From: MAUNDER Joshua [Joshua.Maunder@ehp.qld.gov.au]
Sent: Monday, 28 August 2017 2:29 PM
To: TRELOAR Kirstie
Subject: ESR Alert ATOM, VIVA, Caltex and BP - EE

ALERT CATEGORY:

- Enforcement Activity

ALERT NAME:

- Environmental Evaluation (EE) issued to:
  1. Australian Terminal Operations Management Pty Ltd (ATOM)
  2. Viva Energy Australia Pty Ltd (VIVA)
  3. Caltex Australia Petroleum Pty Ltd (Caltex)
  4. BP Australia Pty Ltd (BP)

CUSTOMER DETAILS:

- ATOM, VIVA, Caltex and BP

SUMMARY OF ISSUE/S:

- ATOM, VIVA, Caltex and BP own and operate bulk fuel storage and distribution operations adjacent to the Port of Cairns.
- On 17 January 2017 ATOM reported the emergence of a black, oily substance in groundwater at their Cairns Terminal.
- Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site.
- Water Samples taken by departmental officers confirmed the black liquid contains high levels of Total Petroleum Hydrocarbons and Naphthalene above ANZECC 2000 Limits.
- The receiving environment (Trinity Inlet) has defined Environmental Values (EVs) and is linked to the Great Barrier Reef Lagoon.

POTENTIAL IMPACTS / RISKS:

- The EE is a significant Statutory Tool and may be contested.

CUSTOMER ACTIONS:

- VIVA commenced an investigation to identify the source of the black oily substance on 1 February 2017.
- On or around 10 July 2017, VIVA ceased investigations.
- No other investigations have been undertaken by Caltex, BP or ATOM.

DEPARTMENT ACTIONS:
[HISTORICAL ACTIONS]

- EHP monitored the progress of VIVA during their investigations.
- Upon cessation of the VIVA investigations, EHP prepared the EE.

[PLANNED ACTIONS]

- EHP will verbally advise ATOM, VIVA, Caltex and BP prior to the notice being issued.
- EHP will review the EE findings and take appropriate actions to prevent further environmental harm.

LOCALITY DETAILS AND PHOTOGRAPHS:

- The bulk fuel storage and distribution operations are located adjacent to the Port of Cairns, approximately 300m from Trinity Inlet.

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Location of Bulk Fuel Storage and Distribution Operations

Published on DTF Disclosure Log
17-218
File B
2 of 113

ASIC
Australian Securities & Investments Commission

Australian Company

CALTEX AUSTRALIA PETROLEUM PTY LTD
ACN 000 032 128

Extracted from ASIC's database at AEST 16:33:09 on 04/08/2017

Company Summary

Name:	CALTEX AUSTRALIA PETROLEUM PTY LTD
ACN:	000 032 128
ABN:	17 000 032 128
Previous State Number:	01682122
Previous State of Registration:	New South Wales
Registration Date:	23/03/1936
Next Review Date:	28/02/2018
Former Name(s):	AUSTRALIAN PETROLEUM PTY LTD, AMPOL LTD, AM POL PETROLEUM LTD
Status:	Registered
Type:	Australian Proprietary Company, Limited By Shares
Locality of Registered Office:	SYDNEY NSW 2000
Regulator:	Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

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ASIC
Australian Securities & Investments Commission

Australian Company

VIVA ENERGY AUSTRALIA PTY LTD
ACN 004 610 459

Extracted from ASIC's database at AEST 16:36:43 on 04/08/2017

Company Summary

Name:	VIVA ENERGY AUSTRALIA PTY LTD
ACN:	004 610 459
ABN:	46 004 610 459
Previous State Number:	C0060809X
Previous State of Registration:	Victoria
Registration Date:	18/08/1964
Next Review Date:	02/04/2018
Former Name(s):	VIVA ENERGY AUSTRALIA LTD, THE SHELL COMPANY OF AUSTRALIA LIMITED
Status:	Registered
Type:	Australian Proprietary Company, Limited By Shares
Locality of Registered Office:	DOCKLANDS VIC 3008
Regulator:	Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

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ASIC
Australian Securities & Investments Commission

Australian Company

B P AUSTRALIA PTY LTD
ACN 004 085 616

Extracted from ASIC's database at AEST 16:38:44 on 04/08/2017

Company Summary

Name:	B P AUSTRALIA PTY LTD
ACN:	004 085 616
ABN:	53 004 085 616
Previous State Number:	C0007382M
Previous State of Registration:	Victoria
Registration Date:	25/08/1920
Next Review Date:	25/08/2017
Former Name(s):	B P AUSTRALIA LIMITED, THE COMMONWEALTH OIL REFINERIES LIMITED
Status:	Registered
Type:	Australian Proprietary Company, Limited By Shares
Locality of Registered Office:	DOCKLANDS VIC 3008
Regulator:	Australian Securities & Investments Commission

Further information relating to this organisation may be purchased from ASIC.

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RTI Act 2009

From sch4p4(6) Personal inform@caltex.com.au]
Sent: Monday, 4 September 2017 4:59 PM
To: MAUNDER Joshua
CC: TRELOAR Kirstie; LITTLE Rob
Subject: RE: Draft Notice - DEHP EE
Attachments: Caltex response to DEHP DRAFT Notice STAT1199 (002) 3450-5576-1414 v.2.pdf

Hi Josh,

Thanks for providing Caltex with the opportunity to provide comments on the Draft Notice (ref: STAT1199).
Please find attached Caltex's response.
Please let me know if you have any questions regarding this response.

Regards,
sch4p4

sch4p4(6) Personal infor
Senior Environment Specialist (Licensing)
Terminals, Aviation and Licensed Sites
CALTEX AUSTRALIA PETROLEUM PTY LTD
2 Solander Street, Kurnell, NSW 2231 | Postal: Locked Bag 2000, Taren Point, NSW, 2229
T: **(02) 9668 1093** | sch4p4(6) Personal in
E: sch4p4(@caltex.com.au | www.caltex.com.au
Email_Signatures-02

From: MAUNDER Joshua [mailto:Joshua.Maunder@ehp.qld.gov.au]
Sent: Monday, 28 August 2017 5:02 PM
To: sch4p4(6) Personal info@caltex.com.au>
Cc: TRELOAR Kirstie <Kirstie.Treloar@ehp.qld.gov.au>; LITTLE Rob <Rob.Little@ehp.qld.gov.au>
Subject: Draft Notice - DEHP EE

Hi sch4p4

Thank you for your time on the phone. As discussed, please see attached a Draft Environmental Evaluation Notice. The Draft Notice is being issued to allow for comment prior to the finalised Notice being issued.

Please provide any comments in writing by 5.00pm Monday 4th September 2017.

Please contact me on 07 4222 5311 should you have any questions.

Can you please confirm receipt of this email.

Regards,
Josh

Joshua Maunder

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RTI Act 2009

Senior Environmental Officer
North Queensland Compliance I Environmental Services and Regulation
Department of Environment and Heritage Protection

P: 07 4222 5311 **F:** 07 4222 5070
5b Sheridan Street, 'William McCormack Place' Cairns QLD 4870
PO Box 7230 Cairns QLD 4870

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Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.
If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

[redacted]

If you consider this message to be unsolicited junk please click here . This will submit a copy to Websense for review by the Spam Team.

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This correspondence is for the named person's use only. It may contain confidential or legally privileged information or both. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this correspondence in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or rely on any part of this correspondence if you are not the intended recipient. Any opinions expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the opinions of Caltex Australia Limited or one of its subsidiaries (collectively the "Caltex Group"). Neither the sender nor the Caltex Group warrants that any communication via the Internet is free of errors, viruses, interception or interference. Information is distributed without warranties of any kind.

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Caltex Australia Petroleum Pty Ltd
Level 24
2 Market Street
Sydney NSW 2000
Phone: +61 2 9250 5000

4 September 2017

Mr Joshua Maunder
Senior Environmental Officer
North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection
PO Box 7230
CAIRNS QLD 4870

By email: Joshua.Maunder@ehp.qld.gov.au

Private and Confidential

Dear Mr Maunder,

Caltex Australia Petroleum Pty Ltd's ("Caltex") response to the draft Notice to conduct or commission an environmental evaluation dated 28 August 2017 (ref: STAT1199) ("Draft Notice")

1 Introduction

1.1 Thank you for providing Caltex with the Draft Notice (ref: STAT1199) dated 28 August 2017, and for allowing us to provide comments on the Draft Notice.

1.2 Caltex understands that this Notice relates to a hydrocarbon impact identified within the vicinity of the former Navy pipeline running across the Australian Terminal Operations Management Pty Ltd ("**ATOM**") Cairns Terminal.

1.3 Caltex understands that a similar notice has been issued to Viva Energy Australia, BP Australia and ATOM and that these companies have been provided with the same opportunity to provide comments on the Draft Notice.

1.4 Caltex understands that the Department of Environment and Heritage Protection ("**DEHP**") may have legislative requirements to issue the notice on Caltex since

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its Cairns Terminal shares the same cadastral Lot and SP (LOT 345 on SP113643) as the ATOM Cairns Terminal.

1.5 Caltex also understands that BP has been working collaboratively with Viva and ATOM to determine the likely source of the hydrocarbon impact and to assess the potential risk associated with this impact and that BP has previously communicated this with DEHP.

1.6 Caltex understands that groundwater monitoring results collected by BP and ATOM indicate that the Caltex Cairns Terminal to the north of the ATOM site has not been a contributing source to the identified hydrocarbon impact within the vicinity of the former Navy Pipeline. Moreover, we understand that BP is of the opinion that it should not engage with Caltex during the investigation and does not consider that the identified hydrocarbon impact is sourced from Caltex's Cairns Terminal. Accordingly, BP recommend that Caltex **not** be a party to DEHP's final Notice.

2 Caltex's response to the draft Notice

2.1 Caltex has been conducting regular groundwater monitoring since 2009. The results obtained during these monitoring activities have consistently shown that the groundwater flow direction across its terminal is away from the identified hydrocarbon impact site. There is no physical pathway that potential contamination from either part of the Caltex terminal could have migrated to the location where the black oily substance has been found.

2.2 Importantly, Caltex's stormwater discharges from Draper Street and Kenny Street have been sampled and analysed. The analytical results show that these discharges have been clean.

2.3 Caltex is firmly of the opinion, based on its own observations and the observations from BP and ATOM, that Caltex's Cairns Terminal has not contributed to the identified hydrocarbon impact.

2.4 We acknowledge that the draft Notice has been served on Caltex because it shares the same cadastral Lot and SP as the hydrocarbon impacted site. However, this in the absence of causation and fault should not form the basis of being named in a Notice (especially in circumstances where others believe Caltex should not be included). Therefore, Caltex respectfully requests not to be party to DEHP final Notice.

2.5 The only link provided thus far is mentioned in Paragraph 12 of the Draft Notice, which holds Caltex responsible because it is "in close proximity to the location the unknown contaminate [which] was identified and continue to express". We respectfully submit that this rational is not enough given the hydrology of the site evidenced by the studies done to date.

2.6 Considering our request and the information provided to date, Caltex will not make any detailed comments on the content of the Notice.

2.7 If DEHP beliefs that Caltex should be party to the Notice, DEHP must clearly explain in the Notice how Caltex's operations have contributed to the identified hydrocarbon impact.

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2.8 Caltex reserves the right to provide commentary if DEHP determines that Caltex should be party to the Notice, and provided that DEHP has clearly identified how Caltex has contributed to the impact.

We trust that you find the above information satisfactory and await your advice regarding our request and the Notice.

Yours sincerely,

sch4p4(6) Personal informatic

Senior Environment Specialist – Licensing
Caltex Australia Petroleum Pty Ltd

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RTI Act 2009

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to Section 326B of the Environmental Protection Act 1994.

Australian Terminal Operations Management Pty Ltd (ACN: 606 006 866)
Level 3 Unit 3, 22 Albert Road
South Melbourne, VIC 3205

Your reference: CR76884

Our reference: STAT1197

28 August 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Australian Terminal Operations Management Pty Ltd (you, ATOM) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of ATOM at the Cairns Depot on land described as Lot 345 on SP113643 situated at 33 Kenny Street, Cairns (the premises).

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

- The department is satisfied on reasonable grounds that an activity or proposed activity is causing, or is likely to cause environmental harm.

The facts and circumstances forming the basis for these grounds are:

1. On 17 January 2017 ATOM reported the emergence of a black, oily substance in groundwater at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

2. Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site. Absorbent pads and booms had been placed over the pooled contaminated water and around the drain. The pads and booms showed signs of heavy oil staining.

3. On 1 February 2017 Viva Energy Australia Pty Ltd (VIVA) commenced excavations onsite adjacent to the contaminated area and around the location of the suspected source. During follow-up inspections

Queensland Government

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Rel

on 1 February 2017 and 2 February 2017, departmental officers again observed black, oil-like substance on the surface of the water in the excavation that appeared to be expressing from a soil layer that had been exposed by the excavation works. However, the source of the black, oil-like substance was not able to be identified.

4. Samples taken by departmental officers on 1 February 2017 confirmed the black liquid contains high levels of total petroleum hydrocarbons comprising:

    a. (C10 – C14 Fraction: 4820000 µg/L;
    b. C15 – C28 Fraction: 9810000 µg/L;
    c. C29 – C36 Fraction: 209000 µg/L; and
    d. C10 – C36 Fraction (sum): 14800000 µg/L.

5. *The Environment Protection (Water) Policy 2009 Trinity Inlet environmental values and water quality objectives Basin no. 111* identifies and declares the following Environmental Values (EV) for Trinity Inlet.
    - Aquatic Ecosystems
    - Aquaculture
    - Human consumer
    - Primary recreation
    - Secondary recreation
    - Visual recreation
    - Cultural and spiritual values

6. Analysis of water samples taken onsite found a level of naphthalene (8990 µg/L) that exceeds the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (October 2000)* (ANZECC guidelines) trigger value for slightly to moderately disturbed marine water systems (50 µg/L). This demonstrates the potential for the aquatic ecosystems EV to be impacted.

7. Additionally, ANZECC guidelines for recreational waters states that oil and petrochemicals should not be noticeable as a visible film on the water nor should they be detectable by odour. Therefore, if the hydrocarbons were to migrate from the ATOM site to Trinity Inlet this would impact on the primary and secondary recreation EVs.

8. During an additional follow-up inspections on 5 July 2017, departmental officers observed a hydrocarbon sheen at the location the black, oil-like substance was identified.

9. The location of the identified black, oil-like substance is approximately 350m from the Trinity Inlet. It is likely that groundwater will express to waters within the Trinity Inlet as a migration pathway.

10. Given the high hydrocarbon content, the close proximity (and a known migration pathway) to Trinity Inlet, it is considered likely that contaminants are causing or have potential to cause environmental harm.

11. An unknown contaminant emanating from an unknown source continues to express to surface from

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groundwater at the location the black, oil-like substance was initially identified.

12. ATOM operates a bulk fuel storage and distribution facility in close proximity to the location the unknown contaminant was identified and continues to express. Operation of this facility may be contributing to the occurrence of the unknown contaminant.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. By no later than **1 October 2017** commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643 referred to as 33 Kenny Street, Cairns QLD 4870.

2. The investigation must:
   a) Identify the historic and contemporary land uses and infrastructure from which the contaminants may have originated;
   b) Confirm the type/s of contaminant/s and the source/s;
   c) Quantify the horizontal and vertical extents of the contamination in soil and groundwater;
   d) Identify the environmentally sensitive receptors and exposure pathways;
   e) Include structural integrity and leak testing for any bulk hydrocarbon storage container greater than 5000L;
   f) Include soil and groundwater sampling. Analysis of soil and groundwater samples must include the following parameters: benzene, toluene, ethylbenzene, xylenes, naphthalene, total petroleum hydrocarbons and total recoverable hydrocarbons (NEPM fractions);
   g) Include Global Positioning System (GPS) coordinates and an electronic KMZ File of the locations where samples are collected and an appropriately scaled map showing the sample locations;
   h) Include analytical results of all monitoring activity(s), including the original certificates of analysis as received and Quality Assurance/Quality Control data;
   i) Include a Conceptual Site Model (CSM);
   j) Compare sampling results against applicable NEPM guideline values to assess risk to human health and environmental receptors;
   k) Characterise the nature and severity of any actual and potential environmental harm caused by the contamination;
   l) Identify options to remediate the contamination and prevent further contamination from the same source. For each option provide estimated costs and timeframe for implementation; and
   m) Select the preferred remediation option and justify the selection. The justification must considered the environmental outcome.

3. All sampling must be undertaken in accordance with relevant guidelines and standards including where applicable AS 4482.1 – 2005 Guide to the investigation and sampling of sites with potentially contaminated soil – Non-volatile and semi-volatile compounds and AS 4482.2 – 1999 Guide to the sampling and investigation of potentially contaminated soil – Volatile substances and reported with details of how the sampling was carried out.

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The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined in Chapter 12, Part 3 of the Act.

The environmental report must be submitted to the department on or before:

- **1 January 2018**

As the recipient of this notice, you are also required to provide a statutory declaration in the form attached, to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to accompany the environmental report submitted to the department.

You can view an electronic version of the statutory declaration for a recipient using the following search term (ESR/2016/1997).[1]

An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (ESR/2016/2266).

Take notice:

- The requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
- This notice remains in force until further notice from the department; and
- You are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by the department.
- The requirements of this notice may be completed individually or in collaboration with a third party subject to the same requirements of this notice.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- Within 10 business days of the decision being notified to the person;
- Be supported by enough information to enable the department to decide the application for review; and
- Be made using the application for review of an original decision form (ESR/2015/1573).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

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A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the:

- Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572).
- Information sheet - internal review and appeal to the Land Court (ESR/2015/1742).

You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling $37,845.00
- The maximum penalty for a corporation is 1500 penalty units, totalling $189,225.00

Should you have any queries in relation to this notice, please contact Mr Joshua Maunder of the department on telephone number 07 4222 5311 or via email joshua.maunder@ehp.qld.gov.au

Signature	Date

David Darvall

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Minerals and North Queensland Compliance

Ph: (07) 4222 5359

Email: estownsville@ehp.qld.gov.au

Published on DES Disclosure Log PTI Act 2009

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to Section 326B of the Environmental Protection Act 1994.

BP Australia Pty Ltd (ACN: 004 085 616)
Level 17, 717 Bourke Street
Docklands, VIC 3008

Your reference: CR76884

Our reference: STAT1198

28 August 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to BP Australia Pty Ltd (you, BP) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of Australian Terminal Operations Management Pty Ltd (ATOM) at the Cairns Depot on land described as Lot 345 on SP113643 situated at 33 Kenny Street, Cairns (the premises).

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1. On 17 January 2017 ATOM reported the emergence of a black, oily substance in groundwater at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

2. Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site. Absorbent pads and booms had been placed over the pooled contaminated water and around the drain. The pads and booms showed signs of heavy oil staining.

3. On 1 February 2017 Viva Energy Australia Pty Ltd (VIVA) commenced excavations onsite adjacent to the contaminated area and around the location of the suspected source. During follow-up inspections

Queensland Government

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RTI Act 2009

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4. Samples taken by departmental officers on 1 February 2017 confirmed the black liquid contains high levels of total petroleum hydrocarbons comprising:

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7. Additionally, ANZECC guidelines for recreational waters states that oil and petrochemicals should not be noticeable as a visible film on the water nor should they be detectable by odour. Therefore, if the hydrocarbons were to migrate from the ATOM site to Trinity Inlet this would impact on the primary and secondary recreation EVs.

8. During an additional follow-up inspections on 5 July 2017, departmental officers observed a hydrocarbon sheen at the location the black, oil-like substance was identified.

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groundwater at the location the black, oil-like substance was initially identified.

12. BP owns the bulk fuel storage and distribution facility operated by ATOM, in close proximity to the location the unknown contaminant was identified and continues to express. Operation of this facility may be contributing to the occurrence of the unknown contaminant.

B. Requirements

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1. By no later than **1 October 2017** commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643 referred to as 33 Kenny Street, Cairns QLD 4870.

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   m) Select the preferred remediation option and justify the selection. The justification must considered the environmental outcome.

3. All sampling must be undertaken in accordance with relevant guidelines and standards including where applicable AS 4482.1 – 2005 Guide to the investigation and sampling of sites with potentially contaminated soil – Non-volatile and semi-volatile compounds and AS 4482.2 – 1999 Guide to the sampling and investigation of potentially contaminated soil – Volatile substances and reported with details of how the sampling was carried out.

The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined in Chapter 12, Part 3 of the Act.

Published on DES Disclosure Log
EP Act 2009

The environmental report must be submitted to the department on or before:

- **1 January 2018**

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A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- Within 10 business days of the decision being notified to the person;
- Be supported by enough information to enable the department to decide the application for review; and
- Be made using the application for review of an original decision form (ESR/2015/1573).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

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For further information about reviews and appeals see the:

- Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572).
- Information sheet - internal review and appeal to the Land Court (ESR/2015/1742).

You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling $37,845.00
- The maximum penalty for a corporation is 1500 penalty units, totalling $189,225.00

Should you have any queries in relation to this notice, please contact Mr Joshua Maunder of the department on telephone number 07 4222 5311 or via email joshua.maunder@ehp.qld.gov.au

Signature	Date

David Darvall

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Minerals and North Queensland Compliance

Ph: (07) 4222 5359

Email: estownsville@ehp.qld.gov.au

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Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to Section 326B of the Environmental Protection Act 1994.

Caltex Australia Petroleum Pty Ltd (ACN: 000 032 128)
Level 24, 2 Market Street
Sydney, NSW 2001

Your reference: CR76884

Our reference: STAT1199

28 August 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Caltex Australia Petroleum Pty Ltd (you, Caltex) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of Caltex at the Cairns Depot on land described as Lot 345 on SP113643 situated at 33 Kenny Street, Cairns (the premises).

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

- The department is satisfied on reasonable grounds that an activity or proposed activity is causing, or is likely to cause environmental harm.

The facts and circumstances forming the basis for these grounds are:

1. On 17 January 2017 Australian Terminal Operations Management Pty Ltd (ATOM) reported the emergence of a black, oily substance in groundwater at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

2. Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site. Absorbent pads and booms had been placed over the pooled contaminated water and around the drain. The pads and booms showed signs of heavy oil staining.

3. On 1 February 2017 Viva Energy Australia Pty Ltd (VIVA) commenced excavations onsite adjacent to

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the contaminated area and around the location of the suspected source. During follow-up inspections on 1 February 2017 and 2 February 2017, departmental officers again observed black, oil-like substance on the surface of the water in the excavation that appeared to be expressing from a soil layer that had been exposed by the excavation works. However, the source of the black, oil-like substance was not able to be identified.

4. Samples taken by departmental officers on 1 February 2017 confirmed the black liquid contains high levels of total petroleum hydrocarbons comprising:

    a. (C10 – C14 Fraction: 4820000 µg/L;
    b. C15 – C28 Fraction: 9810000 µg/L;
    c. C29 – C36 Fraction: 209000 µg/L; and
    d. C10 – C36 Fraction (sum): 14800000 µg/L.

5. *The Environment Protection (Water) Policy 2009 Trinity Inlet environmental values and water quality objectives Basin no. 111* identifies and declares the following Environmental Values (EV) for Trinity Inlet.
    - Aquatic Ecosystems
    - Aquaculture
    - Human consumer
    - Primary recreation
    - Secondary recreation
    - Visual recreation
    - Cultural and spiritual values

6. Analysis of water samples taken onsite found a level of naphthalene (8990 µg/L) that exceeds the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (October 2000)* (ANZECC guidelines) trigger value for slightly to moderately disturbed marine water systems (50 µg/L). This demonstrates the potential for the aquatic ecosystems EV to be impacted.

7. Additionally, ANZECC guidelines for recreational waters states that oil and petrochemicals should not be noticeable as a visible film on the water nor should they be detectable by odour. Therefore, if the hydrocarbons were to migrate from the ATOM site to Trinity Inlet this would impact on the primary and secondary recreation EVs.

8. During an additional follow-up inspections on 5 July 2017, departmental officers observed a hydrocarbon sheen at the location the black, oil-like substance was identified.

9. The location of the identified black, oil-like substance is approximately 350m from the Trinity Inlet. It is likely that groundwater will express to waters within the Trinity Inlet as a migration pathway.

10. Given the high hydrocarbon content, the close proximity (and a known migration pathway) to Trinity Inlet, it is considered likely that contaminants are causing or have potential to cause environmental harm.

11. An unknown contaminant emanating from an unknown source continues to express to surface from

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groundwater at the location the black, oil-like substance was initially identified.

12. Caltex operates a bulk fuel storage and distribution facility in close proximity to the location the unknown contaminant was identified and continues to express. Operation of this facility may be contributing to the occurrence of the unknown contaminant.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. By no later than **1 October 2017** commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643 referred to as 33 Kenny Street, Cairns QLD 4870.

2. The investigation must:
   a) Identify the historic and contemporary land uses and infrastructure from which the contaminants may have originated;
   b) Confirm the type/s of contaminant/s and the source/s;
   c) Quantify the horizontal and vertical extents of the contamination in soil and groundwater;
   d) Identify the environmentally sensitive receptors and exposure pathways;
   e) Include structural integrity and leak testing for any bulk hydrocarbon storage container greater than 5000L;
   f) Include soil and groundwater sampling. Analysis of soil and groundwater samples must include the following parameters: benzene, toluene, ethylbenzene, xylenes, naphthalene, total petroleum hydrocarbons and total recoverable hydrocarbons (NEPM fractions);
   g) Include Global Positioning System (GPS) coordinates and an electronic KMZ File of the locations where samples are collected and an appropriately scaled map showing the sample locations;
   h) Include analytical results of all monitoring activity(s), including the original certificates of analysis as received and Quality Assurance/Quality Control data;
   i) Include a Conceptual Site Model (CSM);
   j) Compare sampling results against applicable NEPM guideline values to assess risk to human health and environmental receptors;
   k) Characterise the nature and severity of any actual and potential environmental harm caused by the contamination;
   l) Identify options to remediate the contamination and prevent further contamination from the same source. For each option provide estimated costs and timeframe for implementation; and
   m) Select the preferred remediation option and justify the selection. The justification must considered the environmental outcome.

3. All sampling must be undertaken in accordance with relevant guidelines and standards including where applicable AS 4482.1 – 2005 Guide to the investigation and sampling of sites with potentially contaminated soil – Non-volatile and semi-volatile compounds and AS 4482.2 – 1999 Guide to the sampling and investigation of potentially contaminated soil – Volatile substances and reported with details of how the sampling was carried out.

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The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined in Chapter 12, Part 3 of the Act.

The environmental report must be submitted to the department on or before:

- **1 January 2018**

As the recipient of this notice, you are also required to provide a statutory declaration in the form attached, to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to accompany the environmental report submitted to the department.

You can view an electronic version of the statutory declaration for a recipient using the following search term (ESR/2016/1997).[1]

An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (ESR/2016/2266).

Take notice:

- The requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
- This notice remains in force until further notice from the department; and
- You are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by the department.
- The requirements of this notice may be completed individually or in collaboration with a third party subject to the same requirements of this notice.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- Within 10 business days of the decision being notified to the person;
- Be supported by enough information to enable the department to decide the application for review; and
- Be made using the application for review of an original decision form (ESR/2015/1573).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

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A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the:

- Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572).
- Information sheet - internal review and appeal to the Land Court (ESR/2015/1742).

You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling $37,845.00
- The maximum penalty for a corporation is 1500 penalty units, totalling $189,225.00

Should you have any queries in relation to this notice, please contact Mr Joshua Maunder of the department on telephone number 07 4222 5311 or via email joshua.maunder@ehp.qld.gov.au

Signature	Date

David Darvall

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Minerals and North Queensland Compliance

Ph: (07) 4222 5359

Email: estownsville@ehp.qld.gov.au

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RTI Act 2009

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to Section 326B of the Environmental Protection Act 1994.

Viva Energy Australia Pty Ltd (ACN: 004 610 459)
Level 16, 720 Bourke Street
Docklands, VIC 3008

Your reference: CR76884

Our reference: STAT1200

28 August 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Viva Energy Australia Pty Ltd (you, VIVA) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of VIVA at the Cairns Depot on land described as Lot 42 on RP804036 and Lot 244 on NR5081 situated at 50-56 Draper Street, Cairns (the premises).

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

- The department is satisfied on reasonable grounds that an activity or proposed activity is causing, or is likely to cause environmental harm.

The facts and circumstances forming the basis for these grounds are:

1. On 17 January 2017 Australian Terminal Operations Management Pty Ltd (ATOM) reported the emergence of a black, oily substance in groundwater at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

2. Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site. Absorbent pads and booms had been placed over the pooled contaminated water and around the drain. The pads and booms showed signs of heavy oil staining.

3. On 1 February 2017 VIVA commenced excavations onsite adjacent to the contaminated area and

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around the location of the suspected source. During follow-up inspections on 1 February 2017 and 2 February 2017, departmental officers again observed black, oil-like substance on the surface of the water in the excavation that appeared to be expressing from a soil layer that had been exposed by the excavation works. However, the source of the black, oil-like substance was not able to be identified.

4. Samples taken by departmental officers on 1 February 2017 confirmed the black liquid contains high levels of total petroleum hydrocarbons comprising:

    a. (C10 – C14 Fraction: 4820000 µg/L;
    b. C15 – C28 Fraction: 9810000 µg/L;
    c. C29 – C36 Fraction: 209000 µg/L; and
    d. C10 – C36 Fraction (sum): 14800000 µg/L.

5. *The Environment Protection (Water) Policy 2009 Trinity Inlet environmental values and water quality objectives Basin no. 111* identifies and declares the following Environmental Values (EV) for Trinity Inlet.
    - Aquatic Ecosystems
    - Aquaculture
    - Human consumer
    - Primary recreation
    - Secondary recreation
    - Visual recreation
    - Cultural and spiritual values

6. Analysis of water samples taken onsite found a level of naphthalene (8990 µg/L) that exceeds the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (October 2000)* (ANZECC guidelines) trigger value for slightly to moderately disturbed marine water systems (50 µg/L). This demonstrates the potential for the aquatic ecosystems EV to be impacted.

7. Additionally, ANZECC guidelines for recreational waters states that oil and petrochemicals should not be noticeable as a visible film on the water nor should they be detectable by odour. Therefore, if the hydrocarbons were to migrate from the ATOM site to Trinity Inlet this would impact on the primary and secondary recreation EVs.

8. During an additional follow-up inspections on 5 July 2017, departmental officers observed a hydrocarbon sheen at the location the black, oil-like substance was identified.

9. The location of the identified black, oil-like substance is approximately 350m from the Trinity Inlet. It is likely that groundwater will express to waters within the Trinity Inlet as a migration pathway.

10. Given the high hydrocarbon content, the close proximity (and a known migration pathway) to Trinity Inlet, it is considered likely that contaminants are causing or have potential to cause environmental harm.

11. An unknown contaminant emanating from an unknown source continues to express to surface from

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groundwater at the location the black, oil-like substance was initially identified.

12. VIVA operates a bulk fuel storage and distribution facility in close proximity to the location the unknown contaminant was identified and continues to express. Operation of this facility may be contributing to the occurrence of the unknown contaminant.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. By no later than **1 October 2017** commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643 referred to as 33 Kenny Street, Cairns QLD 4870.

2. The investigation must:

   a) Identify the historic and contemporary land uses and infrastructure from which the contaminants may have originated;
   b) Confirm the type/s of contaminant/s and the source/s;
   c) Quantify the horizontal and vertical extents of the contamination in soil and groundwater;
   d) Identify the environmentally sensitive receptors and exposure pathways;
   e) Include structural integrity and leak testing for any bulk hydrocarbon storage container greater than 5000L;
   f) Include soil and groundwater sampling. Analysis of soil and groundwater samples must include the following parameters: benzene, toluene, ethylbenzene, xylenes, naphthalene, total petroleum hydrocarbons and total recoverable hydrocarbons (NEPM fractions);
   g) Include Global Positioning System (GPS) coordinates and an electronic KMZ File of the locations where samples are collected and an appropriately scaled map showing the sample locations;
   h) Include analytical results of all monitoring activity(s), including the original certificates of analysis as received and Quality Assurance/Quality Control data;
   i) Include a Conceptual Site Model (CSM);
   j) Compare sampling results against applicable NEPM guideline values to assess risk to human health and environmental receptors;
   k) Characterise the nature and severity of any actual and potential environmental harm caused by the contamination;
   l) Identify options to remediate the contamination and prevent further contamination from the same source. For each option provide estimated costs and timeframe for implementation; and
   m) Select the preferred remediation option and justify the selection. The justification must considered the environmental outcome.

3. All sampling must be undertaken in accordance with relevant guidelines and standards including where applicable AS 4482.1 – 2005 Guide to the investigation and sampling of sites with potentially contaminated soil – Non-volatile and semi-volatile compounds and AS 4482.2 – 1999 Guide to the sampling and investigation of potentially contaminated soil – Volatile substances and reported with details of how the sampling was carried out.

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The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined in Chapter 12, Part 3 of the Act.

The environmental report must be submitted to the department on or before:

- **1 January 2018**

As the recipient of this notice, you are also required to provide a statutory declaration in the form attached, to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to accompany the environmental report submitted to the department.

You can view an electronic version of the statutory declaration for a recipient using the following search term (ESR/2016/1997).[1]

An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (ESR/2016/2266).

Take notice:

- The requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
- This notice remains in force until further notice from the department; and
- You are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by the department.
- The requirements of this notice may be completed individually or in collaboration with a third party subject to the same requirements of this notice.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- Within 10 business days of the decision being notified to the person;
- Be supported by enough information to enable the department to decide the application for review; and
- Be made using the application for review of an original decision form (ESR/2015/1573).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

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A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the:

- Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572).
- Information sheet - internal review and appeal to the Land Court (ESR/2015/1742).

You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling $37,845.00
- The maximum penalty for a corporation is 1500 penalty units, totalling $189,225.00

Should you have any queries in relation to this notice, please contact Mr Joshua Maunder of the department on telephone number 07 4222 5311 or via email joshua.maunder@ehp.qld.gov.au

Signature	Date

David Darvall

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Minerals and North Queensland Compliance

Ph: (07) 4222 5359

Email: estownsville@ehp.qld.gov.au

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Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to Section 326B of the Environmental Protection Act 1994.

Australian Terminal Operations Management Pty Ltd (ACN: 606 006 866)
Level 3 Unit 3, 22 Albert Road
South Melbourne, VIC 3205

Your reference: CR76884

Our reference: STAT1197

8 September 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Australian Terminal Operations Management Pty Ltd (you, ATOM) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of ATOM at the Cairns Depot on land described as Lot 345 on SP113643 situated at 33 Kenny Street, Cairns (the premises).

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

- The department is satisfied on reasonable grounds that an activity or proposed activity is causing, or is likely to cause environmental harm.

The facts and circumstances forming the basis for these grounds are:

1. On 17 January 2017 ATOM reported the emergence of a black, oily substance in groundwater at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

2. Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site. Absorbent pads and booms had been placed over the pooled contaminated water and around the drain. The pads and booms showed signs of heavy oil staining.

3. On 1 February 2017 Viva Energy Australia Pty Ltd (VIVA) commenced excavations onsite adjacent to the contaminated area and around the location of the suspected source. During follow-up inspections

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on 1 February 2017 and 2 February 2017, departmental officers again observed black, oil-like substance on the surface of the water in the excavation that appeared to be expressing from a soil layer that had been exposed by the excavation works. However, the source of the black, oil-like substance was not able to be identified.

4. Samples taken by departmental officers on 1 February 2017 confirmed the black liquid contains high levels of total petroleum hydrocarbons comprising:

    a. (C10 – C14 Fraction: 4820000 µg/L;
    b. C15 – C28 Fraction: 9810000 µg/L;
    c. C29 – C36 Fraction: 209000 µg/L; and
    d. C10 – C36 Fraction (sum): 14800000 µg/L.

5. *The Environment Protection (Water) Policy 2009 Trinity Inlet environmental values and water quality objectives Basin no. 111* identifies and declares the following Environmental Values (EV) for Trinity Inlet.
    - Aquatic Ecosystems
    - Aquaculture
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6. Analysis of water samples taken onsite found a level of naphthalene (8990 µg/L) that exceeds the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (October 2000)* (ANZECC guidelines) trigger value for slightly to moderately disturbed marine water systems (50 µg/L). This demonstrates the potential for the aquatic ecosystems EV to be impacted.

7. Additionally, ANZECC guidelines for recreational waters states that oil and petrochemicals should not be noticeable as a visible film on the water nor should they be detectable by odour. Therefore, if the hydrocarbons were to migrate from the ATOM site to Trinity Inlet this would impact on the primary and secondary recreation EVs.

8. During an additional follow-up inspections on 5 July 2017, departmental officers observed a hydrocarbon sheen at the location the black, oil-like substance was identified.

9. The location of the identified black, oil-like substance is approximately 350m from the Trinity Inlet. It is likely that groundwater will express to waters within the Trinity Inlet as a migration pathway.

10. Given the high hydrocarbon content, the close proximity (and a likely migration pathway) to Trinity Inlet, it is considered likely that contaminants are causing or have potential to cause environmental harm.

11. An unknown contaminant emanating from an unknown source continues to express to surface from groundwater at the location the black, oil-like substance was initially identified.

12. ATOM operates a bulk fuel storage and distribution facility in close proximity to the location the

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unknown contaminant was identified and continues to express. Operation of this facility may be contributing to the occurrence of the unknown contaminant.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. By no later than **1 October 2017** commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643 referred to as 33 Kenny Street, Cairns QLD 4870.

2. The investigation must:

   a) Identify the historic and contemporary land uses and infrastructure from which the contaminants may have originated;
   b) Confirm the type/s of contaminant/s and the source/s;
   c) Quantify the horizontal and vertical extents of the contamination in soil and groundwater;
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   m) Select the preferred remediation option and justify the selection. The justification must considered the environmental outcome.

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The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined in Chapter 12, Part 3 of the Act.

The environmental report must be submitted to the department on or before:

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- **1 January 2018**

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An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (ESR/2016/2266).

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C. Reviews and appeals

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- Be supported by enough information to enable the department to decide the application for review; and
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For further information about reviews and appeals see the:

[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

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- Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572).
- Information sheet - internal review and appeal to the Land Court (ESR/2015/1742).

You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling $37,845.00
- The maximum penalty for a corporation is 1500 penalty units, totalling $189,225.00

Should you have any queries in relation to this notice, please contact Mr Joshua Maunder of the department on telephone number 07 4222 5311 or via email joshua.maunder@ehp.qld.gov.au

Signature	Date

David Darvall

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Minerals and North Queensland Compliance

Ph: (07) 4222 5359

Email: estownsville@ehp.qld.gov.au

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Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to Section 326B of the Environmental Protection Act 1994.

BP Australia Pty Ltd (ACN: 004 085 616)
Level 17, 717 Bourke Street
Docklands, VIC 3008

Your reference: CR76884

Our reference: STAT1198

8 September 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to BP Australia Pty Ltd (you, BP) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of Australian Terminal Operations Management Pty Ltd (ATOM) at the Cairns Depot on land described as Lot 345 on SP113643 situated at 33 Kenny Street, Cairns (the premises).

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

- The department is satisfied on reasonable grounds that an activity or proposed activity is causing, or is likely to cause environmental harm.

The facts and circumstances forming the basis for these grounds are:

1. On 17 January 2017 ATOM reported the emergence of a black, oily substance in groundwater at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

2. Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site. Absorbent pads and booms had been placed over the pooled contaminated water and around the drain. The pads and booms showed signs of heavy oil staining.

3. On 1 February 2017 Viva Energy Australia Pty Ltd (VIVA) commenced excavations onsite adjacent to the contaminated area and around the location of the suspected source. During follow-up inspections

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Rele

on 1 February 2017 and 2 February 2017, departmental officers again observed black, oil-like substance on the surface of the water in the excavation that appeared to be expressing from a soil layer that had been exposed by the excavation works. However, the source of the black, oil-like substance was not able to be identified.

4. Samples taken by departmental officers on 1 February 2017 confirmed the black liquid contains high levels of total petroleum hydrocarbons comprising:

    a. (C10 – C14 Fraction: 4820000 µg/L;
    b. C15 – C28 Fraction: 9810000 µg/L;
    c. C29 – C36 Fraction: 209000 µg/L; and
    d. C10 – C36 Fraction (sum): 14800000 µg/L.

5. *The Environment Protection (Water) Policy 2009 Trinity Inlet environmental values and water quality objectives Basin no. 111* identifies and declares the following Environmental Values (EV) for Trinity Inlet.
    - Aquatic Ecosystems
    - Aquaculture
    - Human consumer
    - Primary recreation
    - Secondary recreation
    - Visual recreation
    - Cultural and spiritual values

6. Analysis of water samples taken onsite found a level of naphthalene (8990 µg/L) that exceeds the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (October 2000)* (ANZECC guidelines) trigger value for slightly to moderately disturbed marine water systems (50 µg/L). This demonstrates the potential for the aquatic ecosystems EV to be impacted.

7. Additionally, ANZECC guidelines for recreational waters states that oil and petrochemicals should not be noticeable as a visible film on the water nor should they be detectable by odour. Therefore, if the hydrocarbons were to migrate from the ATOM site to Trinity Inlet this would impact on the primary and secondary recreation EVs.

8. During an additional follow-up inspections on 5 July 2017, departmental officers observed a hydrocarbon sheen at the location the black, oil-like substance was identified.

9. The location of the identified black, oil-like substance is approximately 350m from the Trinity Inlet. It is likely that groundwater will express to waters within the Trinity Inlet as a migration pathway.

10. Given the high hydrocarbon content, the close proximity (and a likely migration pathway) to Trinity Inlet, it is considered likely that contaminants are causing or have potential to cause environmental harm.

11. An unknown contaminant emanating from an unknown source continues to express to surface from

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groundwater at the location the black, oil-like substance was initially identified.

12. BP owns the bulk fuel storage and distribution facility operated by ATOM, in close proximity to the location the unknown contaminant was identified and continues to express. Operation of this facility may be contributing to the occurrence of the unknown contaminant.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. By no later than **1 October 2017** commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643 referred to as 33 Kenny Street, Cairns QLD 4870.

2. The investigation must:

   a) Identify the historic and contemporary land uses and infrastructure from which the contaminants may have originated;
   b) Confirm the type/s of contaminant/s and the source/s;
   c) Quantify the horizontal and vertical extents of the contamination in soil and groundwater;
   d) Identify the environmentally sensitive receptors and exposure pathways;
   e) Include structural integrity and leak testing for any bulk hydrocarbon storage container greater than 5000L;
   f) Include soil and groundwater sampling. Analysis of soil and groundwater samples must include the following parameters: benzene, toluene, ethylbenzene, xylenes, naphthalene, total petroleum hydrocarbons and total recoverable hydrocarbons (NEPM fractions);
   g) Include Global Positioning System (GPS) coordinates and an electronic KMZ File of the locations where samples are collected and an appropriately scaled map showing the sample locations;
   h) Include analytical results of all monitoring activity(s), including the original certificates of analysis as received and Quality Assurance/Quality Control data;
   i) Include a Conceptual Site Model (CSM);
   j) Compare sampling results against applicable NEPM guideline values to assess risk to human health and environmental receptors;
   k) Characterise the nature and severity of any actual and potential environmental harm caused by the contamination;
   l) Identify options to remediate the contamination and prevent further contamination from the same source. For each option provide estimated costs and timeframe for implementation; and
   m) Select the preferred remediation option and justify the selection. The justification must considered the environmental outcome.

3. All sampling must be undertaken in accordance with relevant guidelines and standards including where applicable AS 4482.1 – 2005 Guide to the investigation and sampling of sites with potentially contaminated soil – Non-volatile and semi-volatile compounds and AS 4482.2 – 1999 Guide to the sampling and investigation of potentially contaminated soil – Volatile substances and reported with details of how the sampling was carried out.

The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined in Chapter 12, Part 3 of the Act.

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The environmental report must be submitted to the department on or before:

- **1 January 2018**

As the recipient of this notice, you are also required to provide a statutory declaration in the form attached, to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to accompany the environmental report submitted to the department.

You can view an electronic version of the statutory declaration for a recipient using the following search term (ESR/2016/1997).[1]

An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (ESR/2016/2266).

Take notice:

- The requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
- This notice remains in force until further notice from the department; and
- You are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by the department.
- The requirements of this notice may be completed individually or in collaboration with a third party subject to the same requirements of this notice.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- Within 10 business days of the decision being notified to the person;
- Be supported by enough information to enable the department to decide the application for review; and
- Be made using the application for review of an original decision form (ESR/2015/1573).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

[1] This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

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For further information about reviews and appeals see the:

- Information sheet - internal review and appeal to the Planning and Environment Court (ESR/2015/1572).
- Information sheet - internal review and appeal to the Land Court (ESR/2015/1742).

You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling $37,845.00
- The maximum penalty for a corporation is 1500 penalty units, totalling $189,225.00

Should you have any queries in relation to this notice, please contact Mr Joshua Maunder of the department on telephone number 07 4222 5311 or via email joshua.maunder@ehp.qld.gov.au

Signature	Date

David Darvall

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Minerals and North Queensland Compliance

Ph: (07) 4222 5359

Email: estownsville@ehp.qld.gov.au

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RTI Act 2009

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to Section 326B of the Environmental Protection Act 1994.

Viva Energy Australia Pty Ltd (ACN: 004 610 459)
Level 16, 720 Bourke Street
Docklands, VIC 3008

Your reference: CR76884

Our reference: STAT1200

8 September 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Viva Energy Australia Pty Ltd (you, VIVA) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of VIVA at the Cairns Depot on land described as Lot 42 on RP804036 and Lot 244 on NR5081 situated at 50-56 Draper Street, Cairns (the premises).

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A. Grounds

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1. On 17 January 2017 Australian Terminal Operations Management Pty Ltd (ATOM) reported the emergence of a black, oily substance in groundwater at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

2. Departmental officers inspected the ATOM site on 18 January and observed a black, oil-like substance expressing through to the surface near a drain that releases to a stormwater junction pit on-site. Absorbent pads and booms had been placed over the pooled contaminated water and around the drain. The pads and booms showed signs of heavy oil staining.

3. On 1 February 2017 VIVA commenced excavations onsite adjacent to the contaminated area and

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around the location of the suspected source. During follow-up inspections on 1 February 2017 and 2 February 2017, departmental officers again observed black, oil-like substance on the surface of the water in the excavation that appeared to be expressing from a soil layer that had been exposed by the excavation works. However, the source of the black, oil-like substance was not able to be identified.

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Should you have any queries in relation to this notice, please contact Mr Joshua Maunder of the department on telephone number 07 4222 5311 or via email joshua.maunder@ehp.qld.gov.au

Signature	Date

David Darvall

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

Minerals and North Queensland Compliance

Ph: (07) 4222 5359

Email: estownsville@ehp.qld.gov.au

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From: WILLIAMS Tony [Tony.Williams@ehp.qld.gov.au]
Sent: Wednesday, 15 February 2017 1:50 PM
To: KANE Gary
CC: CAVICCHIOLO Mark
Subject: FW: report of oil seeping from drain in Cairns

Gary – this has not been entered into Ecotrack, thanks Tony

Tony Williams
Team Leader
North Queensland Compliance | Environmental Services and Regulation
Department of Environment and Heritage Protection

P 07 4222 5316
Level 3, 5B Sheridan Street, Cairns QLD 4870
PO Box 7230, Cairns QLD 4870

From: CAVICCHIOLO Mark
Sent: Wednesday, 15 February 2017 10:49 AM
To: WILLIAMS Tony <Tony.Williams@ehp.qld.gov.au>
Subject: FW: report of oil seeping from drain in Cairns

From: Pollution Hotline
Sent: Wednesday, 15 February 2017 10:44 AM
To: CAVICCHIOLO Mark
Subject: RE: report of oil seeping from drain in Cairns

Dear Mark

Has anyone entered this in Ecotrack yet? Let me know, and I can look after this if still needed.

Best wishes. Gary.

Gary Kane
Principal Community Response Officer
Technical Support and Community Response
Regulatory Capability and Customer Service
Department of Environment and Heritage Protection

P 1300 130 372 (option 2)
Level 9, 400 George Street, Brisbane
GPO Box 2454, Brisbane, Qld, 4001

From: CAVICCHIOLO Mark
Sent: Wednesday, 15 February 2017 9:11 AM
To: SHORT Michael <Michael.Short@ehp.qld.gov.au>
Cc: Pollution Hotline <PollutionHotline@ehp.qld.gov.au>

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Subject: RE: report of oil seeping from drain in Cairns

No, nothing Mike. Is there a POLREP from MSQ available?

From: SHORT Michael
Sent: Wednesday, 15 February 2017 9:06 AM
To: Pollution Hotline
Cc: CAVICCHIOLO Mark
Subject: FW: report of oil seeping from drain in Cairns

This came through from MSQ – certainly nothing through the after hours systems - not sure if any notifications have come through your channels – if follow can be arranged that would be great

Thanks
Mike
Chief Advisor Incident Management

From: Paul G Brandenburg [mailto:paul.g.brandenburg@msq.qld.gov.au]
Sent: Wednesday, 15 February 2017 7:54 AM
To: SHORT Michael <Michael.Short@ehp.qld.gov.au>
Cc: Patrick J Quirk <patrick.j.quirk@msq.qld.gov.au>; Nerissa L Bartlett <Nerissa.L.Bartlett@msq.qld.gov.au>
Subject: report of oil seeping from drain in Cairns

Hi Mike

This was in our media report this morning. Sending it through just in case you are not aware of it.

Caller Null says he posted a photo of an oil spill at the coast. ...

14 Feb 2017 9:49AM • 4CA AM, Cairns (John Mackenzie)
hosted by John MacKenzie

Caller Null says he posted a photo of an oil spill at the coast. He expresses concern over the minimal coverage the issue is receiving. He mentions the oil is leaking through the drain which discharges rainwater into Cairns Inlet and Sugar Terminal. He adds that the oil sticks to the hull of the ships entering the port and will likely reach the Great Barrier Reef. MacKenzie says he'll raise the topic to sch4p4(6) Persona

Kind Regards
Paul Brandenburg
Executive Director | Maritime Services
Maritime Safety Queensland | Department of Transport and Main Roads

Floor 2 | 61 Mary Street | Brisbane Qld 4000
GPO Box 2595 | Brisbane Qld 4001
P: (07) 30663924
M: sch4p4(6) Pe
E: paul.g.brandenburg@msq.qld.gov.au
W: www.msq.qld.gov.au

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If this email was not intended for you and was sent to you by mistake, please telephone or email me immediately, destroy any hardcopies of this email and delete it and any copies of it from your computer system. Any right which the sender may have under copyright law, and any legal privilege and confidentiality attached to this email is not waived or destroyed by that mistake.

It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, or endorsed organisations utilising the same infrastructure.
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Decision Memo
Environmental Evaluation

Decision Memo – Environmental Evaluation forms the record of decision for EEs (including environmental audits s323, s326A and environmental investigations, s326B, Environmental Protection Act 1994*) for the Industry & Development Business Centre. Decision Memo is completed and signed by the Manager (Compliance) and sent to relevant compliance centre for file.*

Matter Name: ("common name")	Australian Terminal Operations Management Pty Ltd and Viva Energy; Kenny St, Cairns
Date: (of decision assessment)	
CA N°: **STAT N°:**	CR76884
Organisational Details (ASIC)**:** Date of ASIC Search:3/3/17	
Name (legal name of person/company)**:**	**AUSTRALIAN TERMINAL OPERATIONS MANAGEMENT PTY LTD** AUSTRALIAN PROPRIETARY COMPANY **606 006 866** LEVEL 3 UNIT 3, 22 ALBERT ROAD, SOUTH MELBOURNE, VIC BP Australia Pty Ltd 004085616 Viva Energy Australia Pty Ltd 004610459
Company Type:	
ACN:	
Registered Office:	

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Background and review details:

Background

On 17 January 2017 Australian Terminal Operations Management Pty Ltd (ATOM) reported the **emergence of a black, oily substance in groundwater** at their Cairns Terminal located at Lot 345 on Plan SP113643, 33 Kenny Street, Cairns.

Lot 345 on Plan SP113643 is identified as Strategic Ports Land owned by the Far North Queensland Ports Corporation (Ports North).

BP Australia Pty Ltd (BP) have a leasing arrangement with Ports North to operate a bulk fuel storage and distribution facility comprising bulk storage tanks and loading / unloading facilities ("ATOM Cairns Terminal") on a portion of Lot 345 on Plan SP113643. ATOM operate the Cairns Terminal on behalf of BP. Prior to ATOM commencing operations on-site, BP previously managed the Cairns Terminal, and prior to that it was operated by Mobil Oil Australia Pty Ltd (Mobil). ATOM operates the Cairns Terminal under Environmental Authority EPPR00765513.

Caltex Australia Petroleum Pty Ltd (Caltex) have a leasing arrangement with Ports North to operate a bulk fuel storage and distribution operation (Caltex Cairns Terminal) on the remaining proportion of Lot 345 on Plan SP113643. Caltex operate the Caltex Cairns Terminal under Environmental Authority EPPR00427813.

Viva Energy Australia Pty Ltd (Viva) operates a bulk fuel storage facility (Viva Cairns Terminal) on Lot 42 on Plan RP804036 Draper Street, Cairns. Viva operates the Viva Cairns Terminal under Environmental Authority EPPR00415813. Viva owns three fuel transfer lines comprising two un-used former Navy Lines and a current pipeline which run through the ATOM Cairns Terminal to the Viva Cairns Terminal. The transfer lines are located in close proximity to the location of the black, oily substance.

On 17 January 2017 ATOM initially reported the emergence of the substance. ATOM initially suggested that the potential source of the unknown contaminant could be Viva's un-used Navy Lines however Viva have subsequently provided information to the department indicating they do not believe the Navy Lines are the source.

On 18 January 2017 EHP inspected the ATOM site, observing a black, oil-like substance near a drain that releases to a stormwater pit on-site. Deployed pads and booms showed signs of heavy oil staining. There was no evidence of the contamination leaving the site.

On 1 February 2017 Viva commenced excavations onsite adjacent to the contaminated area and around the location of the suspected source. During follow-up inspections on 1 February 2017 and 2 February 2017, EHP again observed the substance on the surface of the water in the excavation. It appeared to be expressing from a soil layer that had been exposed by the excavation works. However, the source of the substance was not identified. Samples taken by EHP on 1 February 2017 confirmed the substance contains high levels of TPH from C10 through to C36 and water samples indicate naphthalene at 8990 µg/L significantly exceeding *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (October 2000)* trigger value for slightly to moderately disturbed marine water systems of 50 µg/L.

On 5 July 2017, EHP observed a hydrocarbon sheen at the location at which the black, oil-like substance was identified. A probable environmental contaminant originating from an unknown source continues to express to surface from groundwater at the location that the substance was initially identified.

Review of recommendation

321 What is an environmental evaluation

(1) An environmental evaluation is an evaluation of an activity or event to decide -

(a) the source, cause or extent of environmental harm being caused, or the extent of

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environmental harm likely to be caused, by the activity or event; **and**
(b) the need for a transitional environmental program for the activity or event.

The compliance centre requires that relevant entities commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643. There is some doubt as to what the source, cause and extent is (for example initially the ex-Navy lines were suspected, but excavations indicated them as an unlikely source), although it is adequately established that the contaminant is a petroleum product or products. I am satisfied that 321(1)(a) is met.

For an EE to be issued the desirability of a TEP must also be established by the EE. A TEP can be used, broadly speaking, to reduce environmental harm; transition to a standard or transition to compliance with a permit condition.

The EE identified a potential pathway to harm (release of hydrocarbons to Trinity inlet and asscoaited waters. I am satisfied that the proposed actions would assist in deciding whether further action via a TEP would assist in reducing environmental harm. Accordingly I am satisfied that the requirement of s321(1)(b) can be met.

326B When environmental investigation required—environmental harm
(1) This section applies if the administering authority is satisfied on reasonable grounds that -
(a) an event has happened causing environmental harm while an activity was being carried out; or
(b) an activity or proposed activity is causing, or is likely to cause environmental harm.

"*administering authority*"

"Administering authority" – Schedule 4, EP Act:
administering authority means -
(a) for a matter, the administration and enforcement of which has been devolved to a local government under section 514 - the local government; or
(b) for another matter - the chief executive.

Chapter 7, Part 1 Devolution of Powers, EP Regulation – considers matters devolved to local government. In particular s101 relates to particular prescribed ERAs which are devolved to local government. The devolutions set out in the Regulation do not apply to the ERA in question (ERA8 – chemical storage). The facility is taken to be a non-devolved ERA. Therefore section (a) does not apply; making the "**chief executive**" responsible under the administering authority definition.

Acts Interpretation Act - s33 References to Ministers, departments and chief executives
(11) In a provision of an Act, a reference to the ***chief executive*** *without specifying a particular public sector unit by name is a reference to the chief executive of - the public sector unit that -*
(i) deals with the relevant matter; and
(ii) is administered by the Minister or Ministers administering the provision in relation to the Matter.

ADMINISTRATIVE ARRANGEMENTS ORDER (No. 2) 2017 – relevantly sets out (pp24-25) that the department responsible for the administration of the EP Act, is EHP.

I am satisfied that EHP is the administering authority for the activity.

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"causing or likely to cause environmental harm"

Section 14, EP Act defines environmental harm, and I am satisfied (as a consequence of the evidence

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of EHP officers) that there is, at the least, a likelihood of (potentially serious or material) environmental harm arising from the migration of hydrocarbons through soil and to waters.

While the requirement for issuing an EE does not require that the harm be "unlawful" it is relevant to consider the extent to which the EA/s may authorise discharges to the environment. The EA/s generally contain authorised discharge points for contaminants. However a key characteristic of the current issue is that the source and cause of the hydrocarbon emission is not known – so it is not likely that the contaminants are arising from authorised discharge points. I am satisfied then that there is potential for harm to arise from operations at the site, and these odours are not mitigated by sufficient control actions at the site.

Reasonable Nature

The compliance centre specifically addresses the reasons for the requirements in the notice. Primarily the requirements derive from the circumstance that the source cause and extent of the contamination issue is not known. The requirements of the notice are generally consistent with establishing a base-level of information around a potentially harmful pollution event.

The compliance centre seeks to apply the EE to each of four companies:

ATOM, Caltex and VIVA (who undertake bulk fuel storage and distribution activities within a 300m radius of the location the black, oil-like substance was initially detected) and BP, who owns the infrastructure operated by ATOM at the Cairns ATOM Terminal.
Prior to operational management of the Cairns ATOM terminal transferring to ATOM, BP managed the site.

The site is a complex one and due to the cryptic nature of the contamination event it is reasonable to give all potentially relevant parties opportunity to contribute to resolution.

Reasonableness of EE requirements

If the requirements of s326B (1) are satisfied, then section 326B(2) is enabled:

> The authority may, by written notice (an ***investigation notice***), require the person who has carried out, is carrying out or is proposing to carry out the activity to -
> (a) conduct or commission an investigation (an ***environmental investigation***) about the event or activity; and
> (b) submit an environmental report about the investigation to the authority.

The exemption under s326B (3) does not apply.

The draft EE contains 5 requirements.

Action 1: *requires that an investigation to identify source cause and extent of contamination at the site is commenced by 1 October 2017.*

The requirement is reasonable in the circumstances and provides sufficient time and flexibility for the parties to commence work ("commence" is not defined). It provides a guideline as to the department's expectation that action is expected sooner, but is not likely to be a hard date for enforcement due to the lack of definition around "commence". There is no need for the department to enforce a commencement date, given that there is a due date for finalising the investigation, which will be enforced.

Action 2: identifies 13 components that the investigation must encompass.

The action requires certain information the investigation must ascertain, and also certain reporting requirements. All of the requirements of this action are reasonable and relevant in the circumstances.

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Actions 3 – 5 are administrative requirements, setting standards for sampling, requiring qualified investigators and setting a completion date. They are common and reasonable requirements. The due date for final reporting is January 2018. This date did not excite protest when the draft was sent to the proposed recipients.

326C Content of investigation notice

(1) An investigation notice given under section 326B or 326BA must state the following -

(a) the name of the person to whom the notice is given;

(b) the matter for which the environmental investigation is required;

(c) for a notice given under section 326B—that the person must, within a stated reasonable period -

(i) conduct or commission the environmental investigation; and

(ii) give the administering authority an environmental report about the investigation;

(d) for a notice given under section 326BA—that the person must, within a stated reasonable period -

(i) conduct or commission the environmental investigation; and

(ii) give the administering authority a site investigation report for the land in accordance with sections 389 and 390.

(2) An investigation notice given under section 326B or 326BA must be accompanied by or include an information notice about the decision to give the notice and to fix the stated period.

The draft Notice contains the information required by s326C(1).

Decision: issue an EE to 3 parties.			
Name:	David Darvall sch4p4(sch4p4(6) Personal information	**Position:**	Manager (Compliance)
Signature:		**Date:**	8/9/17
Comment: Draft EE was sent for comment to 4 parties on 28/8/17. Comments were received from companies and considered by compliance centre, and incorporated in revised assessment report. The key outcome was that Caltex was removed from the investigation, based on their and other parties' representations.			

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Decision Memo
Environmental Evaluation

Decision Memo – Environmental Evaluation forms the record of decision for EEs (including environmental audits s323, s326A and environmental investigations, s326B, Environmental Protection Act 1994*) for the Industry & Development Business Centre. Decision Memo is completed and signed by the Manager (Compliance) and sent to relevant compliance centre for file.*

Matter Name: ("common name")	Australian Terminal Operations Management Pty Ltd and Viva Energy; Kenny St, Cairns
Date: (of decision assessment)	
CA N°: **STAT N°:**	CR76884
Organisational Details (ASIC)**:** Date of ASIC Search:3/3/17	
Name (legal name of person/company)**:**	**AUSTRALIAN TERMINAL OPERATIONS MANAGEMENT PTY LTD** AUSTRALIAN PROPRIETARY COMPANY **606 006 866** LEVEL 3 UNIT 3, 22 ALBERT ROAD, SOUTH MELBOURNE, VIC BP Australia Pty Ltd 004085616 Viva Energy Australia Pty Ltd 004610459
Company Type:	
ACN:	
Registered Office:	

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environmental harm likely to be caused, by the activity or event; **and**
(b) the need for a transitional environmental program for the activity or event.

The compliance centre requires that relevant entities commence an investigation to identify the source, cause and extent of the hydrocarbon contamination located at Lot 345 on Plan SP113643. There is some doubt as to what the source, cause and extent is (for example initially the ex-Navy lines were suspected, but excavations indicated them as an unlikely source), although it is adequately established that the contaminant is a petroleum product or products. I am satisfied that 321(1)(a) is met.

For an EE to be issued the desirability of a TEP must also be established by the EE. A TEP can be used, broadly speaking, to reduce environmental harm; transition to a standard or transition to compliance with a permit condition.

The EE identified a potential pathway to harm (release of hydrocarbons to Trinity inlet and asscoaited waters. I am satisfied that the proposed actions would assist in deciding whether further action via a TEP would assist in reducing environmental harm. Accordingly I am satisfied that the requirement of s321(1)(b) can be met.

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(1) This section applies if the administering authority is satisfied on reasonable grounds that -
(a) an event has happened causing environmental harm while an activity was being carried out; or
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"*administering authority*"

"Administering authority" – Schedule 4, EP Act:
administering authority means -
(a) for a matter, the administration and enforcement of which has been devolved to a local government under section 514 - the local government; or
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Name:	David Darvall sch4p4(	**Position:**	Manager (Compliance)
Signature:	sch4p4(6) Personal information	**Date:**	8/9/17
Comment: Draft EE was sent for comment to 4 parties on 28/8/17. Comments were received from companies and considered by compliance centre, and incorporated in revised assessment report. The key outcome was that Caltex was removed from the investigation, based on their and other parties' representations.			

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CNS4778:2
CNS4778

Luke Nicholson

From: sch4p4(6)@caltex.com.au
Sent: Tuesday, 11 April 2006 2:12 PM
To: luke.nicholson@epa.qld.gov.au
Subject: Caltex Underground

MVC-588S.JPG

MVC-589S.JPG

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MVC-600S.JPG

MVC-601S.JPG

MVC-603S.JPG

MVC-604S.JPG

Luke,

Photos of the issue

(See attached file: MVC-588S.JPG)(See attached file: MVC-589S.JPG)(See attached file: MVC-590S.JPG)(See attached file: MVC-591S.JPG)(See attached file: MVC-592S.JPG)(See attached file: MVC-593S.JPG)(See attached file: MVC-594S.JPG)(See attached file: MVC-595S.JPG)

Interim Solution

(See attached file: MVC-599S.JPG)(See attached file: MVC-600S.JPG)(See attached file: MVC-601S.JPG)(See attached file: MVC-603S.JPG)(See attached file: MVC-604S.JPG)

Regards,

sch4p4(6) Personal inform
Facility Co-Ordinator
Cairns Terminal
Ph: (07) 4051 6644
Fax: (07) 4051 9054
Mob: sch4p4(6) Personal in

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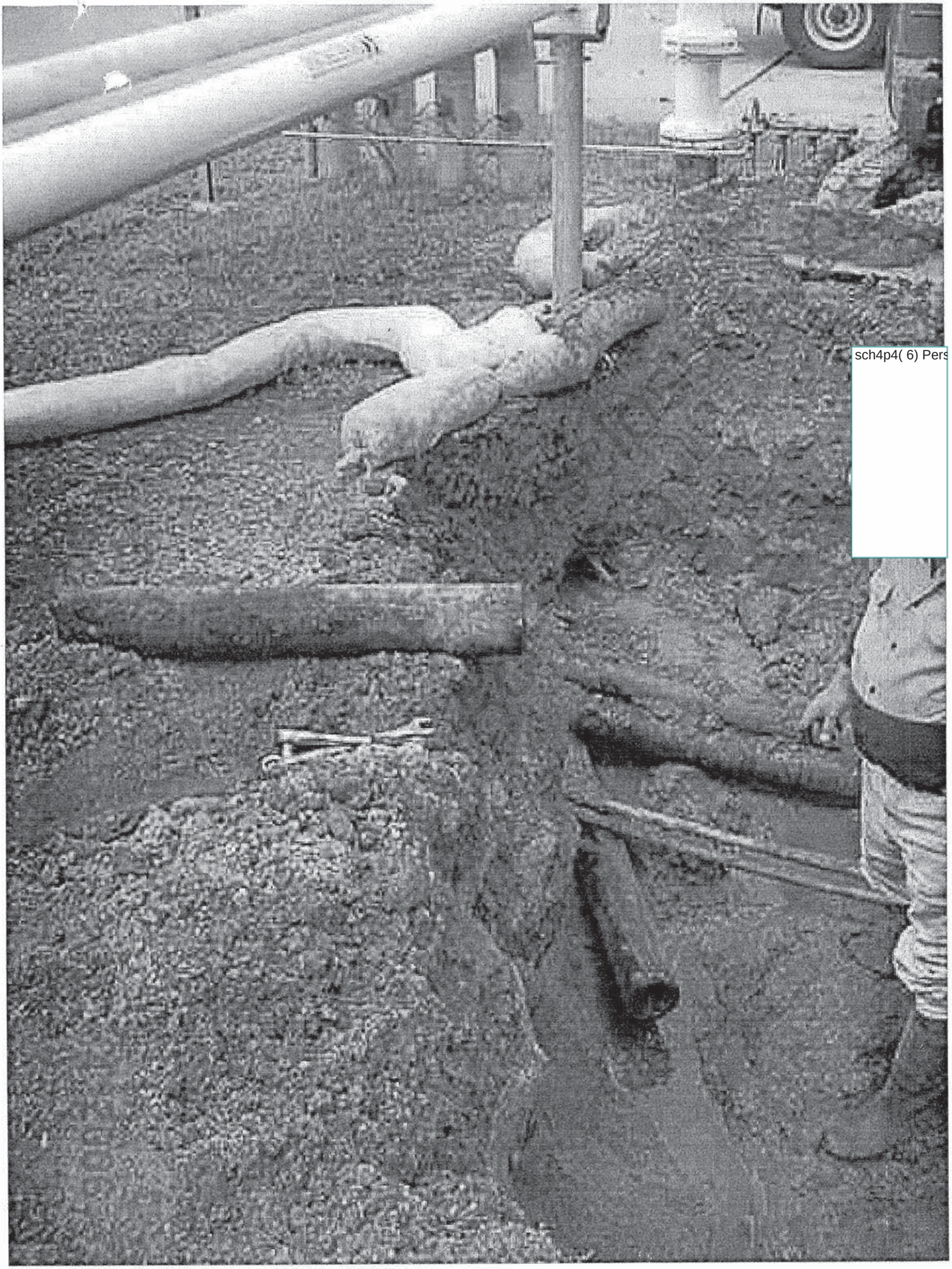
sch4p4(6) Personal i

Log


sch4p4(6) Pers

Rele

Luke Nicholson

From: Luke Nicholson [luke.nicholson@epa.qld.gov.au]
Sent: Tuesday, 11 April 2006 2:30 PM
To: sch4p4(6) @caltex.com.au'
Subject: RE: Caltex Underground

sch4p4(6) P as you are no doubt aware, I'll need an incident report once things are finalised.

Cheers Luke

> -----Original Message-----
> From: sch4p4(6) @caltex.com.au [mailto:jamarsh@caltex.com.au]
> Sent: Tuesday, 11 April 2006 2:12 PM
> To: luke.nicholson@epa.qld.gov.au
> Subject: Caltex Underground
>
>
> Luke,
>
> Photos of the issue
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> (See attached file: MVC-588S.JPG)(See attached file: MVC-589S.JPG)(See
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> Regards,
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> sch4p4(6) Personal inform
> Facility Co-Ordinator
> Cairns Terminal
> Ph: (07) 4051 6644
> Fax: (07) 4051 9054
> Mob: sch4p4(6) Personal i
>

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RTI Act 2009

CN54778.2

CALTEX

Caltex Australia Petroleum Pty Ltd. ABN 17 000 032 128

Att: Luke Nicholson
C/- Environmental Protection Agency
P.O Box 2066
Cairns QLD 4870

sch4p4(6) Personal informa

Caltex Australia Petroleum
P.O Box 917
Cairns QLD 4870

EPA licence Number: FN0644

Thursday, April 20, 2006

RE: Underground Pipeline Leak

Dear Mr. Nicholson,

As you are aware from our verbal report and your subsequent site visit last week, we have experienced a loss of containment in the underground pipeline that feeds our underground spill control storage tank at our Draper Street Terminal. This incident was detected on 10/04/06 when product was noticed rising through the ground near the underground tank.

After investigation of the site we found the loss of containment was caused by damage to the underground pipeline running from our "Tanker Truck Loading Rack" to the storage vessel.

This damage is thought to have been caused by excessive ground movement.

Product lost thought this pipeline failure has been collected by surface skimming the pit area dug to expose the broken pipeline. Approximately 3 liters of product has been recovered to date. The extent of residual product to ground is to be confirmed by testing from a third party soil testing company. Please note that excessive rain in the Cairns region is hindering this process.

The tank and pipeline concerned have been removed from service and are free from any petroleum products.

Should you have any queries with respect to the above please don't hesitate to contact me on (07) 4051 6644 or sch4p4(6) Personal info

Regards,

sch4p4(6) Personal inform

Facility Coordinator, Cairns Terminal
Caltex Australia Petroleum

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Caltex - Draper st.

sch4p4(6) Personal information

Note:
what happen, when happen, when aware?
why delay in advising? what quantity released?
Records kept - copy. - documentation
how happen - ie. maintenance - how, when, records
What procedures in place, how contained?
docs -

2:45pm Caltex Draper st. 13-03-13

sch4p4(6) Personal information - Terminal manager.

- Alleged to have occurred on Monday 11 March 2013 at 11:35am.
- Event was identified at 7:15am 12 March by sch4p4(6) Personal information (ops coordinator)
- Valve was opened to pump fuel back into storage tank, usually left open for a couple of minutes however was left open.
- opening + closing of valve is recorded. Valve is a 3 inch pipe, contains a non-return valve. Valve has failed passing fuel.

- emptying the fast flush tank has a viewing point to observe when tank is empty + valve to be closed.
- sch4p4(6) Personal observed fuel coming out of tank (fast flush) + immed. closed valve.
- tank gauging estimates approximately 5000L has released to bunded area (earthen bund) + gravity flows through pipes to storage tanks.
- Jet fuel flowed from tank to earthen area into containment pit + to separator. Separator has a an isolation valve that is manually operated if require a release offsite. Isolation valve was closed at time of incident. Records kept.
- sch4p4(6) Personal info notified sch4p4(6) Personal inf at approximately 10am on 12 March 2013.
- has an electronic Maintainence schedule that generates work requests + tracks works.
  - ↳ Jet tanks scheduled every 5yrs
    - ↳ full check - emptied, cleaned, integrity

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- pipelines scheduled every 5yrs for pressure testing - AS used
- Tank AS checked in 2011.
  - would have to check records of what was undertaken not sure about fast flush tanks.
- sch4p4(6) Personal notified sch4p4(6) Personal information (QLD ops Mgr). at approximately 10:00am on 12 March 2013.
  - sch4p4(6) Pers emailed sch4p4(6) Personal in of incident + emailed sch4p4(6) Personal inf
- Has emergency response plan including containment, notification etc
- Closed off valve + stopped release, used air pumps to remove fuel from pits + pond + sprayed "oil gone" to breakdown any remaining product.
  - waste trucked booked for 14 March 2013 8:30am to remove all water from pits onsite
    - contracted out.
  - going to take samples of remaining water to SGS to confirm if able to release through separator.
    - will use license limits to determine if can release.
- IBC's have been emptied to slops tank (underground). 3 were emptied + 1 still to be emptied.
  - capacity 20,000L.
- ~~fast flush~~ tank capacity 1500-2000L
- HIGB undertake audits - last one Oct 2011 - Complete full site audit
- IEMS probably on intranet for staff to access - can confirm with sch4p4(6) Perso
- sch4p4(6) Personal inf not sure why a delay in notifying, did not get to speak with sch4p4(6) Per on 13 March 13 but did sch4p4(6) Pers sch4p Would consider it sch4p4(6) Pe role to advise EHP.
- Procedure is to Notify Mgr, notify relevant area (ie. Enviro, emergency)

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Request.

Records → Maintenance - need to contact engineer in sydney but was last done 2011.

sighted → Tank A5 Inventory report of quantities 400mm per mm. = 5000L est.

sighted → Jet A1 Water test record
↳ ~~record for checking for water, fill up flash tank, drain water & pump product back to A5~~
↳ record is for water test in fuel. fuel from tank A5 is drained to ~~flush~~ flush tank & valve opened to drain fuel/water to bucket, once pure fuel only, valve turned off & fuel pumped back to tank A5 until flash tank is empty.

* sch4p4(6) Persona undertook this procedure but left valve open & A5 return valve failed releasing Jet fuel.

→ going to recommend the installation of deadman valves that have to be physically opened when in use.

→ During 2012 national training undertaken - fast flush tank training was included & other high risk activities.

→ sch4p4(6) Personal in was trained 2011. Intranet records all training undertaken.

→ fast flush activity is undertaken daily on 2 tanks onsite.

→ When event was identified. separator valve was checked & off.

→ gr/water monitoring is undertaken ongoing.

* Request Maintenance of tank A5 & associated fast flush tank.
* Request st/water plans.

Alarm system - SCADA & Dretzel
↳ 2 independ systems
↳ has high level alarm, high high level & HHH Alarm (indep

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- at time of incident AS was 15,000
M = approx 6 mill.

- procedure for st/water includes st/water pits filling up & backing up into tank bunds. st/water tested before valve is open to release off site.

- st/water in bund did not contain any visible sheen.

- all jet fuel was removed on 12-03-13, a pit was further drained on 13-03-13 st/water was evident on arvo of 13-03-13.

- Investigation to be completed next week & valve repaired
- In meantime, staff undertaking daily fast flush have been made aware of the faulty valve.

finished 4:30pm

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sch4p4(6) Personal inform

From: sch4p4(6) Personal
Sent: Tuesday, 12 March 2013 2:04 PM
To: sch4p4(6) Personal i
Cc:
Subject: Jet A1 Spill

Hi sch4p4

I left a voicemail on your phone already but we have had a spill of Jet A1 in the Tank farm which was contained in the separator.

All product was contained on site, I have pumped all of the product in IBC's and have sprayed the ground that was in contact with "Oil Gone"

I have also pumped the separator out and sprayed with "Oil Gone"

Is there anything else I can do to ensure this is correctly contained?

Thank you

Regards,

sch4p4(6) Personal inform
Terminal Manager
CALTEX AUSTRALIA PETROLEUM PTY LTD
90-104 Draper St, Cairns QLD 4870 | Postal: PO Box 917, Cairns QLD 4870
T: (07) 4222 2502 | sch4p4(6) Personal | F: 07 4222 2525
E: sch4p4@caltex.com.au | www.caltex.com.au

CALTEX
Caltex Australia

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sch4p4(6) Personal informa

From: sch4p4(6) Personal
Sent: Tuesday, 12 March 2013 10:22 AM
To: sch4p4(6) Persona
Subject: Jet A1 spill

Importance: High

sch4p4(

There has been a spill of Jet A1 in the Tank farm.

Yesterday while completing the Fast flush on A5 the Inlet to the tank was not closed completely.

The non return back to the fast flush tank has failed to operate correctly and the fast flush has overfilled and resulted in a spill.

I have just discovered this as I was out in the tank farm inspecting fire system gear.

I am about to commence a clean-up, I will call as soon as I have more information. I am estimating 200L.

Regards,

sch4p4(6) Personal inf
Terminal Manager
CALTEX AUSTRALIA PETROLEUM PTY LTD
90-104 Draper St, Cairns QLD 4870 | Postal: PO Box 917, Cairns QLD 4870
T: (07) 4222 2502 | sch4p4(6) Person F: 07 4222 2525
E sch4p4(@caltex.com.au | www.caltex.com.au

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Jet A1 WATER TEST RECORD
Mar-13

Date	Tank	Time	Batch No.	Water Neg/Pos	Qty water removed	Comments	Initals
1/03/13	A5	1330	DCB 1301	POS	TRACE	F.C.	sch4p4(6) P
2/03/13	A5						
3/03/13	A5						
4/03/13	A5	1395	DCB1301	POS	TRACE	F.C.	
5/03/13	A5	14:00	DCB1301	POS	TRACE	F.C.	
6/03/13	A5	11:00	DCB1301	POS	TRACE	F.C	
7/03/13	A5	1460	DCB 1301	POS	TRACE	FC	
8/03/13	A5	1300	DCB1301	POS	TRACE	FC	
9/03/13	A5						
10/03/13	A5						
11/03/13	A5	11:35	DCB1301	POS	TRACE	FC	
12/03/13	A5						
13/03/13	A5	1430	DCB 1301	POS	TRACE	F.C.	
14/03/13	A5						
15/03/13	A5						
16/03/13	A5						
17/03/13	A5						
18/03/13	A5						
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29/03/13	A5						
30/03/13	A5						
31/03/13	A5						

sch4p4 sch4

J4/3/13

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Organisational Details (ASIC): Date of ASIC Search:3/3/17	
Name (legal name of person/company):	**AUSTRALIAN TERMINAL OPERATIONS MANAGEMENT PTY LTD** AUSTRALIAN PROPRIETARY COMPANY **606 006 866** LEVEL 3 UNIT 3, 22 ALBERT ROAD, SOUTH MELBOURNE, VIC BP Australia Pty Ltd 004085616 Viva Energy Australia Pty Ltd 004610459
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Registered Office:	

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(c) for a notice given under section 326B—that the person must, within a stated reasonable period -

(i) conduct or commission the environmental investigation; and

(ii) give the administering authority an environmental report about the investigation;

(d) for a notice given under section 326BA—that the person must, within a stated reasonable period -

(i) conduct or commission the environmental investigation; and

(ii) give the administering authority a site investigation report for the land in accordance with sections 389 and 390.

(2) An investigation notice given under section 326B or 326BA must be accompanied by or include an information notice about the decision to give the notice and to fix the stated period.

The draft Notice contains the information required by s326C(1).

Decision: issue an EE to 3 parties.			
Name:	David Darvall sch4p4	**Position:**	Manager (Compliance)
Signature:	sch4p4(6) Personal information	**Date:**	8/9/17

Comment:

Draft EE was sent for comment to 4 parties on 28/8/17. Comments were received from companies and considered by compliance centre, and incorporated in revised assessment report. The key outcome was that Caltex was removed from the investigation, based on their and other parties' representations.

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From: QUICK Calvin [Calvin.Quick@ehp.qld.gov.au]
Sent: Thursday, 28 May 2015 4:39 PM
To: GIBBS Teale
Subject: Caltex - Draft post inspection report and letter for review
Attachments: Caltex - Post Inspection Report - Draft.docx; Caltex - Post Inspection Letter - Draft.docx

Hey Teale,

See attached.

Regards,
Calvin.

Calvin Quick
Senior Environmental Officer (Compliance) **I** North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection

5B Sheridan Street **I** Cairns QLD 4870
PO Box 7230 **I** Cairns QLD 4870
Phone: (07) 4222 5161 **Fax:** (07) 4222 5070
Email: calvin.quick@ehp.qld.gov.au
Web: www.ehp.qld.gov.au

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Queensland Government
Department of
Environment and Heritage Protection

File Ref 101/0009627
Ref CA35631

28 May 2015

Caltex Australia Petroleum Pty Ltd
PO Box 441
MATRAVILLE NSW 2036

Attention: sch4p4(6) Personal information

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

I refer to the compliance inspection of Caltex Australia Petroleum Pty Ltd (Caltex), conducted 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.

The compliance inspection was conducted in the presence of sch4p4(6) Personal information sch4p4(6) of Caltex. The purpose of the inspection was to evaluate compliance with conditions prescribed in the environmental authority (EA) EPPR00427813, 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, 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*.

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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

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.

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

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

Table 3 – 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

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

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.

- The maximum penalty for an individual is 2,000 penalty units, totalling $227,700 or 2 years imprisonment.
- The maximum penalty for a corporation is 10,000 penalty units, totalling $1,138,500.

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
s.73 irrelevant information (firefighting foam)	

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s.73 irrelevant information

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*

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

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 **11 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.

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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

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

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(Level A, B and C) Checklist, On-Site Record & Inspection Report

This Toolkit is for internal use to assist Environmental Services officers when conducting Level A, B and C site inspections to record general details of the site being inspected, pre-inspection considerations and planning, on-site observations and to document recommendations and obtain approval for compliance/enforcement action. For Levels B and C, refer to addendum sheets also. This document can be used in hard copy and taken with the officer to be completed on site. The soft copy document can be completed upon return to the office.

1. General information

Company name: Caltex Australia Petroleum Pty Ltd	Date of inspection: 15 May 2015	Time: 1:00pm
Trading as: As above		EA/DA number (if applicable): EPPR00427813 and SDA-0214-008074
Description of business activity/ERAs: • 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 • Operational Work – Tidal Works		File number: 101/0009627 CA/CR number: CA35631 Ecotrack reference: 242279
Street address: 204 Draper Street and 13-15 Kenny Street (chemical storage) and Wharfs 7, 8 and 10 (bulk material handling) Postal address:		Real property description (lot on plan): Lot 1 on Plan SP113642; Lot 16 on Plan SP199206; Lot 40 on Plan SP113657; Lot 9 on Plan NR4967; Lot 38 on Plan NR804224; Lot 16 on Plan SP122868; Lot

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ABN 46 640 294 485
Queensland Government
Great state. Great opportunity.
Queensland Government

Rele

PO Box 441 MATRAVILLE NSW 2036	1 on Plan SP113642; Lot 345 on Plan SP113643; Lot 509 on Plan NR5788
Site representative/s: sch4p4(6) Person- Senior Environmental Specialist – (02) 9695 3684 / sch4p4(6) Personal i sch4p4(6) Pers- Environmental Protection Superintendent – (02) 968 1093 / sch4p4(6) Personal ir sch4p4(6) Personal	
Department's representatives: Calvin Quick, Shanna Sims	
Registered business address: See above	
Inspection level (check box): Level A ☐ Level B ☒ Level C ☐	

2. Pre-inspection considerations

Environmental risk	Moderate
Last inspection date	2 April 2013 (CA27528)
General description of location and surrounding environment	The Cairns Bulk Terminal is located on the outskirts of the Cairns CBD and is in close proximity to industrial, commercial and residential areas. It is located adjacent Trinity Inlet.

s.73 irrelevant information (firefighting foam)

Work Place Health & Safety – consider what appropriate PPE is required for the Industry being inspected

Safety helmet	Yes ☒ No ☐
Hearing protection	Yes ☐ No ☒
Eye protection	Yes ☐ No ☒
Protective clothing	Yes ☒ No ☐
Protective footwear	Yes ☒ No ☐
Respiratory protection	Yes ☐ No ☒
Other	Yes ☐ No ☒ If yes, describe PPE:

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Arrange safety induction training with occupier of site before any work is done	Yes ☐ No ☒
Vehicle & Equipment Check completed	Yes ☒ No ☐ **NOTE:** Vehicle safety checklists and call in schedules are still required to be completed separately

3. Inspection plan including opening meeting checklist for level B and C inspections

Topic	**Details**	**Confirmed in opening meeting**
Objectives and scope	Assessing compliance with environmental authority (EA) number EPPR00427813 and development approval SDA-0214-008074 and the relevant provisions of the *Environmental Protection Act 1994* *Coastal Protection and Management Act 1995* and *Sustainable Planning Act 2009* and subordinate legislation	Yes ☒ No ☐
Agenda and timeframe	1:00-4:00pm Visit Draper Street and Kenny Street bulk terminals and Wharf 7,8 and 10 bulk material handling	Yes ☒ No ☐
Audit team - roles and responsibilities of team members	Calvin Quick – Lead Shanna Sims - Second	Yes ☒ No ☐
Methods and procedures to be used	Notes. Photographic equipment (intrinsically safe camera provided by Caltex).	Yes ☒ No ☐
Onsite staff accompanying audit/inspection team (names and positions)	Refer to site representatives above.	Yes ☐ No ☐

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4. Conditions for assessment

Development Permit SDA-0214-008074

Condition number: Compliant: Yes ☐ No ☒ TBA ☐ Not inspected ☐	**Photos taken Y/N**
Element/question	
Condition 8 Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters.	
Observations (include name and relevant comments made by any on-site staff)	
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.	N
Options for remediation	
Re-install and maintain appropriate erosion and sediment control measures at the wharf 7, 8 and 10 construction site.	

Environmental Authority EPPR00427813

Condition number: Compliant: Yes ☐ No ☒ TBA ☐ Not inspected ☐	**Photos taken Y/N**
Element/question	
Condition 2-L1 Contaminants must not be released to land.	
Observations (include name and relevant comments made by any on-site staff)	
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. The contamination was confined to an area no greater than 2 square metres. 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. Department officers advised Caltex representatives that they must contain the contaminated materials immediately to ensure no further contamination of land or the receiving environment.	Y

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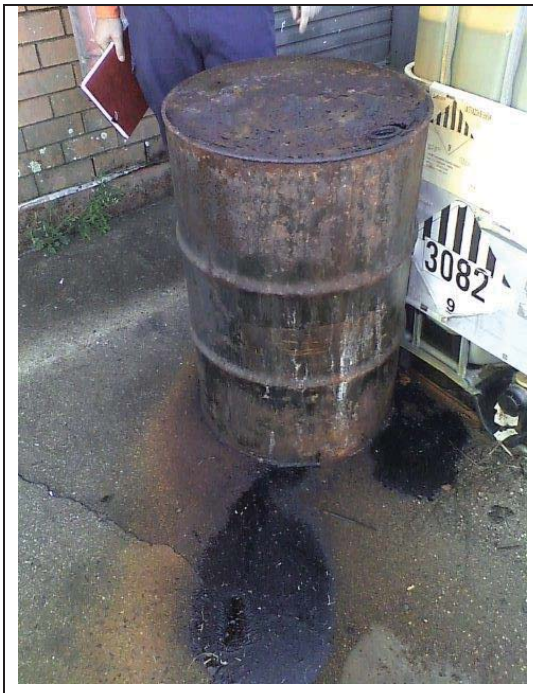	
Options for remediation	
Immediately contain the area of contamination ensuring no further contamination of land or the receiving environment. Dispose of contaminated materials, including any soil that has been contaminated as a result of the spillage, to a facility that can lawfully accept the waste.	

On-site observation – general items

Areas of Concern - Environmental Authority EPPR00427813

Issue	Area of Concern
s.73 irrelevant information (firefighting foam)	

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s.73 irrelevant information (firefighting foam)

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s.73 irrelevant information (firefighting foam)

Chemical Storage	During the site inspection it was observed that the bunding of the chemical storage tanks at both the Draper and Kenny Street bulk terminals were earthen. There is uncertainty regarding whether the earthen bunds comply with AS 1940 as required by conditions 1-L2 and 2-L2 of the EA, in particular that: *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* It will be requested that Caltex demonstrate that the earthen bunds comply with AS 1940 in the post inspection correspondence.

6. Closing meeting

Discuss preliminary findings, non-compliances, observations, further items to be provided, timing and any other matters (list names of all persons present).

A close-out meeting was held with sch4p4(6) Personal information of Caltex. All non-compliances and areas of concern identified in section 4 and 5 above were discussed in the close-out meeting

7. Inspection results summary (NB: Refer to parts D – F where relevant)

Overall Findings

General observation/s	All relevant on-site observations have been detailed in section 4 and 5 above. Additionally email correspondence was sent to Caltex representative sch4p4 sch4p4(on 15 May 2015 (refer to eDocs) outlining the departments position with regard to firefighting foam containing fluorinated organic compounds. Department letters were sent to waste disposal operators, JJ Richards, Transpacific Cleanaway and D&R Lavis, on 22 May 2015 (refer to eDocs) advising the departments position with regard to firefighting foam containing fluorinated organic compounds including disposal and treatment requirements.
Compliance level	☐ Environmental nuisance/minor non-compliance ☐ Actual or risk of material harm/repeat non-compliance ☒ Actual or risk of serious harm

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	☐ Compliant ☐ Fully compliant/best practice
Environmental risk	☐ (1) Very low ☐ (2) Low ☒ (3) Moderate ☐ (4) High ☐ (5) Very high

Client action/s required (from information in Part D)

8. Natural justice

☒ The person has been provided with the opportunity to put their side of the story forward.

☒ List any information and/or defences provided.

☒ The Department has considered the information or defences provided.

☒ The decision-maker and environmental officer are free from bias or the perception of bias.

9. Ecotrack

Ecotrack case number	CA/CR number: CA35631 Ecotrack reference: 242279

Activity	**Time (hours)**	**Comments**
Planning	2	N/A
Inspection	3	N/A
Reporting	4	N/A
Total	9	N/A

10. Recommendation (complete where relevant)

Enforcement measure/s taken during inspection	**Date issued:**	**Type:**	**Next due date:**
Further enforcement measures recommended **(Note: Refer to relevant client action items listed above)**	No further enforcement measures are recommended pending response to post inspection letter		
Justification	N/A		

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Other recommendations (e.g. permit amendments)	N/A
Next inspection date	To be determined.

11. Endorsement

The recommending officer and supervisor are required to sign and date below.

Recommending Officer	**Supervisory Review**
Signature:	**Signature:**
Print Name: Calvin Quick	**Print Name:** Teale Gibbs
Position: Senior Environmental Officer	**Position:** Team Leader
Date:	**Date:**

12. Approval

The appropriate manager or supervisor is required to make a decision and sign and date below.

Decision for recommendation	**Approve**
Reasons for decision I endorse this recommendation based upon the information set out above.	
Signature:	**Print Name:** Rob Little
Position: Compliance Delivery Manager	**Date:**

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From: GIBBS Teale [Teale.Gibbs@ehp.qld.gov.au]
Sent: Friday, 29 May 2015 4:05 PM
To: QUICK Calvin
Subject: RE: Caltex - Draft post inspection report and letter for review
Attachments: Caltex - Post Inspection Letter - Draft TG.docx

Hi Calvin

Thanks for this. Well done. No changes on the inspection report and just some minor changes in the letter.

Thanks
Teale

Teale Gibbs
Team Leader (Compliance), North Queensland Compliance | Cairns
Environmental Services & Regulation
Department of Environment and Heritage Protection
Level 3 | 5B Sheridan Street (PO Box 7230) | Cairns Qld 4870
Tel 07 4222 5385 | **Fax** 07 4222 5070
www.ehp.qld.gov.au

From: QUICK Calvin
Sent: Thursday, 28 May 2015 4:39 PM
To: GIBBS Teale
Subject: Caltex - Draft post inspection report and letter for review

Hey Teale,

See attached.

Regards,
Calvin.

Calvin Quick
Senior Environmental Officer (Compliance) **I** North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection

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Queensland Government
Department of
Environment and Heritage Protection

File Ref 101/0009627
Ref CA35631

28 May 2015

Caltex Australia Petroleum Pty Ltd
PO Box 441
MATRAVILLE NSW 2036

Attention: sch4p4(6) Personal information

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.

The compliance inspection was conducted in the presence of sch4p4(6) Personal informa sch4p4(6 of Caltex.As you are aware, ~~T~~the purpose of the inspection was to evaluate compliance with conditions prescribed in the environmental authority (EA) EPPR00427813, which authorises the following environmentally relevant activities (ERA):

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The site inspection also evaluated compliance with certain conditions of development approval (DA) SDA-0214-008074, 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*.

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ABN 46 640 294 485

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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.

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

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

Table 3 – 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

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Penalties

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- The maximum penalty for an individual is 2,000 penalty units, totalling $227,700 or 2 years imprisonment.
- The maximum penalty for a corporation is 10,000 penalty units, totalling $1,138,500.

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

Comment [TG1]: Need to include the SPA offence here too I think given there is a non compliance under both

Table 3 – Area of Concern

Issue	Area of Concern
s.73 irrelevant information (firefighting foam)	

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s.73 irrelevant information (firefighting foam)

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.*

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

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 **11 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.

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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

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

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From: QUICK Calvin [Calvin.Quick@ehp.qld.gov.au]
Sent: Monday, 1 June 2015 9:30 AM
To: LITTLE Rob
CC: GIBBS Teale
Subject: RE: Caltex - Draft post inspection report and letter for review
Attachments: Caltex - Post Inspection Letter - Draft TG.docx; Caltex - Post Inspection Report - Draft.docx

Hey Rob,

Please find attached the draft post inspection report and letter for our recent compliance inspection of Caltex bulk terminal. I have printed off hard copies which are in your in-tray.

Regards,
Calvin.

Calvin Quick
Senior Environmental Officer (Compliance) **I** North Queensland Compliance
Environmental Services and Regulation
Department of Environment and Heritage Protection

5B Sheridan Street **I** Cairns QLD 4870
PO Box 7230 **I** Cairns QLD 4870
Phone: (07) 4222 5161 **Fax:** (07) 4222 5070
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Calvin Quick
Senior Environmental Officer (Compliance) **I** North Queensland Compliance
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Thanks
Teale

Teale Gibbs
Team Leader (Compliance), North Queensland Compliance | Cairns
Environmental Services & Regulation
Department of Environment and Heritage Protection
Level 3 | 5B Sheridan Street (PO Box 7230) | Cairns Qld 4870
Tel 07 4222 5385 | **Fax** 07 4222 5070
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Sent: Thursday, 28 May 2015 4:39 PM
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Subject: Caltex - Draft post inspection report and letter for review

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Regards,
Calvin.

Calvin Quick
Senior Environmental Officer (Compliance) **I** North Queensland Compliance
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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: sch4p4(6) Personal information

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, 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, 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*.

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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,

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	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
s.73 irrelevant information (firefighting foam)	

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s.73 irrelevant information (firefighting foam)

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

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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.
- The maximum penalty for a corporation is 10,000 penalty units, totalling $1,138,500.

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

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Yours sincerely

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

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(Level A, B and C) Checklist, On-Site Record & Inspection Report

This Toolkit is for internal use to assist Environmental Services officers when conducting Level A, B and C site inspections to record general details of the site being inspected, pre-inspection considerations and planning, on-site observations and to document recommendations and obtain approval for compliance/enforcement action. For Levels B and C, refer to addendum sheets also. This document can be used in hard copy and taken with the officer to be completed on site. The soft copy document can be completed upon return to the office.

1. General information

Company name: Caltex Australia Petroleum Pty Ltd	Date of inspection: 15 May 2015	Time: 1:00pm
Trading as: As above		EA/DA number (if applicable): EPPR00427813 and SDA-0214-008074
Description of business activity/ERAs: • 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 • Operational Work – Tidal Works		File number: 101/0009627 CA/CR number: CA35631 Ecotrack reference: 242279
Street address: 204 Draper Street and 13-15 Kenny Street (chemical storage) and Wharfs 7, 8 and 10 (bulk material handling) Postal address:		Real property description (lot on plan): Lot 1 on Plan SP113642; Lot 16 on Plan SP199206; Lot 40 on Plan SP113657; Lot 9 on Plan NR4967; Lot 38 on Plan NR804224; Lot 16 on Plan SP122868; Lot

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Queensland Government
Great state. Great opportunity.
Queensland Government

Relea

PO Box 441 MATRAVILLE NSW 2036	1 on Plan SP113642; Lot 345 on Plan SP113643; Lot 509 on Plan NR5788
Site representative/s: sch4p4(6) Person - Senior Environmental Specialist – (02) 9695 3684 / sch4p4(6) Persona sch4p4(6) Pers- Environmental Protection Superintendent – (02) 968 1093 / sch4p4(6) Personal sch4p4(6) Personal	
Department's representatives: Calvin Quick, Shanna Sims	
Registered business address: See above	
Inspection level (check box): Level A ☐ Level B ☒ Level C ☐	

2. Pre-inspection considerations

Environmental risk	Moderate
Last inspection date	2 April 2013 (CA27528)
General description of location and surrounding environment	The Cairns Bulk Terminal is located on the outskirts of the Cairns CBD and is in close proximity to industrial, commercial and residential areas. It is located adjacent Trinity Inlet.
Outstanding issues and/or non-compliances/enforcement (e.g. environmental protection orders)	s.73 irrelevant information (firefighting foam)

Work Place Health & Safety – consider what appropriate PPE is required for the Industry being inspected	
Safety helmet	Yes ☒ No ☐
Hearing protection	Yes ☐ No ☒
Eye protection	Yes ☐ No ☒
Protective clothing	Yes ☒ No ☐
Protective footwear	Yes ☒ No ☐
Respiratory protection	Yes ☐ No ☒
Other	Yes ☐ No ☒ If yes, describe PPE:

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Arrange safety induction training with occupier of site before any work is done	Yes ☐ No ☒
Vehicle & Equipment Check completed	Yes ☒ No ☐ **NOTE:** Vehicle safety checklists and call in schedules are still required to be completed separately

3. Inspection plan including opening meeting checklist for level B and C inspections

Topic	Details	Confirmed in opening meeting
Objectives and scope	Assessing compliance with environmental authority (EA) number EPPR00427813 and development approval SDA-0214-008074 and the relevant provisions of the *Environmental Protection Act 1994* *Coastal Protection and Management Act 1995* and *Sustainable Planning Act 2009* and subordinate legislation	Yes ☒ No ☐
Agenda and timeframe	1:00-4:00pm Visit Draper Street and Kenny Street bulk terminals and Wharf 7,8 and 10 bulk material handling	Yes ☒ No ☐
Audit team - roles and responsibilities of team members	Calvin Quick – Lead Shanna Sims - Second	Yes ☒ No ☐
Methods and procedures to be used	Notes. Photographic equipment (intrinsically safe camera provided by Caltex).	Yes ☒ No ☐
Onsite staff accompanying audit/inspection team (names and positions)	Refer to site representatives above.	Yes ☐ No ☐

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4. Conditions for assessment

Development Permit SDA-0214-008074

Condition number: Compliant: Yes ☐ No ☒ TBA ☐ Not inspected ☐	**Photos taken Y/N**
Element/question	
Condition 8 Erosion and sediment control measures are to be installed and maintained to prevent the release of sediment to tidal waters.	
Observations (include name and relevant comments made by any on-site staff)	
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.	N
Options for remediation	
Re-install and maintain appropriate erosion and sediment control measures at the wharf 7, 8 and 10 construction site.	

Environmental Authority EPPR00427813

Condition number: Compliant: Yes ☐ No ☒ TBA ☐ Not inspected ☐	**Photos taken Y/N**
Element/question	
Condition 2-L1 Contaminants must not be released to land.	
Observations (include name and relevant comments made by any on-site staff)	
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. The contamination was confined to an area no greater than 2 square metres. 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. Department officers advised Caltex representatives that they must contain the contaminated materials immediately to ensure no further contamination of land or the receiving environment.	Y

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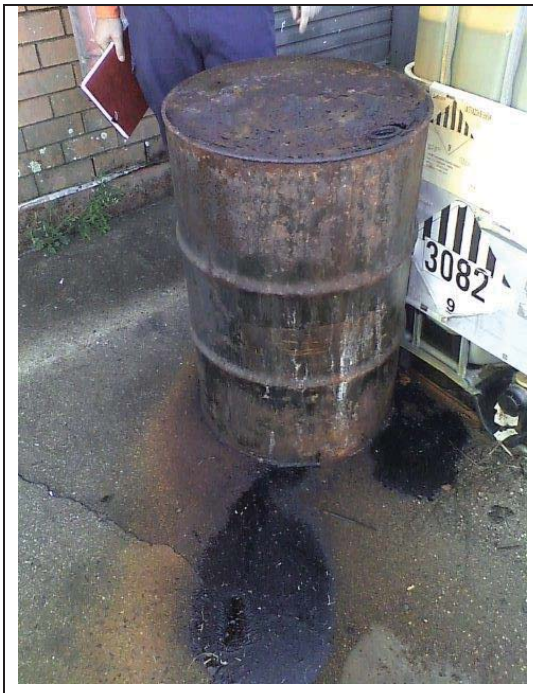	
Options for remediation	
Immediately contain the area of contamination ensuring no further contamination of land or the receiving environment. Dispose of contaminated materials, including any soil that has been contaminated as a result of the spillage, to a facility that can lawfully accept the waste.	

On-site observation – general items

Areas of Concern - Environmental Authority EPPR00427813

Issue	Area of Concern
s.73 irrelevant information (firefighting foam)	

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s.73 irrelevant information (firefighting foam)

Chemical Storage	During the site inspection it was observed that the bunding of the chemical storage tanks at both the Draper and Kenny Street bulk terminals were earthen. There is uncertainty regarding whether the earthen bunds comply with AS 1940 as required by conditions 1-L2 and 2-L2 of the EA, in particular that: *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* It will be requested that Caltex demonstrate that the earthen bunds comply with AS 1940 in the post inspection correspondence.

6. Closing meeting

Discuss preliminary findings, non-compliances, observations, further items to be provided, timing and any other matters (list names of all persons present).

A close-out meeting was held with sch4p4(6) Personal information of Caltex. All non-compliances and areas of concern identified in section 4 and 5 above were discussed in the close-out meeting

7. Inspection results summary (NB: Refer to parts D – F where relevant)

Overall Findings

General observation/s	All relevant on-site observations have been detailed in section 4 and 5 above. Additionally email correspondence was sent to Caltex representative sch4p4(sch4p4(on 15 May 2015 (refer to eDocs) outlining the departments position with regard to firefighting foam containing fluorinated organic compounds. Department letters were sent to waste disposal operators, JJ Richards, Transpacific Cleanaway and D&R Lavis, on 22 May 2015 (refer to eDocs) advising the departments position with regard to firefighting foam containing fluorinated organic compounds including disposal and treatment requirements.
Compliance level	☐ Environmental nuisance/minor non-compliance ☐ Actual or risk of material harm/repeat non-compliance ☒ Actual or risk of serious harm

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	☐ Compliant ☐ Fully compliant/best practice
Environmental risk	☐ (1) Very low ☐ (2) Low ☒ (3) Moderate ☐ (4) High ☐ (5) Very high

Client action/s required (from information in Part D)

8. Natural justice

☒ The person has been provided with the opportunity to put their side of the story forward.

☒ List any information and/or defences provided.

☒ The Department has considered the information or defences provided.

☒ The decision-maker and environmental officer are free from bias or the perception of bias.

9. Ecotrack

Ecotrack case number	CA/CR number: CA35631 Ecotrack reference: 242279

Activity	**Time (hours)**	**Comments**
Planning	2	N/A
Inspection	3	N/A
Reporting	4	N/A
Total	9	N/A

10. Recommendation (complete where relevant)

Enforcement measure/s taken during inspection	**Date issued:**	**Type:**	**Next due date:**
Further enforcement measures recommended **(Note: Refer to relevant client action items listed above)**	No further enforcement measures are recommended pending response to post inspection letter		
Justification	N/A		

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Other recommendations (e.g. permit amendments)	N/A
Next inspection date	To be determined.

11. Endorsement

The recommending officer and supervisor are required to sign and date below.

Recommending Officer	**Supervisory Review**
Signature:	**Signature:**
Print Name: Calvin Quick	**Print Name:** Teale Gibbs
Position: Senior Environmental Officer	**Position:** Team Leader
Date:	**Date:**

12. Approval

The appropriate manager or supervisor is required to make a decision and sign and date below.

Decision for recommendation	**Approve**
Reasons for decision I endorse this recommendation based upon the information set out above.	
Signature:	**Print Name:** Rob Little
Position: Compliance Delivery Manager	**Date:**

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