Queensland Government
Department of
Environment and Heritage Protection

Ref: 101/0008798, EPPR00489813, CA44734

04 April 2017

Viva Energy Australia Pty Ltd
Level 16, 720 Bourke Street
DOCKLANDS VIC 3008
Attn: CTPI 49-Sch4
Via email: CTPI 49-Sch4 @vivaenergy.com.au

Dear CTPI 49-Sch4

Compliance inspection, Environmental Authority EPPR00489813, 14 March 2017

I refer to the compliance inspection of Viva Energy Australia Pty Ltd (Viva Energy) Port of Townsville Terminal, Hubert Street, South Townsville conducted by the Department of Environment and Heritage Protection (the department) on 14 March 2017.

The site inspection was conducted in the presence of CTPI 49-Sch4 and CTPI 49-Sch4 CTPI 49-S whom were representing Viva Energy. The purpose of the inspection was to evaluate compliance with conditions prescribed in the environmental authority EPPR00489813 (the EA).

While undertaking the inspection, the department identified a number of non-compliances with the EA along with a number of areas of concern which are outlined as follows:

Table 1: Details of Non-Compliance with EPPR00489813

Issue	Relevant Condition	Summary
Groundwater contingency reporting	1WT11(e)	Groundwater concentrations of total petroleum/recoverable hydrocarbons and polyaromatic hydrocarbons have been noted to have increased both in overall trend between 2015 and 2016 sampling rounds (as reported by AECOM in 2016 GME report). The EA states that increases in concentration are to be re-sampled to determine if it is an anomaly and a report provided within three months. The department has no record of a report detailing the results of the contingency sampling.
Nature and extent of groundwater environmental	1WT13	In determining the nature and extent of environmental impact, several issues appear to have been overlooked: 1. The conceptual site model doesn't consider the

Level 10, Verde Tower
445 Flinders Street Townsville
GPO Box 5391 Townsville
Queensland 4810 Australia
Telephone + 61 7 4722 5353
Facsimile + 61 7 4722 5351
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log RTI Act 2009

impact		impact of the seawall on groundwater flow across the premises. The groundwater flow diagram in the 2016 GME report shows the seawall, but the contours ignore its existence. Depending on the depth and condition of the seawall, it is possible that it is creating an artificial groundwater divide on the premises, changing the flow from what is specified on the flow diagram and bringing into questions which wells are up-gradient and which are down-gradient and whether the impact is likely to extend off site. 2. Several wells have not been surveyed. 3. All LORs for MW21 have been raised and it appears that all are above the investigation levels. The reason for this was not outlined in the report and there is no discussion of the impact of this quality control issue on the groundwater impact assessment. 4. No investigations have been undertaken to determine if the groundwater is naturally attenuating. The status of the aquifer in this respect affects the potential risk of the groundwater impact to the local environment (Great Barrier Reef lagoon). 5. NAPL apparent thicknesses have varied over time and may be related to rainfall "trapping" NAPL behind the unscreened area of the well casing. This happens when the well screen is below the level of the water table (rather than the screen centre being at the water table) and the entire screen is submerged. The change in thickness of the LNAPL may be related to changing water levels and "allowing" more or less NAPL to enter the well. No bore construction logs have been included with the 2012-2016 GME reports.
Reporting of non-compliances	1G1	The department did not receive a notification of the increase in dissolved phase concentrations outlined in the 2016 AECOM GME report.
Stack (F5) emission exit velocity	1A2	The 2015 stack testing results for F5 showed that the emission velocity was measured at 3.8 m/s and the EA states a minimum velocity of 7.5 m/s. At the time of the inspection, Viva Energy representatives were unsure of the cause and if any investigation was undertaken as the bitumen manager is no longer employed by Viva Energy.

Published on DES Disclosure Log RTI Act 2009

		The lower stack emission velocity means that the contaminant dispersion will not occur as modelled, falling closer to the plant and in higher concentration than anticipated.

It is an offence under section 430 of the *Environmental Protection Act 1994* to contravene a condition of an environmental authority and significant penalties apply. On this occasion, and consistent with the department's Enforcement Guidelines, the department has decided to issue you a **formal warning** (WARN7156) for failing to comply with the above conditions.

If additional evidence becomes available, or if a continuation of the non-compliance(s) is identified and/or other more serious matters come to light in the future, the department will consider taking further action, including prosecution in accordance with its enforcement guidelines. A copy of the enforcement guidelines is available on the department's website www.ehp.qld.gov.au.

Areas of Concern

During the inspection the following areas of concern were also identified and require attention.

Table 2. Areas of Concern

Issue	Relevant Condition	Summary
Contaminants released to atmosphere	1A1, 1A11	To fulfil conditions 1A8-1A13, Viva Energy use the National Pollutant Inventory (NPI) data. During the inspection, Viva Energy representatives were uncertain of the method used to calculate the mass of contaminants to atmosphere and whether it is compliant with condition 1A11 as NPI data is collated centrally. There was also a large mass of cyclohexane released in 2015 – considerably more than previous years. Viva Energy representatives stated that it appeared that there was an internal investigation into this, however the results were not available. Large cyclohexane releases to atmosphere may be a risk to human health and may cause environmental harm. At the time of the inspection, the 2016 NPI data had not been finalised so it was not known if the large emission continued in 2016.

Published on DES Disclosure Log RTI Act 2009

Spill management	1WT5	You stated that during a recent emergency exercise, it was noted that after approximately 4 minutes (about 8,000 L) of water being released to simulate a tank leak, water was observed to be flowing north east out of the bunded truck gantry area. The department is concerned that should this be a fuel leak that goes unnoticed for a period of time (eg overnight or long weekend) fuel will overflow the truck gantry and potentially enter stormwater and the Great Barrier Reef lagoon (which is a contravention of condition 1WT2 – contaminants must not be released to waters).

Viva Energy is required to rectify the identified non-compliances and the areas of concern. The department requests that Viva Energy provide a written submission by 11 April 2017 detailing the actions proposed and associated timeframes to rectify the identified non-compliances and the areas of concern highlighted. Furthermore, Viva Energy is invited to provide a response detailing any mitigating or aggravating circumstances that may exist which led to the identified non-compliances.

Viva Energy is also reminded of the obligations under section 319 of the *Environmental Protection Act 1994* (the Act), which sets out the general environmental duty, and requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard, Viva Energy is encouraged to actively identify all environmental risk factors associated with the activities at the site on an ongoing basis, and to implement strategies and processes to effectively manage them.

Should an event occur that causes or threatens serious or material environmental harm, under the conditions of the EA and pursuant to section 320 of the Act, Viva Energy has a duty to notify the department of such events. Further information on the duty to notify requirements is available on the department's website at www.ehp.qld.gov.au. If an event occurs please contact the department's pollution hotline on 1300 130 372.

Please note that you may have other legal rights or obligations and should seek your own legal advice.

The department would like to thank you for your time and assistance during the compliance inspection and looks forward to a prompt resolution of the matters raised.

Published on DES Disclosure Log RTI Act 2009

R

Should you have any queries in relation to this letter, please contact Mel North on 4722 5263 or Melissa.north@ehp.qld.gov.au.

Yours sincerely,

CTPI 49-Sch4

Mark Cavicchiolo
Compliance Delivery Manager, North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection

Published on DES Disclosure Log
RTI Act 2009

Queensland Government

Department of
Environment and Heritage Protection

File Ref: 101/0009030
Ref: EPPR00415813; CR79773; CA47090

28 August 2017

Viva Energy Australia Pty Ltd
Level 16, 720 Bourke Street
Docklands VIC 3008

Attention: CTPI 49-Sch4
Email: CTPI 49-Sch4 @vivaenergy.com.au

Compliance Inspection – VIVA Cairns Terminal

I refer to the compliance inspection of the Viva Cairns Terminal on 10 August 2017, by authorised persons Joshua Maunder and Kirstie Treloar of the Department of Environment and Heritage Protection (the department). The inspection was conducted in the presence of yourself and CTPI 49-Sch4 as representatives for Viva Energy Australia Pty Ltd (Viva).

The purpose of the inspection was to evaluate compliance of the environmentally relevant activities being conducted at the Viva Cairns Terminal with conditions prescribed in Environmental Authority EPPR00415813 (the EA) and the relevant provisions of the *Environmental Protection Act 1994* (the Act). The inspection was not a full audit of Viva's activities. It is important to note that the inspection does not relieve Viva of other obligations under the Act.

Alleged non-compliances

The department has finalised the inspection and is investigating the following alleged non-compliances of the EA as outlined in Table 1 – Alleged non-compliances.

Table 1: Alleged non-compliances

Issue	Relevant conditions/ legislation	Summary
Potential release of contaminants from Storage Shed area	Condition C1-1 Section 430(3) of the Act	During the inspection, departmental officers identified that the containment bunding associated with the Storage Shed drains directly to the stormwater discharge and not to an oily water separator. The Cairns Terminal Environmental Management Plan – Water Management Drawing shows that water collected within the Storage Shed bunding drains to oily water separator number 2. Various contaminant storage containers were observed inside the Storage Shed. Any spill of contaminants will be collected within the Storage Shed containment bunding.

Northern Region – Cairns
5B Sheridan Street, Cairns QLD 4870
PO Box 7230, Cairns Qld 4870
Telephone + 61 7 4222 5334
Facsimile + 61 7 4222 5070
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Published on DEHP Disclosure Log
RTI Act 2009

		Viva staff advised that the stormwater drains are maintained in the open position to allow the release of stormwater as required. Condition C1-1 requires all contaminants to be directed to an oily water separator prior to discharge. It is alleged that Viva is non-compliant with condition C1-1 of the EA.
Quality of water released from site	Condition C2-1 Section 430(3) of the Act	The department was notified on 25 July 2017, of exceedances relating to both oily water separators. Release point W1 (separator number 1) reported an oil and grease concentration of 58 mg/L whilst release point W2 (separator number 2) reported a pH of 6.3. Condition C2-1 stipulates that water released from release points W1 and W2 must not exceed the limits specified in Table 1. Table 1 specifies an oil and grease limit of 20mg/L and a pH limit of between 6.5 and 8.5 It is alleged that Viva is non-compliant with condition C2-1 of the EA.
Water quality monitoring location	Condition C3-1 Section 430(3) of the Act	During the inspection, Viva staff advised that water quality monitoring is undertaken from the final treatment tank of each oily water separator. Condition C3-1 states that monitoring must be undertaken at the discharge locations. The discharge locations are listed as release points W1 and W2. Release points W1 and W2 are shown on the Location Plan in Schedule I of the EA as being the location water is released beyond the boundary of the site to Council's stormwater network. Information obtained through this inspection identified that Viva is not sampling at the specified discharge location. It is alleged that Viva are non-compliant with condition C3-1 of the EA.
Water quality monitoring frequency	Condition C3-1 Section 430(3) of the Act	Viva provided the department with various water quality analysis results completed by SGS Laboratories Cairns ranging between 2015 and 2017.

Published on DES Disclosure Log RTI Act 2009

R

		Condition C3-1 requires Viva to also undertake sampling in January, February, March, April, July and October. Viva provided EHP with water quality data for January 2016, March 2016, April 2016, June 2016, February 2017, March 2017 and April 2017. Viva has not provided sampling results for February 2016, July 2016, October 2016 January 2017 and July 2017. It is alleged that Viva is non-compliant with condition C3-1 of the EA.

Obligations

You are reminded of Viva's obligations pursuant to section 319 of the Act, which sets out the general environmental duty, and requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm.

In that regard, Viva is encouraged to actively identify all environmental risk factors with the activities conducted on the site on an ongoing basis, and to implement strategies and processes to effectively manage them.

You are invited to make representation on why Viva should not be subject to enforcement action, including prosecution or penalty infringement notice (PIN).

You may make submissions to the department as follows:

- Submissions must be made in writing;
- Submissions must be sent to PO Box 7230, Cairns QLD 4870 or by email to ESTownsville@ehp.qld.gov.au and be addressed to Joshua Maunder; and
- Submissions must be made by **5pm on Monday 11 September 2017.**

Any submission received in accordance with the requirements below will be used to inform the department's consideration of possible compliance action in accordance with its Enforcement Guidelines. A copy of the enforcement guidelines is available on the department's website www.ehp.qld.gov.au.

Penalties

It is an offence to contravene a condition of an environmental authority under section 430 of the Act.

Published on DES Disclosure Log RTI Act 2009

R

- The maximum penalty for an individual is 4500 penalty units, totalling $567,675;
- The maximum penalty for a corporation is five (5) times that for an individual.

In this instance, it has been determined that Viva must take all reasonable and practical measures immediately to rectify the issues and comply with its' obligations.

If additional evidence becomes available, or if a continuation of the alleged non-compliance(s) is identified and/or other more serious matters come to light in the future, the department will consider taking further action, including prosecution in accordance with its Enforcement Guidelines.

Matters of concern

During the inspection, authorised persons observed a number of matters of concern which are outlined in the Table 2 – Matters of concern below for Viva's attention. It is recommended that Viva take action to address these matters of concern to ensure continued compliance with the general environmental duty as detailed in section 319 of the Act.

Table 2 – Matters of concern

Issue	Relevant conditions/ legislation	Summary
Location of approved facilities	Condition A1-1 Section 430(3) of the Act	The EA authorises activities associated with the Cairns Terminal to occur on Lot 42 on Plan RP804036. A review of departmental imagery indicates that various infrastructure including the gantry and both oily water separators are located on Lot 244 on Plan NR5081. The EA does not permit any activities on Lot 244 on Plan NR5081. It is an offence under the Act to undertake an Environmentally Relevant Activity (ERA) without an EA. It is recommended that Viva apply to the department to amend the EA to include Lot 244 on Plan NR5081.
Maintenance and operation of oily water separators	Condition A2-1 Section 430(3) of the Act	During the inspection, Viva staff advised that the oily water separators are run once per week and cleaned every six months. Viva staff were unable to advise what the treatment capability of each oily water

Published on DES Disclosure Log RTI Act 2009

		separator or the manufacturers' maintenance requirements. Specifically, the department notes that Viva was unable to advise the throughput capacity or water treatment capability for both units. Advice received by the department from the manufacturer indicates that these units typically require a service every twelve months and that the service be as per the manufacturers' recommended steps. It is unclear if the cleaning process undertaken by Viva complies with the manufacturers' service requirements. It is recommended that Viva engage with the manufacturer of the oily water separator units to confirm the ongoing maintenance requirements and treatment capabilities.
Site Based Management Plan (SBMP) and Intergraded Environmental Management System (IEMS)	Condition A3-1 Conditions A5-1 and A5-2 Section 430(3) of the Act	Condition A3-1 requires Viva to develop and implement a Site Based Management Plan (SBMP) and conditions A5-1 and A5-2 requires the development and implementation of an Intergraded Environmental Management System (IEMS). The department acknowledges that Viva has provided various information including the Cairns Terminal Environmental Management Manual (EMM) and extracts from the Health, Safety, Security and Environment Plan (HSSE Plan). The HSSE Plan has been developed for all Viva sites and is not specific to the Cairns Terminal. The department is concerned that there is no immediate link between the requirements of the SBMP and the IEMS and the EMM and HSSE Plan. The department also notes that the EMM is overdue for review (scheduled for May 2017). It is recommended that Viva update the EMM to include each of the requirements from conditions A3-1 and A5-2 or a link to the appropriate section and subsection from the HSSE Plan.

Published on DES Disclosure Log
RTI Act 2009

R

Waste soil stockpile	Condition F1-1 Section 319 of the Act	During the inspection, departmental officers observed a large stockpile of waste soil associated with the construction of Tank 13. Viva staff advised that they had sampled the soil to ensure there was no contamination and were planning to remove the soil off-site. During the inspection, a bobcat was observed collecting soil from various locations on the site and placing this on the stockpile. Viva is required to ensure that the waste soil does not contain any contaminants that have the potential to cause environmental harm prior to being removed from site.
AFFF Storage	Condition F1-1 Section 319 of the Act	During the inspection, departmental officers observed a trailer containing AFFF firefighting foam. Viva staff advised that there are two trailers on-site with each containing approximately 900L of AFF product. The trailers were not bunded and located in close proximity to Councils stormwater network which discharges to the Trinity Inlet. Viva is required to undertake works to ensure that any spillage of AFFF product is not released to the adjacent stormwater network.
Gantry bunding	Condition F1-1 Section 430(3) of the Act	During the inspection, departmental officers viewed the gantry bunding and associated collection sump. There is a section of the gantry that has not been bunded. The un-bunded section of the gantry is located approximately 2m from an open stormwater discharge pipe. In the event of an emergency, the release of contaminants has the potential to overwhelm the small collection sump, backfill into the gantry bund and be released through the un-bunded section of the gantry. Viva is required to confirm the capacity of the gantry bund and confirm it is suitable to prevent a release to the stormwater discharge pipe.

Published on DES Disclosure Log
RTI Act 2009

R

Impermeability of Tank Farm bunding	Condition F1-1 Section 430(3) of the Act Section 319 of the Act	During the inspection, departmental officers and Viva staff discussed the Tank Farm bunding. Viva staff indicated that the Tank Farms earthen bund walls were constructed in the 1960s. It is unclear if the earthen bund walls and floor have been adequately compacted to ensure they are impermeable to seepage. Viva was unable to provide any impermeability testing. Viva is required to confirm the integrity of the earthen bund walls and floor of the Tank Farm bunding.

If you have any questions regarding the content of this letter, please do not hesitate to contact Joshua Maunder, Senior Environmental Officer on telephone (07) 4222 5311 or via email joshua.maunder@ehp.qld.gov.au.

Yours sincerely

CTPI 49-Sch4

Rob Little
Compliance Delivery Manager
Environmental Services and Regulation
Department of Environment and Heritage Protection

Published on DES Disclosure Log
RTI Act 2009

Queensland Government

File Ref: 101/0009030
Ref: EPPR00415813; CR82841

5 April 2018

Viva Energy Australia Pty Ltd
Level 16, 720 Bourke Street
Docklands, VIC, 3008

CC: Viva Energy Australia Pty Ltd
GPO Box 872
Docklands, VIC, 3008

Attention: CTPI 49-Sch4
By Email: CTPI 49-Sch4 @vivaenergy.com.au

Compliance Notification 13 March 2018 – Viva Cairns Bulk Fuel Storage Terminal

I refer to the compliance notification relating to the Viva Cairns Bulk Fuel Storage Terminal (the site) received by the department of Environment and Science (the department) on 13 March 2018.

The department has reviewed the information provided and identified an alleged non-compliance with Environmental Authority EPPR00415813 (the EA), as detailed in *Table 1 – Alleged non-compliance.*

Table 1. Alleged non-compliance

Viva Cairns Bulk Fuel Storage Terminal Environmental Authority EPPR00415813	
Relevant Condition	**Summary**
Condition C2-1	Condition C2-1 of the EA states that the release of contaminants to waters from release points W1 and W2 must comply with the limits specified in Schedule C, Table 1. Release points W1 and W2 are the discharge outlets from the site's oily water separators. Schedule C, Table 1 specifies the release limits for dissolved oxygen as a minimum concentration of 2 mg/L and maximum suspended solids concentration of 30mg/L. Monitoring data from 8 January 2018 indicated a dissolved oxygen concentration of <1mg/L in waters being discharged from release point W2. Monitoring data from 19 February 2018 indicates a suspended solids concentration of 31 mg/L in waters being discharged from release point W2.

Compliance and Customer Service Cairns
5B Sheridan Street, Cairns QLD 4870
PO Box 7230, Cairns Qld 4870
Telephone + 61 7 4222 5334
Facsimile + 61 7 4222 5070
Website www.des.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log RTI Act 2009

	It is alleged that Viva Energy Australia Pty Ltd is non-compliant with condition C2-1 of the EA.

You are invited to make submissions to the department regarding the alleged non-compliance as follows:

- Submissions must be made in writing and be sent via email, attention to Joshua Maunder, Senior Environmental Officer of the department at joshua.maunder@des.qld.gov.au and estownsville@des.qld.gov.au.
- Submissions must be made by close of business on **19 April 2018**.

The department has a responsibility to respond to any non-compliance with legislative requirements. The department will consider any submission received in accordance with the above requirements to inform its response.

In the event of non-compliance with the legislation and environmental performance standards, the department has the ability to use a number of enforcement tools including Penalty Infringement Notices and Prosecution, in accordance with its Enforcement Guidelines. A copy of the Enforcement Guidelines can be found on the department's website at www.des.qld.gov.au.

Should you have any queries in relation to this letter, please contact Joshua Maunder, Senior Environmental Officer of the department on telephone (07) 4222 5311 or email joshua.maunder@des.qld.gov.au

Yours sincerely
Mark Cavicchiolo

CTPI 49-Sch4

Compliance Delivery Manager, North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Science

Published on DES Disclosure Log
RTI Act 2009

Reference: NOR/043451

Queensland Government

Department of Environment and Heritage Protection

21 March 2013

BP Australia Pty Ltd
Level 17, 717 Bourke Street
DOCKLANDS VIC 3008

Attention: CTPI 49-Sch4

Compliance Inspection- BP Australia Pty Ltd FN0648

Dear CTPI 49-Sch

I refer to the compliance inspection of BP Australia Pty Ltd's activities at Draper Street, Portsmith (listed as part 1 below) and Wharf 10 (listed as part 2 below), 33 Kenny Street, Portsmith conducted by the Department of Environment and Heritage Protection (the department) on 4 March 2013.

The site inspection was conducted in the presence of CTPI 49-Sch4 (Environmental Advisor) and CTPI 49-Sch4 (Terminal Manager) who were representing BP Australia Pty Ltd. The purpose of the inspection was to evaluate compliance with development approval FN0648.

While undertaking the inspection, the department identified a number of non-compliances with development approval FN0648 which are outlined as follows:

Table 1: Details of Non-Compliance with FN0648

<table>
<tr><th>Condition number</th><th>Detail of non-compliance</th></tr>
<tr><td>BP Terminal
Part 1 C2-1</td><td>Condition:
The release of contaminants to waters from Release Point W1, Release Point W2 and Release Point W3 must comply with each of the limits specified in Schedule C Table 1 for each quality characteristic.
Identified non-compliance:
Water quality monitoring results show that there have been a number of non-compliances relating to pH levels since 2011.
<table>
<tr><th>Sample point and date</th><th>Water quality monitoring limit (pH)</th><th>Water quality monitoring result (pH)</th></tr>
<tr><td>W1
15 March 2012
21 March 2012</td><td>6.5-8.5</td><td>
8.66
8.89</td></tr>
<tr><td>W2
25 September 2012
16 November 2011</td><td>6.5-8.5</td><td>
6.36
6.34</td></tr>
<tr><td>W3</td><td></td><td></td></tr>
</table>
</td></tr>
</table>

Published on DES Disclosure Log
RTI Act 2009

	15 May 2012	6.5-8.5	6.1
	This is considered a minor non-compliance.		
Part 1 C5-1	***Condition:*** All petroleum product storage tanks must be bunded so that the capacity of the bund is sufficient to contain at least 100% of the largest storage tank plus 10% of the second largest tank within the bund. ***Identified non-compliance:*** The bunded capacity of the gantry area was identified to have a capacity of 21,000 litres. The department was advised that storage containers with a capacity of 23,000 litres are filled within this area. Additionally there is the possibility that more than one storage tank is loaded within the area at one time. Stormwater has the potential to reduce the capacity of the bunded area further depending on weather conditions. The department was advised that BP Australia Pty Ltd has been aware of this issue since 2010. This is considered a serious non-compliance.		

It is an offence under section 435 of the *Environmental Protection Act 1994* to contravene a condition of a development approval and significant penalties apply.

The department reserves the right to take further compliance action if further information comes to light which escalates the seriousness of the identified non compliance.

Areas of Concern

During the inspection the following areas of concern were also identified and require attention.

Table 2: Area of concern

Condition number	Detail of non-compliance
BP Terminal Part 1 C4-3	***Condition:*** The holder of this environmental authority must carry out a groundwater monitoring program of all groundwater monitoring bores installed under this environmental authority in accordance with the following requirements: (a) samples of groundwater must be taken from each of the bores on at least one occasion in each of the months of February and August each year, and must be analysed for Total Hydrocarbons. **Area of concern:** Groundwater monitoring results identify elevated levels of semi volatile Total Petroleum Hydrocarbons (TPH) at the site when compared to adopted environmental criteria. Particular reference is drawn to the exceedances of semi volatile TPH identified at MW3 (1,090mg/L) and M5 (32,970mg/L) in February 2012. The adopted environmental criteria for semi volatile TPH is identified to be 600mg/L. The explanation of the elevated levels of TPH provided in the annual report was not satisfactory to account for such a significant exceedance.
Wharf 10 Part 2 A1-1	***Condition:*** In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if

Published on DES Disclosure Log RTI Act 2009

	carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this authority. NOTE: This authority authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this authority explicitly authorises that harm. Where there is no condition or the authority is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm. **Area of concern:** It was noted at Wharf 10 that the fuel pipeline(s) run from the manifold and then adjacent the wharf directly above Trinity Inlet. In the event of a breach in the pipeline there is the potential for fuel to be discharged directly to Trinity Inlet. No environmental controls were identified to manage and mitigate this risk. It is understood that The Shell Company of Australia and Caltex Australia Petroleum Pty Ltd are the owners of the pipelines on Wharf 10. However BP Australia Pty Ltd is still responsible to meet the conditions of development approval FN0648 and General Environmental Duty (GED) pursuant to s319 of the *Environmental Protection Act 1994* (EP Act) when undertaking the activity.
	GED: Pursuant to s.319 of the EP Act a person has a GED not to: "....carry out any activities that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm" **Area of concern:** It was noted that during the incident on 26 January 2013 that 33,333 litres of fire fighting foam was released within the gantry area. The bunded capacity of the gantry is 21,000 litres. In the event the fire fighting system is triggered, based on past incidents, the bunded capacity of the gantry area is insufficient to contain fire fighting material. No environmental controls were identified to prevent the release of these contaminants to the stormwater system.

The department requests BP Australia Pty Ltd provide a written response by 17 April 2013 detailing the actions proposed and associated time-frames to rectify the identified non compliances and the areas of concern highlighted.

The department thanks you for providing your time and assistance during the site inspection.

Should you wish to discuss any of the matters raised in this letter, please liaise with Calvin Quick, who can be contacted by (07) 4222 5161 or at calvin.quick@ehp.qld.gov.au

Yours sincerely

CTPI 49-Sch4

Mark Cavicchiolo
Principal Environmental Officer

Published on DES Disclosure Log RTI Act 2009

Queensland Government

Department of Environment and Heritage Protection

Your reference: PIN5859
Our Reference: CA31156 and PIN5859

4 April 2014

CTPI 49-Sch4

BP Australia Pty Ltd
Level 17, 717 Bourke Street
DOCKLANDS VICTORIA 3008

Attention: CTPI 49-Sch4

Re: Penalty Infringement Notice for contravention of a condition of the environmental authority under the *Environmental Protection Act 1994*

I refer to the compliance inspection of BP Australia Pty Ltd's activities at Kenny Street Cairns on land described as Lot 345 on SP113643 by the Department of Environment and Heritage Protection (the department) on 13 March 2014.

While undertaking the inspection, the department identified a breach against condition C2-1 (Part 1) of the Environmental Authority no. EPPR00765513 which states:

Quality Characteristics of Release to Waters

(C2-1) - The release of contaminants to waters from Release Point W1, Release Point W2 and Release Point W3 must comply with each of the limits specified in Schedule C Table 1 for each quality characteristic.

It is an offence for a person to contravene a condition of the environmental authority under section 430(3) of the *Environmental Protection Act 1994*.

The department has determined that the facts and circumstances of the offence warrant the issuing of a Penalty Infringement Notice (PIN) as an alternative to proceeding by way of prosecution in Court. Please note that the department acknowledges your email correspondence of 3 April 2014 regarding this matter, and has given that additional information due consideration in its decision.

Please find enclosed a PIN issued to you in the amount of $2,200. Payment of this sum must be made within 28 days, being **19 May 2014**. Payment options available to you include cheque, money order, BPAY and BPOINT. For more information regarding your payment options please refer to the reverse side of the PIN.

William McCormack Place
5B Sheridan Street Cairns
PO Box 937 Cairns
Queensland 4870 Australia
Telephone + 61 7 4222 5334
Facsimile + 61 7 4222 5070
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log RTI Act 2009

Also contained in the PIN is information regarding your rights and obligations. This includes your right of election to have this matter dealt with by a Court. Should you wish to elect to take the matter to Court, please complete the 'Elect for Court Hearing' section in the PIN and send the Notice to GPO Box 2454, Brisbane QLD 4001.

To assist you in complying with this Act, or for more information about the department's role in regulating Queensland's environment and heritage, please visit the department's website at: http://www.ehp.qld.gov.au

If you have any questions about this letter or require more information about the accompanying PIN please contact Brigitte Hughes on (07) 4222 5308 or via email at hazel.hughes@ehp.qld.gov.au

Yours sincerely

CTPI 49-Sch4

Mark Cavicchiolo
Principal Environmental Officer
Environmental Services and Regulation – North Region
Department of Environment and Heritage Protection

Published on DES Disclosure Log
RTI Act 2009

Alleged Offender's copy

Queensland Government

Penalty Infringement Notice

State Penalties Enforcement Act 1999

No. Q 2000004001016[illegible]

Alleged offender details

Family/Business/Company name and ACN: [illegible] PTY LTD [illegible]

Given name/s (If Individual):

Male ☐ Female ☐

Current address/ Registered office:

LEVEL 17, 717 BOURKE STREET
DOCKLANDS VICTORIA
Postcode [illegible]

Date of birth:

Phone Number:

Driver ☐ Passenger ☐ Owner ☐ Other ☐

Please specify:

Identification details

Licence/Permit (type): ENVIRONMENTAL AUTHORITY

State: QLD

Number: [illegible]

Date of expiry:

Issued by: ENVIRONMENT AND HERITAGE PROTECTION

Date of Issue: [illegible]

Vessel / Vehicle/Aircraft details

Vessel ☐ Vehicle ☐ Aircraft ☐ Commercial ☐ Private ☐

Registration number:

State:

Make:

Colour:

Body type:

VIN/Chassis number:

Registration expires:

Alleged offence details

Committed ☑ Permitted ☐ At [illegible]20 on THURSDAY and 13/3/14

Or (do not use between dates for offences involving vehicles)

Between Start date and End date

Location/Lot & Plan/ Other details (including address or GPS coordinates where appropriate):

[illegible] HENRY STREET CAIRNS
LOT 245 ON SP113643

Act or Regulation breached

Act breached: ENVIRONMENTAL PROTECTION ACT 1994

Code	Identifying particulars of the offence (Nature of alleged offence)	Penalty
EPA 49	CONTRAVENTION OF CONDITION OF ENVIRONMENTAL AUTHORITY	$2,200

Issuing officer's details

Authorised officer's name (print): BRIGITTE M HUGHES

Office / Department: ENVIRONMENT AND HERITAGE PROTECTION

I.D. number: 7020066

Signature

Date: 24/3/14

CTPI 49-Sch4

Published on DES Disclosure Log RTI Act 2009

Biller Code: 35436
Reference No: 2000000400[illegible]

If an infringement Notice is served on the person who is the owner of the vehicle at the time of the offence, the owner is taken to have committed the offence even though the actual offender may have been someone else.

If you were not responsible for the offence you should supply the Department of Environment and Resource Management within 28 days of the service of this Notice, a Statutory Declaration (below) giving the name and address of the person in charge of the vehicle at the time of the offence.

Failure by you as the registered owner of the vehicle to provide a statutory declaration may result in you being deemed as responsible for the alleged offence.

Statutory Declaration (Do not forward payment if completing this Statutory Declaration)

I, _____
Full name (in the case of a corporation, the full name of authorised person completing this Declaration)

of, _____
Residential address (Corporation name in the case of a corporation) Postcode

declare that at the time of the offence as stated in the Notice, I was not the driver of the vehicle. I further declare that at the time of the offence, motor vehicle registration number _____

☐ the driver was _____ ☐ Male ☐ Female
Family name Given name(s)

☐ had been disposed of by _____
Residential address Postcode

me on ___/___/___ to _____ _____ ___/___/___
Licence number State of Issue Date of birth

☐ was driven by a person whose name and address I have been unable to ascertain after reasonable and diligent enquiries.

☐ was stolen or illegally taken at the time of the offence and the matter was reported to _____ police station ___/___/___.

I have completed all details and make these solemn declarations conscientiously believing the same to be true, and by virtue of the Oaths Act 1867. _____
Signature (Do not forward payment)

Declared at _____ In the state of _____ this _____

day of _____ 20___ before me _____
Justice of the Peace, Commissioner for Declarations or Legal Practitioner

Send completed notice to: **Department of Environment and Resource Management**
GPO Box 2454
BRISBANE QLD 4001

Published on DERM Disclosure Log
RTI Act 2009

R

Queensland Government

Department of
Environment and Science

Ref EPPR00427813; CA50085

22 May 2018

Caltex Australia Petroleum Pty Ltd
Level 24, 2 Market St
SYDNEY NSW 2001

Attention: CTPI 49-Sch4

Email: CTPI 49-S@caltex.com.au, CTPI 49-S@caltex.com.au

Compliance inspection – 30 April 2018 at Caltex Australia Petroleum Pty Ltd, Portsmith facility. Environmental Authority EPPR00427813.

Dear CTPI and CTPI

I refer to the compliance inspection of Caltex Australia Petroleum Pty Ltd at Portsmith facility, Cairns, on 30 April 2018 by authorised persons Douglas McCallum and Daniel Gunzberg of the Department of Environment and Science (the department). The site inspection was conducted in the presence of CTPI 49-Sch4 (Senior Environmental Specialist - Licensing) and CTPI 49-Sch4(Terminal Manager) of Caltex Australia Petroleum Pty Ltd.

The purpose of the inspection was to evaluate compliance of authorised environmentally relevant activities (ERA's) being conducted on the site with the conditions prescribed in the environmental authority (EA) EPPR00427813. The inspection was not a full audit of your activities. It is important to note that the inspection does not relieve Caltex Australia Petroleum Pty Ltd of other obligations under the *Environmental Protection Act 1994*.

A. Alleged non-compliance and Matters of Concern

The department has finalised the inspection and are investigating the following alleged Non-compliance and Matter of Concern of EPPR00427813 and the *Environmental Protection Act 1994 as* outlined in Appendix 1 and 2.

B. Obligations

You are reminded of your obligations pursuant to section 319 of the *Environmental Protection Act 1994*, which sets out the general environmental duty, and requires anyone who carries out an activity that causes, or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard you are encouraged to actively identify all environmental risk factors with the activities conducted on

Level 3
5B Sheridan Street, Cairns
PO Box 7230, Cairns
Queensland 4870 Australia
Telephone (07) 4222 5334
Facsimile (07) 4222 5070
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log
RTI Act 2009

the site on an ongoing basis, and to implement strategies and processes to effectively manage them.

You are invited to make representations as to why Caltex Australia Petroleum Pty Ltd should not be subject to enforcement action.

You may make submissions to the department as follows:

- submissions must be made in writing;
- submissions must be sent to PO Box 7230, CAIRNS OR by email to ESTownsville@des.qld.gov.au;
- submissions must be made by **5pm on Tuesday 5 June 2018.**

C. Penalties

It is an offence to contravene a condition of an environmental authority.

- The maximum penalty for an individual is 4,500 penalty units, totalling $567,675.00;
- The maximum penalty for a corporation is five times that amount.

The department has a responsibility to respond to any non-compliance with legislative requirements. In the event of non-compliance with the legislation and environmental performance standards, the department has the ability to use a number of enforcement tools including Penalty Infringement Notices and prosecution, in accordance with its Enforcement Guidelines. A copy of the Enforcement Guidelines can be found on the department's website at www.des.qld.gov.au.

Should you have any queries in relation to this letter, please contact Douglas McCallum, A/ Senior Environmental Officer of the department on telephone 07 4222 5301 or by email at Douglas.McCallum@des.qld.gov.au.

Yours sincerely

CTPI 49-Sch4

Mark Cavicchiolo
Compliance Delivery Manager
North Queensland Compliance
Environmental Services and Regulation

Attached – Table 1. Alleged non-compliance
Table 2. Matters of concern

Published on DES Disclosure Log RTI Act 2009

17-493

File A

Page 24 of 53

R

Published on DES Disclosure Log RTI Act 2009

Appendix 1: Caltex Australia Petroleum Pty Ltd Alleged Non-compliance

No.	Issue	Relevant Condition(s) /Legislation	Facts and circumstances
1.	No secondary containment system for the diesel tank mounted on the wall of the fire pump house on Kenny St.	G6	During the inspection, it was observed by Authorised Person's that the diesel tank located on the wall of the fire pump house on Kenny St was greater than 15 litres in capacity and did not have a secondary containment system. The diesel tank was located on the edge of the Kenny St site where drainage was directed approximately 12 metres to a roadside gutter which would ultimately drain into the Cairns Port. It is an alleged contravention of EA condition G6 which states: *"Chemicals and fuels in containers of greater than 15 Litres must be stored within a secondary containment system".*

Appendix 2: Caltex Australia Petroleum Pty Ltd Matters of Concern

No.	Issue	Relevant Condition(s)/ Legislation	Summary and Requirements
1.	Containment and disposal plan for AFFF stocks onsite	**G10/** **G.E.D/** **Operational Policy:** Environmental Management of Firefighting Foam	During the inspection, it was identified by Jos Kusters and Ian Seeto that the AFFF deluge system used in the tanker reloading shed has a containment sump for up to 20,000L of fire water, however past 20,000L the system would ultimately overflow into the oil water separator and release into the environment. If a discharge of firewater from the 20,000L sump occurred, the department would consider this a non-compliance with EA Condition G10 which states; "*Other than as permitted by this environmental authority, the release of a contaminant into the environment must not occur".* The department has concerns that the site would not have complete containment in the event of a discharge of fire water greater than 20,000L. As per the Operational Policy: Environmental Management of Firefighting Foams, Class B- Persistent foams (depending on their exact type) are required to either be; • Continued use provided complete containment in impervious bund/sump or • Phased out ASAP before 7 July 2019 with interim containment measures.

17-493

No.	Issue	Relevant Condition(s)/ Legislation	Summary and Requirements
			The department also wishes to remind Caltex Petroleum Australia Pty Ltd of the Operational Policy: Environmental Management of Firefighting Foams which requires a disposal plan for Class B- Persistent Foams which includes AFFF.

Published on DES Disclosure Log
RTI Act 2009

File A

R

Ref 101/0010951
CA34777

Queensland Government

Department of Environment and Heritage Protection

29 April 2015

CTPI 49-Sch4
Manager – Cairns J.U.H.I.
Caltex Australia Petroleum Pty Ltd
PO Box 676N
CAIRNS QLD 4870

Compliance Inspection- Environmental Authority EPPR00238713 – 13 March 2015

Dear CTPI 49-Sch4

I refer to the compliance inspection of the Cairns Airport Refuelling Service conducted by the Department of Environment and Heritage Protection (the department) on 13 March 2015.

The site inspection was conducted in the presence of CTPI 49-Sch4 representing Cairns Airport Refuelling Services Pty Ltd. The purpose of the inspection was to evaluate compliance with environmental authority EPPR00238713.

Areas of concern regarding compliance with the environmental authority have been identified during the inspection and further information is required to determine whether these concerns constitute non-compliances. These are outlined as follows.

Table 1: Details of areas of concern

Condition number	Detail of area of concern
C3	Condition: *Contaminants must not be directly or indirectly released from any source on the licensed place to any waters at any location other than treated water from the oil separator at Release Point W1 to an unnamed tidal tributary of Trinity Bay.* Justification/Recommended action During the inspection water was observed seeping from the bund wall around the fuel tanks and flowing into the adjacent creek. Mr Davis informed that previous investigations of this determined that this seepage was a result of groundwater infiltration from underneath the bund. As this issue could lead to a possible release of contaminants into the receiving environment, the department requires evidence be provided to verify that the

Level 3
5b Sheridan Street, Cairns
PO Box 7230, Cairns
Queensland 4870 Australia
Telephone + 61 7 4222 5334
Facsimile + 61 7 4222 5070
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log RTI Act 2009

	seepage is not a result of permeable bunding and does not have the potential to release contaminants to the receiving environment.
C4	Condition: *The total quantity of contaminants released from Release Point W1 during any day must not exceed 200 cubic metres.* Justification/Recommended action During the inspection, treated water from the oil separator was being released to the unnamed tributary of Trinity Bay. When Mr Davis was asked the quantity of the water being released it could not be determined. The department requires an explanation be provided regarding the maximum amount of treated water that is released off site for a 24 hour period. If there is uncertainty of this amount, measures are to be implemented to quantify the amount of treated water being released, and to ensure it does not exceed the 200 cubic metre limit.
D6	Condition: *All bunding and/or tanker loading/unloading areas must be constructed and maintained so as to be impervious to the materials stored within it.* Justification/Recommended action Extensive cracking through the floor of the fuel tank bunding was observed during the inspection. This raises uncertainty regarding the integrity of the bunding. Mr Davis advised that testing has been performed on the cracks to determine if liquids have the capacity to pass through them and that no issues were identified. As this issue could contribute to a possible release of contaminants into the receiving environment, the department requires evidence be provided to verify the integrity of the bunding.

You may make submissions to the department as follows:

- submissions must be made in writing or via email;
- submissions must be sent to:
  PO Box 7230
  CAIRNS QLD 4870 or
  chris.deroma@ehp.qld.gov.au;
- submissions must be made by 8 May 2015

This advice will be used to inform the Department's consideration of possible compliance action in accordance with its Enforcement Guidelines. These guidelines can be viewed at https://www.ehp.qld.gov.au/management/pdf/enforcement-guidelines.pdf.

Further to this the department requires advice on what type/s and quantities of firefighting foams are stored on site.

Published on DES Disclosure Log RTI Act 2009

You are also reminded of your obligations under section 319 of the Environmental Protection Act 1994, which sets out the general environmental duty, and requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard, you are encouraged to actively identify all environmental risk factors associated with the activities at the site on an ongoing basis, and to implement strategies and processes to manage them effectively.

Should an event occur that causes or threatens serious or material environmental harm, under the conditions of the EA, Cairns Airport Refuelling Services Pty Ltd has a duty to notify the department of such events. Further information on the duty to notify requirements is available on the department's website at www.ehp.qld.gov.au. If an event occurs during business hours, please contact Chris De Roma on telephone 07 4222 5525. Alternatively if an event occurs outside of business hours please contact the department's pollution hotline on 1300 130 372.

Should you have any further enquiries, please contact Mr Chris De Roma, A/Senior Environmental Officer of the department on telephone 07 4222 5525.

Yours sincerely

CTPI 49-Sch4

Mark Cavicchiolo
Compliance Delivery Manager, North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection

Published on DERM Disclosure Log
RTI Act 2009

Reference: NOR/043452

Queensland Government

Department of Environment and Heritage Protection

18 April 2013

Caltex Australian Petroleum Pty Ltd
PO Box 917
CAIRNS QLD 4870

Attention: CTPI 49-Sch4

Compliance Inspection – Caltex Australian Petroleum Pty Ltd SPDE01941011

Dear CTPI 49

I refer to the compliance inspection of Caltex Australian Petroleum Pty Ltd's activities at Wharf 10, 90-104 Draper Street and 13-15 Kenny Street Cairns conducted by the Department of Environment and Heritage Protection (the department) on 25 March 2013.

The site inspection was conducted in the presence of CTPI 49-Sch4 (Terminal Manager) who represented Caltex Australian Petroleum Pty Ltd. The purpose of the inspection was to evaluate compliance with development approval SPDE01941011.

The inspection undertaken by the department determined that Caltex Australian Petroleum Pty Ltd was compliant with development approval SPDE01941011. However the inspection identified an area of concern which is outlined as follows:

Area(s) of Concern

During the inspection the following area(s) of concern was identified and requires attention.

Table 1: Area(s) of concern with SPDE01941011

Condition number	Detail of area of concern
Wharf 10 Part 3 A1-1	***Condition:*** In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this authority. NOTE: This authority authorises the environmentally relevant activity. It does not authorise environmental harm unless a condition contained within this authority explicitly authorises that harm. Where there is no condition or the authority is silent on a matter, the lack of a condition or

Published on DES Disclosure Log RTI Act 2009

	silence shall not be construed as authorising harm. **Area of concern:** It was noted at Wharf 10 that the fuel pipeline(s) run from the manifold and then adjacent the wharf directly above Trinity Inlet. In the event of a breach in the pipeline there is the potential for fuel to be discharged directly to Trinity Inlet. Caltex Australia Petroleum Pty Ltd is responsible to meet the conditions of development approval FN0644 and General Environmental Duty (GED) pursuant to s319 of the *Environmental Protection Act 1994* (EP Act) when undertaking the activity.

It is noted that no response has been received in relation to the letter sent on 21 March 2013 in regards to the incident that resulted the release of 5,000 litres of jet fuel in the A5 bund. The department requests Caltex Australian Petroleum Pty Ltd provide a written response by 16 May 2013 detailing the actions proposed and associated time-frames to rectify the identified area of concern and a response to the letter sent on 21 March 2013.

The department thanks you for providing your time and assistance during the site inspection.

Should you wish to discuss any of the matters raised in this letter, please liaise with Calvin Quick, who can be contacted by (07) 4222 5161 or at calvin.quick@ehp.qld.gov.au

Yours sincerely

CTPI 49-Sch4

Mark Cavicchiolo
Principal Environmental Officer

Published on DES Disclosure Log
RTI Act 2009

Queensland Government
Department of
Environment and Heritage Protection

File Ref 101/0009627
Ref CA35631

2 June 2015

Caltex Australia Petroleum Pty Ltd
PO Box 441
MATRAVILLE NSW 2036

Attention: CTPI 49-Sch4 *and* CTPI 49-Sch4

Compliance inspection – Caltex Bulk Terminal, Cairns - 15 May 2015

I refer to the compliance inspection of Caltex Australia Petroleum Pty Ltd (Caltex), conducted in your presence at the Cairns Bulk Terminal at 204 Draper Street and 13-15 Kenny Street (chemical storage) and Wharfs 7, 8 and 10 (bulk material handling) by the Department of Environment and Heritage Protection (the department), on 15 May 2015.

As you are aware, the purpose of the inspection was to evaluate compliance with conditions prescribed in the environmental authority (EA) EPPR00427813 held by your company, which authorises the following environmentally relevant activities (ERA):

- ERA 8(3) Chemical storage more than 500m3 of dangerous goods Class 3 or Class C1 or C2 combustible liquids under AS 1940
- ERA 50(1a) Bulk material handling - Stockpiling 50,000t or more of minerals or loading or unloading 100 t/day or more of minerals within 5km of highest astronomical tide or 1km of a watercourse
- ERA 50(2) Bulk material handling - Loading or unloading bulk materials or stockpiling 100t/day or more of bulk materials in association with a port

The site inspection also evaluated compliance with certain conditions of development approval (DA) SDA-0214-008074 held by your company, specifically the following aspect of development:

- Operational Work – Tidal Works

The inspection was not a full audit of your activities. It is important to note that the inspection does not relieve Caltex of other obligations under the *Environmental Protection Act 1994*, *Coastal Protection and Management Act 1995* and *Sustainable Planning Act 2009*.

Published by DES Disclosure Log RTI Act 2009

5B Sheridan Street
PO Box 7230 Cairns
Queensland 4870 Australia
Telephone + 61 7 4222 5161
Facsimile + 61 7 4222 5070
Website www.ehp.qld.gov.au

The department has finalised the inspection and identified the following contravention(s) of the DA which are outlined in Table 1 below.

Table 1 – Details of non-compliance

Condition number	Detail of non-compliance
Condition 8	*Condition* Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters. *Observation* During the site inspection the pipeline that is being constructed between wharfs 7 and 8 to wharf 10 was inspected. It was observed that sediment fencing at the construction site had failed and was potentially allowing sediment to enter trinity inlet. This is a non-compliance with condition 8 of the DA. *Option for remediation* Re-install and maintain appropriate erosion and sediment control measures at the wharf 7, 8 and 10 construction site.

The department has identified the following non-compliances with the EA which are outlined in Table 2 below.

Table 2 – Details of non-compliance

Condition number	Detail of non-compliance
2-L1	*Condition* **Contaminants** must not be released to land. *Observation* During the site inspection of the Kenny Street bulk terminal department officers observed 1 rusted chemical drum leaking liquid and 2 sun-damaged intermediate bulk containers containing liquid. It was advised that the containers contained 'blood and bone' fertiliser and were awaiting removal by a waste disposal company. The department raised concerns regarding the management of the containers which allowed the leaking of contaminants to land. *Option for remediation* Contain the contaminated materials to ensure no further contamination of land or the receiving environment. Dispose of contaminated materials,

Published on DES Disclosure Log RTI Act 2009

	including any soil that has been contaminated as a result of the spillage, to a facility that can lawfully accept the waste.

The department has identified the following areas of concern with the EA which are outlined in Table 3 below.

Table 3 – Area of Concern

Issue	Area of Concern
Firefighting foam	During the site inspection it was identified that the site holds approximately 9,000 litres of firefighting foam concentrate containing fluorinated organic compounds. The department has serious concerns regarding the environmental impact of this product if released to the receiving environment. The environmental impacts from firefighting foams containing fluorinated organic compounds arise from their persistence, bioaccumulation potential, toxicity (short and long term) and biological oxygen demand depletion in the receiving environment. Foams containing PFOS, PFOA and PFOA precursors must be withdrawn from service and must be secured and properly disposed of in such a way so as to completely immobilise or destroy them. Foams containing PFOS, PFOA and PFOA precursors must not be on-sold, traded, exported or otherwise provided to any person other than for the purposes of proper disposal. Established methods for destruction include dedicated high temperature thermal incineration at or above 1,100°C such as in a plasma-arc furnace or cement kiln. Please provide details to the department regarding your current management framework around the storage and use of the fluorinated firefighting foam concentrate held on the site.
Firefighting foam	During the site inspection it was identified that Caltex is planning to undertake a firefighting training exercise at the Cairns Bulk Terminal in the near future. The department was advised that the firefighting training exercise would involve the use of firefighting foam which contains fluorinated organic compounds. The department has a clear position in relation to firefighting foam, including the management of training and testing foams, as outlined in the current draft policy "Management of Firefighting Foam". The current draft policy states: *"For the purposes of this policy "training foams" are regarded as the*

Published on DES Disclosure Log RTI Act 2009

	same as firefighting foams for all intents and purposes. Foams used for training, testing or maintenance purposes must not contain any fluorinated organic compounds with the exception that if there is a defined requirement for testing with the operational foam the foam must be fully C6 purity-compliant. Any firewater, wastewater, runoff and other wastes containing fluorinated organic compounds must be able to be fully contained and disposed of as regulated waste. Where a training foam may be released to the environment a low impact foam should be used and its release must be in a controlled manner and managed in such a way so as not to cause environmental harm by acute or chronic toxicity or BOD effects in waterways." The department requests that it be notified a minimum of 10 business days prior to any planned use of firefighting foam training exercises undertaken at the Cairns bulk terminal. A notification should include information on how Caltex intends to safely and appropriately use, contain and store wastes produced in the exercise in accordance with the requirements of the *Environmental Protection Act 1994*.
Chemical Storage	Condition 1-L2 and 2-L2 of the EA detail the following: *Spillage of chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.* *NOTE: All petroleum product storages must be designed, constructed and maintained in accordance with AS 1940 – Storage and Handling of Flammable and Combustible Liquids.* Section 5.8.3(a) of AS 1940 details the following: *A compound and its associated bund shall comply with the following requirements:* *(a) It shall be sufficiently impervious to retain spillage and to enable recovery of any such spillage* *NOTE: When earthen bunds are used, consideration should be given to the minimisation of penetration of the bund surface, because of permeability, in the event of a spill.* During the site inspection it was noted that bunding of the chemical storage tanks at both the Draper and Kenny Street bulk terminals were constructed

Published on DES Website RTI Act 2009

R

	with earthen bunds. Please demonstrate to the department that the earthen bunds comply with section 5.8.3(a) as AS 1940.

Penalties

It is an offence under section 580 of the *Sustainable Planning Act 2009* to contravene a development approval, including any condition in the approval and significant penalties apply

- The maximum penalty for a person is 1665 penalty units, totalling $189,560.25

It is an offence under section 430 of the *Environmental Protection Act 1994* to contravene a condition of an environmental authority and significant penalties apply.

- The maximum penalty for an individual is 2,000 penalty units, totalling $227,700 or 2 years imprisonment.

For each of the penalties identified above the maximum penalty for a corporation is five times the amount stated.

Obligations

You are reminded of your obligations pursuant to section 319 of the *Environmental Protection Act 1994*, which sets out the general environmental duty, and requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard, you are encouraged to actively identify all environmental risk factors with the activities conducted on the site on an ongoing basis, and to implement strategies and processes to effectively manage them.

The department requests that Caltex provide a written response by **15 June 2015** detailing proposed actions and associated time-frames to rectify the identified non-compliances and areas of concern detailed in Tables 1, 2 and 3.

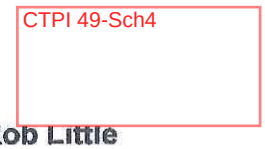
The department would like to thank you for your time and assistance with the compliance inspection and looks forward to a prompt resolution of the matters raised.

Should you wish to discuss any of the matters raised in this letter, please contact Mr Calvin Quick, Senior Environmental Officer of the department on telephone (07) 4222 5161 or at calvin.quick@ehp.qld.gov.au

Published on DES Disclosure Log RTI Act 2009

R

Yours sincerely



Rob Little
Compliance Delivery Manager, North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection

Published on DES Disclosure Log
RTI Act 2009

Queensland Government

Department of
Environment and Science

Ref EPPR00238713; CA50781

21 June 2018

Cairns Airport Refuelling Services Pty Ltd
PO Box 676N
CAIRNS QLD 4870

Attention: CTPI 49-Sch4

Email: CTPI 49-Sch4@caltex.com.au, CTPI 49-Sch4@caltex.com.au

Compliance inspection – 30 May 2018 at Cairns Airport Refuelling Services Pty Ltd, Cairns Airport facility, Environmental Authority EPPR00238713.

Dear CTPI and CTPI 49

I refer to the compliance inspection of Cairns Airport Refuelling Services Pty Ltd (CARS) at Cairns Airport, on 30 May 2018 by authorised persons Quinn McDonald and Ing Toh of the Department of Environment and Science (the department). The site inspection was conducted in the presence of CTPI 49-Sch4 and CTPI 49-Sch4 of Caltex Australia Petroleum Pty Ltd.

The purpose of the inspection was to evaluate compliance of authorised environmentally relevant activities (ERA's) being conducted on the site with the conditions prescribed in the environmental authority (EA) EPPR00238713. The inspection was not a full audit of your activities. It is important to note that the inspection does not relieve CARS other obligations under the *Environmental Protection Act 1994*.

Following a review of the information obtained during the site inspection, the department has identified the following alleged non-compliances of the EA, as detailed in Table 1.

Table 1. Alleged non-compliances

Relevant Condition	Summary
Condition D4	Condition D4 of the EA states that: *"All chemical and petroleum product drum storages must be bunded so that the capacity of the bund is sufficient to contain at least 25% of the maximum design storage volume within the bund."*

Level 3
5B Sheridan Street, Cairns
PO Box 7230, Cairns
Queensland 4870 Australia
Telephone (07) 4222 5334
Facsimile + 61 7 4222 5070
Website www.des.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log
RTI Act 2009

	Details of alleged non-compliance: • It was observed that bunding had recently been installed for a portion of the foam shed, however the bunding did not extend around the entire perimeter of the foam shed. • The shed contains approximately 1,340 L of foam concentrate and 80 L of waste foam. In the event of a spill, there is a risk that contaminants will be released to the environment.
Condition D6	Condition D6 of the EA states that: *"All bunding and/or tanker loading and unloading areas must be constructed and maintained so as to be impervious to the material being stored within it."* • Seepage was observed coming from the southern wall of the fuel farm bund. The bitumen on the road surface adjacent to this location had also eroded. Therefore the bunding is not impervious to the materials stored within it. • It was noted that Cairns Airport Refuelling Services Pty Ltd was in the process of repairing parts of the bund during the inspection.
Condition D11	Condition D11 of the EA states that: *"All spilled materials on roadways and other hardstand areas or in the bunded areas must be cleaned up as soon as practicable by the use of dry absorbent material or by other means which prevent such spilled materials entering the stormwater system."* • Oil spills were observed adjacent to the southern bund wall and beneath a refuelling vehicle parked within the gantry area. • These spills had not been cleaned up to prevent release of contaminants to the stormwater system and the receiving environment.
Condition H4	Condition D11 of the EA states that: *"Where the holder of this environmental authority has not given notification to the administering authority under section 37 of the Environmental Protection Act, as soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance with the conditions of this environmental authority, the holder of this environmental authority must notify the administering authority of the release by telephone or facsimile."*

Published on DES Public Disclosure Log RTI Act 2009

R

	• CARS representatives presented spill records during the site inspection. • A review of departmental records indicates that these events have not been reported to the department in accordance with Condition H4.

A. Requirements

You are invited to make representations as to why Cairns Airport Refuelling Services Pty Ltd should not be subject to enforcement action.

You may make submissions to the department as follows:

- submissions must be made in writing and sent to PO Box 7230, CAIRNS OR by email to ESTownsville@des.qld.gov.au;
- submissions must be made by **5pm on Friday 6 July 2018**.

It is an offence to contravene a condition of an environmental authority. The department has a responsibility to respond to any non-compliance with legislative requirements. The department will consider any submission received in accordance with the above requirements to inform its response. In the event of non-compliance with the legislation and environmental performance standards, the department has the ability to use a number of enforcement tools including Penalty Infringement Notices and prosecution, in accordance with its Enforcement Guidelines. A copy of the Enforcement Guidelines can be found on the department's website at www.des.qld.gov.au.

Should you have any queries in relation to this letter, please contact Ing Toh, Environmental Officer of the department on telephone 07 4222 5355 or by email at Ing.Toh@des.qld.gov.au.

Yours sincerely

CTPI 49-Sch4

Mark Cavicchiolo
Compliance Delivery Manager
North Queensland Compliance
Environmental Services and Regulation

Published on DES Disclosure Log RTI Act 2009

Queensland Government
Department of
Environment and
Heritage Protection

File Ref 101/0009103
Ref CA40017

11 August 2016

Australian Terminal Operations Management Pty Ltd
Level 3, Unit 3, 22 Albert Road
SOUTH MELBOURNE, VICTORIA, 3205

Attention: CTPI 49-Sch4

Dear CTPI 49-Sch4

Compliance inspection – 8 March 2016

I refer to the compliance inspection of the Australian Terminal Operations Management Pty Ltd (ATOM) chemical storage and bulk material handling activities conducted in your presence by the Department of Environment and Heritage Protection (the department), on 8 March 2016. As you are aware, the purpose of the inspection was to evaluate compliance with conditions prescribed in the environmental authority (EA) EPPR00765513 parts 1 and 2.

A. Identified non-compliance/s and matters of concern
While undertaking the inspection, and following review of subsequent reporting requirements under the EA, the department identified a potential non-compliance with condition C1-1 of the EA and additional areas of concern, which are outlined further in Appendix 1.

B. Requirements
The department has a responsibility to respond to any non-compliance with legislative requirements. In the event of non-compliance with the legislation and environmental performance standards, the department has the ability to use a number of enforcement tools including Penalty Infringement Notices and prosecution, in accordance with its Enforcement Guidelines. A copy of the Enforcement Guidelines can be found on the department's website at www.ehp.qld.gov.au.

The department is currently considering an enforcement response. Australian Terminal Operations Management Pty Ltd is requested to provide a written response by **18 August 2016** detailing the following:

5B Sheridan Street
PO Box 7230 Cairns
Queensland 4870 Australia
Telephone + 61 7 4222 5161
Facsimile + 61 7 4222 5070
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log RTI Act 2009

- Further justification as to why the *Guidelines for Managing Risk in Recreational Waters 2008* were not considered relevant assessment criteria for the site, as Trinity Inlet is a known recreational area.
- Clarification as to how environmental performance is being assessed as it relates to petroleum hydrocarbons, both in levels and in movement off-site, to determine that ATOM is achieving its general environmental duty pursuant to section 319 of the *Environmental Protection Act 1994*, that environmental harm is not occurring, and that water quality objectives and environmental values detailed in the *Environmental Protection (Water) Policy 2009 Trinity Inlet environmental values and water quality objectives Basin No. 111* are being achieved and protected respectively.

C. Penalties

It is an offence under section 430 of the *Environmental Protection Act 1994* to contravene a condition of an environmental authority and significant penalties apply.

A person must not wilfully contravene a condition of the authority.

- The maximum penalty is 6,250 penalty units, totalling $736,250.00 or 5 years imprisonment.

A person must not contravene a condition of the authority

- The maximum penalty is 4,500 penalty units, totalling $530,100.00.

Please note that the monetary penalties applied to a corporation are five times the amount applied to an individual.

You are reminded of your obligations pursuant to section 319 of the *Environmental Protection Act 1994*, which sets out the general environmental duty, and requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard, you are encouraged to actively identify all environmental risk factors with the activities conducted on the site on an ongoing basis, and to implement strategies and processes to effectively manage them.

Should an event occur that causes or threatens serious or material environmental harm, under the conditions of the environmental authority and pursuant to section 319 of the *Environmental Protection Act 1994*, Australian Terminal Operations Management Pty Ltd has a duty to notify the department of such events. Further information on the duty to notify requirements is available on the department's website at www.ehp.qld.gov.au. If an event occurs please contact the department's pollution hotline on 1300 130 372 or via email on PollutionHotline@ehp.qld.gov.au.

Published on DES Disclosure Log
RTI Act 2009

R

The department would like to thank you for your time and assistance with the compliance inspection and looks forward to a prompt resolution of the matters raised.

Should you wish to discuss any of the matters raised in this letter, please contact Mr Calvin Quick, Senior Environmental Officer of the department on telephone (07) 4222 5161 or at calvin.quick@ehp.qld.gov.au

Yours sincerely

CTPI 49-Sch4

Mark Cavicchiolo
Compliance Delivery Manager, North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection

Published on DES Disclosure Log
RTI Act 2009

Appendix 1 – Potential Non-compliance and Areas of Concern

Issue	Non-compliance and Areas of Concern
Total Hydrocarbons in groundwater General Environmental Duty	Condition C1-1 of the EA prohibits the direct or indirect release of contaminants to waters, except at listed locations. "Waters" is defined in the EA and includes groundwater. Condition C4-3 of the EA requires groundwater monitoring in February and August each year, and that the bores must be analysed for Total Hydrocarbons. ATOM has a general environmental duty under section 319 of the *Environmental Protection Act 1994*, to take all reasonable and practicable measures to prevent or minimise environmental harm from activities at the site. ATOM has commissioned GHD to undertake annual groundwater investigations and to prepare a groundwater monitoring report. The report titled "BP Cairns BPM Terminals Groundwater Report - Groundwater Monitoring Events August 2014 and February 2015" (the report) identifies that the following analytes were sampled for and analysed at a laboratory: • Total recoverable hydrocarbons (TRH) C6-C10, >C10-C16, >C16-C34 and >C34-C40 • Benzene, toluene, ethyl-benzene, xylenes and naphthalene (collectively known as BTEXN). • Total petroleum hydrocarbons (TPH) C6-C9, C10-C14, C15-C28 and C29-C36 A review of the report and associated monitoring data has identified the following potential non-compliance with condition C1-1 of the EA: • Groundwater monitoring results show there is TPH and TRH present, which are potential contaminants. • The source of the contamination is not identified, however it is not present at up gradient monitoring bores, indicating that the source is likely to be a direct or indirect release from the site. A review of the report and associated monitoring data identified the following additional areas of concern, which indicate the potential for environmental harm with the potential for non-compliance with section 319 of the *Environmental Protection Act 1994*:

Published on DES Disclosure Log RTI Act 2009

Issue	Non-compliance and Areas of Concern
	• There appears to be an area of elevated TPH and TRH localised around MW5 and MW6. In this area there were six water quality limit exceedances of TPH when compared against the previously adopted environmental criteria. Similar levels of TRH were recorded in the monitoring period. • The groundwater contaminated with TPH and TRH appears to be moving downgradient towards Trinity Inlet, albeit diluted when it reaches MW2 and MW3. The bores up gradient do not appear impacted. • The report states that the *Guidelines for Managing Risk in Recreational Waters 2008* (GMRRW) was not considered a relevant assessment criteria for the site as Trinity Inlet "would not be used for recreational purposes (boating, swimming and fishing) by a significant number of people as defined in the GMRRW". The Trinity Inlet is known as a popular recreational area for both boating and fishing. • The groundwater assessment criteria established in the report does not identify groundwater investigation levels for TRH. The adopted analytes for TRH are predominantly identified as "Not Established - Thresholds not defined for this analyte" for TPH "Not Relevant – Replaced by TRH fraction as per the NEPM Amendment 2013, No. 1". In the 2013/14 report there was an adopted environmental criteria for TPH of 600µg/L. There is uncertainty regarding how environmental performance is being assessed as it relates to potential environmental impacts from TRH contamination.

Published on DES Disclosure Log
RTI Act 2009

R

Reference: NOR/043482

Queensland Government

Department of Environment and Heritage Protection

3 October 2013

CTPI 49-Sch4
Environment Operations Team Lead
The Shell Company of Australia Ltd
GPO Box 872K
MELBOURNE VIC 3001

Dear Sir

Compliance Inspection – Weipa Airport, Evans Landing and Lorim Point Fuel Storages, Weipa

I refer to the compliance inspection of the above mentioned fuel storage facilities conducted by the Department of Environment and Heritage Protection (EHP) on 28 June 2013.

The site inspection was conducted in the presence of CTPI 49-Sch4 and CTPI 49-Sch4 who were representing The Shell Company of Australia Ltd. Please be advised, the environmental authority for the environmentally relevant activities conducted on the premises has expired.

While undertaking the inspection, EHP identified a number of areas of concern which are outlined as follows:

Areas of Concern

Table 1: Areas of concern

Issue	Areas of concern
Monitoring & Reporting	A report detailing the results of monitoring for the previous 12 months was not provided for the 2012-2013 Annual Return. It is noted however that the Annual Return includes a declaration that all monitoring has been carried out in accordance with the Environmental Authority. A report detailing the available results of monitoring for the previous 12 months is requested. This can be provided either in response to this letter or in support of the application for environmental authority now required for the Environmentally Relevant Activities conducted on the premises.
Storage & Handling of Hazardous Materials	It was noted at the time of the inspection that the bund at the Airport Fuel Storage appeared to be degraded and may not be an effective containment system that is impervious to the materials stored. It is reasonably considered that the hazardous materials at this location are not currently stored and handled in accordance with the relevant Australian Standard. EHP recognises however that this facility is owned by RTA Weipa Pty Ltd. The Shell Company of Australia Pty Ltd is encouraged to engage with the owner to confirm the status of handling and storage compliance for the facility.

Published on DES Disclosure Log RTI Act 2009

The Shell Company of Australia Ltd is required to rectify the identified areas of concern. EHP requests The Shell Company of Australia Ltd provide a written response by **1 November 2013** detailing the actions proposed and associated time-frames to rectify the identified areas of concern.

Application for Environmental Authority (site specific)

I refer to the application for Continuing Registration of Registration Certificate ENRE00934909 approved on 30 May 2012 and the status of the Environmental Authority for Environmentally Relevant Activity (ERA) 8 – Chemical Storage and ERA 50 – Bulk Material Handling, conducted by The Shell Company of Australia Ltd at Evans Landing and Lorim Point, Weipa.

As discussed with CTPI 49-Sch4 (Environmental Operations Adviser), Environmental Authority (Special Agreement Act) ENSA00487206 for the above mentioned ERAs has now expired under s616ZB of the *Environmental Protection Act 1994* due to the Continuing Registration and transfer of responsibility for the sites above from BP Australia Pty Ltd to The Shell Company of Australia Ltd. As a result, no Environmental Authority is currently held for these ERAs.

The Shell Company of Australia Ltd is required to obtain a new Environmental Authority (site specific) by development application under the *Sustainable Planning Act 2009* and is encouraged to contact the project officer below to arrange a pre-lodgement discussion. Information on the development application process including application forms and fees can be accessed via the Queensland Government – Business and Industry Portal on the Queensland Government website.

(visit: http://www.business.qld.gov.au/business/running/environment/licences-permits)

Duty to notify of environmental harm

Should any event occur that threatens or causes material or serious environmental harm, be advised that pursuant to section 320 of the *Environmental Protection Act 1994*, The Shell Company of Australia Ltd has a duty to notify EHP of such events. Further information on the requirements of your duty to notify is available on the EHP website (www.ehp.qld.gov.au), and should an event occur, please contact your project officer during business hours or if the event occurs outside of business hours, please contact the EHP pollution hotline on 1300 130 372.

Should you wish to discuss any of the matters raised in this letter, please liaise with Neil Maver who can be contacted on telephone number (07) 4222 5331 or at neil.maver@ehp.qld.gov.au.

Yours sincerely

CTPI 49-Sch4

Dean Sharpe
Team Leader
Mining & Heavy Industry
Environmental Services and Regulation, Northern Region
Department of Environment and Heritage Protection

Published on DES Disclosure Log PTA 2009

Queensland Government

Department of
Environment and Heritage Protection

Ref: CA42012 / 101/0007138

15 December 2016

Caltex Australia Petroleum Pty Ltd
24/2 Market Street
SYDNEY QLD 2000

cc.dpoudya@caltex.com.au

RE: Alleged Breach of the *Environmental Protection Act 1994*

On 12 September 2016 Officers of the Department of Environment and Heritage Protection (the department) attended Caltex Australia Petroleum Pty Ltd (Caltex), 1382 Warrego Highway, Blacksoil, real property description Lot 1 on RP197480 ('the site'), to conduct a planned compliance inspection of the sewage treatment plant (STP). The department alleges that Caltex has contravened conditions of its environmental authority (EA) EPPR00815513 (formerly development permit IPDE00897808 and registration certificate ENRE00754608) breaching section 430(3) of the *Environmental Protection Act 1994* (the Act).

A. Grounds

- Caltex Australia Petroleum Pty Ltd is the registered suitable operator for Caltex Blacksoil, at 82 Warrego Highway, Blacksoil, and hold environmental authority EPPR00815513 to conduct the environmentally relevant activity (ERA) of 63(1)(a)(i) Sewage Treatment.
- On 14 July 2015 the department sent Caltex a letter detailing the consideration of enforcement action in relation to identified non-compliance with the EA conditions.
- On 23 July 2015 Caltex provided a response to the above mentioned letter outlining the rectification measures to be taken in relation to the identified non-compliances, this included monthly monitoring of the sewage treatment plant.
- On 27 June 2016 the department issued Caltex eight formal warnings for breaching EA conditions.
- On 12 September 2016 the department conducted a planned compliance inspection to assess the site's compliance with the EA conditions, specifically conditions relevant to the formal warnings issued on 27 June 2016.
- From the inspection and review of documentation provided to the department, the following breaches of EA conditions were noted:
    - Effluent monitoring was not conducted in accordance with the quarterly or monthly frequency stated in condition F2-4. Caltex provided details of all monitoring conducted between August 2015 and August 2016 which consisted of only two months; November 2015 and April 2016.
    - Effluent was irrigated that did not meet the quality characteristics detailed in condition F-3. From the results provided, both the November 2015 and April 2016 test results indicated non-compliance with the parameters for BOD and suspended solids. Chlorine was also non-compliant for the April 2016 results and was not tested in November 2015.

Published on DES Disclosure Log RTI Act 2009

R

4/117 Brisbane Street, Ipswich
PO Box 875 Ipswich
Queensland 4305 Australia
Telephone + 61 7 3894 8153
Website www.ehp.qld.gov.au
ABN 46 640 294 485

B. Penalties

Contravention of a condition of an environmental authority under section 430(3) of the Act is regarded as a serious offence; the maximum penalty that can be imposed in court on a corporation is $2,742,750 (22,500 penalty units).

The department is considering enforcement options under the Act in accordance with its enforcement guidelines. This may include prosecution or a penalty infringement notice. A copy of the enforcement guidelines in available on the department's website www.ehp.qld.gov.au

C. Requirements

You are invited to make representation on why you should not be subject to enforcement action.

Should you wish to make submissions to the department please ensure submissions are:

- made in writing;
- sent to the department at PO Box 875, Ipswich 4305; and
- made by, close of business **22 December 2016**.

In addition it would be appreciated if you could email any submissions directly to ipswich.esr@ehp.qld.gov.au.

Caltex is reminded of its obligations under the Act which sets out the general environmental duty, and requires anyone who carries out an activity that causes or is likely to cause environmental harm to take all reasonable and practical measures to prevent or minimise the harm. In that regard Caltex are encouraged to actively identify all environmental risk factors with the activities conducted on the site on an ongoing basis, and to implement strategies and processes to effectively manage them.

For any further enquiries regarding the matters in this letter, please contact Eleanor Read, Senior Environmental Officer, on (07) 3894 8162.

Yours sincerely

CTPI 49-Sch4

Scott Blanchard
Compliance Delivery Manager
South Queensland Compliance – Ipswich
Environmental Services and Regulation
Department of Environment and Heritage Protection

Published on DES Disclosure Log PTI Act 2009

Your reference: CA42012
Our Reference: CA40212 : 101/0007138

Queensland Government

Department of
Environment and Heritage Protection

15 March 2017

The Chef Executive Officer
Caltex Australia Petroleum Pty Ltd
24/2 Market Street
SYDNEY NSW

Dear Sir/Madam

Infringement Notice 40176447 issued for contravention of a condition of environmental authority IPDE00897808 for a corporation under the *Environmental Protection Act 1994*

As you are aware the Department of Environment and Heritage Protection (the department), conducted an inspection of Caltex Australia Petroleum Pty Ltd (you), at the Caltex facility at Blacksoil, 1382 Warrego Highway, Blacksoil QLD on 12 September 2016.

Under section 430(3) of the *Environmental Protection Act 1994* (the Act) it is an offence for a person to contravene a condition of the authority. Condition F2-4 of the environmental authority (EA) IPDE00897808 specifies the frequency at which effluent monitoring is to be conducted. It is alleged that you have failed to comply with the above conditions by not conducting effluent monitoring at the required frequency.

The maximum penalty for this offence is $2,742,750 (22,500 penalty units) for a corporation.

The department has determined that the facts and circumstances of the alleged offence warrant the issuing of a penalty infringement notice (PIN) as an alternative to proceeding by way of prosecution in court.

Please find enclosed one PIN issued to you in the amount of $12 190.

Within 28 days, please pay the amount on the PIN; or elect to have the matter heard in court.

Payment
Payment of this sum must be made within 28 days. Available payment options include cheque, money order, BPAY and BPOINT. For more information regarding your payment options please refer to the reverse side of the PIN or email infringement.notices@ehp.qld.gov.au.

Court Elect
As outlined in the information on the reverse side of the PIN, you have the right to elect to have this matter dealt with by a court. Should you wish to court elect this matter please complete the 'Elect for Court Hearing' section on the PIN and send the PIN to:

Infringement Notices Administration Team
GPO Box 2454
Brisbane QLD 4001

If No Action Is Taken
If no further correspondence is received or the PINs remain unpaid after 28 days, the matter will be referred to the State Penalties Enforcement Registry (SPER) for debt management. SPER add an additional administrative cost.

To assist you in complying with the *Environmental Protection Act 1994* and for more information about the department's role in regulating Queensland's environment and heritage, please visit the department's website at www.ehp.qld.gov.au.

R

Level 4
117 Brisbane Street Ipswich
PO Box 875 Ipswich
Queensland 4305 Australia
Telephone 07 3894 8153
Website www.ehp.qld.gov.au
ABN 46 640 294 485

Published on DES Disclosure Log
RTI Act 2009

If you have any queries in relation to this letter or require more information about the accompanying PINs, please contact Eleanor Read of the department on telephone (07) 3894 8162 or via email at eleanor.read@ehp.qld.gov.au.

Yours sincerely

CTPI 49-Sch4

David Darvall
Manager (Compliance)
Delegate of the Chief Executive
Department of Environment and Heritage Protection

Enc: Penalty Infringement Notice

Published on DES Disclosure Log
RTI Act 2009

Queensland Government

Issuing Officer's copy

Penalty Infringement Notice

State Penalties Enforcement Act 1999

No. Q 2000000 4017644 7

Alleged offender details

Family/Business/Company name and ACN: Caltex Australia Petroleum Pty Ltd

Given name/s (If Individual):

Male ☐ Female ☐

Current address/ Registered office:

Level 24
2 Market Street
SYDNEY NSW

Postcode 2000

Date of birth | Phone Number | Driver ☐ Passenger ☐ Owner ☐ Other ☐ | Please specify

Identification details

Licence/Permit (type): Environmental Authority | State: QLD | Number: IPDE 00897808 | Date of expiry

Issued by: Dept. Environment | Date of Issue: 28/07/08

Vessel / Vehicle/Aircraft details

Vessel ☐ Vehicle ☐ Aircraft ☐ Commercial ☐ Private ☐

Registration number | State | Make | Colour

Body type | VIN/Chassis number | Registration expires

Alleged offence details

Committed ☒ Permitted ☐ At | Time (hours) | on | Day of week | and | Date

Or (do not use between dates for offences involving vehicles)

Between Start date 30/04/16 and End date 31/08/16

Location/Lot & Plan/ Other details (including address or GPS coordinates where appropriate):

Lot 1 Plan RP197480
1382 Wavrego Highway
Blacksoil QLD.

Act or Regulation breached

Act breached: Environmental Protection Act 1994

Code	Identifying particulars of the offence (Nature of alleged offence)	Penalty
EPA04	Breach Section 430(3) - contravene condition of environmental authority - corporation	$ 12190

☒ By Mail ☐ In Person

Issuing officer's details

Authorised officer's name (print): David Darvall.

Office / Department: Dept. Environment & Heritage Protection | I.D. number: 7019767

Signature: CTPI 49-Sch4 | Date: 15/03/17.

Published on DES Disclosure Log
RTI Act 2009

Infringement Administration Officer copy

Queensland Government

Penalty Infringement Notice

State Penalties Enforcement Act 1999

No. Q 2000000 4017644 7

Alleged offender details

Family/Business/Company name and ACN: Caltex Australia Petroleum Pty Ltd

Given name/s (If Individual):

Male ☐ Female ☐

Current address/ Registered office:

Level 24
2 Market Street
SYDNEY NSW

Postcode 2000

Date of birth:

Phone Number:

Driver ☐ Passenger ☐ Owner ☐ Other ☐

Please specify:

Identification details

Licence/Permit (type): Environmental Authority

State: QLD

Number: [illegible]

Date of expiry:

Issued by: Dept. Environment

Date of Issue: 28/07/08

Vessel / Vehicle/Aircraft details

Vessel ☐ Vehicle ☐ Aircraft ☐ Commercial ☐ Private ☐

Registration number:

State:

Make:

Colour:

Body type:

VIN/Chassis number:

Registration expires:

Alleged offence details

Committed ☒
Permitted ☐

At (Time (hours)): on (Day of week): and (Date):

Or (do not use between dates for offences involving vehicles)

Between (Start date) 30/04/16 and (End date) 31/08/16

Location/Lot & Plan/ Other details (including address or GPS coordinates where appropriate)

Lot 1 Plan RP197480
1382 Warrego Highway
Blacksoil QLD.

Act or Regulation breached

Act breached: Environmental Protection Act 1994

Code	Identifying particulars of the offence (Nature of alleged offence)	Penalty
EPB04	- Breach Section 430(3) - contravene condition of environmental authority - corporation	$ 12190

☒ By Mail ☐ In Person

Issuing officer's details

Authorised officer's name (print): David Darvall.

Office / Department: Dept. Environment & Heritage Protection

I.D. number: 7019767

Signature: CTPI 49-Sch4

Date: 15/8/17

Published on DES Disclosure Log RTI Act 2009

Infringement Administration Officer copy

Queensland Government

Penalty Infringement Notice

State Penalties Enforcement Act 1999

No. 2000000 40321704

Alleged offender details

Family/Business/Company name and ACN: UNITED PETROLEUM PTY LTD ACN: 085 779 255

Given name/s (If Individual):

Male ☐ Female ☐

Current address/ Registered office: 200 HODDLE STREET ABBOTSFORD VICTORIA

Postcode: 3067

Date of birth:

Phone Number:

Driver ☐ Passenger ☐ Owner ☐ Other ☐

Please specify:

Identification details

Licence/Permit (type):

State:

Number:

Date of expiry:

Issued by:

Date of Issue:

Vessel / Vehicle/Aircraft details

Vessel ☐ Vehicle ☐ Aircraft ☐ Commercial ☐ Private ☐

Registration number:

State:

Make:

Colour:

Body type:

VIN/Chassis number:

Registration expires:

Alleged offence details

Committed ☑ Permitted ☐

At Time (hours):

on Day of week:

and Date:

Or (do not use between dates for offences involving vehicles)

Between Start date: 30/07/17 and End date: 01/08/17

Location/Lot & Plan/ Other details (including address or GPS coordinates where appropriate): LOT 1 ON RP 213272 2618 BRUCE HIGHWAY, GUNALDA, QLD 4570

Act or Regulation breached

ENVIRONMENTAL PROTECTION ACT 1994

Offence Code	Description of offence	Penalty
EPA12	CARRY OUT ERA WITHOUT AN AUTHORITY FOR THAT ERA – CORPORATION	$12,615

By Mail ☑ In Person ☐

Animal involved

Dog ☐ Dingo ☐ Other (specify) ☐ _____

Authorised officer's details (print name)

TIMOTHY BRAIN

Signature: CTPI 49-Sch4

Date: 20/11/17

Office: MARYBOROUGH

Department: EHP ☑ NPRSR ☐ Other (specify) ☐ _____

ID number or region: 7020H92

Published on DES Disclosure Log RTI Act 2009