



DOC18/436862_02
Your Ref. DA 35/98 MOD 5

Pamela Morales
Acting Team Leader – Industry Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Melissa Prochazka

Dear Ms Morales

Section 75W Modification to the Chlor-Alkali Plant, Botany Industrial Park (DA 35/98 MOD 5)

The NSW Environment Protection Authority (EPA) refers to your letter dated 28 June 2018, regarding the section 75W modification application submitted by Ixom Pty Ltd (Ixom) for the Chlor-Alkali Plant at Botany Industrial Park (DA 35/98 MOD 5).

The EPA understands Ixom proposes to construct a facility to enable the site to package selected chemicals, namely hydrochloric acid (HCl), liquid caustic soda (caustic, sodium hydroxide, NaOH) and sodium hypochlorite (hypo, NaOCl) into 200 litre drums and 1000 litre Intermediate Bulk Containers (IBCs) for dispatch.

The EPA has reviewed Ixom's Environmental Assessment available on the Department of Planning and Environment's (DPE) website titled "*Botany Repack Facility Environmental Assessment DA 35/98 Modification 5*" and provides the following comments below.

Contaminated Soil / Material / Land Management

Section 3.5 of the Environmental Assessment report states that an investigation for Block A has been completed to satisfy the requirements under State Environmental Planning Policy No.55 – Remediation of Land (SEPP55), and that the proposed area of development "*has already been remediated to address contamination from previous site operations*". Appendix 6 of the Environmental Assessment Report contains a risk assessment review ("the review", dated 29 May 2018, prepared by Environmental Risk Sciences Pty Ltd) which states the following:

"The Site Audit Statement completed for Block A concluded that the site was suitable as an open area on an industrial site. The long-term site environmental management plan states that no enclosed buildings can be erected on Block A without a human health and environmental risk assessment."

The review specifically addresses the risk associated with impacts from residual mercury in soils relevant to the proposed construction of industrial buildings on part of Block A. EPA notes that there

will be minimised soil disturbance during construction activities (i.e. limited by the proposed construction of a suspended slab where footings will be installed using screw piles), and that the review concludes that there is no human health risk issue of concern for construction workers and future workers in the proposed Block A buildings, alike.

Section 6(2) of the CLM Act states that *'a person is also responsible for significant contamination of land if the significant contamination occurred because an act or activity of the person resulted in a change in some pre-existing contamination of the land so that the contamination of the land became significant contamination'*. Should the proposed development result in a change of risk in relation to any pre-existing contamination on the site to result in significant contamination, Ixom may be held responsible for the contamination under the CLM Act.

EPA notes that section 7.8 of the Environmental Assessment report provides details regarding the preparation and implementation of a Construction Environmental Management Plan (CEMP), which will include controls for the potential direct exposure to soils impacted by mercury. The preparation of the CEMP is also a requirement of the Long Term Site Environmental Management Plan (LTSEMP) currently in place for Block A. As a minimum, the CEMP should address issues such as material handling, waste classification and offsite disposal.

The CEMP must include an Unexpected Finds Protocol (UFP) which is to be enacted where mercury concentrations in contaminated soils exceed the 893 mg/kg threshold. The UFP must also include provisions for Ixom to notify (or re-notify) the EPA under Section 60 of the CLM Act for any contamination identified which triggers the requirements under the Guidelines for the Duty to Report Contamination (e.g. where mercury concentrations greater than 893 mg/kg are observed). For more information on the Guidelines on the Duty to Report, please visit the following link:
www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf

Any contaminated land investigations, including remediation and validation works, must be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act 1997* (CLM Act). The following guidance materials are to be considered:

- Technical Note: Investigation of Service Station Sites, 2014
<http://www.epa.nsw.gov.au/publications/contaminatedland/140315servstatsites>
- NSW EPA Sampling Design Guidelines
www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf
- Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017
<https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition>
- Guidelines for Consultants Reporting on Contaminated Sites, 2011
www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
- The National Environment Protection (Assessment of Site Contamination) Measures 1999 (NEPM 2013 amendment).

EPA requires all reports submitted to be prepared, or reviewed and approved by a certified contaminated land consultant. EPA's Contaminated Land Consultant Certification Policy supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. For more information, please visit the following link:
<http://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en>

Construction Impacts - Earthworks

As detailed above, the EPA notes that Ixom proposes to prepare a Construction Environmental Management Plan (CEMP) which will address the impacts of construction and earthworks on soil erosion and sedimentation. The CEMP should also cover the management of any stormwater or groundwater that may accumulate in the development footprint as well as management of contaminated soil.

Noise Management

Ixom's current Environment Protection Licence No. 20547 (licence) contains noise limits and reporting requirements for the operation of plant and equipment located at BIP premises (Condition L4). Condition L5 of the licence also stipulates the hours of operation for construction works.

The EPA notes that the proposed construction works would typically be undertaken during standard daytime construction hours of 7am - 3pm Monday to Friday, and if required, between 8am -1pm on Saturdays. This is consistent with the Ixom's current licence conditions.

Operational Impacts -Hydrochloric Acid

The EPA understands that Ixom proposes to install a new small scrubber for the vapours generated during the filling of IBCs and at the hydrochloric acid filling station. These vapours would be transferred to a stack and discharged to atmosphere. If the repack facility is approved the EPA would require more information on the scrubber and its controls.

Environment Protection Licence

The Environmental Assessment states "... *this modification would not require a licence amendment to modify the location of monitoring/discharge points and areas or discharge limits and operating conditions set under the EPL, given no increase in the scale of chemical production levels*". As discussed above, Ixom is proposing to install a new small scrubber for HCl vapour with discharge to atmosphere via a stack above the top of the shed roof. If the repack facility is approved, the EPA recommends Ixom submits a licence variation application including details of the new scrubber and its associated discharge point. The EPA would then assess the need to include the discharge point and any monitoring requirements on the licence.

Intermediate Bulk Containers and drums

While not explicitly stated in the Environmental Assessment, the EPA understands that the repackaging facility will only accept new, or cleaned and certified, IBCs and drums for filling. The facility will not be undertaking any washing, or container reconditioning activities.

If you have any questions regarding the EPA's response, please contact Larissa Borysko on 02 9995 6843 or larissa.borysko@epa.nsw.gov.au

Yours sincerely



ERIN BARKER
Unit Head – Sydney Industry
Environment Protection Authority

19 July 2018