensing area must be graded and drained to an approved stormwater treatment system prior to any release from the property. The fuel dispensing area must be roofed and all contaminated waste water from within this designated area must be captured in a suitably sized holding tank and emptied periodically by a licensed waste contractor.
- 20 Stormwater treatment systems, stormwater quality improvement devices and drains must be inspected and maintained in accordance with the manufacturer's recommendations. Records of regular inspections, oil/sediment checks and contractor receipts shall be maintained for audit purposes.
- 21 The owner/occupier of the site, regardless of whether or not 'significant modifications' are proposed, must ensure that within seven (7) years of the date of this approval the following site modifications are completed (where the site currently does not comply).

Note: Premises undergoing 'significant modifications' must fulfil these requirements at the time of physical modification works regardless of where the project falls within the 7 year timeframe.

- 21.1 Liquid waste generated within the roofed fuel dispensing area must be captured in a suitably sized holding tank of minimum 10 000 litres. The holding tank must be fitted with high level alarms to notify console operators that the tank requires emptying. All waste held within this tank must be removed off site by a licensed waste contractor and disposed of/treated in an approved manner.
- 21.2 Premises currently disposing of liquid waste from fuel dispensing areas or other areas within the forecourt to sewer must permanently remove such connection and notify Council's trade waste section accordingly.
- 21.3 Contaminated water from forecourt areas outside of fuel dispensing areas must be treated with an appropriate and approved stormwater quality improvement device (SQID) to remove all water contaminants, particularly hydrocarbons, prior to releasing stormwater from the property.

1.1 AIR

- (a) A noxious or offensive odour must not be emitted beyond the boundaries of the Premises.
- (b) No particulate matter or visible contaminant, including dust, smoke, fumes and aerosols likely to cause environmental harm is to emanate beyond the boundaries of the Premises.
- (c) External Lighting within the premises must be designed, located and operated in accordance with *Australian Standard AS4282-1997: 'Control of the obtrusive effects of outdoor lighting'*.

1.2 WATER

- (a) Contaminants or contaminated water must not be directly or indirectly released from the Premises or to the ground or groundwater at the Premises except for:
 - (i) Uncontaminated Overland Stormwater flow;
 - (ii) Uncontaminated Stormwater to the stormwater system;
 - (iii) Contaminants released to sewer under and in accordance with a trade waste permit granted by the local government under the *Water Supply (Safety and Reliability) Act 2008*; or

- (b) Releases to water must not cause any visible oil slick or other visible evidence of oil or grease, nor contain visible, grease, scum, litter or floating oil.
- (c) The Holder must ensure that:
 - (i) Maintenance and cleaning of equipment (including vehicles and plant) is carried out in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, a water or onto unsealed ground;
 - (ii) Any spillage of contaminants is cleaned up immediately by a method other than hosing, sweeping or otherwise releasing the contaminants into stormwater drainage, a roadside gutter or a water.
 - (iii) Incident rainfall and overland flow of stormwater does not contact contaminants (for example, areas with contaminants should be roofed or be protected by diversion drains).

1.3 NOISE

If a complaint (other than a frivolous or vexatious complaint) is made to the Administering Authority about noise from the Premises, the emission of noise from the Premises must not exceed the levels specified in Table 1.

Table 1

Noise limits at a Noise Sensitive Place	
Period	Noise level measured as the Adjusted Maximum Sound Pressure Level
7 am to 6 pm	Background Noise Level plus 5dB(A)
6 pm to 10 pm	Background Noise Level plus 5dB(A)
10 pm to 7 am	Background Noise Level plus 3 dB(A)
Noise limits at a Commercial Place	
Period	Noise level measured as the Adjusted Maximum Sound Pressure Level
7 am to 6 pm	Background Noise Level plus 10dB(A)
6 pm to 10 pm	Background Noise Level plus 10dB(A)
10 pm to 7 am	Background Noise Level plus 8dB(A)

1.4 WASTE

- (a) Nothing is to be burned at the Premises and nothing is to be removed from the Premises and burnt elsewhere.
- (b) Where regulated waste is removed from the Premises, records must be kept of the following:
 - (i) The date, quantity and type of waste removed;
 - (ii) The name of the waste transporter and/or disposal operator that removed the waste; and
 - (iii) The intended treatment/disposal destination of the waste.
- (c) A contaminant (including a waste) must not:

- (i) Be buried at the Premises; or
 - (ii) Be in contact with soil at the Premises; or
 - (iii) Directly or indirectly seep or penetrate into the soil or groundwater at the Premises.
- (d) The refuse storage facilities must be:
- (i) A suitable screened enclosure with an impervious floor, with dimensions which exceed the size of the nominated bin size by at least 300mm at the rear and both sides and 600mm at the front;
 - (ii) Within the curtilage of the premises in an accessible location. The placement of the refuse bin outside of the defined enclosure for collection must not cause any hazard to motorists or pedestrians;
 - (iii) Graded and drained through an appropriate sediment/silt trap to either a legal sewer connection (requiring a separate trade waste approval) or area of significant landscaping.
 - (iv) Provided with a hose cock and hose in close proximity to the enclosure.
- (e) Waste containers are to be kept in a clean state and in good repair. Waste containers are to be provided with a tight fitting lid assembly designed to prevent ingress of pests and water.
- (f) Waste service vehicles are to enter and leave the property in a forward gear.

1.5 RELEASE MONITORING AND REGISTERS

- (a) A complaints register must be kept at the Premises and all complaints received about the Activity must be recorded in the register with the following details:
- (i) Time, date and nature of complaint;
 - (ii) Type of communication (telephone, letter, personal, etc);
 - (iii) Name, contact address and contact phone number of the complainant (if the complainant does not wish to be identified then 'not identified' is to be recorded);
 - (iv) Response and investigation undertaken in response to the complaint;
 - (v) Name of the person responsible for investigating the complaint; and
 - (vi) Action taken as a result of the complaint and the investigation and the signature of or under the authorisation of the Holder.
- (b) An incidents register must be kept at the Premises and it must record any incidents including but not limited to:
- (i) Any fire at the premises;
 - (ii) Any release not in accordance with this Authority.

- 1.6 A maintenance register must be established to record maintenance activities involved with hydrocarbon removal or containment devices eg. blind sumps, treatment systems etc. including records of when such devices have been emptied and when they have been checked by an appropriate professional to ensure their effectiveness and integrity.

1.7 MODIFIED UNDERGROUND PETROLEUM STORAGE SYSTEMS

A modified underground petroleum storage system (limited to that equipment that is below ground level, susceptible to leakage of petroleum products and not readily visible if leakage occurs eg. tanks and associated pipe work) must not be commissioned unless:

- (a) the modifications have been designed by a suitably qualified and experienced person; and
- (b) the person by whom the modifications have been designed has provided the operator with a list of the industry standards that have been followed in connection with the design of the modifications and a copy of the design specifications for the modifications; and
- (c) a copy of the design certification has been provided to Council; and
- (d) the modification has been implemented by a suitably qualified and experienced person; and
- (e) the person by whom the modification has been implemented has provided the operator with a list of the industry standards that have been followed in connection with the implementation of the modification, a copy of the implementation specifications for the modification and current 'as built' drawings for the system; and
- (f) a copy of the installation certification has been provided to Council; and
- (g) an Equipment Integrity Test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person; and
- (h) the system has been certified, by the person by whom the test was carried out, as having satisfied the test; and
- (i) a copy of the test certificate has been provided to Council; and
- (j) the site is investigated for contamination and an assessment report is submitted to Council. The assessment report shall be prepared by a suitably qualified and experienced person to verify the site has either met remediation criteria or is suitable for continued and future use.

1.8 REPAIR OF UPSS

- (a) All repairs to the UPSS shall ensure that the storage system is both structurally sound and fully functional. As a minimum, repair of underground petroleum storage system equipment must meet the equipment manufacturer's instructions for repair and the equipment's original specifications (or the equipment's updated specification in the situation where equipment standards have been improved since the original specifications were documented).
- (b) Where a tank forming part of an underground petroleum storage system is to be replaced, the tank shall meet the requirements for Toowoomba Regional Council's mandatory pollution protection equipment for new underground petroleum storage systems.
- (c) Where pipework forming part of an underground petroleum storage system is to be replaced (as opposed to repair involving the replacement of a section of piping), the pipework must meet the requirements for Toowoomba Regional Council's mandatory pollution protection equipment for new underground petroleum storage systems.
- (d) Where the underground petroleum storage system has been repaired following the discovery of a leak in the system, the system must not be commissioned unless:
 - (i) An equipment integrity test of the system has been carried out in accordance with the written directions of a duly qualified person; and
 - (ii) The system has been certified, by the person by whom the test was carried out, as having satisfied the test; and
 - (iii) A copy of the test certificate has been provided to Council.
- (e) Where an underground petroleum storage system is repaired, removed or replaced after the discovery of a leak, the repaired storage system must not be commissioned unless the site is investigated for contamination. An assessment report shall be submitted to Council no later than 60 days of:
 - (i) The repair, removal or replacement of an underground petroleum storage system if no soil or groundwater remediation is required; or
 - (ii) The completion of any remediation associated with the repair, removal or replacement of an underground petroleum storage system if remediation is required

The assessment report shall be prepared by a suitably qualified and experienced person to verify the site has either met remediation criteria or is suitable for continued and future use.

1.9 UPSS MANAGEMENT PLAN

Within one (1) year from the date of the approval, develop and implement a management plan for the operation and maintenance of the underground petroleum storage system that includes both tanks and piping. The underground petroleum storage system management plan shall include systems and procedures for preventing and monitoring for spill and leaks and response plans in the event of a spill or leakage in accordance with obligations under the *Environmental Protection Act 1994*. The management system shall incorporate the following components and be kept on site and made available for onsite auditing purposes:

- (a) objectives and targets to comply with all relevant legislation; and
- (b) hazard identification and risk assessment; and
- (c) details of the underground petroleum storage system design & installation details (tank sizes, contents, location of all relevant infrastructure); and
- (d) list of industry standards compiled for the design, installation and operation of the system; and
- (e) current as-built drawings for the system and plans of the storage site; and
- (f) leak prevention measures; and
- (g) loss monitoring procedures; and
- (h) system maintenance procedures; and
- (i) emergency spillage response plan; and
- (j) loss investigation and notification procedures; and
- (k) record keeping; and
- (l) training requirements and records; and
- (m) information on ownership and occupation of both the site and the underground storage systems, including specific contractual/franchise arrangements, defined responsibilities and relevant contact details.

1.10 EMERGENCY SPILLAGE RESPONSE PLAN

A documented Emergency Spillage Response Plan (ESRP) for spilt fuels and other hazardous materials must be developed as part of the underground petroleum storage system management plan and implemented on-site. The ESRP must establish procedures to respond to identified hazards and to contain and dispose of spilt chemicals. All spilt materials must be contained to prevent the spread of the material, the affected area cleaned, and the material recycled, reused or disposed in a manner which prevents contamination or further contamination of surface, ground waters, or soil. The ESRP should include, but not be limited to the following matters:

- (a) all actions to be taken by staff upon discovery of an incident; and
- (b) activation of emergency shut-off systems; and
- (c) use of spill clean-up kits; and
- (d) covering of drain entrances and bunding of impacted waterways; and
- (e) notification of emergency services where necessary; and
- (f) an accurate set of drainage plans which identify all containment and treatment systems and all potential points of access to Council stormwater infrastructure. Drainage plans must clearly trace the flow of any potential spillage and must identify the location of the outlet point (eg. creek, river, lake, etc.). A copy of the drainage plan must be placed in the HAZMAT Box for the use of emergency responders; and

- (g) a flow chart providing an overview of actions to be taken in the event of a spill shall be prepared and posted in a clearly visible location. It must include a list of emergency telephone numbers; and
- (h) notification of Council as soon as practicable where a spill presents actual or potential environmental harm (eg. a spill that leaves the site and enters stormwater or natural drainage systems).

1.11 DUTY TO NOTIFY

The operator of the site must immediately notify Council of any event where serious or material environmental harm is caused or threatened such as a spill, leak or other unauthorised release of contaminants to the environment. The notification to Council must include the following information:

- (a) the site address; and
- (b) site manager details including telephone numbers and other contact details; and
- (c) the nature of the unauthorised release, incident or emergency including the nature of the contaminants involved; and
- (d) the expected time to the event or since the event; and
- (e) the suspected cause; and
- (f) the possible effects on the environment and the actions taken to address the occurrence.

1.12 STAFF TRAINING

All employees must be trained upon hiring, and regularly updated as necessary, on the legislative responsibilities in relation to the *Environmental Protection Act 1994* and their relevant procedures and processes documented in the Site Based Management Plan. Records shall be kept of all training and made available for audit.

1.13 LEAK DETECTION REQUIREMENTS

Within one (1) year of the date of approval, all practicable measures must be taken to prevent loss of containment from any underground petroleum storage system. An approved leak detection system must be installed and operated at sufficient frequency, sensitivity and reliability to provide a high level of confidence that a release of a petroleum product will be detected in sufficient time for a response to be implemented before an unacceptable risk is posed to human health, property or the environment. As a minimum standard, all underground petroleum storage systems are required to be monitored using a system that:

- (a) can detect a leak from any portion of the underground storage system; and
- (b) uses equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions; and
- (c) is capable of detecting a leak at a rate of 0.76 litres per hour or more with at least 95% accuracy and a probability of false detection of 0.05 or less (USEPA); and
- (d) has been certified by an independent third party, consistent with the current USEPA protocols and system of verification (USEPA 1990); and
- (e) reports with a frequency of not less than monthly, and
- (f) is operated by a suitably trained person.

1.14 EQUIPMENT INTEGRITY TESTING

An equipment integrity test must be carried out at the following times in order to detect any leakages from a UPSS:

- (a) immediately before commissioning a new underground petroleum storage system;
- (b) immediately following any underground petroleum storage system modification or upgrade;

- (c) immediately before installing a cathodic protection system on an existing underground tank;
- (d) immediately following installation of re-used equipment (limited to that equipment that is below ground level, susceptible to leakage of petroleum products and not readily visible if leakage occurs eg. Tanks and pipe work);
- (e) immediately before the re-use of a temporarily decommissioned underground tank;
- (f) immediately following any equipment retrofit (limited to that equipment that is below ground level, susceptible to leakage of petroleum products and not readily visible if leakage occurs eg. Tanks and pipe work);
- (g) immediately following any repairs to equipment (limited to that equipment that is below ground level, susceptible to leakage of petroleum products and not readily visible if leakage occurs eg. Tanks and pipe work);
- (h) at the request of administering authorities.
- (i) The system being tested is not to be commissioned unless:
 - the equipment integrity test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person, and
 - the system has been certified, by the person by whom the test was carried out, as having satisfied the test.
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1.15 UNDERGROUND WASTE OIL TANK INTEGRITY TESTING

All underground tanks and associated pipework used for the storage of waste oil (where applicable) must be integrity tested to confirm the 'liquid tightness' of the system by a competent equipment integrity test specialist on an annual basis.

1.16 INTEGRITY TESTING RECORDS

Records of equipment integrity tests shall be kept on site by the operator of the underground petroleum storage system for the life of the system and shall contain the following minimum information:

- (a) equipment identification number;
- (b) location of the test;
- (c) date of the test;
- (d) results of the test;
- (e) test method;
- (f) certification by testing company or individual;
- (g) details of testing company or individual.

1.17 LEAK DETECTION – LOSS DETECTION PROCEDURES

The underground petroleum storage system shall have appropriate procedures documented and in place to identify and investigate any discrepancy indicated by the approved loss monitoring procedure. As soon as practicable after becoming aware of any discrepancy detected by the loss monitoring procedure for a storage system, action must be taken:

- (a) to investigate the discrepancy, and
- (b) if the discrepancy cannot be attributed to anything other than a leak, to confirm the existence of a leak, and
- (c) if the existence of a leak is confirmed, to identify the source of the leak and to fix the leak.

1.18 LEAK DETECTION NOTIFICATION

Where a leak or spill from an underground petroleum storage system is causing or is likely to cause material harm to the environment or human health, the person responsible must notify Council as soon as practicable. Failure to report such a pollution incident is an offence under the *Environmental Protection Act 1994*. Incidents which must be notified include but are not limited to:

- (a) a leak or spill verified in accordance with loss detection or incident management procedures that is causing or threatens material harm to human health or the environment; or
- (b) evidence on the site of free-phase hydrocarbons in surface water or groundwater; or
- (c) evidence that offsite migration of hydrocarbons could occur, is occurring or has occurred.

1.19 DECOMMISSIONING OF UPSS

- (a) Underground petroleum storage systems may be temporarily decommissioned for a period of up to 2 years. During this time, the tank must be filled with water mixed with a water-miscible corrosion inhibitor (as per manufacturer's instructions) or made safe by other approved methods in accordance with the following standards:

- (i) *AS4976 The removal and disposal of underground petroleum storage tanks*
- (ii) *AS1940 The storage and handling of flammable and combustible liquids, and*
- (iii) Relevant occupational health and safety measures required by the *Workplace Health and Safety Act 1995*.

Council must be notified when tanks are to be temporarily decommissioned to enable adjustments to be made to records. Before the tank can be reused, the system must undergo Equipment Integrity Testing to ensure tightness. Certification shall be provided to Council that the tank/s were temporarily decommissioned in accordance with the above standards and legislation.

Where more than two (2) years have elapsed since the tank was initially decommissioned, the underground petroleum storage system must be permanently decommissioned in accordance with *AS4976 The removal and disposal of underground petroleum storage tanks*.

- (b) Underground petroleum storage systems to be permanently decommissioned shall be removed for disposal off-site in compliance with the following:
 - (i) *AS4976 The removal and disposal of underground petroleum storage tanks*
 - (ii) *AS1940 The storage and handling of flammable and combustible liquids, and*
 - (iii) Relevant occupational health and safety measures required by the *Workplace Health and Safety Act 1995*.

Council must be notified when tanks are to be permanently decommissioned so that adjustments can be made to records. Certification must be provided to Council that the tank/s were decommissioned, transported and disposed of in accordance with the above standards and legislation.

- (c) At the time of abandonment of any underground petroleum storage system, the site shall be investigated for contamination. An assessment report shall be prepared by a suitably qualified and experienced person to verify the site has either met remediation criteria or is suitable for continued and future use. The assessment report shall be submitted to Council no later than 60 days of:
 - (i) The decommissioning of an underground petroleum storage system if no soil or groundwater remediation is required, or
 - (ii) The completion of any remediation associated with the decommissioning of an underground petroleum storage system if remediation is required.

- (d) All records associated with the decommissioning of underground petroleum storage systems must be maintained for a minimum of seven years after removal of underground storage systems. These records must be provided to future owners/operators of underground storage systems as part of ensuring all practicable measures have been implemented to prevent site contamination.

1.20 GROUNDWATER MONITORING WELLS

- (a) Unless specifically exempted in writing by Council, groundwater monitoring wells must be installed on site within three (3) years from the date of this approval.
- (b) The number and location of groundwater monitoring wells to be installed on a storage site is to be determined by a duly qualified person with a view to maximising the likelihood that the wells will intercept contaminated groundwater, whatever the groundwater flow conditions.
- (c) A groundwater monitoring well must not be installed on a storage site unless:
 - (i) It has been designed by a duly qualified person, and
 - (ii) The person by whom it has been installed has provided the operator of the relevant storage system with a list of industry standards that have been followed in connection with the design of the well; and
 - (iii) A copy of the design certification has been provided to Council.
- (d) Where groundwater monitoring wells are installed, the underground petroleum storage system must not be used unless:
 - (i) The well has been installed by a duly qualified person, and
 - (ii) The well has been sealed to exclude surface water, and
 - (iii) The well is clearly marked to indicate its presence and is properly secured, and
 - (iv) The person by whom it has been installed has provided the operator of the relevant storage system with a list of the industry standards that have been followed in connection with the installation of the well, and a groundwater monitoring well report prepared in relation to the well, and
 - (v) A copy of the installation certificate has been provided to Council.
- (e) The underground petroleum storage system, for sites operating without an approved loss monitoring system, must not be used unless:
 - (i) The groundwater in each groundwater monitoring well on the storage site has been tested for contamination by petroleum, during the last 6 months, in accordance with the written instructions of a duly qualified person, and
 - (ii) The groundwater in each groundwater monitoring well on the storage site has been sampled and analysed, within 30 days after the occurrence of any of the following, in accordance with the written instructions of a duly qualified person:
 - a. The installation of a new groundwater monitoring well on the storage site,
 - b. The discovery, whether by means of a routine test or otherwise, that groundwater may be contaminated by petroleum originating from the storage site,
 - c. The discovery, whether pursuant to the loss monitoring procedure for the system or otherwise that the system has a leak.

1.21 VAPOUR RECOVERY

- (a) Upon significant modification of the UPSS all new underground tanks and associated pipe work must be of a design that is compatible with Stage 1 Vapour Recovery (VR1) systems should VR1 become a mandatory process at this location or across the service station industry in future years.
- (b) The Vapour Recovery System must be designed and installed in compliance with the following:

- (i) Mixing of product must be prevented in pipe work common to more than one tank;
 - (ii) Spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser; and
 - (iii) The vapour recovery point must be located within 2 metres of the respective fill point.
- (c) Establish, implement, maintain and review procedures for the operation and maintenance of the Vapour Recovery System in accordance with the manufacturer's specifications. The transfer of motor spirit from delivery vehicles to underground tanks must not occur unless the delivery vehicle is fitted with Vapour Recovery equipment.
- (d) Premises with an annual throughput of motor spirit less than 1.2 mega litres are exempt from VR1 requirements as listed in conditions 1.21 (a-d).

1.22 DEFINITIONS

'Activity' means the environmentally relevant activity of ERA 8 (1c) Threshold 3(a) 10m³ - 500m³ of chemicals of class C1 or C2 combustible liquids under AS1940 or dangerous goods class 3.

'Adjusted Maximum Sound Pressure Level' means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using fast response.

'Administering Authority' means Toowoomba Regional Council.

'Authorised person' means an authorised person authorised under the *Environmental Protection Act 1994*.

'Authority' means this environmental authority or development approval as the case may be.

'Background Noise Level' means the LA90,T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes using fast response.

'Commercial Place' means a place that is used as an office or for business or commercial purposes.

'Holder' means Caltex Australia Petroleum Pty Ltd and includes the Executive Officers, actual and apparent agents, employees and contractors of the Holder.

'Mandatory equipment' means equipment that consist of all of the following:

- (a) a non-corrodible tank and non-corrodible piping;
- (b) secondary containment for a tank and piping;
- (c) a dispenser sump;
- (d) fill point equipment;
- (e) overfill protection equipment;
- (f) a tank pit observation well
- (g) equipment that earths a storage system.

'Noise Sensitive Place' means any of the following places—

- (a) a dwelling;
- (b) a library, childcare centre, kindergarten, school, college, university or other educational institution;
- (c) a hospital, surgery or other medical institution;
- (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*;
- (e) a marine park under the *Marine Parks Act 1982*;
- (f) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organized entertainment.

'Petroleum' means any fuel that consists predominantly of a mixture of hydrocarbons derived from crude oil whether or not the fuel includes additives (such as ethanol), and includes used oil.

'Premises' means L1/GTP1810:PAR DRAYTON

'Regulatory authority' means Toowoomba Regional Council and/or the Queensland Department of Environment and Resource Management.

'Significant modification/Significantly modified' in relation to a UPSS means any modification to the system that:

- (a) for a site with three (3) tanks or less, involves the replacement of one or more tanks, or
- (b) for sites with more than three (3) tanks, involves the replacement of two (2) or more of the tanks in the system, or
- (c) triggers a Material Change of Use under the Sustainable Planning Act 2009.

'Suitably qualified and experienced person' or 'duly qualified person' means a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate for that activity. A suitably qualified and experienced person includes personnel that have been trained, authorised and accredited by the manufacturer of a specific item of equipment and/or process. Only a suitably qualified and experienced person can test, repair and reset the equipment after a fault.

'Uncontaminated Overland Stormwater Flow' and 'Uncontaminated Stormwater' refer to stormwater that does not contain contaminants.

'UPSS' means underground petroleum storage system

B. ADVICES:

Rainwater Tanks

- 1) Any proposed water tanks must be constructed in accordance with Chapter 2 part 1 and Part 8 of the *Public Health Act 2005* (ie. Constructed in a way that prevents the harbourage of mosquitoes).

Flammable and Combustible Liquids

- 2) Where Flammable and Combustible Liquids are to be stored on site and are above minor storage limits, a licence will be required under the *Dangerous Goods and Safety Management Act 2000*. No construction may take place before approval is granted. A separate application is required to be submitted to Environmental Health Services detailing quantities, information about the proposed storage systems and safety provisions

Further information regarding Flammable and Combustible Liquids Storage is available at www.lgtoolbox.qld.gov.au or by contacting Environmental Health Services on (07) 4688 6936.

Registration Certificate

- 3) Upon completion of works, the premises will require registration under the *Environmental Protection Regulation 2008*. Registration will be required if the activity to be conducted on the premise is contained in schedule 2 of *Environmental Protection Regulation 2008* and the administration and enforcement has been devolved to local government.

Further information regarding Registration Certificate is available at www.lgtoolbox.qld.gov.au or by contacting Environmental Health Services on (07) 4688 6892.

Vapour Recovery Stage 2 (VR2)

- 4) Stage 2 Vapour recovery (VR2) is not mandatory at this time, however, it is expected that it will be required at some point in the foreseeable future, particularly in locations adjoining sensitive uses. It is suggested that any future UPSS modifications include the provision for VR2 during construction to facilitate easier connection when eventually required.

C. ATTACHMENTS:

- Approved Plan
- Appeal provisions pursuant to the *Sustainable Planning Act 2009*.

RTI DL RELEASE - EHP

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for a submission, told the assessment manager to treat the response as a properly made submission.

- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.

Division 10 Appeals to court about other matters

471 Appeal by applicant for approval of a proposed master plan

- (1) A person who has applied for an approval of a proposed master plan may appeal to the court against—
 - (a) the refusal, or the refusal in part, to give the approval; or
 - (b) a matter stated in the notice of decision about the application; or
 - (c) a deemed refusal of the master plan application.
- (2) An appeal under subsection (1)(a) or (b) must be started within 20 business days (the **applicant's appeal period**) after the day the applicant is given notice of the decision.
- (3) An appeal under subsection (1)(c) may be started at any time after the last day a decision on the matter should have been made.

472 Appeal about extension of period under s 98

- (1) A person who has requested an extension under section 98(2) may appeal to the court against a refusal of the request.
- (2) An appeal under subsection (1) must be started within 20 business days after the day the person is given notice of the refusal.
- (3) Also, a person who has made a request under section 98(2) may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.
- (5) However, an appeal under this section may only be about whether the refusal is so unreasonable that no reasonable relevant local government could have refused the request.

473 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

474 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the *Water Act 2000*; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
 - (g) development the assessing authority reasonably believes is causing an environmental nuisance.

475 Appeals against local laws

- (1) This section applies if—
 - (a) an applicant is dissatisfied with a decision of a local government or the conditions applied under a local law about the use of premises or the erection of a building or other structure; and
 - (b) the use is not prohibited development under the planning scheme or a temporary local planning instrument for the planning scheme area.
- (2) The applicant may appeal to the court against the decision or the conditions applied.
- (3) The appeal must be started within 20 business days after the day notice of the decision is given to the applicant.

476 Appeals against decisions on compensation claims

- (1) A person who is dissatisfied with a decision under section 710 or 716 for the payment of compensation may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the claim.
- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

477 Appeals against decisions on requests to acquire designated land under hardship

- (1) A person who is dissatisfied with a designator's decision to refuse a request made by the person under section 222 may appeal to the court against—
 - (a) the decision; or
 - (b) a deemed refusal of the request.

- (2) An appeal under subsection (1)(a) must be started within 20 business days after the day notice of the decision is given to the person.
- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

478 Appeals about particular charges for infrastructure

- (1) This section applies to a person who has been given, and is dissatisfied with—
 - (a) an infrastructure charges notice, regulated infrastructure charges notice or regulated State infrastructure charges notice; or
 - (b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice or negotiated regulated State infrastructure charges notice.
- (2) The person may appeal to the court against the notice.
- (3) An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
- (4) An appeal under this section may only be about—
 - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
 - (b) an error in the calculation of the charge.
- (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish the charge in the relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

479 Appeals from building and development committees

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
only against
 - (a) of an error or mistake in law on the part of the committee; or
 - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

480 Court may remit matter to building and development committee

If an appeal includes a matter within the jurisdiction of a building and development committee and the court is satisfied the matter should be dealt with by a building and development committee, the court must remit the matter to the committee for decision.

Division 11 Making an appeal to court

481 How appeals to the court are started

- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
- (2) The notice of appeal must state the grounds of the appeal.
- (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
- (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

482 Notice of appeal to other parties—development applications and approvals

- (1) An appellant under division 8 must give written notice of the appeal to—
 - (a) if the appellant is an applicant—
 - (i) the chief executive; and
 - (ii) the assessment manager; and
 - (iii) any concurrence agency; and
 - (iv) any principal submitter whose submission has not been withdrawn; and
 - (v) any advice agency treated as a submitter whose submission has not been withdrawn; or
 - (b) if the appellant is a submitter or an advice agency whose response to the application is treated as a submission for an appeal—
 - (i) the chief executive; and

- (ii) the assessment manager; and
- (iii) any referral agency; and
- (iv) the applicant; or
- (c) if the appellant is a person to whom a notice mentioned in section 465(1) has been given—
 - (i) the chief executive; and
 - (ii) the assessment manager for the development application to which the notice relates; and [s 482]
 - (iii) any entity that was a concurrence agency for the development application to which the notice relates; and
 - (iv) the person who made the request under section 383 to which the notice relates, if the person is not the appellant; or
- (d) if the appellant is a person mentioned in section 466(1)—
 - (i) the chief executive; and
 - (ii) the responsible entity for making the change to which the appeal relates; and
 - (iii) the person who made the request to which the appeal relates under section 369, if the person is not the appellant; and
 - (iv) if the responsible entity is the assessment manager—any entity that was a concurrence agency for the development application to which the notice of the decision on the request relates; or
- (e) if the appellant is a person to whom a notice mentioned in section 467 has been given—the entity that gave the notice.
- (2) The notice must be given within—
 - (a) if the appellant is a submitter or advice agency whose response to the development application is treated as a submission for an appeal—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (3) The notice must state—
 - (a) the grounds of the appeal; and
 - (b) if the person given the notice is not the respondent or a co-respondent under section 485—that the person may, within 10 business days after the notice is given, elect to [s 483] become a co-respondent to the appeal by filing in the court a notice of election in the approved form.

483 Notice of appeals to other parties—compliance assessment

- (1) An appellant under division 9 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appellant is a person to whom an action notice, compliance permit or compliance certificate has been given—
 - (i) the compliance assessor who gave the notice, permit or certificate; and
 - (ii) if the compliance assessor was a nominated entity of a local government and a copy of the request for compliance assessment was given to the local government under section 402—the local government; or
 - (b) if the appellant is a person to whom a notice mentioned in section 470(1) has been given—
 - (i) the entity that gave the notice; and
 - (ii) if the entity that gave the notice was a nominated entity of a local government and the written agreement of the local government was required to give the notice—the local government.
- (2) The notice must state the grounds of the appeal.

484 Notice of appeal to other parties—other matters

- (1) An appellant under division 10 must, within 10 business days after the day the appeal is started, give written notice of the appeal to—
 - (a) if the appeal is under section 471—the local government and coordinating agency for the application for approval of the master plan; or
 - (b) if the appeal is under section 472 or 475—the local government; or
 - (c) if the appeal is under section 478—the entity that gave the notice the subject of the appeal; or
 - (d) if the appellant is a person to whom an enforcement notice is given—the entity that gave the notice and if the entity is not the local government, the local government; or

- (e) if the appellant is a person dissatisfied with a decision about compensation—the local government that decided the claim; or
- (f) if the appellant is a person dissatisfied with a decision about acquiring designated land—the designator; or
- (g) if the appellant is a party to a proceeding decided by a building and development committee—the other party to the proceeding.

(2) The notice must state the grounds of the appeal.

485 Respondent and co-respondents for appeals under div 8

- (1) Subsections (2) to (8) apply for appeals under sections 461 to 464.
- (2) The assessment manager is the respondent for the appeal.
- (3) If the appeal is started by a submitter, the applicant is a co-respondent for the appeal.
- (4) Any submitter may elect to become a co-respondent for the appeal.
- (5) If the appeal is about a concurrence agency's response, the concurrence agency is a co-respondent for the appeal.[s 486]
- (6) If the appeal is only about a concurrence agency's response, the assessment manager may apply to the court to withdraw from the appeal.
- (7) The respondent and any co-respondents for an appeal are entitled to be heard in the appeal as a party to the appeal.
- (8) A person to whom a notice of appeal is required to be given under section 482 and who is not the respondent or a co-respondent for the appeal may elect to be a co-respondent.
- (9) For an appeal under section 465—
 - (a) the assessment manager is the respondent; and
 - (b) if the appeal is started by a concurrence agency that gave the assessment manager a notice under section 365—the person asking for the extension the subject of the appeal is a co-respondent; and
 - (c) any other person given notice of the appeal may elect to become a co-respondent.
- (10) For an appeal under section 466—
 - (a) the responsible entity for making the change to which the appeal relates is the respondent; and
 - (b) if the responsible entity is the assessment manager—
 - (i) if the appeal is started by a person who gave a notice under section 373 or a pre-request response notice—the person who made the request for the change is a co-respondent; and
 - (ii) any other person given notice of the appeal may elect to become a co-respondent.
- (11) For an appeal under section 467, the respondent is the entity given notice of the appeal.

486 Respondent and co-respondents for appeals under div 9

- (1) For an appeal under section 468 or 469—
 - (a) the compliance assessor is the respondent; and [s 487]
 - (b) if the compliance assessor is a nominated entity of a local government and the appeal relates to a matter required by a local government—the local government is a co-respondent.
- (2) However, if the appeal is only about a matter required by the local government, the compliance assessor may apply to the court to withdraw from the appeal.
- (3) For an appeal under section 470—
 - (a) the entity that gave the notice to which the appeal relates is the respondent; and
 - (b) if the entity mentioned in paragraph (a) is a nominated entity of a local government and the local government did not agree to the request mentioned in section 470(1)—the local government is a co-respondent.
- (4) However, if the appeal is only about the local government's refusal of the request, the entity that gave the notice to which the appeal relates may apply to the court to withdraw from the appeal.

487 Respondent and co-respondents for appeals under div 10

- (1) This section applies if an entity is required under section 484 to be given a notice of an appeal.
- (2) The entity given notice is the respondent for the appeal.
- (3) However, if under a provision of the section more than 1 entity is required to be given notice, only the first entity mentioned in the provision is the respondent.
- (4) The second entity mentioned in the provision may elect to be a co-respondent.

488 How an entity may elect to be a co-respondent

An entity that is entitled to elect to be a co-respondent to an appeal may do so, within 10 business days after notice of the [s 489] appeal is given to the entity, by following the rules of court for the election.

489 Minister entitled to be party to an appeal involving a State interest

If the Minister is satisfied an appeal involves a State interest, the Minister may, at any time before the appeal is decided, elect to be a party to the appeal by filing in the court a notice of election in the approved form.

490 Lodging appeal stops particular actions

- (1) If an appeal, other than an appeal under section 465, 466 or 467, is started under division 8, the development must not be started until the appeal is decided or withdrawn.
- (2) If an appeal is about a condition imposed on a compliance permit, the development must not be started until the appeal is decided or withdrawn.
- (3) Despite subsections (1) and (2), if the court is satisfied the outcome of the appeal would not be affected if the development or part of the development is started before the appeal is decided, the court may allow the development or part of the development to start before the appeal is decided.

Division 12 Alternative dispute resolution

491 ADR process applies to proceedings started under this part

- (1) The *District Court of Queensland Act 1967*, part 7 and the *Uniform Civil Procedure Rules 1999*, chapter 9, part 4, other than section 321, (together, the **ADR provisions**), apply to proceedings started under this part.[s 492]
- (2) To the extent there is any inconsistency between the cost provisions of the ADR provisions and the cost provisions of this Act, the cost provisions of the ADR provisions prevail.
- (3) If a dispute in a proceeding under this part is referred to a dispute resolution process under the ADR provisions—
 - (a) the proceeding is not stayed unless the court orders otherwise; and
 - (b) the court must not decide the proceeding until the dispute resolution process under the ADR provisions has been finalised.
- (4) In applying the ADR provisions to a proceeding under this part—
 - (a) a reference to the court or the District Court is taken to be a reference to the Planning and Environment Court; and
 - (b) a reference to a District Court judge is taken to be a reference to a judge constituting the Planning and Environment Court; and
 - (c) definitions and other interpretative provisions of the *District Court of Queensland Act 1967* and the *Uniform Civil Procedure Rules 1999* relevant to the ADR provisions apply.

From: CLEARY Amanda
Sent: Wednesday, 28 May 2014 10:29 AM
To: MACKENZIE James
Subject: Caltex - Ruthvern and stenner

Hi James

I have hear back this morning from Caltex, there are several conditions on their Council EA below are two of note. Therefore I would like to refer the matter to Council. Can you please confirm you are happy with this course of action and confirm if there a letter to Council and CC to Caltex is sufficient.

with Australian Standard AS4202-1997. Control of the Obtrusive Effects of Out

1.2 WATER

- (a) Contaminants or contaminated water must not be directly or indirectly released from the Premises or to the ground or groundwater at the Premises except for:

(i) Uncontaminated Gravelled Stormwater Runoff

1.11 DUTY TO NOTIFY

The operator of the site must immediately notify Council of any event where environmental harm is caused or threatened such as a spill, leak or other unauthorised release of contaminants to the environment. The notification to Council must include the following information:

- (a) the site address; and
- (b) site manager details including telephone numbers and other contact details;
- (c) the nature of the unauthorised release, incident or emergency including the type and quantity of contaminants involved; and
- (d) the expected time to the event or since the event; and
- (e) the suspected cause; and
- (f) the possible effects on the environment and the actions taken to address the event.

Kind Regards,
Dr Amanda Cleary | Principal Environmental Officer
Department of Environment and Heritage Protection (EHP)

Environmental Services & Regulation Division (ESR) Southern Region
173 Hume Street Toowoomba
PO Box 731, Toowoomba QLD 4350

T: 07 4699 4371 F: 07 4699 4399
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Please note I only work Tuesdays, Wednesdays and Thursdays.



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RTI DL RELEASE - EHP

Enquiries: Amanda Cleary
Telephone: 07 4699 4371
Your reference: ERA/2011/5296
Our reference: 100/0007277



Department of
**Environment and
Heritage Protection**

28 May 2014

Mr Brian Pidgeon
Chief Executive Officer
Toowoomba Regional Council
PO Box 3021
Toowoomba QLD 4350

Dear Mr Pidgeon,

On the 8 May 2014, Caltex Australia Petroleum Pty Ltd (Caltex) notified the Department of Environment and Heritage Protection (the department) that groundwater monitoring conducted at their premises located at 875-877 Ruthven Street, Toowoomba had identified Light Non-Aqueous Phase Liquid (LNAPL) in the groundwater.

At the request of the department Caltex has since provided additional information relating to this matter (see attached). The department can confirm that the site does not require an Environmental Approval from the department, as its fuel storage capacity is below the threshold trigger level.

Caltex also provided the department with a copy of the Development Permit issued by Council. Within this permit are conditions that relate to notification of contamination to waters. Therefore the department is referring the incident to Council for their investigation.

If you have any questions please contact Amanda Cleary on (07) 4699 4371.

Yours sincerely

49 - Sch4 - Personal Information

James Mackenzie
Manager, Southern Region (West)
Environmental Services & Regulation Division

CC: Damien Davidson
Senior Environmental Specialist (QLD, NT)
Caltex Australia Petroleum Pty Ltd
GPO Box 3916, Sydney NSW 2001

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