

# Cleanaway Rutherford IEA 2021

Independent Environmental Audit  
Project Approval MP05\_0037

01-Apr-2022

# Cleanaway Rutherford IEA 2021

Client: Cleanaway Refiners Pty Ltd

ABN: 79 000 164 938

Prepared by

**AECOM Australia Pty Ltd**

Level 21, 420 George Street, Sydney NSW 2000, PO Box Q410, QVB Post Office NSW 1230, Australia  
T +61 2 8934 0000 F +61 2 8934 0001 www.aecom.com

ABN 20 093 846 925

01-Apr-2022

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Prepared by    Shani Walton and Kate Michelmore

Reviewed by    Kelly Pearsall

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Certified by    Shani Walton, Lead Auditor – Principal Environmental Consultant

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			Name/Position	Signature
0	22-Mar-2022	Draft Report	Kelly Pearsall Group Director Environment	
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## Abbreviations

Abbreviation	Description
AECOM	AECOM Australia Pty Ltd
AEMR	Annual Environmental Management Report
AFFF	Aqueous Film Forming Foam
AS/NZS	Australian/New Zealand Standard
AQMP	Air Quality Management Plan
BOM	Bureau of Meteorology
CEMP	Construction Environmental Management Plan
Cleanaway	Cleanaway Pty Ltd
Cleanaway Rutherford	Cleanaway Refinery located at Rutherford
CoA	Condition of Approval
Council	Maitland City Council
DEC	Department of Environment and Climate
DECC	Department of Environment and Climate Change
DECCW	Department of Environment, Climate Change and Water
DP	Discharge Point
The Department	Department of Planning and Environment, formerly Department of Planning, Industry and Environment
EIS	Environmental Impact Assessment
EMS	Environmental Management System
EPA	Environment Protection Authority
EPL	Environment Protection Licence
GMP	Groundwater Management Plan
IBC	Intermediate Bulk Container
IEA	Independent Environmental Audit
ISO	International Standards Organisation
km	kilometres
L	litres
LBL	Load-based limit
ML	megalitres
MOD	Modification
MOPP	Mobile Oil Polishing Plant
NIMS	National Integrated Management System
NSW	New South Wales
OEMP	Operational Environmental Management Plan
OFI	Opportunity for Improvement

Abbreviation	Description
PA	Project Approval
PA MP05_0037	Project Approval MP05_0037
PCE	Perchloroethene /Tetrachloroethene
PIRMP	Pollution Incident Response Management Plan
Planning Secretary	Secretary of the Department of Planning and Environment or delegate
SWMP	Stormwater Management Plan
TP	Total Particulate
TPH	Total Petroleum Hydrocarbons
tpa	tonnes per annum
VOC	Volatile Organic Compound
VRU	Vapour Recovery Unit

## Executive Summary

AECOM Australia Pty Ltd (AECOM) was engaged by Cleanaway Pty Ltd (Cleanaway) to carry out an Independent Environmental Audit (IEA) of the Cleanaway Refinery located at Rutherford, New South Wales (referred to in this report as Cleanaway Rutherford).

Cleanaway Rutherford was initially granted project approval MP05\_0037 on 4 July 2006 for the construction and operation of a resource recovery and recycling facility.

Project Approval (PA) MP05\_0037 was modified on four occasions between 2006 and 2018. This included the following:

- Modification 1; Construction of additional plant to improve the quality of the final waste oil product, determined 16 May 2007. This work was complete at the time of the audit.
- Modification 2; Modification of monitoring requirements to ensure consistency with the Environment Protection Licence (EPL), determined 18 October 2011. This modification was withdrawn and not implemented on site.
- Modification 4; replacement of the stack at monitoring point 19, determined 10 December 2014. This work was complete at the time of the audit.
- Modification 5; Construction and operation of new equipment (oil polishing system, multi-fuel burner, six additional oil storage tanks with total combined storage of 2.4 ML and safety and fire-fighting systems) and increase the height of the Multi-Fuel Burner Stack, to enable the facility to produce both Class I and Class II product oils, determined 9 September 2016. At the time of the audit, a Principal Contractor had been engaged to commence design work for the new equipment and tanks approved under this modification.
- Modification 6; Installation of a mobile, scaled-down version of the oil polishing plant approved under Modification 5 to trail the effectiveness of the oil polishing process, referred to as the Mobile Oil Polishing Plant (MOPP), determined 20 August 2021. The MOPP had been installed and was undergoing commissioning at the time of the audit.

The IEA was directed to be carried out by the Planning Secretary by letter dated 13 May 2019. The audit period has been defined as from 11 September 2018 (date of completion of the previous audit), to 2 February 2022 following approval of the extended audit timeframe by letter dated 16 November 2021.

The audit was conducted in accordance with the requirements set out in project approval MP05\_0037, Schedule 2 Condition 4.4, *Independent Audit Post Approval Requirements (DPIE, 2020)*, AS/NZS ISO19011:2018 *Guidelines for auditing management systems* and AECOM's proposal dated 17 June 2021.

The IEA assessed compliance with relevant approvals, licences and management plans applicable to the Cleanaway Rutherford facility. Detailed compliance registers identifying audit findings, comments and recommendations are presented in Appendix A.

The audit methodology comprised the following activities:

- Initial discussions with Cleanaway management to organise the audit, including the provision of documentation, the Site visit and timing
- Consultation with key government agencies and other relevant agencies as presented in this Report
- A two day site inspection and interviews with key site personnel on 1 and 2 February 2022
- Review of additional documentation provided by Cleanaway after the site inspection
- Submission of a draft report to Cleanaway outlining the audit findings
- Finalisation of the report based on comments from Cleanaway.

This is the third IEA to be carried out at the Rutherford facility under PA MP05\_0037. The first audit was required to be undertaken within one year of commencement of operations and was completed in June

2008. The second audit was completed in September 2018. The recommendations and opportunities for improvement identified in the 2018 IEA have been reviewed as part of this audit to capture operational changes to Site.

This report provides a summary of findings including a discussion of the environmental performance of the site, details of identified non-compliances with the Project Approval and EPL, review of adequacy of management plans, and recommended actions to improve compliance status as well as identification of continual improvement opportunities.

Table 1 below provides the status of compliance against the conditions of PA MP05\_0037 and EPL 12555. While some of the identified non-compliances have been repeated across both PA MP05\_0037 and EPL 12555, the non-compliances identified against the conditions of PA MP05\_0037 account for 33% of the total conditions assessed in the PA. In summary non-compliances were identified in the following areas:

- Commencement dates for works associated with MOD 5 and MOD 6 not verified
- Responsibilities of the environmental representative not adequately delegated and implemented in practice
- Information required to be publicly available
- Exceedance of load-based limit (LBL) for Hydrogen Sulfide
- Management of planned maintenance
- Administrative requirements – several non-compliances related specifically to submission requirements to the Department, i.e. submitting a report by a certain date and/or the requirement to obtain approval from the Department for a particular plan or report.

**Table 1 Overall Compliance Assessment**

Relevant Approval	No. of Conditions Compliant	Number of Conditions Non-compliant	Number of Conditions Not Triggered	Number of Conditions Noted/ Closed Out
Project Approval MP05_0037	34	9	15	16
EPL 12555	43	5	13	11

Non-compliances identified against PA MP05\_037 and EPL 12555 are provided in Section 4.0. Recommendations and opportunities for improvement arising from the compliance assessment and the review of the adequacy of the management plans and environmental performance are summarised in Section 5.0 and 6.0.

## 1.0 Introduction

This is the third Independent Environmental Audit (IEA) to be conducted at Cleanaway Rutherford under Project Approval MP05\_0037 (PA MP05\_037). The first audit was required to be undertaken within one year of commencement of operations and was completed in June 2008. The second audit was completed in September 2018. The recommendations and opportunities for improvement identified in the 2018 IEA have been reviewed as part of this audit to capture operational changes to the Site.

This report summarises the findings from the 2021 IEA conducted by AECOM.

### 1.1 Audit Period

This audit was directed to be carried out by the Planning Secretary by letter dated 13 May 2019. The audit period has been defined as from the date of completion of the second audit 11 September 2018 to 2 February 2022 following approval of the extended audit timeframe by letter dated 16 November 2021.

### 1.2 Audit Objective

The objective of this audit is to conduct an IEA in accordance with PA MP05\_037 and requests made by the Department and other environmental regulatory agencies during the consultation process. The audit aimed to obtain an independent and objective assessment of the environmental performance and compliance status of the Cleanaway Rutherford facility.

### 1.3 Audit Scope

This audit was conducted in accordance with the requirements set out in PA MP05\_037, Condition 4.4, as detailed in Table 1.

**Table 1 Scope of Work**

Condition	Requirement	IEA Reference
4.4	Within one year of the commencement of operations, and then as directed by the Secretary, the Proponent shall commission an Independent Environmental Audit of the development. This audit must:	This report
	a. Be carried out by a suitably qualified, experienced and independent audit team, that contains an odour specialist and hazard specialist <sup>1</sup> , whose appointment has been endorsed by the Secretary;	Section 2.2 Appendix C
	b. Be carried out in accordance with ISO14010 – Guidelines and General Principles for Environmental Auditing and ISO14011 – Procedures for Environmental Auditing, the Department’s guideline Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines <sup>2</sup> ;	Section 2.0
	c. Assess whether the project is complying with the conditions of both this approval and the EPL for the project;	Section 4.0 Appendix A
	d. Assess whether the project is being carried out with industry best practice;	Section 5.0
	e. Review the adequacy of the Operation Environmental Management Plan for the project; compliance with the requirements of this approval, and other licences and approvals; and	Section 6.2 Section 4.0 Appendix A

<sup>1</sup> The 2021 Hazard Audit was conducted by a separate audit team as such the IEA did not include a hazard specialist. The Department approved the IEA and Hazard Audit to be conducted and submitted separately, refer Appendix B.

<sup>2</sup> The 2021 Hazard Audit (AECOM, 2021) was conducted in accordance with Department’s guideline Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guideline.

Condition	Requirement	IEA Reference
	f. Recommend measures or actions to improve the environmental performance of the project, and/or the Operation Environmental Management Plan for the project.	Section 7.0
4.5	Within two months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, with a response to any recommendations contained in the audit report.	Cleanaway is required to submit this report along with responses to recommendations made in this report to the Department.

In addition to the above, the auditors also reviewed the actions taken to address the recommendations made in the previous IEA in 2018. The findings of this review are provided in Section 5.2 and Appendix E.

## 1.4 Background of the Project

Cleanaway Rutherford is a waste oil recycling and processing facility at 41 Kyle Street, Rutherford, New South Wales (NSW) and is located within the Rutherford Industrial Estate in the Maitland City Council Local Government Area (refer to Figure 1-1). The refinery has been operational since May 2007.

The site topography is flat and primarily devoid of any significant vegetation with the exception of some boundary tree plantings along the western boundary and two areas of remnant native vegetation. A large portion of the site is undeveloped grassland with the existing facility concentrated on the western end of the site (refer to Figure 1-2).

The nearest residential area is located in Rutherford, with the closest receptors approximately 1.3 kilometres (km) from the Site.

### 1.4.1 Project Approval and Licences

Cleanaway Rutherford was initially granted project approval PA MP05\_037 on 4 July 2006 for the construction and operation of a resource recovery and recycling facility. Project Approval MP05\_0037 was modified on four occasions between 2006 and 2018. This included the following:

- Modification 1; Construction of additional plant to improve the quality of the final waste oil product, determined 16 May 2007. This work was complete at the time of the audit.
- Modification 2; Modification of monitoring requirements to ensure consistency with the EPL, determined 18 October 2011. This modification was withdrawn and not implemented on site.
- Modification 4; replacement of the stack at monitoring point 19, determined 10 December 2014. This work was complete at the time of the audit.
- Modification 5; Construction and operation of new equipment (oil polishing system, multi-fuel burner, six additional oil storage tanks with total combined storage of 2.4 ML and safety and fire-fighting systems) and increase the height of the Multi-Fuel Burner Stack, to enable the facility to produce both Class I and Class II product oils, determined 9 September 2016. A Principal Contractor had been engaged to commence design work for the new equipment and tanks approved under this modification.
- Modification 6; Installation of a mobile, scaled-down version of the oil polishing plant approved under Modification 5 to trail the effectiveness of the oil polishing process, refer to as the Mobile Oil Polishing Plant (MOPP), determined 20 August 2021. The MOPP had been installed and was undergoing commissioning at the time of the audit.

Major Project Approval (MP05\_0037) was granted under Part 3A (now repealed) of the EP&A Act. Pursuant to transitional arrangements under the EP&A Act, all future modifications to MP05\_0037 would be assessed under SSD provisions in accordance with Part 4 of the EP&A Act. On 1 April 2021, Cleanaway lodged a formal request to the Department to transition the existing approval to SSD. The transition to SSD has been completed (as per the Order published in the Government Gazette dated 16

April 2021). The development as specified in the Order (the Cleanaway Rutherford Waste Facility) is now SSD with the same reference number (05\_0037) as of 16 April 2021.

The site also operates under the Environmental Protection Licence (EPL) 12555. EPL 12555 was updated on three occasions during the audit period.

- 29 Oct 2019 - change to address and minor reference changes
- 01 Dec 2020 - addition of a Pollution Response Program (PRP) in relation to issues identified during an EPA site inspection conducted on 9/10/2020. The PRP required the following:
  - a. Conduct site specific environmental improvements (U1.1, U1.2);
  - b. Conduct a Bund Suitability and Integrity Assessment (the Assessment) (U1.3, U1.4);
  - c. Conduct a Stormwater Management Assessment (the SW Assessment) and corrective actions (U1.5);
  - d. Conduct a Waste Acceptance, Identification and Storage (WAIS) review as outlined in correspondence dated 9 October 2020 “Cleanaway actions completed by site” (EPA reference DOC20/857749) (U1.6);
  - e. Conduct an Environmental Risk Register review (the Risk Review), as outlined in correspondence dated 9 October 2020 “Cleanaway actions completed by site” (EPA reference DOC20/857749) (U1.7); and
  - f. Provide confirmation that an Employee Environmental Awareness Program has been implemented (U1.8).
- 23 Nov 2021 - on 18 December 2020 Cleanaway provided evidence to the EPA which outlined that all actions from the PRP had been closed out. The EPA reviewed the relevant submissions and were satisfied that the response fulfills all the requirements of the conditions in accordance with the PRPs of the Licence. As such, the conditions relating to the PRP were removed from EPL 12555.

The site also discharges trade waste to sewer under a Trade Wastewater Deed dated 16 December 2019.

## 1.5 Site Operations

The refinery has approval to process up to 40,000 tonnes per annum (tpa) of waste oil. The actual volume of waste oil processed during the audit period was approximately 27,000 tonnes per year. This waste oil is refined via hydrogenation into base oil for use in lube oil blending and industrial processes.

The site operates 24 hours a day, 7 days a week with a workforce of up to 24 personnel. Major components of the Site include:

- Hydrogenation plant
- H<sub>2</sub> Plant
- N<sub>2</sub> Plant
- Mobile Oil Polishing Plant (MOPP)
- Cooling towers
- Storage tanks
- Control room and office building
- Workshop
- Process store
- Truck unloading and loading bays.



Figure 1-1 Site Locality



## 2.0 Audit Methodology

The purpose of this IEA was to assess environmental performance of the facility; to assess compliance with the Conditions of Approval (CoA) and EPL conditions; to review against industry best practice; and to review the adequacy of the Operational Environmental Management Plan (OEMP) and associated sub-plans required under the CoA.

The IEA was undertaken in general accordance with:

- Independent Audit Post Approval Requirements (the Department, 2020)
- AS/NZS ISO19011:2018 *Guidelines for auditing management systems* (Note that ISO14010 and 14011 have been superseded by ISO19011)
- AECOM proposal dated 17 June 2021.

Audit checklists were prepared prior to the site inspection, based on the requirements of PA MP05\_037 and EPL 12555. The completed checklists are provided in Appendix A.

The audit methodology comprised the following activities:

- Initial discussions with Cleanaway management to organise the audit, including the provision of documentation, the Site visit and timing
- Consultation with key government agencies and other relevant agencies as presented in this Report
- A two-day Site inspection and interviews with key site personnel on 1 and 2 February 2022
- Review of additional documentation provided by Cleanaway after the Site inspection
- Submission of a draft report to Cleanaway outlining the audit findings
- Finalisation of the report based on comments from Cleanaway.

This report provides a summary of findings including a discussion of the environmental performance of the Site, details of identified non-compliances with the Project Approval and EPL, review of adequacy of management plans, and recommended actions to improve compliance status as well as identification of continual improvement opportunities.

### 2.1 Documents Reviewed

AECOM submitted a request for documentation to Cleanaway on 7 February 2022. The documents reviewed are listed as “evidence” within the Audit Checklists (refer to Appendix A).

### 2.2 Personnel

In accordance with Condition 4.4 of PA MP05\_037, the audit is to be conducted by a suitably qualified, experienced and independent audit team whose appointment has been endorsed by the Secretary. The Audit Team consisted of the following personnel listed in Table 2.

**Table 2 Audit Team**

Name	Position	Organisation	On Site
Shani Walton	Lead Auditor	AECOM	1 and 2 February 2022
Kate Michelmore	Auditor	AECOM	1 and 2 February 2022
David Rollings	Odour Specialist	AECOM	2 February 2022
Kelly Pearsall	Verifier	AECOM	N/A

Shani Walton is registered by Exemplar Global as a Certified Lead Auditor for Environmental Management and Compliance Auditing.

The audit team, inclusive of specialists, was approved by the Department to conduct the audit. Refer to the approval letters from Department provided in **Appendix C**.

Personnel interviewed during the site visit included the following:

- Nicholas Welbourne, Site Engineer
- Rick Merrick, Maintenance Supervisor

It was noted that the site environmental personnel were not available for interview.

## 2.3 Site Inspection

A site inspection was conducted at the Site on 1 and 2 of February 2022. The Auditors inspected all aspects of the facility including the following:

- Operating plant including the - Hydrogenation plant, H2 Plant, N2 Plant, MOPP, Cooling towers, Storage tanks and bunded areas
- Control room
- Office buildings
- Workshop
- Dangerous Goods Store
- Process store
- Truck unloading and loading bay.
- Retention dam remediation area
- Groundwater monitoring wells
- Remnant vegetation zones 3 and 4
- Derelict legacy structures – access inside these areas was not permitted.
- EPL monitoring points.

Observations from the audit site inspection have been presented in the audit photograph log (refer Appendix B)

## 2.4 Audit Compliance Status Descriptors

The status of Cleanaway Rutherford's performance during the audit, in respect of each condition of the Project Approval and EPL is presented in Appendix A. Conditions considered to be not complied with have been listed in Section 4.0 of this report.

Table 3 provides a summary of the compliant status descriptors in respect to the compliance status for each requirement or commitment as defined in Section 3.8 of the 2020 Audit Guideline.

**Table 3 Audit compliance status descriptors**

Performance Category	Definition
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit
Not Triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant

Performance Category	Definition
Closed Out	The requirement relates to a historical requirement that has been assessed in previous IEAs and there are no ongoing or future requirements
Noted	A statement or fact, where no assessment of compliance is required

Comments are provided beside each condition to explain aspects of the audit review. Where considered relevant, observations have been made regarding specific compliance issues or areas for opportunity. Recommendations for improvement for each identified non-compliance are summarised in Section 7.0. Where conditions are considered compliant though it is considered there is an opportunity to improve the compliance status of the condition, a recommendation has been made in the compliance table. A summary of these Opportunities for Improvement (OFI) is provided in Section 7.1.

## 3.0 Consultation

Whilst consultation was not specifically required by Condition 4.4 for the scope of the IEA, Section 3.2 of the Department Independent Audit Post Approval Requirements requires that, prior to the site inspection, the auditor must consult with the Department who may request that other parties or agencies are consulted, including the Community Consultative Committee chairperson (if one is required for the project), to obtain their input into the scope of the audit. As part of the audit process, AECOM contacted key government agencies to seek their views on the environmental performance of the Site. A summary of the consultation process and any feedback obtained is provided in the following sections.

### 3.1 Department of Planning and Environment

Feedback was sought on 21/01/2022 from the Department officer responsible for the Site. The officer provided a response to AECOM on 27/01/2022 informing the auditors that the Department had conducted an inspection of Cleanaway Rutherford on 10/03/2019 and requested that the IEA focus on monitoring as per OEMP requirements. The Department informed the auditors that a warning letter was issued to the Site in relation to failure to monitor as per the approved OEMP during the 2017/2018 and 2018/2019 AEMR period.

The Department also informed the auditors that the Site complaints line had been found to be disconnected on 25/02/2019, and that this was rectified quickly and no enforcement action was taken.

The Department commented that the Site is generally a very well managed operation and that Management have been quick to resolve any noted issues.

OEMP monitoring requirements have been assessed in the OEMP review in Section 6.0.

### 3.2 Maitland City Council

Feedback was sought on 21/01/2022 from Maitland City Council. Council provided a response to AECOM on 31/01/2022 informing the auditor that Council had conducted a site inspection at Cleanaway Rutherford in 2020 in response to an exceedance of trigger limits / ongoing non-compliances relating to the cooling tower. The scope of this IEA does not include a review of cooling tower compliance requirements.

Council informed the auditors that no community complaints had been received by Council regarding the operation of the facility.

### 3.3 Environment Protection Authority

Feedback was sought on 21/01/2022 from the EPA. A response was not provided.

## 4.0 Audit Findings

Non-compliances identified from the IEA have been summarised in Sections 4.1 and 4.2. A detailed assessment of compliance against each condition in PA MP05\_037 and EPL 12555 is provided in Appendix A. Recommendations for each non-compliance are provided in Section 7.0 and Appendix A.

### 4.1 Project Approval MP05\_0037

**Table 4 Summary of Non-compliances against Project Approval MP05\_0037**

Ref	Condition Requirement Summary	Reason for Non-compliance
1.1	The Proponent shall carry out the project generally in accordance with the d) conditions of this approval.	This condition has been assessed as non-compliant as the Site has not operated in accordance with all the requirements included within this approval. Refer to identified non-compliances below for details.
1.5	This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.	<p>MOD 5 Approval was granted on 9/09/2016. The auditors sighted evidence from May 2022 that indicated design work for MOD 5, including appointment of a contractor and preliminary design of the project, was underway. Cleanaway stated that works associated with MOD 5 had not physically commenced at the time of the audit.</p> <p>Cleanaway stated that they would consult with the Department regarding the validity of the MOD 5 Approval, given it has been more than 5 years since the approval of MOD 5 and Cleanaway are intending on completing the works previously approved under MOD 5.</p> <p>The auditors were unable to determine compliance with this condition, however the 2020 IEA Guideline prohibits the terms partial compliance, partial non-compliance, not verified or administrative non-compliance from being used. As the auditors cannot determine compliance, a recommendation has been made for Cleanaway to follow up with the Department regarding Schedule 2, Condition 1.5.</p>
1.7	For the purposes of the MOPP under MOD 6, the Applicant must notify the Secretary in writing 7 days prior to the following: a) the commencement of commissioning.	The auditors were informed that Installation of the MOPP was finished on the 2 September 2021. Commissioning of the MOPP commenced after the installation was complete. No formal notification was provided to the Department at the commencement of commissioning.
3.1	Prior to the commencement of construction, the Proponent shall employ a suitably qualified and experienced environmental representative/s, whose appointment has been endorsed by the Planning Secretary. This environmental representative must comply with the responsibilities imposed by Condition 3.1 of PA MP05_037.	<p>This condition has been found non-compliant because responsibilities for environmental requirements under the Project Approval were not delegated effectively to appropriately qualified and experienced personnel, leading to environmental reporting not being completed within the required timeframes. The Auditors were unable to verify that the environmental Representative's appointment had been endorsed by the Planning Secretary.</p> <p>Refer to audit findings against Condition 3.1 of the PA 05_0037 checklist (Appendix A).</p>

Ref	Condition Requirement Summary	Reason for Non-compliance
3.5	Prior to the commencement of operations, the Proponent shall prepare (and following approval implement) an Operation Environmental Management Plan (OEMP) for the project, in consultation with the EPA, DNR, and Council), and to the satisfaction of the Planning Secretary.	<p>The OEMP was updated in June 2019 in response to the 2018 IEA findings. The OEMP and associated sub plans were approved by the Department on 8 March 2021. The auditors were not able to verify if the plan was updated in consultation with EPA, DNR and Council. It is noted that Department of Natural Resources (DNR) was abolished in April 2007. Responsibilities for this department are distributed between Office of Environment and Heritage and Department of Primary Industries.</p> <p>A comprehensive review of the OEMP and associated subplans was conducted by the auditors. The results of the review and recommendations are detailed in the IEA Report. There were inconsistencies with regards to the OEMP and its implementation on site, refer Section 6.2 for details.</p>
3.7	Within three months of the completion of each Independent Environmental Audit (see condition 4.4), the Proponent shall review and update the Operation Environmental Management Plan (OEMP) for the project, in consultation with the EPA and Council, and to the satisfaction of the Planning Secretary.	<p>The OEMP was updated in June 2019 in response to the 2018 IEA findings. The Department approved the updated OEMP on 8 March 2021. However the auditors were not able to verify if the plan was updated in consultation with EPA and Council. On this basis this condition has been found non-compliant.</p> <p>Refer to OEMP checklist for detailed review.</p>
4.3	If the Operational Air and Noise Validation Report identifies any non-compliance with the air quality limits imposed under this approval, an EPL for the development and/or does not reflect the conclusions made within the Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007, the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Planning Secretary and the EPA.	<p>The auditors requested evidence that the Operational Air and Noise Validation Report was submitted to the Department, as this was not closed out in the 2018 IEA. This information was not provided and therefore it could still not be verified that the report was submitted to the Department. As such, this condition has been assessed as non-compliant.</p>
5.2	The Proponent shall submit an Annual Environmental Management Report (AEMR) for the project to the OEHL, Council, and the Department.	<p>The auditors requested evidence to show submission of the AEMRs and approval from the Department. This information was not provided and as such the auditors cannot verify the date of submission or if the Department were satisfied with the content of the AEMRs.</p> <p>The 2021 AEMR was due for submission to the Department on 22 December 2021. At the time of the audit the 2021 AEMR had not been prepared.</p>
6.1	Subject to confidentiality, the Proponent shall make all documents required under this approval publicly available.	<p>Documents not publicly available, at the time of the audit, which are required to be available as per Section 10.3 of the OEMP included:</p> <ul style="list-style-type: none"> <li>• Soil Contamination Validation Report</li> </ul>

Ref	Condition Requirement Summary	Reason for Non-compliance
		<ul style="list-style-type: none"><li>• Groundwater Contamination Assessment</li><li>• Construction Safety Study</li><li>• Operational Air and Noise Validation Report</li><li>• IEAs – 2008 and 2018</li><li>• 2021 AEMR</li></ul>

## 4.2 Environment Protection Licence 12555

Table 5 Summary of Non-compliances against EPL 12555

Ref	Condition Requirement Summary	Reason for Non-Compliance
L2.1	The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.	<p>There was an exceedance of Hydrogen Sulfide reported in the 2021/2021 Annual Return reporting period. Hydrogen Sulfide was calculated as 175.4 kg against a load based limit (LBL) of 64kg.</p> <p>Cleanaway attributed this to the emissions from the 3MW Boiler and the Reformer, which were higher compared to previous reporting periods. Both units use natural gas as the fuel source and Cleanaway initial investigation suggests that the higher H<sub>2</sub>S result was either an anomaly or the result of increased sulfur concentration in the source natural gas at the time of testing.</p>
O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <ol style="list-style-type: none"> <li>must be maintained in a proper and efficient condition; and</li> <li>must be operated in a proper and efficient manner.</li> </ol>	<p>A manual maintenance system is in operation i.e. Safe Compliant Reliable Optimised Assets (SCROA). The system is an Excel-based asset register which is maintained by maintenance personnel. The register contains all plant equipment, description, maintenance interval, etc.</p> <p>The spreadsheet is an Excel workbook 'CWYR Rutherford Equipment List Maintenance' which lists the plant and equipment, the frequency of the routine maintenance, date maintenance was last undertaken and when it is due (amongst other things). The spreadsheet includes over 1,000 pieces of equipment which are grouped into categories including instrumentation, electrical, mechanical, building, safety, fire system and lifting equipment.</p> <p>The auditors reviewed the maintenance spreadsheet and interviewed the Cleanaway Maintenance Supervisor. Review identified that there were a number of maintenance tasks (in excess of 10% of the tasks listed) which were out of date. This included a number of items identified as 'high importance' in the spreadsheet.</p> <p>The auditors conducted a review against the spreadsheet to verify that new equipment had been added to the register adequately. Some items had been added and were being maintained within their review frequencies however some were identified as overdue. For example the MOPP Product Pump selected for review was overdue for an operational test in the spreadsheet and the emergency pump for the MOPP product pump was also overdue.</p> <p>Cleanaway has an online maintenance system in place for fleet. However, Cleanaway does not have an automated maintenance system in place for fixed plant. Cleanaway stated that there are plans to implement an automated system in the future for fixed plant. Discussion with Cleanaway personnel revealed that the Site has conducted significant work to reduce the number of overdue maintenance items however at the time of the audit there were still outstanding items identified on the spreadsheet, some of which were identified as high importance.</p> <p>The auditors consider this condition to be non-compliant on the basis that plant and equipment were not being maintained in accordance with the site's planned maintenance spreadsheet.</p>
O3.1	Within 3 months of the date of the issue of this licence, the licensee must develop, or update, an emergency response plan which documents the procedures to deal	<p>The EPL was updated on 29/10/2019, 1/12/2020 and 23/11/2021 during the reporting period.</p> <p>The auditors reviewed the Site Emergency Management Plan and note that it was last reviewed and updated on 29/06/2020. According to the review date noted in the Plan, it was due to be reviewed on 29/06/2021.</p>

Ref	Condition Requirement Summary	Reason for Non-Compliance
	with all types of incidents (e.g. spill, explosions or fire) that may occur at the premises or outside of the premises (e.g. during transfer) which are likely to cause harm to the environment.	<p>The Site Emergency Management Plan has not been updated since the previous two EPL variations and also has not been updated in line with the scheduled plan review.</p> <p>This condition requires the development and upkeep of an emergency response plan for the site. As the sites emergency response plan has not been reviewed or updated following EPL licence variations this condition has been found to be non-compliant. A recommendation has been made to ensure the emergency plan is reviewed and updated.</p>
M2.2	Air Monitoring Requirements <i>Refer EPL Checklist for monitoring tables.</i>	<p>Monitoring at Monitoring Point 20 was conducted in November 2019 and then not again until May 2021, which is 18 months after the previous round of monitoring and not in accordance with the monitoring frequency specified in Condition M.2.</p> <p>This condition has therefore been assessed as non-compliant due to the non-compliance with sampling frequency in 2020. It is noted that the Site has complied with the monitoring requirements since that time.</p>
R1.10	<p>The licensee must submit the following information with the Annual Return:</p> <ul style="list-style-type: none"> <li>a) A comparison of data obtained from emissions monitoring to the emission limits in this licence and other relevant air quality criteria;</li> <li>b) Recommendations for the continuation or discontinuation of monitoring for pollutants which have not been detected or detected consistently at levels significantly below the licence and/or regulatory limits.</li> </ul>	<p>The auditors reviewed the information submitted with the Annual Returns and a comparison of data obtained from emissions monitoring to the emission limits in the EPL is not included in the Annual Return submission. In addition there are no recommendations for the continuation or discontinuation of monitoring for pollutants which have not been detected or detected consistently at levels significantly below the EPL or regulatory limits.</p> <p>This condition has been assessed as non-compliant as the information required under this condition has not been submitted with the Annual Returns.</p>

## 5.0 Review of Environmental Performance and Management

A review of environmental performance of the Site was conducted as part of the IEA. This included review of the following:

- The Site's operations and management in general during the audit site inspection
- The status of the 2018 IEA recommendations
- Any regulatory action undertaken during the audit period
- The management of complaints
- The management and reporting of environmental incidents.

A review of the adequacy and implementation of the site's environmental management plans was also conducted. Results from this review are provided in Section 6.0.

### 5.1 Site operations and management during audit site inspection

During the audit site inspection conducted on 1-2 February 2022, the Site was found to be generally tidy and there were no strong odours apparent. Refer to Appendix B for site observations and photographs from the site inspection.

### 5.2 Status of the 2018 IEA Recommendations

The IEA conducted a review against the recommendations made in the 2018 IEA conducted by AECOM. The findings from this review have been provided in Appendix E.

Of the seventeen (17) recommendations made in the 2018 IEA, ten (10) of these recommendations were not considered to be complete, or adequately addressed, at the time of the audit. This includes the following:

- With regards to the OEMP, AQMP and GMP the following recommendations were not complete:
  - The purpose and scope of the OEMP does not reference Condition 3.5 of PA MP05\_037
  - Evidence that the updated OEMP was approved by the Department was not provided
  - Evidence that the updated OEMP, AQMP and GMP was provided to EPA and Maitland City Council was also not provided.
  - The OEMP was not updated to discuss the relevance of the Transport Code of Conduct
- Cleanaway stated in the 2020 AEMR that a review was undertaken by the stack emissions testing consultant to determine the adequacy of the stack sampling points. The results from this review are not documented in the Annual emissions report and no other evidence was provided to verify this was complete
- No evidence was provided to verify the Operational Air and Noise Validation report was provided to the Department
- Evidence of submission of AEMRs was not provided to the auditors. In addition the 2021 AEMR was yet to be submitted at the time of the audit.
- All Annual Returns were not submitted to the EPA within 60 days of the end of the reporting period
- No evidence was provided to verify that the Annual Returns were submitted with the information required by Condition R1.10 of EPL 12555.
- No evidence was provided which indicated the site had improved tracking of requests by regulatory agencies.

### 5.3 Regulatory Action

A review of information available on the EPA's public register as well as consultation with regulatory agencies and information provided by Cleanaway identified that no notices, orders, penalty notices or prosecutions were issued in relation to the Site's operation during the audit period.

Improvement actions have been requested from environmental regulators during the audit period. Cleanaway was required to complete a PRP by the EPA, which was completed on 18 December 2020 following evidence provided by Cleanaway to the EPA which outlined that all actions from the PRP had been closed out. The EPA reviewed the relevant submissions and were satisfied that the response fulfilled all the requirements of the conditions in accordance with the PRPs of the Licence. As such, the conditions relating to the PRP were removed from EPL 12555.

No other regulatory action was identified however it is noted that not all information requested by the auditors was provided for review.

### 5.4 Incident Management

Management of incidents is outlined in the Site Emergency Management Plan and the Pollution Incident Response Management Plan (PIRMP). Incidents are managed in the system MYOSH. MYOSH is a computer based proprietary system, which is implemented via computer terminals at each Cleanaway site. The MYOSH data base includes a record of safety incidents, hazard management, investigations inspections and audits and action management.

Accidents, incidents and near misses are recorded in MYOSH with investigations and corrective actions assigned to staff. Staff receive a notification email to complete actions. An actions and investigations register is reviewed by the staff in a meeting twice a month. A review of the accident/incident history indicates that the majority of incidents recorded since the last audit are OHS based. Two environmental incidents were recorded during the audit period. The details of these incidents have been summarised in Table 6.

**Table 6 Summary of Environmental Incidents**

Date	Incident Description
19/03/2021	Tanker with oil spilling from overflow resulting in oil spilling from the overflow and down the side of the trailer located on the front compartment of the tanker. No further details were provided to the auditors. It is unclear if the hydrocarbons were contained within the sites bunded areas, which would result in the spill being processed through the sites purceptor system prior to discharge to sewer, or if the spill reached the stormwater system. Incident reports indicated that the spill was contained and did not result in a release offsite.
16/04/2021	During a heavy rainfall event the Site was unable to access the stormwater valve. As a result of the heavy rainfall and the fact that the HGP sump was already relatively high the FPCC, process tank farm and the storage tank farm experienced flooding. This resulted in the stormwater bypassing the first flush system and being discharged offsite. Cleanaway noted that the sump pump is undersize for the amount of water that is required to be pumped out during a rain event of that nature. It was not clear from the incident report reviewed if this incident resulted in an unauthorised discharge offsite. The information provided did not verify if the incident met the requirement for incident reporting to the Department. The auditors cannot verify if the incident did or did not have the potential to cause environmental harm. The incident report stated that the sump size had been reviewed and the action was complete.

The incident reports were not signed off by the environmental representative in MYOSH. The incident reports stated that both incidents were not regarded as reportable incidents.

No incident reports identifying corrective actions and root cause analysis were available for review. The auditors noted that only two incidents, relatively close together, had been reported during the audit period, indicating that the Site may not have recorded all environmental incidents that had occurred during the audit period.

The site reported to the auditors that no reportable incidents occurred during the audit period which would require a detailed report to be provided to Department and/or the EPA in accordance with the requirements of the Project Approval MP05\_0037 and EPL 12555. However, based on the information provided the auditors were not able to verify if they met the definition of a reportable incident. The auditors have made recommendations in relation to the incident management system (refer to Section 5.4), including the need for Cleanaway to review incident management training to ensure that all environmental incidents are recorded and investigated so that corrective actions can be identified and closed out.

## **5.5 Complaint Management**

The Site operates a community complaints 24-hour telephone number 1800 158 447 which receives complaints from members of the public. Cleanaway reported that no complaints were received during the audit period.

During consultation prior to this audit, the Department informed the auditors that the complaints hotline was found to be disconnected on 25/02/2019. This appears to be an error as the complaints line was previously identified to be disconnected in the previous IEA period. The Department stated in a letter dated 25/02/2019 that they were not going to take action against the non-compliance, as a result a warning letter was issued. The auditors consider this issue closed out. . The complaints telephone number was tested on the day of the audit, and was found to be working.

## 6.0 Review of Management Plans

To assess whether the project is undertaken in accordance with industry best practice, the relevant environmental management plans and associated environmental monitoring reports were reviewed.

Cleanaway Rutherford operates in accordance with Cleanaway's group-wide Environmental Management System, which is certified to international standard ISO14001.

Control measures for environmental management of Cleanaway Rutherford are outlined in the Site's environmental management plans. Cleanaway's Project Approval MP05\_0037 requires the following management plans to be developed and implemented.

- Operational Environment Management Plan (OEMP)
- Transport Code of Conduct
- Groundwater Management Plan (GMP)
- Air Quality Management Plan (AQMP).

Condition 4.4e of PA MP05\_0037 requires the IEA to review the adequacy of the Operation Environmental Management Plan (OEMP) for the project. The IEA conducted a detailed review of the contents of the Site's OEMP, verified if the activities occurring on site were reflective of the OEMP contents and reviewed against industry best practice. The section's below summarise the results of the review, including opportunities for improvement (OFIs) identified during the audit.

### 6.1 OEMP Adequacy

An OEMP was prepared in 2007 to address the requirements of Condition 3.5 of PA MP05\_0037. The OEMP was last updated in 2019 to address the findings from the 2018 IEA.

PA MP05_037 Condition 3.5 Requirement	Review Status
(a) Identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the development, including all approvals, licenses, and consultations.	<p>Outlined in Section 2 of the OEMP.</p> <p><b>2021-OFI-17:</b> Update reference to the WHS Regulation from 2011 to 2017.</p> <p><b>2021-OFI-18:</b> DPI to be updated to DPE or 'the Department' throughout the OEMP</p>
(b) A description of the roles and responsibilities for all relevant employees involved in the operation of the development;	<p>Outlined in Section 5 of the OEMP.</p> <p>The environmental business partner name and contact details are not up to date.</p> <p><b>2021-OFI-19:</b> Update the name and contact details of the environmental business partner in Section 5 of the OEMP.</p>
(c) Overall environmental policies and principles that will be/are applied to the operation of the development;	<p>Section 4 of the OEMP provides an overview of Cleanaway's group-wide environmental management system (EMS) and associated site specific policies and documents. The section refers to an site environmental risk assessment and site environmental risk register. Attachment A provides a copy of the Cleanaway Environmental Policy.</p> <p><b>2021-OFI-20:</b> Suggest changing the title of Section 4.1 to 'Site Environmental Risk Register' as the section is not referring to a risk assessment.</p>
(d) Standards and performance measures that will be/ are applied to the development, and a means by which environmental performance	<p>Section 6 of the OEMP outlines the environmental management and mitigation measures for the Site</p>

PA MP05_037 Condition 3.5 Requirement	Review Status
can be periodically reviewed and improved;	Section 7 outlines the inspection and monitoring schedule for the site  Section 8 details the Site's corrective action process should an exceedance, environmental complaint or incident occur at the site.
(e) Management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;	Outlined in Section 6 of the OEMP
(f) Details of all landscaping to be undertaken on the site;	Section 6.3 – Vegetation of the OEMP refers to the landscaping commitments made in the Construction Environmental Management Plan's Vegetation Management Plan.
(g) The various management plans required under this approval; and	Attachment C of the OEMP includes the Air Quality Management Plan  Attachment D of the OEMP includes the Transport Code of Conduct.  Attachment E of the OEMP includes the Groundwater Quality Management Plan.
(h) Contingency measures should monitoring of environmental issues under this approval indicate that the development had had, or is having an adverse environmental impact	Section 8 details the Site's corrective action process should an exceedance, environmental complaint or incident occur at the site.

## 6.2 Implementation Review

The OEMP is a robust document which includes various commitments to ensure the environmental management of the Site. The auditors reviewed the OEMP commitments and verified the status of implementation during the audit period. The results are summarised in the following sections.

### 6.2.1 Environmental Management System

The auditors reviewed the Site Environmental Risk Register that was updated in response to the EPA Pollution Response Program in December 2020. The register has a review requirement of "annual as a minimum", as detailed on the register itself. The register was overdue for review at the time of the audit inspection in February 2022. The risk register does not include waste as an inherent risk to the site.

**2021-OFI-21:** Review the site Environmental Risk Register and ensure annual reviews are undertaken.

**2021-OFI-22:** During the next review of the Environmental Risk Register waste should be included as an inherent risk and relevant controls listed on the Critical Control Management Program tab.

### 6.2.2 Soil and Water

The auditors reviewed the process for stormwater management on site against that detailed in the OEMP. Inconsistencies were noted with regards to management of stormwater during periods of heavy rainfall. The OEMP includes the following:

*During extended periods of rain, water from the pits will be sent to trade waste via the Purceptor, provided the waste meets the conditions set out in the Trade Waste Agreement with Hunter Water. If due to storm conditions, the volume of water treated by the Purceptor exceeds the routine discharge rate of the trade waste agreement, a temporary increase to the trade waste discharge will be sought from Hunter Water.*

The auditors were informed that this is not the process followed on site as during periods of heavy rainfall water is pumped from the bottom of the HGP sump (where oil residues would be less) and pumped directly to stormwater. The oily water separator on site does not have sufficient capacity to process water volumes during periods of extended heavy rain. In addition the OEMP refers to a discharge limit in the Site's Trade Waste Agreement. The Site's Trade Waste Agreement does not have a daily discharge maximum limit listed.

**2021-REC-32:** *Cleanaway must review stormwater management on site to ensure the Site's management of stormwater collected in bunds does not present a risk of harm/or potential harm to the environment. Where required, amend site mitigation measures and update the OEMP to reflect the actions being undertaken in the event of heavy rainfall.*

The stormwater discharge valve was closed at the time of the inspection. Stormwater pit is required to be cleaned out every six months. The auditors sighted the CWR Inspection and Test Checklist and the Stormwater Pit Inspection Log which indicated that cleanout occurred on five occasions between 27/11/2018 and 16/03/2019. The log indicated that no cleanout had occurred between 26/09/2018 and 27/11/2018 or between 16/03/2019 and 9/06/2020.

**2021-OFI-23:** *Cleanaway to ensure stormwater pits are cleaned out every six months.*

### 6.2.3 Noise

No issues with the implementation of noise mitigations on site were identified.

The auditors noted that the OEMP does not include any requirement for noise assessment to ensure compliance with project approval requirements during construction or maintenance works. Refer to Appendix A, Condition 2.19.

### 6.2.4 Vegetation

Control measures detailed in the vegetation management plan, under the construction environmental management plan were generally being complied with. The auditors reviewed the two Remnant areas of vegetation on site which are required to be retained in a healthy and tidy state. The OEMP requires Remnant 4 to be fenced to restrict access. While fencing was in place, the gates were open / broken and not restricting access. Additional review of the state of the onsite Remnant vegetation areas is documented against Condition 2.31 of PA MP05\_0037.

The OEMP also commits to reviewing the health of the trees in the Remnant areas in the monthly site inspections. However, the workplace inspection forms do not make reference to this or any vegetation review. No evidence was sighted which indicated the health of trees in these areas is reviewed on a monthly basis.

The auditors noted that the OEMP does not include a vegetation removal procedure to ensure vegetation clearance is minimised in accordance with project approval requirements, or that vegetation to be retained is protected in line with best practice. Refer to Appendix A, Condition 2.31.

**2021-OFI-24:** *Ensure fencing is in place around Remnant 4 which restricts access, so as to prevent weed ingress, rubbish dumping and vegetation damage.*

**2021-OFI-25:** *The workplace inspection checklist should capture the requirement to monitor the health of the trees within Remnant 3 and Remnant 4.*

**2021-OFI-26:** *Update the OEMP to detail weed management measures required on site, particularly in the Remnant 3 and Remnant 4 areas.*

### 6.2.5 Energy Use Plan and Lighting

No issues with the implementation of energy use / lighting mitigations on site were identified.

### 6.2.6 Waste and Resource Management

The OEMP makes specific reference to a waste register which is required to be maintained for the Site to record waste generated, storage and processing/disposal. The site does not maintain a waste register of this nature. Waste is tracked and recorded however it is across multiple forms, spreadsheets and waste tracking systems and not recorded on the register template included in the OEMP. The

OEMP also requires an annual audit be undertaken of the waste register. This was not being undertaken at the time of the audit.

Table 7 of the OEMP outlines the waste minimisation strategy for the Site and lists each waste type produced by the Site. Table 7 does not capture waste oil and hydrocarbons which are removed from site by Cleanaway waste collections. In addition the OEMP, Table 7, details that Spent Catalyst is sent overseas for metals reclamation and treatment. This is no longer occurring as Spent Catalyst is sent to Victoria, in accordance with VIC EPA authorisation.

**2021-OFI-27:** *The site could benefit from consolidating their waste records into one register. Cleanaway should consider utilising the waste register referenced in the OEMP. Alternatively, provided adequate records are kept, the OEMP should be updated to reflect how waste data is captured by the Site.*

**2021-OFI-28:** *Update table 7 of the OEMP to reflect the off-site disposal of Spent Catalyst.*

**2021-OFI-29:** *Update table 7 of the OEMP to reflect all waste types generated on site.*

### 6.2.7 Inspections and Monitoring

The auditors requested evidence to verify the environmental inspections and records for reporting, as detailed in Table 8 of the OEMP, were being conducted and collected. As detailed previously, the auditors identified that inspections of the stormwater system were not recorded every 6 months during the audit period, however in general, inspections were occurring in accordance with the OEMP, Table 8.

Environmental monitoring was reviewed in detail against relevant conditions of the Project Approval and EPL. Refer to the relevant checklists for details. A review of the monitoring requirements outlined in the OEMP was undertaken by the auditors. The OEMP requires stormwater monitoring to be undertaken prior to discharge off-site. Stormwater discharged from the Site is required to be below the following water quality parameters :

- Total phosphorus - 50 ug/L
- Total nitrogen – 600 ug/L
- Chlorophyll-a – 3 ug/L
- NOx as N – 5 ug/L
- Salinity – 300-900 ug/L
- Dissolved Oxygen – 60% - 120%
- pH – 6.5-9.0.

At the time of the audit, Cleanaway were not testing stormwater in accordance with the OEMP. Stormwater was tested only for pH and conductivity prior to discharge. Laboratory testing was conducted on a 6-monthly basis which assessed the above parameters. There are inconsistencies with the management measures outlined in the Site's Stormwater Management Plan and the OEMP. As the OEMP is the approved document, which is a requirement of the Site's Project Approval this document must be complied with.

The auditors note that the implementation of water quality testing prior to discharge would be in accordance with best industry practice.

As detailed against condition 5.2 of PA MP05\_0037 the 2021 AEMR was not submitted to the Department at the time of the audit. The OEMP refers to the requirements of PA MP05\_0037 which requires the AEMR to be submitted to the Department annually on 22 December.

**2021-OFI-30:** *The OEMP should be reviewed along with the Stormwater Management Plan to ensure they are consistent.*

**2021-OFI-31:** *Stormwater discharge must be tested in accordance with the OEMP.*

### 6.2.8 Corrective Action

A review of the incident register provided by Cleanaway for the audit period for the Site identified two incidents which potentially may have resulted in pollution of waters:

- 19/03/2021 – Tanker with oil spilling from overflow
- 16/04/2021 – Heavy rainfall event, unable to access stormwater valve (leading to bypass of first flush system).

Refer Section 5.3 for further details on incident management during the audit period.

#### **6.2.9 Auditing**

The OEMP states that an annual internal audit against the Cleanaway EMS and OEMP will be undertaken to review the level of environmental performance, ensure compliance with legislation and regulatory standards, and review the effectiveness of environmental management procedures. The auditors requested evidence to verify internal assurance actions were being conducted. No evidence was provided to the auditors for review, therefore the auditors cannot verify if internal audits were undertaken during the audit period.

**2021-OFI-32:** *Conduct annual internal audits against the Cleanaway EMS and Site OEMP.*

#### **6.2.10 Communication and Reporting**

The auditors requested the complaints register to verify details collected for complaints received during the audit period. Cleanaway stated that one complaint had been received via Maitland City Council in regard to odour. The complaints register was not provided for review and the auditors were therefore unable to verify the required information was recorded.

Details of the environmental incidents which occurred during the audit period were not provided. The auditors were unable to verify if the required information was recorded and if relevant agencies were notified.

The auditors reviewed the documents made available on the Cleanaway website at the time the audit. The PIRMP, 2018 AEMR, 2019 AEMR, 2020 AEMR, emissions monitoring data and groundwater monitoring data was the only documents publicly available.

Documents not publicly available at the time of the audit, which are required to be available as per the OEMP, included:

- Soil Contamination Validation Report
- Groundwater Contamination Assessment
- Construction Safety Study
- Operational Air and Noise Validation Report
- IEAs – 2008 and 2018
- 2021 AEMR.

**2021-OFI-33:** *Environmental personnel and environmental records should be made available during any future IEA.*

#### **6.2.11 Emergency Response**

No issues with regards to emergency response were identified.

#### **6.2.12 Training and Awareness**

The site induction was reviewed to confirm it contained adequate details as committed to in the OEMP. The following is noted:

- The induction does not include awareness of the need to protect the remnant vegetation and landscape vegetation
- The induction does not include reference to noise management measures such as restrictions on the use of horns or engine breaks, truck movements and air brake suspensions
- The induction does not make reference to the OEMP or sub-plans

- The induction does not refer to the Site's project approval, including that the Department is the planning regulatory authority
- The induction does not identify what a reportable incident is or how/when to report an incident; and does not include penalties relating to negligence and failure to report incidents (instead induction includes only penalties for 'wilfully causing harm' to the environment).

**2021-OFI-34:** *It is recommended the General Site Induction be reviewed and updated to:*

- *Include the key requirements from the OEMP, AQMP and GWMP*
- *Identify the project approval, EPL and the key regulatory authorities (the Department and EPA)*
- *Outline the incident management process including examples of environmental incidents, how/when to report an incident and penalties relating to negligence and failure to report incidents.*

### 6.2.13 Review and Revision Process

The OEMP is required to be reviewed once a year or at required intervals. The OEMP was last updated in 2019 and has therefore not been reviewed annually as required by the OEMP Section 12.

## 6.3 Air Quality Management Plan

The AQMP is a sub plan of the OEMP and was last updated in 2019 when the OEMP was updated. The AQMP was initially prepared to address the plant configuration and operational procedures at the time of the document's preparation in 2007. Following the 2018 IEA the AQMP was updated, as site operations were not reflective of the AQMP contents due to improvements and operational changes that had occurred between 2007 and 2018.

A review against the air quality impacts and controls implemented on site was conducted against the contents of the AQMP. The AQMP was generally reflective of the monitoring and management of air pollutants on site, and was generally meeting contemporary best practice, with the exception of the following:

- The AQMP does not capture works associated with the MOPP approved under MOD 6 or the design of tanks approved under MOD 5, which had commenced at the time of the audit. The AQMP will require updating to capture MOD 6 and MOD 5 design and potential impacts to air quality associated with construction and operation.
- The OEMP requires storage tanks to be equipped with nitrogen blanketing systems, vacuum pressure breaks and balancing lines for vapour suppression for the purpose of emission reduction. While these controls are in place not all tanks have each of these controls installed. For example the finishing product storage tanks and the feed tank system in the process tank farm are equipped with nitrogen blankets but the feed storage tanks which store product collected from truck deliveries are not blanketed.

The approval of MOD 6 in 2021 should have triggered a review of the OEMP and sub-plans however this had not been conducted at the time of the audit.

**2021-OFI-35:** *Review and update the OEMP as per the review schedule in the OEMP. In addition, update the OEMP and associated sub-plans to address MOD 6 and the commencement of design of MOD 5. The update should also address the construction and operational phases of MOD 5 as well.*

**2021-OFI-36:** *update the AQMP so that references to storage tank emission reduction controls is more specific and reflective of the controls on each tank on site.*

### 6.3.1 Monitoring Review

Cleanaway engage Assured Environmental to conduct source emission testing in accordance with EPL 12555. The auditors sighted emissions monitoring reports provided for testing conducted during the audit period.

A new stack for Fired Heater release point DP19 was commissioned in May 2015. The new stack was installed as corrosion had weakened the original stack and affected its structural integrity. Since this time there have been no measured parameters above EPL limit conditions.

There was an exceedance of Hydrogen Sulfide reported in the 2021/2021 Annual Return reporting period. Hydrogen Sulfide was calculated as 175.4 kg against a LBL of 64kg. Cleanaway attributed this to the emissions from the 3MW Boiler and the Reformer, which were higher compared to previous reporting periods. Both units use natural gas as the fuel source and Cleanaway initial investigation suggests that the higher H<sub>2</sub>S result was either an anomaly or the result of increased sulfur concentration in the source natural gas at the time of testing.

## 6.4 Odour Management Review

The auditors, including air quality specialist, inspected the plant during the audit site inspection. Fittings were visually in good condition with no significant corrosion or defects sighted.

Air quality during the inspection was found to be good, with only minor odours noted. No off-site odours were detected during the site inspection. Onsite odour is reviewed during the weekly and monthly workplace inspections undertaken.

Complaints to the site regarding odour have significantly reduced since the closure of the neighbouring Truegain Refinery in 2015. The auditors were informed that one complaint was made to Maitland City Council during the audit period in relation to odour. Details of the complaint received were not provided to the auditors for review, however Cleanaway did state that there was no odour detected from the Site when the complaint was made. However as details were not provided, the auditors were unable to verify if the contingency measures in Table 14 of the AQMP were complied with. Based on the information available for review and the site inspection conducted by the odour specialist, the measures in place to manage odour were considered adequate and in accordance with best practice measures at the time of the audit.

Despite the one complaint received to Council for the general area, offensive odour is not a significant risk from the site operations. Based on complaints received, consultation with Council and other environmental regulators as well as the site inspection of the Site the auditors concluded that Cleanaway were not operating in a way which caused or permitted the emission of offensive odours offsite.

## 6.5 Groundwater Management Plan

The Groundwater Management Plan (GMP) is a subplan of the OEMP and was last updated in 2019 to address the findings of the 2018 IEA. The GMP has not been updated to address MOD 6.

The GMP states that the monitoring program has undergone significant consolidation following consultation with the EPA through the EPL. The EPL does not include assessment criteria or concentration limits for groundwater pollutants. The EPL requires monitoring on an annual basis for the following pollutants:

- Tetrachloroethene (tetrachloroethylene)
- TPH C10-C36 Fraction
- TPH C6-C9 Fraction.

On this basis, the GMP states that groundwater assessment criteria is included only for the contaminants monitored. However the groundwater assessment criteria summarised in Table 5 of the GMP includes a range of chemicals of potential concern that are in addition to those being monitored.

Groundwater quality monitoring results are required to be analysed to identify any potential impact on groundwater quality as a result of the facility and to review groundwater quality against the assessment criteria identified in Table 5 of the GMP. As groundwater monitoring does not assess against all the contaminants detailed in Table 5 it is unclear how the Site would review groundwater quality against all the assessment criteria referenced. The GMP does not detail how the analysis of groundwater quality results will be conducted or where the results of the analysis will be reported. Groundwater monitoring results and an analysis of trends against available groundwater data is summarised in the AEMR. This is not reflected in the GMP.

The GMP does not include reference to the use of AFFF on site and the potential impacts this may have to groundwater. The auditors understand that previous PFAS assessments have been undertaken at the site and surrounding areas by the EPA but this is not an ongoing monitoring requirement.

**2021-OFI-37:** update Table 4 and Figure 4 of the GMP to reference the EPL monitoring point number against each monitoring well reference.

**2021-OFI-38:** update the GMP so that the adopted groundwater assessment criteria is reflective of the contaminants being monitored or include justification as to why additional contaminants are included in the groundwater assessment criteria table.

**2021-OFI-39:** update the GMP to state that a summary of monitoring data and the results of the analysis of groundwater quality results will be reported in the sites AEMR.

**2021-OFI-40:** It is suggested the GMP include reference to the use of AFFF at the site and the mitigations in place to prevent contamination to groundwater.

### 6.5.1 Monitoring Review

Cleanaway have concluded that groundwater monitoring undertaken to date indicates that:

- Groundwater impacts appear localised around the original point of contamination, namely the former dye and finishing warehouse located in the centre of the property, and not Cleanaway activities, and
- Concentrations from the monitoring events undertaken in the audit period are below the screening criteria under EPL 12555 and therefore meet the licence requirement.

The auditors reviewed the annual source emissions monitoring reports prepared by Assured Environmental (AE) for 2019, 2020, 2021 and noted the following:

- 2019 Annual Monitoring – MW21 (Point 6) was dry therefore no sampling could be undertaken. Sampling for tetrachloroethylene, TPH C10-C35 and TPH C6-C9 was undertaken for Points 10, 22 and 23
- 2020 Annual Monitoring – MW12 and MW21 (Points 10 and 6) were dry so no sampling could be undertaken. Sampling for tetrachloroethylene, TPH C10-C35 and TPH C6-C9 was undertaken for Points 22 and 23
- 2021 Annual Monitoring – MW12 and MW21 (Points 10 and 6) were dry so no sampling could be undertaken. Sampling for tetrachloroethylene, TPH C10-C35 and TPH C6-C9 was undertaken for Points 22 and 23.

Trend analysis results are included in the AEMRs. Trend analysis of groundwater data is limited due to the small amount of data available and the change of groundwater monitoring points in 2017, as approved by the EPA. Cleanaway intend to continue to implement the GMP, with the purpose of identifying potential off-site migration of groundwater pollutants and to enable appropriate remedial action to be taken to mitigate any such event. The auditors agree with Cleanaway's approach to groundwater management, however in line with the approach adopted by Cleanaway a review should be conducted on the use of AFFF onsite and the potential impacts to groundwater. Refer 2021-OFI-41 above.

## 7.0 Summary of Recommendations

Recommendations relating to non-compliances have been summarised in Table 7.

**Table 7 Summary of recommendations relating to non-compliances**

Source	Reference	Recommendation
MP05_0037, Condition 1.1	2021-REC-01	Cleanaway to provide training to Site personnel on environmental controls required to minimise potential environmental risks (inclusive of air quality, noise, vegetation and stormwater) the need to comply with these conditions.
MP05_0037, Condition 1.3A	2021-REC-02	The next IEA should confirm that the design and construction of the tanks approved by MOD 5 was in accordance with API 650 and AS 1940.
MP05_0037, Condition 1.5	2021-REC-03	Cleanaway to communicate with the Department with regards to Condition 1.5 of PA 05_0037 and the validity of the MOD 5 approval.
MP05_0037, Condition 1.6	2021-REC-04	The next IEA should confirm that the MOPP operates in accordance with the requirements of EPL 21402.
MP05_0037, Condition 1.7	2021-REC-05	Cleanaway to notify the Department of the date of commissioning of the MOPP under MOD 6.
MP05_0037, Condition 2.4	2021-REC-06	Cleanaway to assess construction and maintenance activities for potential environmental risks (inclusive of air quality, noise, vegetation and storm water) to ensure compliance with this condition. Contractors should be informed of this assessment and the controls to be implemented. Alternatively, Cleanaway should require contractors to provide their own risk assessments which include assessment and controls for environmental risks associated with the work being undertaken.
MP05_0037, Condition 2.4	2021-REC-07	Cleanaway to include air quality checks, such as a review for dust and air emissions, in the workplace inspection checklists.
MP05_0037, Condition 2.5	2021-REC-08	Cleanaway to ensure they keep a record of complaints in accordance with EPL requirements.
MP05_0037, Condition 2.15	2021-REC-09	Cleanaway to identify an alternative firefighting product and remove AFFF from site before 26 September 2022 to ensure they are complying with the requirements of the Protection of the Environment Operations (General) Amendment (PFAS Firefighting Foam) Regulation 2021.
MP05_0037, Condition 2.15	2021-REC-10	Update SWMP to align with the OEMP – which requires testing of full range of parameters prior to release of stormwater. Alternatively, OEMP may be updated to remove this requirement, in consultation with the EPA and the Department.
MP05_0037, Condition 2.15	2021-REC-11	SWMP be updated to include parameters for field testing of conductivity and pH; and actions to be implemented in the event that levels are outside acceptable range.
MP05_0037, Condition 2.15	2021-REC-12	SWMP to include specific pre- and post-rainfall inspection requirements, including cleaning prior to rainfall events.
MP05_0037, Condition 2.15	2021-REC-13	SWMP to be updated to include recording and monitoring of surface water laboratory testing parameters against SOC 27A, or for gradual deterioration over time.
MP05_0037, Condition 2.15	2021-REC-14	Update incident management training to include examples of the types of environmental incidents and near misses that require reporting
MP05_0037, Condition 2.18B	2021-REC-15	The next IEA should confirm that the design of the tanks approved by MOD 5 was in accordance with Schedule 2, Condition 2.18B of PA05_0037.

Source	Reference	Recommendation
MP05_0037, Condition 2.31	2021-REC-16	Cleanaway to verify that Goldsprings are aware of the requirement to retain the vegetation community, Remnant 4 in a healthy and tidy state. This requirement should be incorporated into the lease agreement.
MP05_0037, Condition 3.1	2021-REC-17	The Site's Environmental Representative must comply with the requirements of Condition 3.1 of PA 05_0037.
MP05_0037, Condition 3.1	2021-REC-18	Responsibilities in the OEMP should be reviewed and updated to ensure effective delegation of environmental requirements under the Project Approval to personnel qualified and experienced in managing environmental compliance requirements.
MP05_0037, Condition 3.1	2021-REC-19	Cleanaway should ensure it has evidence to show that the Environmental Representative has been endorsed by the Department Planning Secretary.
MP05_0037, Condition 3.5	2021-REC-20	Cleanaway to ensure the required regulatory agencies were consulted as per Condition 3.5 of PA 05_0037.
MP05_0037, Condition 4.3	2021-REC-21	Cleanaway to ensure the Operational Air and Noise Validation Report was submitted to the Department. Evidence of submission is to be retained by Cleanaway
MP05_0037, Condition 5.1	2021-REC-22	It is recommended the Environmental Representative is involved in the review of all environmental incidents.
MP05_0037, Condition 5.2	2021-REC-23	Prepare and submit to the Department the 2021 AEMR.
MP05_0037, Condition 5.2	2021-REC-24	Implement a reporting / review trigger process to ensure timely delivery of compliance reports required under PA 05_0037.
MP05_0037, Condition 5.2	2021-REC-25	Cleanaway to maintain a record of AEMR submission to the Department and Approval of the AEMRs by the Department.
MP05_0037, Condition 6.1	2021-REC-26	Documents to be made publicly available on the Cleanaway website as per the OEMP Section 10.3 and PA Condition 6.1.
EPL 12555, Condition L2.1	2021-REC-27	Review testing results and source gas sulfur concentration, as per commitment made by Cleanaway in the 2020 / 2021 Annual Return compliance statement.
EPL 12555, Condition O2.1	2021-REC-28	Maintenance of plant and equipment should be in accordance with maintenance intervals set in the planned maintenance spreadsheet
EPL 12555, Condition O3.1	2021-REC-29	Review and update Site Emergency Management Plan.
EPL 12555, Condition M2.2	2021-REC-30	It is recommended Cleanaway consult with the EPA to confirm compliance with the monitoring frequency specified in Condition M2.2 of EPL 12555, with regards to Cleanaway conducting monitoring within the Annual Return term and not strictly within a 12 month period.
EPL 12555, Condition R1.10	2021-REC-31	Ensure the information required under EPL Condition R1.10 is submitted with the Annual Return each year
OEMP	2021-REC-32	Cleanaway must review stormwater management on site to ensure the Site's management of stormwater collected in bunds does not present a risk of harm/or potential harm to the environment. Where required, amend site mitigation measures and update the OEMP to reflect the actions being undertaken in the event of heavy rainfall.

## 7.1 Additional Opportunities for Improvement

The following table has been reproduced from Appendix A. For details on the requirement, and for further discussion of the issue, refer directly to the tables in Appendix A. Many of the opportunities for improvement detailed in Table 8 are based around continuous improvement opportunities identified during the audit and do not necessary represent immediate potential non-compliance issues.

**Table 8 Summary of Opportunities for Improvement not relating to non-compliances**

Source	Reference	Recommendation
MP05_0037, Condition 1.1	2021-OFI-01	Cleanaway should seek Department approval to remove the conditions relating to the two activities approved in the original application which are no longer required, these include: <ul style="list-style-type: none"> <li>• A truck wash bay and transport vehicle depot with ancillary wastewater recycling plant</li> <li>• An industrial cleaning depot and environmental recovery services depot.</li> </ul>
MP05_0037, Condition 1.1	2021-OFI-02	Cleanaway should set up environmental compliance register to track all compliance requirements.
MP05_0037, Condition 2.8	2021-OFI-03	Cleanaway should ensure they have documented evidence to show a review of the stack sampling point locations was conducted.
MP05_0037, Condition 2.11	2021-OFI-04	Cleanaway should consider automating the collection of data with regards to flare operation to avoid the risk of human error associated with manual entry.
MP05_0037, Condition 2.11	2021-OFI-05	The auditors suggest, in line with the 28 IEA OFIs, that a standard operating procedure be developed to document the process for flare operation and recording of flare data. It is also suggested to include reporting against this requirement in the AEMR.
MP05_0037, Condition 2.15	2021-OFI-06	Update incident management process to include recording details of incident including type and volume of spills and whether contained before reaching the drainage system; root analysis, corrective actions and allocation of responsibility for close out.
MP05_0037, Condition 2.19	2021-OFI-07	Cleanaway should ensure that the requirements of this condition are referenced in all construction work plans/contracts.
MP05_0037, Condition 2.24	2021-OFI-08	Faded placards should be replaced
MP05_0037, Condition 2.31	2021-OFI-09	Cleanaway should put controls in place to ensure any clearing of vegetation during construction work will be minimised. This could be in the form of a vegetation removal process to be approved by the Environmental Business Partner identifying vegetation to be removed and measures to be put in place to protect vegetation to be retained.
MP05_0037, Condition 2.31	2021-OFI-10	It is recommended Cleanaway conduct an assessment of the condition of Remnant 4 to identify if any remediation actions are required to ensure the area remains in a healthy and tidy state.
MP05_0037, Condition 6.2	2021-OFI-11	Postal address and link to Facebook page should be provided on Site website
EPL 12555, Condition O2.1	2021-OFI-12	Review and update CWY Rutherford Equipment List Maintenance spreadsheet so that it can be utilised effectively for planning maintenance of plant and equipment.
EPL 12555, Condition O2.1	2021-OFI-13	Consideration should be given to the implementation of a computer based maintenance system that provides for a more automated process and less potential for failure to complete the testing requirements.
EPL 12555, Condition O4.3	2021-OFI-14	Within the next EPL variation, update this condition to refer to the current Regulations.

Source	Reference	Recommendation
EPL 12555, Condition M7.2	2021-OFI-15	Update the Cleanaway website so it is clear that the complaints line telephone number is a complaints line, so the impacted community knows how to make a complaint.
EPL 12555, Condition R1.9	2021-OFI-16	Submit a variation to the EPL to remove this condition (2018 OFI)
OEMP	2021-OFI-17	Update reference to the WHS Regulation from 2011 to 2017.
OEMP	2021-OFI-18	DPI to be updated to DPE or 'the Department' throughout the OEMP
OEMP	2021-OFI-19	Update the name and contact details of the environmental business partner in Section 5 of the OEMP.
OEMP	2021-OFI-20	Suggest changing the title of Section 4.1 to 'Site Environmental Risk Register' as the section is not referring to a risk assessment.
OEMP	2021-OFI-21	Review the site Environmental Risk Register and ensure annual reviews are undertaken.
OEMP	2021-OFI-22	During the next review of the Environmental Risk Register waste should be included as an inherent risk and relevant controls listed on the Critical Control Management Program tab.
OEMP	2021-OFI-23	Cleanaway should ensure stormwater pits are cleaned out every six months.
OEMP	2021-OFI-24	Ensure fencing is in place around Remnant 4 which restricts access, so as to prevent weed ingress, rubbish dumping and vegetation damage.
OEMP	2021-OFI-25	The workplace inspection checklist should capture the requirement to monitor the health of the trees within Remnant 3 and Remnant 4.
OEMP	2021-OFI-26	Update the OEMP to detail weed management measures required on site, particularly in the Remnant 3 and Remnant 4 areas.
OEMP	2021-OFI-27	The site could benefit from consolidating their waste records into one register. Cleanaway should consider utilising the waste register referenced in the OEMP. Alternatively, provided adequate records are kept, the OEMP should be updated to reflect how waste data is captured by the Site.
OEMP	2021-OFI-28	Update table 7 of the OEMP to reflect the off-site disposal of Spent Catalyst.
OEMP	2021-OFI-29	Update table 7 of the OEMP to reflect all waste types generated on site
OEMP	2021-OFI-30	The OEMP should be reviewed along with the Stormwater Management Plan to ensure they are consistent.
OEMP	2021-OFI-31	Stormwater discharge should be tested in accordance with the OEMP.
OEMP	2021-OFI-32	Conduct annual internal audits against the Cleanaway EMS and Site OEMP.
OEMP	2021-OFI-33	Environmental personnel and environmental records should be made available during any future IEA.
OEMP	2021-OFI-34	It is recommended the General Site Induction be reviewed and updated to: <ul style="list-style-type: none"> <li>• Include the key requirements from the OEMP, AQMP and GWMP</li> <li>• Identify the project approval, EPL and the key regulatory authorities (the Department and EPA)</li> <li>• Outline the incident management process including examples of environmental incidents, how/when to report an incident and penalties relating to negligence and failure to report incidents.</li> </ul>

Source	Reference	Recommendation
OEMP	2021-OFI-35	Review and update the OEMP as per the review schedule in the OEMP. In addition, update the OEMP and associated sub-plans to address MOD 6 and the commencement of design of MOD 5. The update should also address the construction and operational phases of MOD 5 as well.
AQMP	2021-OFI-36	Update the AQMP so that references to storage tank emission reduction controls is more specific and reflective of the controls on each tank on site.
GMP	2021-OFI-37	update Table 4 and Figure 4 of the GMP to reference the EPL monitoring point number against each monitoring well reference.
GMP	2021-OFI-38	update the GMP so that the adopted groundwater assessment criteria is reflective of the contaminants being monitored or include justification as to why additional contaminants are included in the groundwater assessment criteria table.
GMP	2021-OFI-39	update the GMP to state that a summary of monitoring data and the results of the analysis of groundwater quality results will be reported in the sites AEMR
GMP	2021-OFI-40	It is suggested the GMP include reference to the use of AFFF at the site and the mitigations in place to prevent contamination to groundwater.
General	2021-OFI-41	Cleanaway should consider storing the IBC located next to the MOPP in an undercover area.

## 8.0 Limitations

AECOM has prepared this report in accordance with the usual care and thoroughness of the consulting profession for the use of Cleanaway and only those third parties who have been authorised in writing by AECOM to rely on this Report.

It is based on generally accepted practices and standards at the time it was prepared. No other warranty, expressed or implied, is made as to the professional advice included in this Report.

It is prepared in accordance with the scope of work and for the purpose outlined in AECOM's proposal, dated 17 June 2021 (Ref: OPP-08012273). Where this report indicates that information has been provided to AECOM by third parties, AECOM has made no independent verification of this information except as expressly stated in the Report. AECOM assumes no liability for any inaccuracies in or omissions to that information.

This Report was prepared between 03 February and 31 March 2022 and is based on the conditions encountered and information reviewed at the time of preparation. AECOM disclaims responsibility for any changes that may have occurred after this time.

This report should be read in full. No responsibility is accepted for use of any part of this report in any other context or for any other purpose or by third parties. This report does not purport to give legal advice. Legal advice can only be given by qualified legal practitioners.

Except as required by law, no third party may use or rely on this report unless otherwise agreed by AECOM in writing. Where such agreement is provided, AECOM will provide a letter of reliance to the agreed third party in the form required by AECOM.

To the extent permitted by law, AECOM expressly disclaims and excludes liability for any loss, damage, cost or expenses suffered by any third party relating to or resulting from the use of, or reliance on, any information contained in this report. AECOM does not admit that any action, liability or claim may exist or be available to any third party. Except as specifically stated in this section, AECOM does not authorise the use of this report by any third party. It is the responsibility of third parties to independently make inquiries or seek advice in relation to their particular requirements and proposed use of the Site.

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# Appendix A Audit Checklists

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## Appendix A1 – Project Approval MP05\_0037

## 2022 IEA Audit Checklist – Project Approval MP05\_0037

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>Schedule 1: ADMINISTRATIVE CONDITIONS</b>					
<b>TERMS OF APPROVAL</b>					
1.1	<p>The Proponent shall carry out the project generally in accordance with the:</p> <p>a) EAR as amended by the preferred project report (Resource Recovery and Recycling Facility, Rutherford – Preferred Project Report) prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated May 2006</p> <p>b) statement of commitments, prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated 19 May 2006;</p> <p>c) Modification assessments</p> <p>d) conditions of this approval.</p>	<p>2018 IEA Preferred Project Report, dated April 2006</p> <p>2019 AEMR, 2020 AEMR</p> <p>Rutherford Waste Facility Modification 6 – Cleanaway Mobile Oil Polishing Plant State Significant Development Modification Assessment (MP05_0037 Mod-6), DPIE, August 2021</p>	<p>a) During the site inspection the Site was observed to be generally operating in accordance with the Environmental Assessment Report (EAR) as amended by the Preferred Project Report however the following activities as approved under MP05_0037 were not being undertaken:</p> <ul style="list-style-type: none"> <li>- A truck wash bay and transport vehicle depot with ancillary wastewater recycling plant</li> <li>- An industrial cleaning depot and environmental recovery services depot.</li> </ul> <p>The auditors noted during the 2018 audit that the Site had identified that these facilities were no longer required.</p> <p>b) The SOC includes a number of requirements which relate to the original project which are no longer relevant under the Preferred Project. The Site currently conducts a review against the SOC in the Annual Environmental Management Report (AEMR).</p> <p>c) MOD 1 approved the continued use of infrastructure not previously approved in the original project approval.</p> <p>MOD 2 approved the streamlining of monitoring requirements within the Project Approval with the EPL. The Site has generally applied the requirements to undertake environmental monitoring in accordance with this Modification. Monitoring requirements have been assessed against the CoA and EPL.</p> <p>MOD 4 approved the replacement of a stack at the Site. The stack had been replaced at the time of the 2018 audit.</p> <p>MOD 5 approved the construction and operation of new equipment (oil polishing system, multi-fuel burner, six additional oil storage tanks with total combined storage of 2.4 ML and safety and fire-fighting systems) and increase the height of the Multi-Fuel Burner Stack, to enable the facility to produce both Class I and Class II product oils. At the time of the audit only design work associated with MOD 5 had commenced.</p> <p>MOD 6 approved installation and operation of a mobile oil polishing plant (MOPP), a scaled-down version of the oil</p>	Non-compliant	<p>Refer to specific recommendations outlined in this approval.</p> <p><b>2021-OFI-01:</b> Cleanaway should seek Department approval to remove the conditions relating to the two activities approved in the original application which are no longer required, these include:</p> <ul style="list-style-type: none"> <li>• A truck wash bay and transport vehicle depot with ancillary wastewater recycling plant</li> <li>• An industrial cleaning depot and environmental recovery services depot.</li> </ul> <p><b>2021-OFI-02:</b> Cleanaway should set up environmental compliance register to track all compliance requirements.</p> <p><b>2021-REC-01:</b> Cleanaway to provide training to Site personnel on environmental controls</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>polishing plant approved under MOD 5, to trial the effectiveness of the oil polishing process. The Site is generally operating the MOPP in accordance with the Modification Assessment.</p> <p>d) The conditions of this approval have been assessed below.</p> <p>The Site has operated in general accordance with the activities described in the environmental assessments discussed above. This condition has been assessed as non-compliant as the Site has not operated in accordance with all the requirements included within this approval.</p> <p>It is noted that there are activities approved under the Approval which were not implemented. This includes the truck wash bay and transport vehicle depot with ancillary wastewater recycling plant, and an industrial cleaning depot and environmental recovery services depot.</p>		required to minimise potential environmental risks (inclusive of air quality, noise, vegetation and stormwater) the need to comply with these conditions.
1.2	If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.	-	Not triggered	Not triggered	
1.3	<p>The proponent shall comply with any reasonable requirement/s of the <b>Planning Secretary</b> arising from the Department's assessment of:</p> <p>(a) any reports, plans or correspondence that are submitted by the Proponent in accordance with this approval; and</p> <p>(b) the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.</p>	Email from the Department, dated 11/02/2021	<p>a) Department requirements arising from assessment of reports, plans or correspondence are discussed against the relevant Condition of Approval (CoA)</p> <p>The Department responded on 11 February 2021, to Cleanaway's submission of the OEMP which was updated in 2019 following the previous IEA. The Department requested a number of amendments to be made to the OEMP before approval would be granted. These included the following:</p> <ul style="list-style-type: none"> <li>It is noted that the OEMP (rev A, July 2019) and associated attachments draft documents. Can you please provide a finalised copy of these documents, as the Department cannot approve draft management plans as part of the post approval process.</li> <li>On 19/12/2019, you provided an email containing evidence of correspondence from EPA and DPI with regards to Cleanaway's consultation with these agencies during the preparation of the OEMP. As part of Condition 3.5 and 3.7 of the MP 05_0037 consultation is also required to be undertaken with Council (i.e. Maitland City Council). Can you please provide evidence of consultation with Council with regards to their review of the OEMP.</li> <li>Lastly, Condition 3.6 (a) (v) requires that the Air Quality Management Plan (AQMP) include a procedure for handling complaints. It is noted that Section 10.1 of the draft OEMP</li> </ul>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p><i>outlines a procedure for community complaints. Please include a copy of this procedure in the finalised AQMP to satisfy this condition requirement.</i></p> <p>Cleanaway resubmitted the OEMP to address the Departments requests. The Department approved the OEMP and Associated sub plans on 8 March 2021.</p> <p>b) Implementation of actions or measures are discussed against the relevant Condition of Approval (CoA).</p>		
	<p><i>Note: nothing in this consent approves the following components of the original project:</i></p> <ul style="list-style-type: none"> <li><i>the oily water treatment and waste oil transfer facility;</i></li> <li><i>the Chemical Fixation, Stabilisation and Solidification (CFS) process facilities;</i></li> <li><i>the waste water treatment plant;</i></li> <li><i>the dangerous goods store; and</i></li> <li><i>the soil conditioning and composting facility.</i></li> </ul>		<p>The following components of the originally proposed project were not constructed / operational at the time of the audit:</p> <ul style="list-style-type: none"> <li>Oily water treatment and waste oil transfer facility</li> <li>Chemical fixation, stabilisation and solidification processing facility</li> <li>Waste water treatment plant</li> <li>Dangerous goods store. It is noted that the Site holds a Dangerous Goods Licence for storage of dangerous goods in tanks. The Site also maintains a "Dangerous Goods Store"; however this store does not meet the threshold for Dangerous Goods notification and is not considered to be the dangerous goods store described in the original project description</li> <li>Soil conditioning and composting facility.</li> </ul>	Compliant	
1.3A	<p>The Applicant shall:</p> <p>(a) Design and construct tanks in MOD 5 in accordance with API 650: Welded Steel Tanks for Oil Storage;</p> <p>(b) Comply with the requirements of the current edition of AS1940: The storage and handling of flammable and combustible liquids.</p>	Email from Cleanaway to Chemical Process Engineer (TFA Project Group), dated 6/3/22	<p>At the time of the audit Cleanaway had recently engaged a contractor to conduct the design of the tanks for MOD 5. TFA Project Group have been engaged as the Principal Contractor and have overall responsibility for the design and construction associated with MOD 5.</p> <p>The auditors sighted correspondence showing the design will be conducted in accordance with Australian Standards. The American standard API 650 was not specifically detailed.</p> <p>Cleanaway sent an email to the designers to confirm the design and construction will be in accordance with the standards detailed in Schedule 2, Condition 1.3A. This should be assessed further in the next IEA.</p>	Compliant	<b>2021-REC-02:</b> The next IEA should confirm that the design and construction of the tanks approved by MOD 5 was in accordance with API 650 and AS 1940.
<b>LIMITS OF APPROVAL</b>					
1.4	The Proponent shall not process more than 40,000 tonnes of waste lubricant oils a year at the hydrogenation plant.	2021-2022 Actual production.xlsx	The Site maintains a base oil production spreadsheet which tracks the volume (in litres) of base oil production each month. This spreadsheet also tracks the volume of waste feed oil, light ends by-product and the yield %. The Base oil production figures for the	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>reporting period, as calculated in the production spreadsheet and reporting in the Sites AEMR were:</p> <ul style="list-style-type: none"> <li>FY2019: 31,443,578 Litres (L)</li> <li>FY2020: 31,827,295 L</li> <li>FY2021: 32,060,604 L</li> </ul> <p>Converting the waste oil figures above to tonnes (using a density factor for waste feed oil of 0.856) confirmed that the amount of waste oil processed each year was below the limit of 40,000 tonnes.</p>		
1.5	This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.	<p>2008 IEA 2018 IEA Mod 5 – Notice of Modification, DPIE, 9/09/2021 Mod 6 – Instrument of Determination, DPIE, 20/08/2021 Discussion with Cleanaway personnel</p>	<p>The commencement of works associated with the original works, MOD 2 and MOD 4 within five years of the date of Approval was assessed as compliant in the 2008 and 2018 IEAs.</p> <p>MOD 6 Approval was granted on 20/08/2021 and at the time of the audit the MOPP had been installed and was being commissioned.</p> <p>MOD 5 Approval was granted on 9/09/2016. The auditors sighted evidence from May 2022 that indicated design work for MOD 5, including appointment of a contractor and preliminary design of the project, was underway. Cleanaway stated that works associated with MOD 5 had not physically commenced at the time of the audit.</p> <p>Cleanaway stated that they would consult with the Department regarding the validity of the MOD 5 Approval, given it has been more than 5 years since the approval of MOD 5 and Cleanaway are intending on completing the works previously approved under MOD 5.</p> <p>The auditors were unable to determine compliance with this condition, however the 2020 IEA Guideline prohibits the terms partial compliance, partial non-compliance, not verified or administrative non-compliance from being used. As the auditors cannot determine compliance, a recommendation has been made for Cleanaway to follow up with the Department regarding Schedule 2, Condition 1.5.</p>	Not Compliant	<b>2021-REC-03:</b> Cleanaway to communicate with the Department with regards to Condition 1.5 of PA 05_0037 and the validity of the MOD 5 approval.
1.6	<p>The Applicant must ensure the Mobile Oil Polishing Plant (MOPP) trial as described under MOD 6:</p> <p>a) operates in accordance with the requirements of EPL 21402;</p> <p>b) is commissioned, operated and decommissioned for a total combined period of 30 months, unless otherwise agreed by the Secretary; and</p> <p>c) is decommissioned prior to the construction and operation of MOD 5.</p>	Discussion with Cleanaway	<p>a) EPL 21402 is a licence held by REOIL Pty Ltd. REOIL Pty Ltd own and maintain the MOPP which was in place at the time of the audit. Cleanaway have a contract in place with REOIL to supply oil to the MOPP.</p> <p>At the time of the audit the mobile MOPP was still undergoing commissioning as the MOPP was not producing a saleable product. Cleanaway stated that once continuous operation of the MOPP commenced, REOIL will provide Cleanaway with a monthly report which will include reporting on EPL compliance. It is noted that there are several conditions in EPL 21402 which are triggered by the date of commissioning. At the time of the</p>	Compliant	<b>2021-REC-04:</b> The next IEA should confirm that the MOPP operates in accordance with the requirements of EPL 21402.

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>audit this could not be verified and should be reviewed in the next IEA.</p> <p>b) The date of commissioning of the MOPP was unconfirmed. The auditors were informed that the commissioning of the MOPP commenced in August 2021 following granting of MOD 6 Approval. Cleanaway informed the auditors that commissioning work is still being undertaken as no saleable product is being produced from the MOPP.</p> <p>c) Construction and operation of MOD 5 had not commenced at the time of the audit.</p>		
1.7	<p>For the purposes of the MOPP under MOD 6, the Applicant must notify the Secretary in writing 7 days prior to the following:</p> <p>a) the commencement of commissioning; and</p> <p>d) decommissioning.</p>	<p>Email from Cleanaway, RE: MOPP Commissioning, dated 2/09/2021</p>	<p>a) The auditors were informed that Installation of the MOPP was finished on the 2 September 2021. Commissioning of the MOPP commenced after the installation was complete. No formal notification was provided to the Department at the commencement of commissioning.</p> <p>b) Not triggered – item has not been decommissioned.</p>	Non-compliant	<p><b>2021-REC-05:</b> Cleanaway to notify the Department of the date of commissioning of the MOPP under MOD 6.</p>
<b>Schedule 2: SPECIFIC ENVIRONMENTAL CONDITIONS</b>					
<b>WASTE</b>					
2.1	<p>Except as provided in condition 2.2 of this consent and/or expressly permitted by an EPL, the Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal.</p> <p><i>Note: The above condition only applies to the storage, treatment processing, reprocessing or disposal of waste at the site if it requires an EPL under the Protection of the Environment Operations Act 1997.</i></p>	EPL 12555	<p>The Site reported that no other waste types were accepted on-site except those approved under EPL 12555. Refer to EPL 12555 Condition L4.1 for a more detailed assessment.</p>	Compliant	
2.2	<p>The Proponent shall only receive, store, treat, process or reprocess the following wastes at the site:</p> <ul style="list-style-type: none"> <li>- waste lubricant oils</li> </ul>	<p>Site Inspection Discussion with Cleanaway Refer EPL Condition L4.1</p>	<p>The Site reported that only used lubricant oils were accepted on-site during the audit period.</p> <p>Other wastes were not observed to be stored or treated at the site during the site inspection.</p>	Compliant	
2.3	<p>The Proponent is prohibited from storing green waste and septic waste on site.</p>	Site inspection	<p>The Site reported that no green waste or septic waste is stored on-site. During the site inspection the auditors did not see any stockpiles of green waste or septic piles.</p>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>AIR QUALITY</b>					
<b>Dust</b>					
2.4	The Proponent shall design, construct, operate and maintain the project in a manner that prevents and/or minimises air pollution.	AQMP, September 2019 Source Emissions Monitoring Reports, Assured environmental, 19/12/2019, 22/06/2021, 20/01/2021, 15/12/2021 Dam Decommissioning Work Health and Safety Plan, Reditus, 21 October 2021 Site inspection Workplace inspection forms (audit period)	<p>The Air Quality Management Plan (AQMP) was updated following the 2018 audit, in September 2019, to reflect the ongoing improvements and changes to the monitoring and management of air pollutants from the Site that had occurred since the plan was developed in 2007.</p> <p>A detailed review of the AQMP was conducted against Condition 3.5 of PA 05_0037 and is also outlined in the IEA report. Refer to the OEMP checklist.</p> <p>Cleanaway engage Assured Environmental to conduct source emission testing in accordance with EPL 12555. The auditors sighted emissions monitoring reports provided for testing conducted during the audit period.</p> <p>A new stack for Fired Heater release point DP19 was commissioned in May 2015. The new stack was installed as corrosion had weakened the original stack and affected its structural integrity. Since this time there have been no measured parameters above EPL limit conditions.</p> <p>The auditors, including air quality specialist, inspected the plant during the audit site inspection. Fittings were visually in good condition with no significant corrosion or defects sighted.</p> <p>At the time of the audit the on-site surface water retention dam was being decommissioned. The auditors sighted the Work Health and Safety Plan (WHSP) for the dam decommissioning works which covered environmental requirements including dust. WHSP stated that work should not be conducted on particularly windy days but did not include any requirement for dust suppression.</p> <p>Cleanaway have a workplace inspection program which involves weekly and monthly inspections to be undertaken by site personnel. The inspection checklists include environmental and safety checks. The auditors reviewed a sample of workplace inspections completed during the audit period. The only air quality related checks included in the checklist are for odour and indoor air quality. No checks for dust or visible air pollution were conducted.</p> <p>Cleanaway were complying with their statutory air emissions limits, during the audit period. The evidence reviewed indicates that air quality impacts on site with regards to dust were minimal and not being conducted in a manner which causes air pollution, in excess to that predicted in the Sites EAs. However recommendations have been made to improve how the site documents air quality controls . This includes assessing future construction activities for potential</p>	Compliant	<p><b>2021-REC-06:</b> Cleanaway to assess construction and maintenance activities for potential environmental risks (inclusive of air quality, noise, vegetation and storm water) to ensure compliance with this condition. Contractors should be informed of this assessment and the controls to be implemented. Alternatively, Cleanaway should require contractors to provide their own risk assessments which include assessment and controls for environmental risks associated with the work being undertaken.</p> <p><b>2021-REC-07:</b> Cleanaway to include air quality checks, such as a review for dust and air emissions, in the workplace inspection checklists.</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			risks to air quality and ensuring air quality checks are included in the inspection checklists.		
<b>Odour</b>					
2.5	The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the <i>Protection of the Environment Operations Act 1997</i> . <i>Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the Proponent must not cause or permit the emission of any offensive odour from the site, but provides a defence if the emission is in accordance with the conditions of a license as a potentially offensive odour and the odour was emitted in accordance with the conditions of a license directed at minimising odour.</i>	Site inspection Consultation with Maitland Council Discussion with Cleanaway Workplace inspection checklists (audit period)	Air quality during the inspection was found to be good, with only minor odours noted. No off-site odours were detected during the site inspection. Onsite odour is reviewed during the weekly and monthly workplace inspections. Complaints to the site regarding odour have significantly reduced since the closure of the neighbouring Truegain Refinery in 2015. The auditors were informed that one complaint was made to Maitland City Council during the audit period in relation to Odour. Details of the complaint received were not provided to the auditors for review, however Cleanaway did state that there was no odour detected from the Site when the complaint was made. Despite the one complaint received to Council for the general area, offensive odour is not a significant risk from the site operations. Based on complaints received, consultation with Council and other environmental regulators as well as the site inspection of the Site, the auditors concluded that Cleanaway were not operating in a way which caused or permitted the emission of offensive odours offsite.	Compliant	<b>2021-REC-08:</b> Cleanaway to ensure they keep a record of complaints in accordance with EPL requirements.
<b>Air Quality Criteria</b>					
2.6	The Proponent shall design, operate and maintain the project in a manner that would achieve emissions compliance with the EPL. The Proponent must advise the Department of any variations to the EPL as approved by EPA.	Site inspection Source Emissions Monitoring Reports, Assured Environmental, 19/12/2019, 22/06/2021, 20/01/2021, 15/12/2021	Refer to assessment of compliance with EPL air quality criteria. Stack testing records show compliance with EPL conditions during the audit period. Refer to EPL checklist for further details.	Compliant	
<b>Design Requirements</b>					
2.7	The Proponent shall design, operate and maintain the project in a manner that would achieve Best Available Control Technology for toxic air pollutants specified in <i>Approved Methods for the Modelling and Assessment of Air pollutants in New South Wales</i> (August 2005).	Site inspection Source Emissions Monitoring Reports, Assured Environmental, 19/12/2019, 22/06/2021, 20/01/2021, 15/12/2021	The air quality specialist, who conducted both the previous and current IEAs, confirmed that the results from the previous IEA remain accurate. That being the burners, flares and activated charcoal mitigation systems along with nitrogen blanketing are considered best practices for the control of emissions.	Compliant	
2.8	The Proponent shall ensure that all stack air emission points at the site are designed to:	2018 IEA Site inspection	Stack emission points had not changed since the last IEA. The air quality specialist, who conducted both the 2018 IEA and the current IEA, confirmed that the results from the 2018 IEA remain accurate;	Compliant	<b>2021-OFI-03:</b> Cleanaway should ensure they have

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>(a) Broadly conform to the general requirements of Guidelines for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulations) (US EPA); and</p> <p>(b) To accommodate and be built with sampling ports that conform with TM-1 as specified in <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> (August 2005).</p>	Source Emissions Monitoring Reports, Assured environmental, 19/12/2019, 22/06/2021, 20/01/2021, 15/12/2021 2020 AEMR	<p>that being the velocities and the heights of the stacks were broadly acceptable. Ports all conform to sample port standards.</p> <p>The stack sampling points on the light end scrubber still appear to be close to the exit point of the stack and should be reviewed for adequacy. Cleanaway stated in the 2020 AEMR that a review was undertaken by the stack emissions testing consultant to determine the adequacy of the stack sampling points. The results from this review are not documented in the Annual emissions report.</p>		documented evidence to show a review of the stack sampling point locations was conducted.
2.9	<p>The Proponent shall ensure that the flare is designed, constructed and operated in accordance with the requirements of Clauses 38 – 41 of the <i>Protection of the Environment (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005</i>.</p> <p>The manufacturer's design specification for the flare must include the design destruction efficiency and must be submitted to the EPA for approval. The EPA's approval in writing must be obtained by the Proponent prior to the installation of the flare.</p>	2008 IEA 2018 IEA	The design and construction of the flare was assessed as compliant as part of the 2008 and 2018 IEAs, therefore the design and construction of the flare has not been re-assessed as part of this audit.	Closed Out	
2.10	The Proponent shall design, operate and maintain the project in a manner that complies with all requirements of the EPA as specified in the EPL for the project with respect to volatile organic liquid control equipment prescribed in Part 5 of the <i>Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005</i> .	EPL Audit Checklist	Refer to EPL Checklist – Condition O4.3	Compliant	
<b>Operation of Flare</b>					
2.11	<p>The Proponent shall not vent the flare except during start-up, shutdown and process upsets.</p> <p>For the purposes of this condition, process upsets shall not exceed 2% of the process operating time per annum. This excludes the initial commissioning period of the project, which is defined as being three months from the start-up date of the project.</p>	Scanned hard copy Flare Logs – 2018, 2019, 2020, 2021 Plant KPI reports - February 2020, May 2021, October 2021 Flaring Time Rolling Total spreadsheet	<p>A manual flare log is completed by the control room, utilising the Skada system which tracks the flaring.</p> <p>Plant operators transfer the flare duration data into the monthly Plant Key Performance Indicators (KPI) report on a daily basis. The KPI report records a cumulative tally of flaring duration for the month, which is reviewed by the Site Engineer.</p> <p>The monthly flaring duration is transferred into a flaring time rolling spreadsheet. This spreadsheet also records process operating time and is monitored by the Site Environmental Representative to confirm the site is not exceeding the licence condition.</p> <p>The auditors reviewed a sample of daily flare logs and Plant KPI reports as well as the flaring time rolling spreadsheet. Review of evidence verified that flare events had not occurred at times outside of start-up, shut-downs and process upsets. The flaring time rolling</p>	Compliant	<p><b>2021-OFI-04:</b> Cleanaway should consider automating the collection of data with regards to flare operation to avoid the risk of human error associated with manual entry.</p> <p><b>2021-OFI-05:</b> The auditors suggest, in line with the 28 IEA OFIs, that a standard operating procedure be</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			total spreadsheet tracks the total flare time against the 2% of the process operating time per annum limit. The following was recorded: <ul style="list-style-type: none"> <li>- 2019 – 5,963 minutes flared</li> <li>- 2020 – 5,411 minutes flared</li> <li>- 2021 – 1,995 minutes flared</li> </ul> Total operating minutes for each calendar year is 47,3364; and 2% equates to 9467 minutes.		developed to document the process for flare operation and recording of flare data. It is also suggested to include reporting against this requirement in the AEMR.
2.12	Throughout the life of the project, the Proponent shall keep and maintain detailed records of each use of the flare on site, and the details of all process upsets, start-ups and shutdowns.  The records shall be made available and shall include: <ul style="list-style-type: none"> <li>(a) the flare start and stop time, and the reasons for its use;</li> <li>(b) the process start and stop time, and the reason for each process upset</li> </ul>	Scanned hard copy Flare Logs – 2018, 2019, 2020, 2021  Plant KPI reports - February 2020, May 2021, October 2021  Flaring Time Rolling Total spreadsheet	a) The auditors sighted the flare logs completed and maintained by the control room. These were noted to include the date, time flaring started, time flaring finished, duration of flaring, stack appearance (visible plume or no visible plume) and reason for flaring  b) Process start and stop times and details of process upsets were recorded in the monthly Plant KPI Reports.	Compliant	
<b>Boilers</b>					
2.13	The Proponent shall not burn or use waste oil and other non-standard fuels as fuel at the site.	Site observations	The Site reported that no waste oil or non-standard fuels were burnt as fuel on-site during the audit period. It was reported that natural gas was used to fuel operations. This was consistent with auditor observations	Compliant	
2.14	Air supply to the boilers at the site may include vent air emissions from the hydrogenated oil storage, feed stock storage, light ends storage and sour water storage	Site observations	The Site reported that air supply to the boilers does not include vent air from air emissions from the hydrogenated oil storage, feed stock storage, light ends storage and sour water storage. This was consistent with auditor observations.  Should the Site upgrade the boilers, this condition may be utilised however during the audit period this had not been triggered.	Compliant	
2.14A	The sulphur composition of all fuel utilised for the project must not exceed 0.5 per cent.	-	This condition is a MOD 5 requirement which has not been triggered. Despite this the site utilised natural gas and all fuel has trace amounts of sulphur which are well below 0.5%.	Not triggered	
<b>SOIL AND WATER</b>					
2.15	Except as may be expressly provided in an EPL for the project, the Proponent shall comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	EPL 12555  Rutherford Refinery Environmental Risk Register FY20	Section 120 of the POEO Act prohibits the pollution of waters.  The OEMP is the primary document outlining the management measures to be implemented to control environmental risks, including the risks to soil and water. The OEMP includes a groundwater management plan and sections of water and soil management. A detailed review of the OEMP and sub plans was	Compliant	<b>2021-REC-09:</b> Cleanaway to identify an alternative firefighting product and remove AFFF from site before 26 September

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
		<p>Stormwater Management Plan, 10/12/2021</p> <p>Trade Wastewater Agreement</p> <p>Monthly Workplace Inspection Forms</p> <p>Weekly Workplace Checklist &amp; Inspection Forms</p> <p>Stormwater Pit Inspection Log 26/09/2018 – 9/6/2020</p> <p>Certificates of Analysis, ALS Environmental, June 2019 – Feb 2022</p> <p>Dam Decommissioning Work Health and Safety Plan, Reditus, 21 October 2021</p> <p>Incident Register</p> <p>Annual Reports</p> <p>2019 AEMR, 2020 AEMR</p> <p>MYOSH Incident Report Incident No# 1282672</p> <p>MYOSH Incident Report Incident No#1283018</p>	<p>conducted against Condition 3.5 of PA 05_0037 and is also outlined in the IEA report.</p> <p><b>Surface Water</b></p> <p>Surface water from the site is managed in accordance with the Site Stormwater Management Plan (SWMP) to prevent pollution of waters.</p> <ul style="list-style-type: none"> <li>• <b>Surface water in bunded areas</b> - Surface water captured in the Storage Tank Area, Hydrogenation Plant and Truck Unloading Bay is directed to a Purceptor and GAC unit prior to discharge to sewer under a Trade Wastewater Agreement dated 16/12/2019. The Site reported that in events of heavy rainfall, when the Storage Tank Area bunds fill up with rainwater, bund water is pumped into the stormwater first flush system (see below) prior to stormwater discharge.</li> <li>• <b>Stormwater</b> - Surface water from all other hardstand areas of the Site, including Cooling Towers, HP Boiler, LP Boiler, N2 Plant and H2 Plant, flows to the back (southwestern) corner of the Site for pollution collection and retention. The surface water flows into two grated drains that collect at a stormwater pit (Hydrodynamic Vortex Separator) designed to remove solid sediment, pollutants, oil and other floatables in the water.</li> </ul> <p><b>Stormwater Management Measures</b></p> <ul style="list-style-type: none"> <li>• <b>Shut off valve</b> - The Site informed the auditors that the stormwater pit is isolated from the surface water drainage system by maintaining the stormwater shut-off valve in a closed position unless release is allowed under controlled conditions. During the audit site inspection the valve was observed to be closed.</li> <li>• <b>Water quality testing</b> - Surface water quality is tested for conductivity and pH prior to every release. The SWMP does not identify an acceptable range for these parameters and does not include a procedure to be followed in the event that pH or conductivity are outside an acceptable range. The SWMP does however state that if there is any visible evidence of contamination, the stormwater shut-off valve must remain closed, and the stormwater system must be cleaned.</li> </ul> <p>Every six months, samples are sent to a NATA accredited laboratory for analysis. Samples are tested for: conductivity, pH, suspended solids, total dissolved solids, oil and grease, total nitrogen, total phosphorous. The SWMP requires cleaning of the stormwater system to occur if the laboratory results return elevated contaminant levels or if a trend is identified in the</p>		<p>2022 to ensure they are complying with the requirements of the Protection of the Environment Operations (General) Amendment (PFAS Firefighting Foam) Regulation 2021.</p> <p><b>2021-REC-10:</b> Update SWMP to align with the OEMP – which requires testing of full range of parameters prior to release of stormwater. Alternatively, OEMP may be updated to remove this requirement, in consultation with the EPA and the Department.</p> <p><b>2021-REC-11:</b> SWMP to be updated to include parameters for field testing of conductivity and pH; and actions to be implemented in the event that levels are outside acceptable range.</p> <p><b>2021-REC-12:</b> SWMP to include specific pre- and post-rainfall inspection requirements, including cleaning prior to rainfall events.</p> <p><b>2021-REC-13:</b> SWMP to be updated to include recording and monitoring of surface water laboratory testing parameters against SOC 27A, or for</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>stormwater results (i.e. gradual increase in the laboratory results over time).</p> <p>Statement of Commitment 27A states that surface water will be managed to not exceed water quality objectives for the Hunter River published by the EPA using ANZECC data. The auditors sighted laboratory analysis reports for stormwater sampling that indicate that these parameters are being tested for and achieved. However, Cleanaway did not provide any evidence that these parameters are being monitored for gradual increase over time in line with the SWMP.</p> <ul style="list-style-type: none"> <li> <b>Inspection and maintenance</b> - The SWMP includes an inspection / maintenance schedule that sets out daily, weekly, monthly, 3-monthly, 6-monthly and 12-monthly inspection requirements. The SWMP also requires that the stormwater pit is cleaned out every six months prior to discharge of stormwater offsite. Several findings were made against the implementation of the OEMP and SWMP and inconsistencies noted between the two documents. Refer Condition 3.5 of PA 05_0037 and the IEA Report for details. The SWMP does not include specific pre-or post-rainfall inspection requirements.                     </li> <li> <b>Workplace Inspections</b> - The auditors sighted examples of completed Weekly Workplace Checklist &amp; Inspection Forms and Monthly Workplace Inspection Forms which included checks of stormwater management, stormwater drains and bunded areas. The selection of inspection reports sighted were noted to include comments against these checks such as 'interceptor to be skimmed and FH "scum" to be cleaned off top of first pit', indicating that the inspections were checking the stormwater pits and picking up issues as required.                     </li> </ul> <p>A review of the Work Health and Safety Plan for dam decommissioning works identified the need to manage surface water runoff through site contouring to ensure any runoff was directed back into the dam.</p> <p><b>Incident History</b></p> <p>A review of the incident register for the Site identified two incidents which relate to soil / water:</p> <ul style="list-style-type: none"> <li>19/03/2021 – Tanker with oil spilling from the overflow located on the front compartment of the tanker, resulting in oil</li> </ul>		<p>gradual deterioration over time.</p> <p><b>2021-REC-14:</b> Update incident management training to include examples of the types of environmental incidents and near misses that require reporting</p> <p><b>2021-OFI-06:</b> Update incident management process to include recording details of incident including type and volume of spills and whether contained before reaching the drainage system; root analysis, corrective actions and allocation of responsibility for close out</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>running down the side of the trailer. Incident reports stated that the spill was contained and did not result in a release offsite.</p> <ul style="list-style-type: none"> <li>16/04/2021 – During a heavy rainfall event the Site was unable to access the stormwater valve. As a result of the heavy rainfall and the fact that the HGP sump was already relatively high, the FPCC, process tank farm and the storage tank farm experienced flooding. Cleanaway noted that the sump pump was undersized for the amount of water that was required to be pumped out during a rain event of that nature. It was not clear from the incident report reviewed if this incident resulted in an unauthorised discharge offsite. The incident report stated that the sump size had been reviewed and the action was complete.</li> </ul> <p>The auditors noted that only two incidents, relatively close together, had been reported during the audit period, indicating that the Site may not have recorded all environmental incidents that had occurred during the audit period.</p> <p><b>Soil</b></p> <p>As of February 2022 Cleanaway were storing and using aqueous film forming foam (AFFF) as a firefighting foam on site. AFFF are water-based fire-fighting foam products used to suppress flammable liquid fires. Per- and poly-fluoroalkyl substances, also known as PFAS are the key components in the majority of AFFF.</p> <p>The Protection of the Environment Operations (General) Amendment (PFAS Firefighting Foam) Regulation 2021 bans and restricts the use of Per- and poly-fluoroalkyl substances (PFAS) firefighting foam in NSW to reduce their impacts on the environment. From 26 September 2022 there will be additional restrictions in place on the use of PFAS firefighting foam in an emergency situation and in portable fire extinguishers. Cleanaway were aware of the changes in legislation and were in the process of investigating a suitable alternative product.</p> <p><b>Groundwater</b></p> <p>EPL 12555 requires groundwater monitoring to be undertaken annually at monitoring points 6, 10, 22 and 23 for tetrachloroethene (PCE), Total Petroleum Hydrocarbons (TPH) C10-C36 fraction and TPH C6-C9 fraction. The licence does not specify concentration limits. A review of the groundwater management plan was conducted against Condition 3.5 and within the groundwater section of the IEA Report.</p> <p><b>Summary</b></p> <p>Recommendations for improvement have been made to improve the management of stormwater on site. The evidence reviewed did not indicate that Cleanaway had breached Section 120 of the <i>Protection of the Environment Operations Act 1997</i> during the audit period.</p>		

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
2.16	Prior to the commencement of operations, the Proponent shall ensure that stormwater management measures are implemented to mitigate the impacts of stormwater run-off from and within the site in a manner that is consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared, the measures shall be consistent with the guidance contained in <i>Managing Urban Stormwater: Council Handbook (EPA)</i> .	2008 IEA	This was assessed for the period prior to the commencement of operations under the 2008 IEA.  It is recommended that the Stormwater Management Plan is further updated prior to commencement of MOD 5 operations.	Not triggered	
<b>Soil Contamination</b>					
2.17	Prior to the commencement of construction, the Proponent shall submit to the <b>Planning Secretary</b> for approval, a soil contamination validation report to confirm the presence, or otherwise, of any contamination on the site is not inconsistent with the development. The validation report shall be prepared by a suitably qualified and independent person(s), and shall detail any additional measures that shall be implemented to address contamination, if identified, and if required.	2008 IEA	Assessed as compliant in 2008 IEA therefore this condition is considered to be closed out.	Closed out	
<b>Groundwater Contamination</b>					
2.18	<p>Within six months of the granting of modified consent, the Proponent must complete the following groundwater contamination investigations and works which includes, but need not be limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) An assessment of the potential for off-site migration of chemicals of potential concern (including Tetrachloroethene);</li> <li>(b) Identification, based on the activities carried out on the site, of suspected source locations. If suspected source locations are identified, an evaluation of the presence of DNPLs trapped in or above lower permeability zones above the regional groundwater aquifer must be undertaken (note that care must be taken to ensure that the regional aquifer is not penetrated at suspected source locations);</li> <li>(c) Works to assess regional groundwater and determination of hydrogeological characteristics (such as flow and direction). Such works must</li> </ul>	2018 IEA	Assessed as compliant in 2018 IEA therefore this condition is considered to be closed out.	Closed out	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>include the installation of additional wells across the site to:</p> <ul style="list-style-type: none"> <li>- enable the groundwater flow direction to be determined;</li> <li>- further investigate the lateral and vertical extent of groundwater contamination;</li> <li>- enable more accurate falling head tests and/or a pump test to be undertaken; and</li> <li>- allow collection of soil samples within the water bearing zone.</li> </ul> <p>(d) Soil samples collected must be analysed for organic carbon content and cation exchange capacity to allow fate and transport modelling to assess the potential for adsorption and retardation of dissolved organic compounds;</p> <p>(e) An assessment of risk posed by the contamination and recommendations for appropriate management requirements.</p> <p>The <b>Planning Secretary</b> and the <b>EPA</b> must be provided with a copy of the report detailing the results of the investigations within seven months of the modified development consent being granted.</p> <p>The Proponent shall comply with all reasonable requirements of the <b>Planning Secretary</b> and the <b>EPA</b> in respect of the implementation of any measures presented in the Report. Any such works shall be completed within such time as the <b>Planning Secretary</b> or the <b>EPA</b> may require.</p> <p><i>Note: should it be established that there are no ongoing contamination sources at the site, that the regional groundwater has no beneficial uses, and that groundwater is not used in the area, then more detailed investigations into contaminant concentrations in the regional aquifer, groundwater flow direction and flow velocity may not be necessary. If applicable, the reasons for not undertaking this further investigation must be detailed in the report.</i></p>				
<b>Bunding</b>					
2.18A	Prior to commencement of operations of MOD 5, the Applicant shall submit to the EPA details of an inventory system to accurately measure and report product losses from the tank farm.	-	At the time of the audit, MOD 5 operations had not commenced.	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
2.18B	<p>The Applicant shall ensure the bund for the tank farm in MOD 5:</p> <ul style="list-style-type: none"> <li>(a) Includes a bund lining system to achieve an impermeable barrier;</li> <li>(b) Is designed, constructed and maintained in accordance with AS 1940:2004 and the EPA Technical Guideline Bunding and Spill Management;</li> <li>(c) Includes the installation of an early warning leak detection and prevention systems, prior to commencement of operations, that are certified by a site auditor accredited under the Contaminated Land Management Act, 1997;</li> <li>(d) Includes measures to manage liquids within the bund to ensure no migration of contaminants occurs that could cause pollution of land and/or groundwater;</li> <li>(e) Demonstrates that materials contained within the bund are compatible with bund construction such that its long-term function is not impaired; and</li> <li>(f) Is included in monitoring programs to ensure the bund achieves its performance objectives and continues to provide an effective barrier for the prevention of pollution of land and waters.</li> </ul>	<p>Email from Cleanaway to Chemical Process Engineer (TFA Project Group), dated 6/3/22</p>	<p>At the time of the audit Cleanaway had recently engaged a contractor to conduct the design of the tanks for MOD 5. TFA Project Group have been engaged as the Principal Contractor and have overall responsibility for the design and construction associated with MOD 5.</p> <p>Cleanaway sent an email to the designers to confirm the design and construction will be in accordance with the standards detailed in Schedule 2, Condition 1.3A. As commencement of the design had only just occurred at the time of the audit inspection the auditors did not review this condition in detail. This should be assessed further in the next IEA.</p>	Compliant	<p><b>2021-REC-15:</b> The next IEA should confirm that the design of the tanks approved by MOD 5 was in accordance with Schedule 2, Condition 2.18B of PA05_0037.</p>
2.18C	<p>Prior to commencement of operations of MOD 5, the Applicant shall submit to the satisfaction of the <b>Planning Secretary</b>, a report confirming the bunds have been installed in accordance with condition 2.18B. The report shall include:</p> <ul style="list-style-type: none"> <li>(a) As-constructed drawings from field surveys depicting the base elevation of the bund, upper surface of the liner(s), geotextiles, engineered liners and sealed layers of the bund;</li> <li>(b) Construction quality control results; and</li> <li>(c) Written advice from the person(s) overseeing the works that the bunds were installed in accordance with the approved design and construction specifications.</li> </ul>	-	<p>At the time of the audit, MOD 5 bund installation had not commenced.</p>	Not triggered	
2.18D	<p>Prior to commencement of operations of MOD 5, the Applicant shall implement a Containment Bund, Tank and Pipeline Integrity Assessment Program. The program must</p>	-	<p>At the time of the audit, MOD 5 operations had not commenced.</p>	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	detail measures to assess and maintain the integrity of the tank farm containment bund, other containment structures, tanks and pipelines during the life of the facility.				
<b>NOISE</b>					
<b>Construction Hours</b>					
2.19	<p>The Proponent shall only undertake construction activities associated with the project, that are audible at any residential receptor, between the following hours:</p> <ul style="list-style-type: none"> <li>(a) 7:00am to 6:00pm, Mondays to Fridays, inclusive;</li> <li>(b) 8:00am to 1:00pm on Saturdays; and</li> <li>(c) At no time on Sundays or public holidays.</li> </ul>	<p>Fire stack footing JSE, 17/09/2021</p> <p>Site inspection</p> <p>Discussion with Cleanaway</p>	<p>The following construction activities have occurred during the audit period:</p> <ul style="list-style-type: none"> <li>• A concrete footing was installed in preparation for future installation of a dual stack. The dual stack had not been installed at the time of the audit. This work involved cutting concrete and was conducted during the shutdown period. The auditors were informed that concrete cutting was carried out during daylight hours by an external contractor. The auditors sighted the Job Safety &amp; Environmental Analysis (JSEA) for the works which identified noise emission as an environmental impact but did not include any noise management controls or limit the hours that construction activities could take place</li> <li>• Remediation of the redundant retention pond. Given the distance to the closest residential receptor and the work being undertaken it is considered unlikely noise from works associated with the remediation of the retention dam would be audible</li> <li>• Installation of the MOPP in 2021.</li> </ul> <p>It is recommended that future works which are proposed to be conducted outside of normal operations are assessed for noise risks prior to commencement, and monitored during construction, to ensure compliance with this condition.</p> <p>Cleanaway informed the auditors that only one complaint was received during the audit period, in relation to odour, however the auditors were not provided a copy of the Site’s complaints register therefore the details could not be verified.</p> <p>Based on the work undertaken during the audit period and the information reviewed by the auditors this condition is considered to be compliant. However, the evidence provided would not have been considered sufficient should more extensive construction work have been undertaken. Cleanaway should keep this in mind and ensure adequate evidence is available to validate compliance with this condition during future works.</p>	Compliant	<p>Refer to REC-06 against Schedule 2, Condition 2.4.</p> <p><b>2021-OFI-07:</b> Cleanaway should ensure that the requirements of this condition are referenced in all construction work plans/contracts.</p>
<b>Noise Limits</b>					
2.20	The Proponent shall ensure that noise from the project at the nearest sensitive receiver does not exceed the criteria	Cleanaway Rutherford – Environmental Noise	Attended noise monitoring was conducted by specialist consultant Global Acoustics during the night period of 31 March 2020 at five	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation																			
	<p>specified in Table 2 at those locations and during those periods indicated.</p> <p>Table 2 – Noise Criteria</p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day 7am – 6pm Monday to Saturday and 8am – 6pm Sundays and Public Holidays</th> <th>Evening 6pm – 10pm Monday to Sunday</th> <th colspan="2">Night 10pm – 7am Monday to Saturday and 10pm – 8am Sunday</th> </tr> <tr> <th>L<sub>avg</sub>(15 minute) (dB(A))</th> <th>L<sub>avg</sub>(15 minute) (dB(A))</th> <th>L<sub>avg</sub>(15 minute) (dB(A))</th> <th>L<sub>1</sub>(1 minute) (dB(A))</th> </tr> </thead> <tbody> <tr> <td>Receptor B</td> <td>37</td> <td>37</td> <td>37</td> <td>49</td> </tr> <tr> <td>Receptor A = P (excluding B)</td> <td>35</td> <td>35</td> <td>35</td> <td>49</td> </tr> </tbody> </table> <p>Note: for the purposes of this condition:</p> <ol style="list-style-type: none"> <li>noise emission limits apply under meteorological conditions of wind speeds up to 3m/s at 10 metres above ground level and temperature inversions conditions of 3 degrees Celsius per 100m. To determine compliance with this condition, noise from the development must be measured at any point within the residential boundary of a noise sensitive receiver location, or at any point within 30 metres of the dwelling at a noise sensitive receiver location where the dwelling is more than 30 metres from the boundary. However, where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11) of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.</li> <li>Locations specified in Table 2 as per Noise Impact Assessment, Figure ES-1 as presented in the EAR.</li> </ol>	Location	Day 7am – 6pm Monday to Saturday and 8am – 6pm Sundays and Public Holidays	Evening 6pm – 10pm Monday to Sunday	Night 10pm – 7am Monday to Saturday and 10pm – 8am Sunday		L <sub>avg</sub> (15 minute) (dB(A))	L <sub>avg</sub> (15 minute) (dB(A))	L <sub>avg</sub> (15 minute) (dB(A))	L <sub>1</sub> (1 minute) (dB(A))	Receptor B	37	37	37	49	Receptor A = P (excluding B)	35	35	35	49	Monitoring, Global Acoustics, March 2020	monitoring locations: C, F, G, J and O, selected to represent areas and groups of receptors and to align with monitoring locations specified in the EAR. The report concluded that noise levels from Cleanaway complied with the relevant noise limits.		
Location	Day 7am – 6pm Monday to Saturday and 8am – 6pm Sundays and Public Holidays		Evening 6pm – 10pm Monday to Sunday	Night 10pm – 7am Monday to Saturday and 10pm – 8am Sunday																				
	L <sub>avg</sub> (15 minute) (dB(A))	L <sub>avg</sub> (15 minute) (dB(A))	L <sub>avg</sub> (15 minute) (dB(A))	L <sub>1</sub> (1 minute) (dB(A))																				
Receptor B	37	37	37	49																				
Receptor A = P (excluding B)	35	35	35	49																				
<b>HAZARDS AND RISKS</b>																								
2.21	<p>Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the <b>Planning Secretary</b>, the following studies:</p> <ol style="list-style-type: none"> <li>A <b>Fire Safety Study</b> covering the relevant aspects of the Department of Planning’s <i>Hazardous Industry Planning Advisory Paper No. 2 – Fire Safety Study Guidelines and the NSW Government’s Best Practice Guidelines for Contaminated Water Retention and Treatment Systems</i>. In addition to approval from the <b>Planning Secretary</b>, approval for this study shall</li> </ol>	2008 IEA	As required under Condition 2.23, Cleanaway (formerly Transpacific) was required to submit a Pre-Start Up Compliance Report detailing compliance with conditions 2.21 and 2.22. As discussed in Condition 2.23 this requirement was assessed in the 2008 IEA as compliant therefore this condition is considered closed out.	Closed out																				

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>also be obtained from the Commissioner of the NSW Fire Brigades/Rural Fire Service.</p> <p>(b) A <b>Hazard and Operability Study</b>, undertaken by an independent qualified person approved by the <b>Planning Secretary</b>. The study shall be carried out in accordance with Department of Planning’s <i>Hazardous Industry Planning Advisory Paper No. 8 – HAZOP Guidelines</i>. The study report shall be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent proposes to defer the implementation of a recommendation, full justification must be included. In particular, the HAZOP must address:</p> <ul style="list-style-type: none"> <li>i) The adequacy of the vent and pressure relief systems, such as relief valves and bursting discs, in the hydrogen system and the process systems;</li> <li>ii) The adequacy of measures to ensure that oil/sludge is not built up on the upstream side of relief devices;</li> <li>iii) That adequate provision has been made for isolating the hydrogen line and the process area with ‘blowing through’ with inert gas prior to maintenance work such as welding in the vicinity;</li> <li>iv) The details of the hazardous classification area and the adequacy of safety measures for the hydrogen manufacturing area, process area and the area surrounding the hydrogen supply pipes; and</li> <li>v) The separation distances between the hydrogen system, and the natural gas and the boiler house system.</li> </ul> <p>(c) A <b>Final Hazard Analysis</b> prepared in accordance with the Department of Planning’s <i>Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis</i>.</p> <p>(d) A <b>Construction Safety Study</b> prepared in accordance with the Department of Planning <i>Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety Guidelines</i>. The “commissioning” portion of the study may be</p>				

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>completed prior to the commencement of operations rather than prior to the commencement of construction. In particular, risks during the construction period from and to the existing plant shall be considered in the study.</p> <p>Construction, other than of preliminary works, shall not commence until approval is given to the studies listed in a) – d). The Proponent shall consider and implement, as appropriate, all recommendations arising out of the studies and/or shall comply with all reasonable requirements of the <b>Planning Secretary</b> in respect of the implementation of any measures presented in the Report. Any such works shall be completed within such time as the <b>Planning Secretary</b> may require.</p>				
2.21A	<p>Prior to the commencement of stack demolition associated with MOD 4, the Proponent shall submit a Construction Safety Study prepared in accordance with the Department of Planning’s Hazard Industry Planning Advisory Paper No. 7, ‘Construction safety’ to the satisfaction of the <b>Planning Secretary</b>.</p>	2018 IEA	This requirement was assessed in the 2018 IEA as compliant therefore this condition is considered closed out.	Closed out	
2.21B	<p>At least one month prior to the commencement of construction of MOD 5, or within such further period as the Secretary may agree, the Applicant shall prepare and submit for the approval of the Secretary an update of the following studies to include MOD 5. Construction of MOD 5, other than preliminary works, shall not commence until approval has been given by the Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.</p> <ul style="list-style-type: none"> <li>a) Fire Safety Study: An updated Fire Safety Study in accordance with Condition 2.21 a).</li> <li>b) Final Hazard Analysis: A final Hazard Analysis in accordance with Condition 2.21 c) and include the implementation of recommendations of the Preliminary Hazard analysis in MOD 5.</li> <li>c) Construction Safety Study: An updated Construction Safety Study in accordance with Condition 2.21 d).</li> </ul>	-	At the time of the audit, MOD 5 construction had not commenced.	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>Pre-commissioning</b>					
2.22	<p>Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the <b>Planning Secretary</b>, the following studies:</p> <ul style="list-style-type: none"> <li>(a) An <b>Emergency Plan</b> and detailed emergency procedures shall for the site. An update of the existing site Emergency Plan will be acceptable for the purpose of this condition. The plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be prepared in accordance with the Department of Planning’s <i>Hazardous Industry Planning Advisory Paper No. 1 – Industry Emergency Planning Guidelines</i>.</li> <li>(b) A <b>Safety Management System</b> covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the <b>Planning Secretary</b> or nominee. The Safety Management System shall be developed in accordance with the Department of Planning’s <i>Hazardous Industry Planning Advisory Paper No. 9 – Safety Management</i>.</li> </ul> <p>Operations shall not commence until approval is given to the studies outlined in a) – b). The Proponent shall consider and implement, as appropriate, all recommendations arising out of the studies and/or shall comply with all reasonable requirements of the <b>Planning Secretary</b> in respect of the implementation of any measures presented in the Report. Any such works shall be completed within such time as the <b>Planning Secretary</b> may require.</p>	2008 IEA	As required under Condition 2.23, Cleanaway (formerly Transpacific) was required to submit a Pre-Start Up Compliance Report detailing compliance with conditions 2.21 and 2.22. As discussed in Condition 2.23 this requirement was assessed in the 2008 IEA as compliant therefore this condition is considered closed out.	Closed out	
2.22A	At least two months prior to the commencement of commissioning of MOD 5, or within such further period as the <b>Planning Secretary</b> may agree, The Applicant shall submit for the approval of the <b>Planning Secretary</b> , an updated Emergency Plan including updated emergency procedures to incorporate changes due to MOD 5. The	-	Not Triggered	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	Emergency Plan shall be prepared in accordance with Condition 2.22 a).				
2.22B	At least two months prior to the commencement of commissioning of MOD 5, or within such further period as the <b>Planning Secretary</b> may agree, The Applicant shall submit for the approval of the <b>Planning Secretary</b> , an updated Safety Management System to incorporate changes due to MOD 5. The Safety Management System shall be prepared in accordance with Condition 2.22 b).	-	Not Triggered	Not triggered	
<b>Post-commissioning</b>					
2.23	<p>Prior to commencement of operations, the Proponent shall submit to the <b>Planning Secretary</b>, a Pre-Start up Compliance Report, detailing compliance with conditions 2.21 and 2.22, including:</p> <ul style="list-style-type: none"> <li>(a) Dates of commissioning of plant;</li> <li>(b) An action plan to implement recommendations made in the studies listed in conditions 2.21 and 2.22; and</li> <li>(c) Responses to each requirement imposed by the <b>Planning Secretary</b> in respect of the implementation of any measures arising from recommendations of the studies or reports referred to in conditions 2.21 and 2.22 above and the hazards-related conditions of this approval, within such time as the <b>Planning Secretary</b> may agree.</li> </ul>	2008 IEA	The 2008 IEA reported that the auditors sighted correspondence from the Secretary approving the Pre-Start Up Compliance Report. This condition is considered closed out.	Closed out	
<b>Dangerous Goods</b>					
2.24	<p>All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with:</p> <ul style="list-style-type: none"> <li>(a) The requirements of all relevant Australian Standards; and</li> <li>(b) The EPA's Environmental Protection Manual <i>Technical Bulletin Bunding and Spill Management</i>.</li> </ul>	<p>Bund Checksheet – Rutherford Refinery Site inspection Hazard Audit Report 2021, AECOM 24/12/2021</p>	<p>Cleanaway conducted an internal bund review in October 2020. The following bunds were included in the review: Process Tank, Storage Tank, FPCC, Hydrogenation Plant (HGP) &amp; Fire Heater, Loading Bay, Dangerous Goods (DG) Storage.</p> <p>This review considered:</p> <ul style="list-style-type: none"> <li>• net bund volume – calculated by subtracting footprint of all tanks and adding any sumps or pits to bund area multiplied by bund height at lowest point</li> <li>• net bund capacity – accounts for the residual volume remaining in any failed tank and selects for the largest tank.</li> </ul> <p>Calculations took into account the need to contain 110% of the largest container stored within the bund.</p>	Compliant	<b>2021-OFI-08:</b> Faded placards should be replaced

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	In the event of an inconsistency between the requirements listed from a) to b) above, the most stringent requirement shall prevail to the extent of the inconsistency.		<p>The bund review also included a visual inspection of:</p> <ul style="list-style-type: none"> <li>• bunding integrity, including surface condition, coatings, penetration, sealing and sealing joints</li> <li>• construction material within the bund floor and wall for compatibility with the materials stored within the bund</li> <li>• tank material compatibility with materials stored within the bund</li> <li>• conformance to the crest locus limit or compliance of installation of shielding</li> <li>• location of couplings and suitability of means for collecting and retaining any leaks or spills</li> <li>• management of drain valves (where fitted) including marking of “open” or “closed” positions</li> <li>• bund cleanliness, placarding and labelling.</li> </ul> <p>The MOPP is self-bunded (the HAZOP completed for the MOPP takes into account bund capacity impacts).</p> <p>The integrity of chemical bunds was reviewed by AECOM as part of the 2021 Hazard Audit. A number of upgrades and repairs had been made to bund walls following the 2018 Hazard Audit. The hazard audit concluded that <i>“the capacity of the bunds for each area were identified and labelled adequately. In general, the condition of the bunds based on a visual inspection were considered satisfactory. Various cracks were identified in the grout surrounding on site bunds as well as in the bunds themselves.”</i> The auditors did not identify any issues with on-site bunds during the IEA site inspection. It is noted some faded dangerous goods placards were observed during the site inspection.</p>		
<b>TRANSPORT</b>					
<b>Road Improvements</b>					
2.25	Prior to the commencement of operations or as otherwise agreed to by the <b>Planning Secretary</b> , the Proponent shall provide a monetary contribution of \$60,000 to the RTA towards the upgrade of the New England Highway and Kyle Street intersection to accommodate B-Double movements.	2008 IEA	Closed out in 2008 IEA as compliant	Closed out	
2.26	The Proponent shall ensure that B-Doubles associated with the site do not use the New England Highway and Kyle Street intersection at any time until the intersection has been upgraded to cater for B-Double movements. In the interim, B-Doubles associated with the site shall only use the	-	Since the upgrade of the New England Highway and Kyle Street intersection in 2015, the interim B-double access route is no longer required, as such this condition is no longer active.	Closed out	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	Racecourse Road/New England Highway intersection to access the site via Racecourse Road and Kyle Street.				
2.27	<p>To enforce the nominated B-Double route, as conditioned in condition 2.26, the Proponent shall implement a Transport Code of Conduct for the project. The Code of Conduct shall include, but not necessarily be limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) Details of the measures that would be implemented to enforce this route. This shall include, but not be restricted to. Contractual arrangements and disciplinary action;</li> <li>(b) A program of driver training to ensure that drivers are aware of route restrictions applicable to the development;</li> <li>(c) Communication and management strategies for both the Proponent's own fleet and contracted fleet to ensure the requirements of the Code are met;</li> <li>(d) The incorporation of a regular audit and monitoring program for the Code to determine compliance with the Strategy by heavy vehicles associated with the development and to evaluate the effectiveness of Code in enforcing this route.</li> </ul> <p>The Applicant shall not commence operations until the <b>Planning Secretary</b> has approved the Transport Code of Conduct. The Code shall be incorporated into the Operational Environmental Management Plan for the development (refer to condition 3.5 and condition 3.6 of this consent).</p>	-	Since the upgrade of the New England Highway and Kyle Street intersection in 2015, the interim B-double access route is no longer required, as such this condition is no longer active.	Closed out	
<b>Internal Road Works and Parking</b>					
2.28	<p>The Proponent shall ensure that:</p> <ul style="list-style-type: none"> <li>(a) All car parking on the site is constructed in accordance with the relevant requirements in AS 2890.1-2004;</li> <li>(b) The internal road network can accommodate the largest vehicles that would be used on site in accordance with the relevant requirements of AS 2890.2-2002;</li> <li>(c) No vehicles from the project park, queue or stand in any of the road reserves outside the site.</li> </ul>	<p>2008 IEA Site observations</p>	<ul style="list-style-type: none"> <li>a) Assessed post construction in 2008 IEA as compliant.</li> <li>b) Assessed post construction in 2008 IEA as compliant.</li> <li>c) The Site reported that it has not had issues with queuing off-site. The auditors did not observe vehicles from the Site queuing or standing in road reserves outside of the Site. No complaints were received relating to off-site vehicle queuing.</li> </ul>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
2.29	<p>Prior to the commencement of construction work, the Proponent shall submit to the <b>Planning Secretary</b> documentation detailing the internal traffic management plan, particularly the internal road works and car parking arrangement for the project. This shall include:</p> <ul style="list-style-type: none"> <li>(a) Measures to ensure the conflict between passenger vehicles and heavy vehicles are minimised. This includes reversing passenger vehicles into road carriage ways utilised by heavy vehicles;</li> <li>(b) Measures to ensure the conflict between pedestrians and vehicles on-site are minimised;</li> <li>(c) The arrangement for the unloading and loading of heavy vehicles; and</li> <li>(d) Demonstration of adequate turning-paths for all heavy vehicles accessing various components of the project.</li> </ul> <p>This internal traffic management plan shall be prepared in consultation with Council. Documentary evidence of this consultation shall be provided to the <b>Planning Secretary</b>.</p>	2008 IEA	Assessed in 2008 IEA as compliant.	Closed out	
2.30	<p>Prior to the commencement of construction work, the Proponent shall demonstrate to the <b>Planning Secretary</b> that any applicable consent for the site access road works have been granted under section 138 of the <i>Roads Act 1993</i>. The site access point shall be completed prior to the commencement of operations.</p>	2008 IEA	Assessed in 2018 IEA as compliant.	Closed out	
<b>FLORA AND FAUNA</b>					
2.31	<p>The Proponent shall minimise any clearing of vegetation during construction work, and shall retain the vegetation community, referred to as 'Remnant 4' on Map Reference 2118506A_2001 (Figure No. 11 of the EAR), and partially retain the vegetation community, referred to as 'Remnant 3', throughout the life of the development in a healthy and tidy state.</p>	<p>Dam Decommissioning Work Health and Safety Plan, Reditus, 21 October 2021</p> <p>Site inspection</p> <p>Email from Reditus re: Tree removal Rutherford, dated 10/12/2021</p> <p>Photos of Remnant 4, dated 29/03/2022</p>	<p>Vegetation clearing and tree removal had occurred as part of the dam decommissioning works. The auditors were informed that vegetation removal had been conducted in consultation with Maitland Council and were provided email correspondence between Cleanaway and Reditus environmental specialists who stated that "pursuant to the requirements of Part B of the Environmental Guidelines of the Maitland City Council DCP, the removal of trees around the pond would not require a Council permit as the works do not meet any of the criteria specified in the table".</p> <p>The systems in place to document the environmental risk assessment conducted prior to construction works commencing did not detail how vegetation clearing had been minimised or if this had been considered. . A recommendation for improvement has been made.</p>	Compliant	<p>Refer to <b>REC-06</b> against Schedule 2, Condition 2.4.</p> <p><b>2021-OFI-09:</b> Cleanaway should put controls in place to ensure any clearing of vegetation during construction work will be minimised. This could be in the form of a vegetation removal process to be approved by the Environmental Business Partner</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>The auditors reviewed the contractor’s Work Health Safety Plan (WHSP), which included some environmental controls. The WHSP controls associated with flora and fauna were limited to a requirement to contact WIRES in the event that wildlife was observed within the dam.</p> <p>The Dam Decommissioning WHSP did not:</p> <ul style="list-style-type: none"> <li>• address the requirement to minimise vegetation clearing</li> <li>• identify trees to be removed / trees to be retained or protected</li> <li>• identify Remnant 3, which is located adjacent to the dam remediation works.</li> </ul> <p>Remnants 3 and 4 were sighted during the audit site inspection. These areas are fenced to prevent interference. Due to safety concerns the auditors did not enter the fenced areas.</p> <p><b>Remnant 4</b> – this remnant is located within an area of land which Cleanaway leases to Goldsprings. A visual inspection of remnant 4 compared to aerial photographs from 2005 indicate the site has increased in size and maturity. The auditors sighted areas in proximity to Remnant 4 which were overgrown with weeds present. There was also derelict equipment, IBCs, and vehicles present in this area and the fence was open/broken in sections.</p> <p>The auditors requested the lease agreement to determine if the requirement for Remnant 4 to be retained had been included, however the lease agreement was not provided for review. <b>Remnant 3</b> – this remnant appeared healthy and tidy at the time of the audit site inspection. Some weeds were present, which were considered manageable but which have the potential to get out of hand in the next few years, especially considering the weather conditions over the past 12 months, which will facilitate weed growth. Cleanaway should address weed growth in this area and take action where required in order to ensure the vegetation community is retained.</p>		<p>identifying vegetation to be removed and measures to be put in place to protect vegetation to be retained.</p> <p><b>2021-REC-16:</b> Cleanaway to verify that Goldsprings are aware of the requirement to retain the vegetation community, Remnant 4 in a healthy and tidy state. This requirement should be incorporated into the lease agreement.</p> <p><b>2021-OFI-10:</b> It is recommended Cleanaway conduct an assessment of the condition of Remnant 4 to identify if any remediation actions are required to ensure the area remains in a healthy and tidy state.</p>
<b>VISUAL</b>					
2.32	<p>The Proponent shall ensure that all external lighting associated with the project:</p> <ul style="list-style-type: none"> <li>(a) Does not create a nuisance to surrounding properties or roadways; and</li> <li>(b) Complies with <i>AS 4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i>.</li> </ul>	Site Inspection	<p>The only change to external lighting during the audit period was that all external lights were changed to LED in November 2020. No additional external lighting was installed.</p> <ul style="list-style-type: none"> <li>a) Cleanaway reported that no complaints had been received in relation to lighting</li> <li>b) The Site has not verified that it complies with AS 4282. A detailed review against this standard was not conducted as part of this audit.</li> </ul>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>ASBESTOS</b>					
2.33	The Proponent shall handle and dispose of asbestos containing materials in accordance with the Protection of the Environment Operations (Waste) Regulation 1996.	Asbestos removal dockets, SUEZ, 5/09/2019 and 13/09/2019 Asbestos Containing Building Materials Management Plan, SLR, May 2020	The Site has an asbestos management plan which details how asbestos containing material (ACM) is to be managed on site. The auditors were informed that asbestos removal had occurred in September 2019. Dockets sighted by the auditors identified SUEZ Recycling and Recovery P/L as having collected the ACM for disposal. The disposal landfill is licenced to accept asbestos waste. Due to time constraints and the scope of the audit a detailed assessment of compliance with all asbestos removal works against the requirements of the Protection of the Environment (Operations) Regulations 2014 was not completed.	Compliant	
2.34	Prior to the commencement of construction work at the site, the Proponent shall ensure that all asbestos-containing materials, including friable asbestos particles within soil, are identified, treated and/or removed to ensure no long-term impact on human health and safety for personal located at the site and neighbouring properties. <i>Note: The Proponent is required to comply with the statutory requirements of the Occupational Health and Safety Regulation 2001 to manage risks to human health as a result of handling, treatment and removal of asbestos at the site.</i>	Asbestos Containing Building Materials Management Plan, SLR, May 2020	ACM is a legacy issue for the Site. The majority of the ACM identified on site was removed during the previous IEA period and the remaining ACM has been documented in the Site Asbestos Containing Building Materials Management Plan (ACM MP), with the recommendation to “remove in accordance with current regulation and guidance prior to any works in the area that may disturb the material”.  The extent of asbestos containing materials (ACM) on the Site was assessed during an inspection conducted by specialist consultants SLR during preparation of the updated ACM MP, dated May 2020. The ACM MP recommends that the Site Asbestos Materials Register be reviewed every 5 years or earlier where a risk assessment indicates the need for reassessment or asbestos materials have been removed and/or disturbed.	Compliant	
2.35	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	2008 IEA	The main demolition works were undertaken during construction and were assessed in the 2008 IEA as compliant.  No demolition work was conducted during the audit period.	Not triggered	
2.36	The Proponent shall ensure that any demolition waste generated as a result of MOD 4 should be classified in accordance with the EPA’s waste classification guidelines and disposed of to (or recycled at) an appropriately licenced facility.	-	No demolition work was conducted during the audit period.	Not triggered	
<b>Schedule 3: ENVIRONMENTAL MANAGEMENT AND MONITORING</b>					
<b>ENVIRONMENTAL REPRESENTATIVE</b>					
3.1	Prior to the commencement of construction, the Proponent shall employ a suitably qualified and experienced environmental representative/s, whose appointment has been endorsed by the <b>Planning Secretary</b> . The Proponent	2018 IEA OEMP, June 2019	The Environmental Representative (ER) is Orhan Cambaz, Senior Environmental Business Partner. Cleanaway stated that the Department were notified of the ER change in 2017 via email however no response or feedback was received. The Auditors were	Non-compliant	<b>2021-REC-17:</b> The Site’s Environmental Representative must comply with the

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>shall employ this representative/s throughout the life of the project, and notify the <b>Planning Secretary</b> of any changes to the appointment that may occur from time to time. This environmental representative must be:</p> <p>(a) The primary contact point in relation to the environmental performance of the project;</p> <p>(b) Responsible for all the environmental requirements under this approval;</p> <p>(c) Responsible for considering and advising on matters specified in the conditions of this approval, and all other licenses and approvals related to the environmental performance and impact of the project;</p> <p>(d) Responsible for receiving and responding to complaints about the project; and</p> <p>(e) Given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.</p>	<p>Email to the Department advising of ER change dated 31/08/17</p>	<p>unable to verify that the ER appointment had been endorsed by the Planning Secretary.</p> <p>Until December 2020, the ER was supported by Bart Downe, Environmental Business Partner. Since December 2020, the ER has been supported by Haydn Rossback, Environmental Business Partner. The ER/Senior Environmental Business Partner and the Environmental Business Partner are not based on site.</p> <p>Section 5 of the OEMP outlines Roles and Responsibilities for the Site. The ER/Senior Environmental Business Partner is identified as being responsible for environmental requirements under the Project Approval.</p> <p>The OEMP identifies Bart Downe as the Environmental Business Partner and should be updated to include the contact details for Hayden Rossback.</p> <p>Environmental requirements under the Project Approval include preparation and submission of the Annual Report and AEMR. The auditors note that the 2021 Annual Report for the Site was submitted late and the 2021 AEMR had not been prepared at the time of this audit.</p> <p>The auditors note that the Environmental Business Partners were not available to be interviewed during the audit.</p> <p>This condition has been found non-compliant because responsibilities for environmental requirements under the Project Approval were not delegated effectively to appropriately qualified and experienced personnel, leading to environmental reporting not being completed within the required timeframes.</p>		<p>requirements of Condition 3.1 of PA 05_0037.</p> <p><b>2021-REC-18:</b> Responsibilities in the OEMP should be reviewed and updated to ensure effective delegation of environmental requirements under the Project Approval to personnel qualified and experienced in managing environmental compliance requirements.</p> <p><b>2021-REC-19:</b> Cleanaway should ensure it has evidence to show that the Environmental Representative has been endorsed by the Department Planning Secretary.</p>
<b>OPERATIONAL AIR MONITORING</b>					
3.2	<p>Air quality monitoring will be undertaken in strict accordance with the requirements set out in the EPL covering the operation of the facility <a href="#">and the Rutherford Resource Recovery and Recycling Facility Air Quality Management Plan (AQMP) prepared by Pacific Air and Environment (PAE) dated 20 March 2007.</a></p>		<p>A detailed review of the Air Quality Management Plan was conducted as part of the IEA. Refer Condition 3.5 and the IEA Report.</p> <p>A review against the requirements of the EPL was conducted as part of the IEA. Refer the EPL checklist for details.</p> <p>In summary, air quality monitoring was undertaken in accordance with the AQMP and EPL.</p>	Compliant	
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)</b>					
3.3	<p>Prior to the commencement of construction, the Proponent shall prepare (and following approval implement) a <b>Construction Environmental Management Plan (CEMP)</b> for the project to the satisfaction of the <b>Planning Secretary</b>. This plan must outline the environmental management practices</p>	2008 IEA	<p>This condition was assessed under the 2008 IEA as compliant and is considered closed out.</p>	Closed out	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>and procedures that would be implemented during each stage of construction, and include:</p> <ul style="list-style-type: none"> <li>(a) A description of all activities to be undertaken on the site during construction of the project, including an indication of stages of construction, where relevant;</li> <li>(b) Statutory and other obligations that the Proponent is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders;</li> <li>(c) Details of how the environmental performance of the construction works would be monitored, and what action as would be taken to address identified adverse environmental impacts;</li> <li>(d) A description of the roles and responsibilities for all relevant employees involved in the construction of the project; and</li> <li>(e) Complaints handling procedures during construction and site preparation.</li> </ul> <p>Site preparation and construction works associated with any stage of the project shall not commence until the <b>Planning Secretary</b> has approved the CEMP for that stage. Upon receipt of the <b>Planning Secretary's</b> approval, the Proponent shall supply a copy of the CEMP to the <b>EPA, DNR and Council</b> as soon as practicable.</p>				
3.4	<p>The CEMP for the project shall include the following Management Plans:</p> <p>(a) A <b>Soil, Water and Dust Management Plan</b> to detail measures to minimise the disturbance if soil, erosion and the generation of dust during construction of the project. This plan shall include:</p> <ul style="list-style-type: none"> <li>i) The results of investigations into soils associated with the site, in particular the presence of friable asbestos and/or contaminants within the construction work footprint;</li> <li>ii) A description of the proposed erosion and sediment control measures, which must be consistent with best practice, including the Landcom's publications <i>Soil and Water Management for Urban Development</i> and</li> </ul>	2008 IEA	<p>This condition was assessed under the 2008 IEA as compliant and is considered closed out.</p> <p>(c) It is noted that ongoing vegetation management is now covered under the Site's OEMP to ensure that the remaining remnants are protected and rehabilitated beyond construction and throughout the life of the development.</p>	Closed out	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>the <i>Managing Urban Stormwater – Soils and Construction</i>;</p> <p>iii) A description of the measures that would be employed to prevent the generation of dust during construction work;</p> <p>iv) A description of the proposed monitoring that would be carried out during construction, clearly indicating who would conduct the monitoring, how the results would be recorded; and, if any non-compliance is detected, what corrective action would be taken; and</p> <p>v) A description of procedures that would be implemented to ensure that the control measures are maintained at all times, and to address any non-compliance, should it occur.</p> <p>(b) A <b>Soil Contamination Protocol</b> to manage soil contamination during site preparation and construction works. The Protocol shall detail procedures for the identification, isolation and removal of any contaminated soil, asbestos (including friable asbestos fibres) and munitions disturbed during site preparation and construction works, and detail measures for addressing any detected contamination.</p> <p>(c) A <b>Vegetation Management Plan</b> to detail measures to minimise the impact of vegetation clearing associated with the project and manage the rehabilitation of remaining remnants throughout the life of the development. This plan shall include:</p> <p>i) A detailed plan showing the area and type of vegetation that is to be removed;</p> <p>ii) A description of the measures that would be implemented to protect the vegetation that would not be cleared (such as fencing);</p> <p>iii) Identification of plant material to be used for rehabilitation, and the densities and species mix for areas to be rehabilitated; and</p> <p>iv) A description of establishment methods, sequencing of tasks, maintenance and performance monitoring.</p>				

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
3.4A	Prior to the commencement of construction of MOD 5, The Applicant shall prepare (and following approval implement) an updated CEMP for MOD 5 to the Satisfaction of the Certifying Authority. The CEMP shall be prepared in accordance with the requirements of Condition 3.3 and Condition 3.4.		Not triggered	Not triggered	
<b>OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN (OEMP)</b>					
3.5	<p>Prior to the commencement of operations, the Proponent shall prepare (and following approval implement) an <b>Operation Environmental Management Plan (OEMP)</b> for the project, in consultation with the EPA, DNR, and Council), and to the satisfaction of the <b>Planning Secretary</b>. This plan must describe the environmental management framework, practices and procedures that would be followed during operations, and include:</p> <ul style="list-style-type: none"> <li>(a) Identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the development, including all approvals, licenses, and consultations.</li> <li>(b) A description of the roles and responsibilities for all relevant employees involved in the operation of the development;</li> <li>(c) Overall environmental policies and principles that will be/are applied to the operation of the development;</li> <li>(d) Standards and performance measures that will be applied/are to the development, and a means by which environmental performance can be periodically reviewed and improved;</li> <li>(e) Management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;</li> <li>(f) Details of all landscaping to be undertaken on the site;</li> <li>(g) The various management plans required under this approval; and</li> <li>(h) Contingency measures should monitoring of environmental issues under this approval indicate</li> </ul>	<p>2018 IEA OEMP, June 2019</p> <p>Letter from the Department, OEMP Approval, dated 8/03/2021</p>	<p>The OEMP was updated in June 2019 in response to the 2018 IEA findings. The OEMP and associated sub plans were approved by the Department on 8 March 2021. The auditors were not able to verify if the plan was updated in consultation with EPA, DNR and Council. It is noted that Department of Natural Resources (DNR) was abolished in April 2007. Responsibilities for this department are distributed between Office of Environment and Heritage and Department of Primary Industries.</p> <p>A comprehensive review of the OEMP and associated subplans was conducted by the auditors. The results of the review and recommendations are detailed in the IEA Report. There were inconsistencies with regards to the OEMP and its implementation on site. Refer the OEMP implementation review in the IEA report. This condition is therefore non-compliant.</p>	<b>Non-compliant</b>	<p><b>2021-REC-20:</b> Cleanaway to obtain approval from the Department for the OEMP and ensure the requires regulatory agencies were consulted as per Condition 3.5 of PA 05_0037.</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>that the development had had, or is having an adverse environmental impact.</p> <p>Operations shall not commence until the <b>Planning Secretary</b> has approved the OEMP. Upon receipt of the <b>Planning Secretary's</b> approval, the Proponent shall supply a copy of the OEMP to the <b>EPA</b> and Council as soon as practicable.</p>				
3.6	<p>The OEMP for the project shall include the following Management Plans:</p> <p>(a) An <b>Air Quality Management Plan</b> outlining the measures that would be implemented to minimise and manage air quality impacts of the proposal, particularly odour. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>i) Identification of all point and diffuse sources or air quality emissions associated with the project;</li> <li>ii) A detailed description of the mitigation methods and management practices that would be used throughout the project, particularly methods to ensure offensive odour impacts do not occur off site, and a demonstration that these measures are consistent with industry best practice;</li> <li>iii) A detailed monitoring program for the project;</li> <li>iv) Details of the contingency measures that would be implemented if non-compliance with air quality emissions criteria is detected or if offensive odour impacts occur; and</li> <li>v) A procedure for handling complaints.</li> </ul> <p>(b) A <b>Transport Code of Conduct</b> to outline measures to manage all heavy vehicle traffic movements associated with the project to minimise impacts on the local and regional road network, including traffic noise. The Code shall address the requirements of Council and the RTA and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>i) Restrictions to routes, where relevant;</li> <li>ii) Management measures to reduce volumes of heavy vehicles travelling to and from the site during peak hours, particularly B-Double movements at the Kyle Street/New</li> </ul>	<p>2018 IEA AQMP, September 2019 GWMP, September 2019 Transport Code of Conduct, September 2019</p>	<p>The AQMP and GWMP were updated in September 2019 in response to the 2018 IEA findings.</p> <p>A comprehensive review of the OEMP and associated subplans was conducted by the auditors. The results of the review and recommendations are detailed in the IEA Report. A number of opportunities for improvement were made in reference to the AQMP and GMP. In summary the plans were adequate and implemented during the audit period.</p>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>England Highway intersection during peak hours; and</p> <p>iii) Details of what disciplinary actions would be taken should any non-compliance with the Transport Code of Conduct be detected.</p> <p>(c) A <b>Groundwater Management Plan</b> to detail measures to monitor, and where applicable, manage the impact on groundwater. The Plan shall be prepared in consultation with DNR and EPA, and shall include, but not necessarily be limited to:</p> <p>i) Details of baseline groundwater quality, as present prior to the commencement of construction of the development;</p> <p>ii) Groundwater assessment criteria for a broad range of parameters, including heavy metals, total nitrogen and total phosphorous;</p> <p>iii) Monitoring program of groundwater quality, including frequency of monitoring and monitoring locations;</p> <p>iv) Details of contingency measures and management options should monitoring of groundwater quality indicate that the development has had, or is having, and adverse effect on groundwater quality;</p> <p>v) Details of the nominated contingency measures and management options, should monitoring of groundwater quality indicate that the development has exceeded these criteria. These levels and contingency and management options must be developed to the satisfaction of the EPA and DNR.</p>				
3.7	<p>Within three months of the completion of each Independent Environmental Audit (see condition 4.4), the Proponent shall review and update the Operation Environmental Management Plan (OEMP) for the project, in consultation with the EPA and Council, and to the satisfaction of the <b>Planning Secretary</b>.</p>	<p>Letter from the Department, OEMP Approval, dated 8/03/2021</p>	<p>The OEMP was updated in June 2019 in response to the 2018 IEA findings. The Department approved the updated OEMP on 8 March 2021. However the auditors were not able to verify if the plan was updated in consultation with EPA and Council. On this basis this condition has been found non-compliant.</p>	<p>Non-compliant</p>	<p>Refer to OEMP review</p>

**Schedule 4: COMPLIANCE, AUDITING AND INDEPENDENT AUDITING**

**COMPLIANCE**

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
4.1	Prior to the commencement of construction and operations, the Proponent shall certify in writing to the satisfaction of the <b>Planning Secretary</b> , that is has compiled with all the applicable conditions of this approval.	2008 IEA	This condition was assessed under the 2008 IEA as compliant and is considered closed out.	Closed out	
<b>AIR QUALITY AND NOISE VALIDATION REPORT</b>					
4.2	<p>Within three months of commissioning operations at the site, the Proponent shall submit an <b>Operational Air and Noise Validation Report</b> for the project. This Report shall:</p> <ul style="list-style-type: none"> <li>a) Be undertaken by a suitably qualified and experienced person(s);</li> <li>b) Assess whether the project is complying with the noise criteria specified in condition 2.20 of this approval, and identify what additional measures could be implemented to ensure compliance should any non-compliance be detected;</li> <li>c) Validate that the performance of the project reflects the assumptions and conclusions made in the Preferred Project Report <a href="#">and the Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007;</a></li> <li>d) Undertake air quality validation and performance verification reporting as detailed in the AQMP prepared by PAE, dated 20 March 2007 to validate compliance with the <i>Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005</i> and the emissions inventory of the project as detailed in the <i>Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007;</i></li> <li>e) Provide details of each round of Performance Verification Monitoring such that the monitoring frequency for all pollutants can be reviewed, as specified in the AQMP;</li> <li>f) Identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; and</li> <li>g) Provide details of any complaints received relating to air quality generated by the project, and action taken to respond to those complaints.</li> </ul>	2018 IEA	This condition was assessed under the 2018 IEA as compliant and is considered closed out.	Closed out	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
4.3	<p>If the Report identifies any non-compliance with the air quality limits imposed under this approval, an EPL for the development and/or does not reflect the conclusions made within the <a href="#">Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007</a>, the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the <b>Planning Secretary</b> and the EPA. The Proponent shall comply will all reasonable requirements of the <b>Planning Secretary</b> or the EPA in respect to the findings presented in the Report. Any such works shall be completed within such time as the <b>Planning Secretary</b> or the EPA may require.</p>	2018 IEA	<p>The auditors requested evidence that the Operational Air and Noise Validation Report was submitted to the Department, as this was not closed out in the 2018 IEA. This information was not provided and therefore it could still not be verified that the report was submitted to the Department. As such, this condition has been assessed as non-compliant.</p>	Non-compliant	<p><b>2021-REC-21:</b> Cleanaway to ensure the Operational Air and Noise Validation Report was submitted to the Department. Evidence of submission is to be retained by Cleanaway</p>
4.3A	<p>Within six (6) months of the date of commencement of the modified operation, the Applicant must submit for the approval of the Secretary, an <b>Operational Air and Odour Validation Report</b>.</p> <p>The Report must:</p> <ul style="list-style-type: none"> <li>a) Be prepared by a suitable qualified and experienced person(s) in consultation with the EPA;</li> <li>b) Include a revised Air Quality Impact Assessment of air quality impacts from the project ‘as constructed’ and include actual measured emissions;</li> <li>c) Assess conclusions made in the documents: <ul style="list-style-type: none"> <li>i. “Air Quality Impact Assessment – transpacific Diversification Project 05_0037 Mod 5” prepared by AECOM and dated 15 March 2016; and</li> <li>ii. Any subsequent air quality impact assessment prepared for the facility ‘as constructed’.</li> </ul> </li> <li>d) Include a complete source emissions monitoring program for the facility to validate compliance with the Protection of the Environment Operations (Clean Air) Regulation 2010 (“the Regulation”) and to validate the emissions inventory contained within the document “Air Quality Impact Assessment – Transpacific</li> </ul>	-	Not triggered	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>Diversification Project 05_0037 Mod 5” prepared by AECOM and dated 14 January 2016 or any subsequent emissions inventory prepared for the facility ‘as constructed’. A copy of the results and recommendations of the source emissions monitoring program must be included in the Report.</p> <p>e) Identify what additional measures could be implemented to ensure compliance with the Regulation and approval conditions should any non-compliance be detected; and</p> <p>f) Provide details of any complaints received relating to air quality generated by the project and action taken to respond to those complaints.</p>				

**INDEPENDENT ENVIRONMENTAL AUDIT**

4.4	<p>Within one year of the commencement of operations, and then as directed by the <b>Planning Secretary</b>, the Proponent shall commission an Independent Environmental Audit of the development. This audit must:</p> <p>a) Be carried out by a suitably qualified, experienced and independent audit team, that contains an odour specialist and hazard specialist, whose appointment has been endorsed by the <b>Planning Secretary</b>;</p> <p>b) Be carried out in accordance with <i>ISO 14010 – Guidelines and General Principles for Environmental Auditing</i> and <i>ISO 14011 – Procedures for Environmental Auditing</i>, the Department’s guideline <i>Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines</i>;</p> <p>c) Assess whether the project is complying with the conditions of both this approval and the EPL for the project;</p> <p>d) Assess whether the project is being carried out with industry best practice;</p> <p>e) 5</p> <p>f) Recommend measures or actions to improve the environmental performance of the project, and/or the Operation Environmental Management Plan for the project.</p>	<p>2008 IEA 2018 IEA 2021 Hazard Audit DPIE letter 13/05/2019 DPIE letter 22/09/2021 DPIE letter 16/11/2021</p>	<p>An IEA was undertaken in 2008 in accordance with the requirement to complete an audit within one year of commencement of operations and a subsequent audit was undertaken in 2018.</p> <p>This audit was directed to be undertaken by the Department by letter dated 13/05/2019. The letter required this IEA to be conducted in conjunction with a Hazard Audit and that the IEA and Hazard Audit be conducted by 10/09/2021 for the audit period 11/09/2018 to 10/09/2021.</p> <p>The audit teams for both the IEA and the Hazard Audit were approved by the Department in a letter dated 22/09/2021. This letter also approved an extended audit period for both audits of 12/09/2018 to 20/11/2021. The letter required that the Hazard Audit and Response to Audit Recommendations (RAR) be submitted to the Department by 30/12/2021 and the IEA and RAR be submitted to the Department by 30/01/2022.</p> <p>The Hazard Audit was conducted on 20/10/2021 and the Hazard Audit report and RAR were submitted to the Department by Cleanaway. The date of submission was not confirmed.</p> <p>A further extension of time was provided for the IEA by the Department in a letter dated 16/11/2021, allowing the IEA period to be extended to be inclusive from 12 September 2018 until 2 February 2022.</p> <p>The IEA was undertaken in general accordance with AS/NZS ISO 19011:2018 – Guidelines for Auditing Management Systems, which by way of introduction has cancelled and replaced ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing.</p>	Compliant	
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Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>This compliance matrix documents the review of compliance with the requirements of the Project Approval and EPL. Refer also to Section 8 of the main report.</p> <p>A review of the adequacy of strategies and plans / programs is provided in Sections 5 and 6 of the main report.</p> <p>Recommendations for improvement are provided in this compliance matrix and in the main report and are summarised in Section 8 of the main report.</p>		
4.5	<p>Within two months of commissioning this audit, or as otherwise agreed by the <b>Planning Secretary</b>, the Proponent shall submit a copy of the audit report to the <b>Planning Secretary</b>, with a response to any recommendations contained in the audit report.</p>	<p>Letter from Department approving 2018 Hazard Audit, dated 13/05/2019</p> <p>Letter from the Department approving the 2018 IEA, dated 27/02/2019</p>	<p><u>2018 IEA</u></p> <p>As per the requirements set out by the Department in letter dated 17/07/2018 the 2018 IEA report was required to be submitted to the Department within two months of the audit inspection date. The audit inspection was undertaken on 10/09/2018 – 11/09/2018; therefore this report a263+nd Cleanaway’s response to the recommendations were required to be submitted to the Department by 11/11/2018.</p> <p>The 2018 IEA was submitted to the Department on 12 November 2018, noting that the 11 November 2018 was a Sunday no non-compliance has been applied. The Department approved the 2018 IEA on 27 February 2019.</p> <p>The 2018 Hazard Audit was conducted for the period 11 June 2008 to 11 September 2018. The Department approved the 2018 Hazard Audit report on 13 May 2019.</p> <p><u>2021 IEA</u></p> <p>As per the requirements set out by the Department in letter dated 16/11/2021, the 2021 IEA report is required to be submitted to the Department within two months of the audit inspection date. The audit inspection was undertaken on 1/02/2022 – 2/02/2022; therefore this report and Cleanaway’s response to the recommendations were required to be submitted to the Department by 2/04/2022. Compliance of this audit will be assessed in the next IEA.</p> <p>The Hazard Audit was conducted on 20/10/2021 and the Hazard Audit report and RAR were submitted to the Department by Cleanaway. The date of submission was not confirmed.</p>	Compliant	
4.6	<p>Twelve months after the commencement of operations of the MOD 5 project and every three years thereafter, or at such intervals as the <b>Planning Secretary</b> may agree, the Applicant shall carry out a comprehensive Hazard Audit of the proposed project and within one month of each audit submit a report to the <b>Planning Secretary</b> for an approval. The audits shall be carried out at the Applicant’s expense by</p>	-	Not triggered	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	a qualified person or team, independent of the project, approved by the <b>Planning Secretary</b> prior to commencement of each audit. Hazard Audits shall be consistent with the Department of Planning’s Hazardous Industry Planning Advisory Paper No. 5, ‘Hazard Audit Guidelines’. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, reasons must be documented.				

**Schedule 5: ENVIRONMENTAL REPORTING**

**INCIDENT REPORTING**

5.1	The Proponent shall notify the EPA and the <b>Planning Secretary</b> of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the EPA and the <b>Planning Secretary</b> within seven days of the date on which the incident occurred.	Incident Register Discussion with Cleanaway Incident reports MYOSH, incident No. 1283018	<p>Cleanaway reports that no incidents were reported to EPA or the Department during the reporting period.</p> <p>A review of the incident register for the Site identified two incidents categorised as an environmental incident.</p> <ul style="list-style-type: none"> <li>19/03/2021 – Tanker with oil spilling from overflow resulting in oil spilling from the overflow and down the site of the trailer located on the front compartment of the tanker.</li> <li>16/04/2021 – During a heavy rainfall event the Site was unable to access the stormwater valve. As a result of the heavy rainfall and the fact that the HGP sump was already relatively high the FPCC, process tank farm and the storage tank farm experienced flooding. Cleanaway noted that the sump pump was undersized for the amount of water that was required to be pumped out during a rain event of that nature. It was not clear from the incident report reviewed if this incident resulted in an unauthorised discharge offsite. The information provided did not verify if the incident met the requirement for incident reporting to the Department. The auditors cannot verify if the incident did or did not have the potential to cause environmental harm. The incident report stated that the sump size had been reviewed and the action was complete.</li> </ul> <p>The incident reports were not signed off by the environmental representative in MYOSH. The incident reports stated that both incidents were not regarded as reportable incidents.</p> <p>The auditors noted that only two incidents, relatively close together, had been reported during the audit period, indicating that the Site may not have recorded all environmental incidents that had occurred during the audit period.</p>	Not Triggered	Refer <b>2021-REC-14</b> and <b>2021-OFI-06</b> against Condition 2.15. <b>2021-REC-22:</b> it is recommended the Environmental Representative is involved in the review of all environmental incidents.
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Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>ANNUAL PERFORMANCE REPORTING</b>					
5.2	<p>The Proponent shall submit an Annual Environmental Management Report (AEMR) for the project to the OEH, Council, and the Department. The AEMR shall be submitted annually on the 22 December, unless otherwise approved by the Department, and include:</p> <ul style="list-style-type: none"> <li>a) Details of compliance with the condition of this approval, and any other licences and approvals for the project;</li> <li>b) A list of variations obtained to approvals applicable to the development and to the site during the preceding twelve-month period;</li> <li>c) A copy of the Complaints Register for the preceding twelve month period (exclusive of personal details), and a description of how these complaints were addressed and resolved;</li> <li>d) Results of all environmental monitoring required under this approval and other approvals, including interpretations and discussion by a suitably qualified person;</li> <li>e) A list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;</li> <li>f) A comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in the EA and the additional information listed under condition 1.1;</li> <li>g) Identification of trends in monitoring data over the life of the development to date; and</li> <li>h) Environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results.</li> </ul>	<p>2019 AEMR, Cleanaway (December 2019) 2020 AEMR, Cleanaway (December 2020) Discussion with Cleanaway</p>	<p>The 2019 and 2020 AEMRs were available for review. The AEMRs contained adequate information and addressed the requirements of Condition 5.2 of PA 05_0037.</p> <p>The auditors requested evidence to show submission of the AEMRs and approval from the Department. This information was not provided and as such the auditors cannot verify the date of submission or if the Department were satisfied with the content of the AEMRs.</p> <p>The 2021 AEMR was due for submission to the Department on 22 December 2021. At the time of the audit the 2021 AEMR had not been prepared.</p>	Non-compliant	<p><b>2021-REC-23:</b> Prepare and submit to the Department the 2021 AEMR.</p> <p><b>2021-REC-24:</b> Implement a reporting / review trigger process to ensure timely delivery of compliance reports required under PA 05_0037.</p> <p><b>2021-REC-25:</b> Cleanaway to maintain a record of AEMR submission to the Department and Approval of the AEMRs by the Department.</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>Schedule 6: COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT</b>					
<b>ACCESS TO INFORMATION</b>					
6.1	Subject to confidentiality, the Proponent shall make all documents required under this approval publicly available.	Cleanaway website: <a href="http://www.cleanaway.com.au/location/rutherford-2/">www.cleanaway.com.au/location/rutherford-2/</a>	<p>The auditors reviewed the documents made available on the Cleanaway website at the time the audit. The PIRMP, 2018 AEMR, 2019 AEMR, 2020 AEMR, emissions monitoring data and groundwater monitoring data were the only documents publicly available.</p> <p>Documents not publicly available, at the time of the audit, which are required to be available as per Section 10.3 of the OEMP included:</p> <ul style="list-style-type: none"> <li>• Soil Contamination Validation Report</li> <li>• Groundwater Contamination Assessment</li> <li>• Construction Safety Study</li> <li>• Operational Air and Noise Validation Report</li> <li>• IEAs – 2008 and 2018</li> <li>• 2021 AEMR.</li> </ul>	Non-compliant	<b>2021-REC-26:</b> Documents to be made publicly available on the Cleanaway website as per the OEMP Section 10.3 and PA Condition 6.1.
<b>COMPLAINTS PROCEDURE</b>					
6.2	<p>Prior to the commencement of construction, the Proponent shall establish community complaints system to the satisfaction of the <b>Planning Secretary</b>. This system must include:</p> <ol style="list-style-type: none"> <li>A 24-hour telephone number on which complaints about operations on the site may be registered;</li> <li>A postal address to which written complaints may be sent; and</li> <li>An email address to which electronic complaints may be transmitted, should the Proponent have email capabilities.</li> <li>The telephone number, the postal address and the email address shall be advertised in a newspaper circulating within the locality on at least one occasion prior to the commencement of construction of each stage of the development. These details must also be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public and on the Proponent’s internet site, should one exist. The telephone number, post address and email</li> </ol>	<p>2018 IEA</p> <p>Cleanaway website: <a href="http://www.cleanaway.com.au/location/rutherford-2/">www.cleanaway.com.au/location/rutherford-2/</a></p>	<p>The 2008 IEA verified that the community complaints system was established to the satisfaction of the Department prior to the commencement of construction.</p> <p>This audit assessed the ongoing operation of the complaints system.</p> <p>A sign was located at the site entrance displaying the complaints contact information including an 1800 telephone number, postal address and email address.</p> <p>The complaints telephone number is provided on the Site’s website. However no postal address or email address is provided. Cleanaway’s OEMP Section 10.2 states that Cleanaway maintain a Facebook page as a means of meeting the requirements of an email address complaint method. Cleanaway’s website does not include a link to the Facebook page.</p> <p>During consultation prior to this audit, the Department informed the auditors that the complaints hotline was found to be disconnected on 25/02/2019. This Appears to be an error as the complaints line was previously identified to be disconnected in the previous IEA period. The Department stated in a letter dated 25/02/2019 that they were not going to take action against the non-compliance, as a result a warning letter was issued. The auditors consider this issue closed out.</p> <p>The complaints telephone number was tested on the day of the audit, and was found to be working.</p>	Compliant	<b>2021-OFI-11:</b> Postal address and link to Facebook page should be provided on Site website

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	address must be maintained throughout the life of the development.				
6.3	<p>The Proponent must record details of all complaints received about the project in an up-to-date Complaints Register. This register must record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>a) The date and time, where relevant, of the complaint;</li> <li>b) The means by which the complaint was made (telephone, mail or email);</li> <li>c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;</li> <li>d) The nature of the complaint;</li> <li>e) Any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and</li> <li>f) If no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.</li> </ul> <p>The Complaints Register must be made available for inspection by the <b>Planning Secretary</b> upon request.</p>	MYOSH Complaints Register Extract	An extract from MYOSH was provided showing that nil complaints had been recorded during the audit period. MYOSH allows for the required information to be captured.	Compliant	

## Appendix A2 – Environmental Protection Licence 12555

## 2022 IEA Audit Checklist – Environment Protection Licence 12555

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation									
<b>1 ADMINISTRATIVE</b>														
<b>A1 What the licence authorises and regulates</b>														
A1.1	<p>This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Chemical storage</td> <td>Chemical storage waste generation</td> <td>&gt; 100 T annual volume of waste generated or stored</td> </tr> <tr> <td>Petroleum products and fuel production</td> <td>Petroleum products and fuel production</td> <td>&gt; 10000 - 200000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Chemical storage	Chemical storage waste generation	> 100 T annual volume of waste generated or stored	Petroleum products and fuel production	Petroleum products and fuel production	> 10000 - 200000 T annual production capacity	<p>2021-2022 Actual production.xlsx Catalyst Filter Stocktake 20220131.xlsx</p>	<p>Refer to Condition of Approval (CoA) 1.4 for discussion of production limits.</p> <p>Refer to L4.1 for discussion of chemical waste storage.</p>	Compliant	
Scheduled Activity	Fee Based Activity	Scale												
Chemical storage	Chemical storage waste generation	> 100 T annual volume of waste generated or stored												
Petroleum products and fuel production	Petroleum products and fuel production	> 10000 - 200000 T annual production capacity												
<b>A2 Premises or Plant to which this Licence Applies</b>														
A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>CLEANAWAY REFINERS PTY LTD</td> </tr> <tr> <td>41 KYLE STREET</td> </tr> <tr> <td>RUTHERFORD</td> </tr> <tr> <td>NSW 2320</td> </tr> <tr> <td>LOT 223 DP 1037300</td> </tr> </tbody> </table>	Premises Details	CLEANAWAY REFINERS PTY LTD	41 KYLE STREET	RUTHERFORD	NSW 2320	LOT 223 DP 1037300	<p>EPL 12555 EPL 12555 Licence Variation, 29/10/2019</p>	<p>Premises address was updated in EPL 12555 on 29/10/2019. Lot and DP information remained unchanged.</p>	Noted	-			
Premises Details														
CLEANAWAY REFINERS PTY LTD														
41 KYLE STREET														
RUTHERFORD														
NSW 2320														
LOT 223 DP 1037300														
<b>A3 Other Activities</b>														
A3.1	<p>This licence applies to all other activities carried on at the premises, including:</p> <ul style="list-style-type: none"> <li>- Chemical storage</li> </ul>	-	Noted	Noted										

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>A4 Information Supplied to the EPA</b>					
A4.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <ul style="list-style-type: none"> <li>(a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</li> <li>(b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</li> </ul>	<p>EPL 12555 EPL 12555 Licence Variation, 29/10/2019</p> <p>EPL 12555 Licence Variation, 1/12/2020</p> <p>EPL 12555 Licence Variation, 23/11/2021 Site inspection</p>	<p>The Site reported that no works and activities outside those specified in the EPL application have been undertaken during the audit period.</p> <p>EPL 12555 has been varied three times since the last IEA:</p> <ul style="list-style-type: none"> <li>• 29 Oct 2019 - change to address and minor reference changes</li> <li>• 01 Dec 2020 - addition of a Pollution Response Program (PRP) in relation to issues identified during an EPA site inspection conducted on 9/10/2020. The PRP required the following: <ul style="list-style-type: none"> <li>- a. Conduct site specific environmental improvements (U1.1, U1.2);</li> <li>- b. Conduct a Bund Suitability and Integrity Assessment (the Assessment) (U1.3, U1.4);</li> <li>- c. Conduct a Stormwater Management Assessment (the SW Assessment) and corrective actions (U1.5);</li> <li>- d. Conduct a Waste Acceptance, Identification and Storage (WAIS) review as outlined in correspondence dated 9 October 2020 "Cleanaway actions completed by site" (EPA reference DOC20/857749) (U1.6);</li> <li>- e. Conduct an Environmental Risk Register review (the Risk Review), as outlined in correspondence dated 9 October 2020 "Cleanaway actions completed by site" (EPA reference DOC20/857749) (U1.7); and</li> <li>- (f) Provide confirmation that an Employee Environmental Awareness Program has been implemented. (U1.8).</li> </ul> </li> <li>• 23 Nov 2021 - on 18 December 2020 Cleanaway provided evidence to the EPA which outlined that all actions from the PMP had been closed out. The EPA reviewed the relevant submissions and were satisfied that the response fulfills all</li> </ul>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>the requirements of the conditions in accordance with the PRPs of the Licence. As such, the conditions relating to the PRP were removed from EPL 12555.</p> <p>The auditors requested a copy of the stormwater management assessment and the waste acceptance identification and storage review for review. These documents were not provided to the auditors.</p> <p>No works and activities outside those specified in EPL 12555 were observed during the site inspection.</p>		

**2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND**

**P1 Location of monitoring/discharge points and areas**

P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <table border="1"> <thead> <tr> <th colspan="4">Air</th> </tr> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>2</td> <td>Discharge to air Air emissions monitoring</td> <td>Discharge to air Air emissions monitoring</td> <td>3.0 MW Boiler stack identified as "DP2 3MW &amp; DP3 0.2MW Boilers" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.</td> </tr> <tr> <td>3</td> <td>Discharge to air Air emissions monitoring</td> <td>Discharge to air Air emissions monitoring</td> <td>0.2 MW Boiler stack identified as "DP2 3MW &amp; DP3 0.2MW Boilers" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.</td> </tr> <tr> <td>4</td> <td>Discharge to air</td> <td>Discharge to air</td> <td>Flare identified as "DP4 Flare" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.</td> </tr> <tr> <td>5</td> <td>Air emissions monitoring</td> <td>Air emissions monitoring</td> <td>Emissions from light ends scrubber (vapour recovery unit) identified as "DP5 Light Ends Scrubber" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.</td> </tr> <tr> <td>19</td> <td>Discharge to Air</td> <td>Discharge to Air</td> <td>Stack serving the fired heaters identified as "DP19 Fired Heaters" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.</td> </tr> <tr> <td>20</td> <td>Discharge to Air</td> <td>Discharge to Air</td> <td>Hydrogen Reformer Bumer identified as "DP20 Reformer" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.</td> </tr> <tr> <td>21</td> <td>Weather Monitoring</td> <td></td> <td>Rooftop near southwest corner of the control room identified as "DP21 Weather Station" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.</td> </tr> </tbody> </table>	Air				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	2	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	3.0 MW Boiler stack identified as "DP2 3MW & DP3 0.2MW Boilers" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.	3	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	0.2 MW Boiler stack identified as "DP2 3MW & DP3 0.2MW Boilers" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.	4	Discharge to air	Discharge to air	Flare identified as "DP4 Flare" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.	5	Air emissions monitoring	Air emissions monitoring	Emissions from light ends scrubber (vapour recovery unit) identified as "DP5 Light Ends Scrubber" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.	19	Discharge to Air	Discharge to Air	Stack serving the fired heaters identified as "DP19 Fired Heaters" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.	20	Discharge to Air	Discharge to Air	Hydrogen Reformer Bumer identified as "DP20 Reformer" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.	21	Weather Monitoring		Rooftop near southwest corner of the control room identified as "DP21 Weather Station" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.	<p>Annual Returns for the reporting period</p> <p>Source Emissions Monitoring report, Assured Environmental, 19/12/2019</p> <p>Source Emissions Monitoring report, Assured Environmental, 20/01/2021</p> <p>Source Emissions Monitoring report, Assured Environmental, 22/06/2021</p> <p>Source Emissions Monitoring report, Assured Environmental, 15/12/2021</p>	<p>As discussed in the conditions referenced below monitoring is undertaken at the discharge / monitoring points included in this condition.</p> <p>Refer to EPL Condition L3.2 for a discussion of Discharge Points (DP) DP2, DP3, DP5, DP19 and DP20.</p> <p>Refer to EPL Condition M5.1 for a discussion of the weather station (DP21).</p> <p>Refer to EPL Condition O6 for a discussion of monitoring at Point 4.</p> <p>The discharge points were sighted during the audit site inspection.</p>	Compliant	
Air																																									
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21	Weather Monitoring		Rooftop near southwest corner of the control room identified as "DP21 Weather Station" as shown in diagram provided to the EPA on 23/10/2019. EPA reference DOC19/922847.																																						
P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring	-	Noted	Noted	-																																				

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation																								
	and/or the setting of limits for any application of solids or liquids to the utilisation area.																												
P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <table border="1"> <thead> <tr> <th colspan="4">Water and land</th> </tr> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>6</td> <td>Groundwater quality monitoring</td> <td></td> <td>Bore identified as "BH06/MW21" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920</td> </tr> <tr> <td>10</td> <td>Groundwater quality monitoring</td> <td></td> <td>Bore identified as "MW12" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920</td> </tr> <tr> <td>22</td> <td>Groundwater quality monitoring</td> <td></td> <td>Bore identified as "MW15" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920</td> </tr> <tr> <td>23</td> <td>Groundwater quality monitoring</td> <td></td> <td>Bore identified as "BH05/MW19" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920</td> </tr> </tbody> </table>	Water and land				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	6	Groundwater quality monitoring		Bore identified as "BH06/MW21" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920	10	Groundwater quality monitoring		Bore identified as "MW12" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920	22	Groundwater quality monitoring		Bore identified as "MW15" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920	23	Groundwater quality monitoring		Bore identified as "BH05/MW19" as shown in "Figure 2 - Site Layout and Sampling Locations" dated 8 July 2008. EPA reference DOC17/203920	<p>Groundwater monitoring report, Assured Environmental, 20/12/2019</p> <p>Groundwater monitoring report, Assured Environmental, 20/01/2021</p> <p>Groundwater monitoring report, Assured Environmental, 19/01/2022</p>	The groundwater monitoring wells were sighted during the audit site inspection. Annual monitoring reports sighted indicate that the groundwater monitoring points referenced in the EPL were sampled.	Compliant	
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<b>3 LIMIT CONDITIONS</b>																													
<b>L1 Pollution of Waters</b>																													
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.		Refer to CoA 2.15 for assessment of compliance.	Compliant																									
<b>L2 Load Limits</b>																													
L2.1	The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.	2021 Annual Return ANNUAL ENVIRONMENTAL COMPLIANCE STATEMENT, 2020/2021	<p>There was an exceedance of Hydrogen Sulfide reported in the 2021/2021 Annual Return reporting period. Hydrogen Sulfide was calculated as 175.4 kg against a load based limit (LBL) of 64kg.</p> <p>Cleanaway attributed this to the emissions from the 3MW Boiler and the Reformer, which were higher compared to previous reporting periods. Both units use natural gas as the fuel source and Cleanaway initial investigation suggests that the higher H2S result was either an anomaly or the result of increased sulfur concentration in the source natural gas at the time of testing.</p>	Non-compliant	<b>2021-REC-27:</b> Review testing results and source gas sulfur concentration, as per commitment made by Cleanaway in the 2020 / 2021 Annual Return compliance statement.																								

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation																						
			No other exceedances of assessable pollutant discharge from the site were recorded.																								
L2.2	<p>The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol.</p> <table border="1"> <thead> <tr> <th>Assessable Pollutant</th> <th>Load limit (kg)</th> </tr> </thead> <tbody> <tr> <td>Arsenic (Air)</td> <td></td> </tr> <tr> <td>Benzene (Air)</td> <td>26.00</td> </tr> <tr> <td>Benzo(a)pyrene (equivalent) (Air)</td> <td>4.60</td> </tr> <tr> <td>Fine Particulates (Air)</td> <td>1360.00</td> </tr> <tr> <td>Hydrogen Sulfide (Air)</td> <td>64.00</td> </tr> <tr> <td>Lead (Air)</td> <td></td> </tr> <tr> <td>Mercury (Air)</td> <td></td> </tr> <tr> <td>Nitrogen Oxides (Air)</td> <td>10000.00</td> </tr> <tr> <td>Sulfur Oxides (Air)</td> <td>46000.00</td> </tr> <tr> <td>Volatile organic compounds (Air)</td> <td>850.00</td> </tr> </tbody> </table> <p><i>Note: An assessable pollutant is a pollutant which affects the license fee payable for the license.</i></p>	Assessable Pollutant	Load limit (kg)	Arsenic (Air)		Benzene (Air)	26.00	Benzo(a)pyrene (equivalent) (Air)	4.60	Fine Particulates (Air)	1360.00	Hydrogen Sulfide (Air)	64.00	Lead (Air)		Mercury (Air)		Nitrogen Oxides (Air)	10000.00	Sulfur Oxides (Air)	46000.00	Volatile organic compounds (Air)	850.00	LBL Calculations Spreadsheets	<p>LBL calculations and reporting are managed by the Environmental Business Partner.</p> <p>The Annual Return requires the Actual Load (calculation method) to be provided for each of the assessable pollutants. The 2021 Annual Return listed the following calculation methods:</p> <ul style="list-style-type: none"> <li>• Arsenic: Source monitoring Method TM-34</li> <li>• Benzene: Source monitoring Method TM-34</li> <li>• Benzo(a)pyrene (equivalent) Source monitoring Method TM-34</li> <li>• Fine particulates: Source monitoring Method TM-34</li> <li>• Hydrogen sulphide: Source monitoring Method TM-34</li> <li>• Lead: Source monitoring Method TM-34</li> <li>• Mercury: Source monitoring Method TM-34</li> <li>• Nitrogen Oxides: Source monitoring Method TM-34</li> <li>• Sulfur Oxides: Source monitoring Method TM-34</li> <li>• Volatile organic compounds: Source monitoring Method TM-34</li> </ul> <p>A detailed review against the EPA’s Load Calculation Protocol was not undertaken. However a review of Table 35 Petroleum and fuel production: Petroleum products and fuel production – Acceptable load calculation methods indicated that Source Monitoring was an acceptable method for all assessable air pollutants.</p> <p>Source monitoring was being undertaken by external consultants, in recent years (2015-2017) Assured Environmental.</p>	Compliant	
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L3.1	For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	-	Noted. Refer to EPL L3.2 for assessment of compliance with limits.	Noted																																																																															
L3.2	<p><b>Air Concentration Limits</b></p> <p><b>POINT 2,3,20</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>100 percentile concentration limit</th> <th>Reference conditions</th> <th>Oxygen correction</th> <th>Averaging period</th> </tr> </thead> <tbody> <tr> <td>Volatile organic compounds</td> <td>milligrams per cubic metre</td> <td>10</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Nitrogen Oxides</td> <td>milligrams per cubic metre</td> <td>350</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Solid Particles</td> <td>milligrams per cubic metre</td> <td>10</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><b>POINT 5</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>100 percentile concentration limit</th> <th>Reference conditions</th> <th>Oxygen correction</th> <th>Averaging period</th> </tr> </thead> <tbody> <tr> <td>Volatile organic compounds</td> <td>milligrams per cubic metre</td> <td>20</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><b>POINT 19</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>100 percentile concentration limit</th> <th>Reference conditions</th> <th>Oxygen correction</th> <th>Averaging period</th> </tr> </thead> <tbody> <tr> <td>Solid Particles</td> <td>milligrams per cubic metre</td> <td>50</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Hydrogen Sulfide</td> <td>milligrams per cubic metre</td> <td>5</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Volatile organic compounds</td> <td>milligrams per cubic metre</td> <td>10</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Nitrogen Oxides</td> <td>milligrams per cubic metre</td> <td>350</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sulfuric acid mist and sulfur trioxide (as SO<sub>3</sub>)</td> <td>milligrams per cubic metre</td> <td>100</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sulphur dioxide</td> <td>milligrams per cubic metre</td> <td>1360</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period	Volatile organic compounds	milligrams per cubic metre	10				Nitrogen Oxides	milligrams per cubic metre	350				Solid Particles	milligrams per cubic metre	10				Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period	Volatile organic compounds	milligrams per cubic metre	20				Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period	Solid Particles	milligrams per cubic metre	50				Hydrogen Sulfide	milligrams per cubic metre	5				Volatile organic compounds	milligrams per cubic metre	10				Nitrogen Oxides	milligrams per cubic metre	350				Sulfuric acid mist and sulfur trioxide (as SO <sub>3</sub> )	milligrams per cubic metre	100				Sulphur dioxide	milligrams per cubic metre	1360				<p>Annual Returns for the reporting period</p> <p>Source Emissions Monitoring report, Assured Environmental, 19/12/2019</p> <p>Source Emissions Monitoring report, Assured Environmental, 20/01/2021</p> <p>Source Emissions Monitoring report, Assured Environmental, 22/06/2021</p> <p>Source Emissions Monitoring report, Assured Environmental, 15/12/2021</p>	<p>Stack testing is conducted by external consultant Assured Environmental.</p> <p>The Site has reported no exceedance of EPL air concentration limits during the reporting period.</p> <p>The auditors reviewed the annual source emissions monitoring reports prepared by Assured Environmental for 2019, 2020, 2021 and noted the following:</p> <ul style="list-style-type: none"> <li>2019 Annual Monitoring was conducted from 4/11/2019 to 6/11/2019. No exceedances of the concentration limits in this condition were identified.</li> <li>2020 Annual Monitoring was conducted from 8/12/2020 to 9/12/2020 and on 18/05/2021 (for Point 20 only as it could not be tested in conjunction with the remainder of the facility in December 2020). No exceedances of the concentration limits in this condition were identified.</li> <li>2021 Annual Monitoring was conducted from the 1/11/2021 to 4/11/2021. No exceedances of the concentration limits in this condition were identified.</li> </ul>	Compliant	
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<b>L4 Waste</b>																																																																																			
L4.1	<p>The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.</p> <p>Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below. Any waste received at the</p>	<p>AEMR 2020 Catalyst filter stocktake spreadsheet</p> <p>Site inspection</p>	<ul style="list-style-type: none"> <li>Waste Oil – J100</li> </ul> <p>Cleanaway reported that discussions with the EPA confirmed that, for the purposes of the EPL, the feed oil remains classified as a J100 waste.</p> <p>The Base oil production figures for the reporting period, as calculated in the production</p>	Compliant																																																																															

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation																														
	<p>premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below.</p> <p>This condition does not limit any other conditions in this licence.</p> <table border="1" data-bbox="241 339 857 716"> <thead> <tr> <th>Code</th> <th>Waste</th> <th>Description</th> <th>Activity</th> <th>Other Limits</th> </tr> </thead> <tbody> <tr> <td>J100</td> <td>Waste mineral oils unfit for their original intended use</td> <td></td> <td>Waste processing (non-thermal treatment)</td> <td>Must not exceed 40,000 tonnes per year</td> </tr> <tr> <td>J120</td> <td>Waste oil/hydrocarbons mixtures/emulsions in water</td> <td></td> <td>Waste storage</td> <td>Must not exceed 120 tonnes at any one time</td> </tr> <tr> <td>D210</td> <td>Spent catalyst</td> <td></td> <td>Waste storage</td> <td>must not exceed 120 tonnes at any time</td> </tr> <tr> <td>NA</td> <td>General or Specific exempted waste</td> <td>Waste that meets all the conditions of a resource recovery exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014</td> <td>As specified in each particular resource recovery exemption</td> <td>NA</td> </tr> <tr> <td>NA</td> <td>Waste</td> <td>Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time</td> <td>-</td> <td>NA</td> </tr> </tbody> </table>	Code	Waste	Description	Activity	Other Limits	J100	Waste mineral oils unfit for their original intended use		Waste processing (non-thermal treatment)	Must not exceed 40,000 tonnes per year	J120	Waste oil/hydrocarbons mixtures/emulsions in water		Waste storage	Must not exceed 120 tonnes at any one time	D210	Spent catalyst		Waste storage	must not exceed 120 tonnes at any time	NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014	As specified in each particular resource recovery exemption	NA	NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time	-	NA	<p>CoA audit checklist, condition 1.4</p>	<p>spreadsheet and reporting in the Sites AEMR were:</p> <ul style="list-style-type: none"> <li>- FY2019: 31,443,578 Litres (L)</li> <li>- FY2020: 31,827,295 L</li> <li>- FY2021: 32,060,604 L</li> </ul> <p>Converting the waste oil figures above to tonnes (using a density factor for waste feed oil of 0.856) confirmed that the amount of waste oil processed each year was below the limit of 40,000 tonnes.</p> <ul style="list-style-type: none"> <li>• <u>Waste Oil (J120)</u> The Site has two 1,000 L Intermediate bulk containers (IBC) on site for storage of oily water (J120) from the purceptor (predominately) and one 1,000 L IBC of waste oil which is generated during the refinery process (e.g. from product testing) which gets emptied back into the feedtank for re-processing. These waste storage activities are well below the storage limits specified.</li> <li>• <u>Spent Catalyst (D210)</u> Spent catalyst is stored in drums which are housed in modified shipping containers. Cleanaway undertakes monthly stocktake of spent catalyst recording the number of the drums stored on site. The stocktake undertaken on 21/12/2021 recorded that 14 tonnes of spent catalyst were stored on site. The stocktake form tracks compliance against the 120 tonne limit. The auditors reviewed a sample of monthly stocktake spreadsheets and verified that the quantity of spent catalyst did not exceed the limit of 120 tonnes for the sample reviewed.</li> </ul> <p>The Site reported that it does not accept any other waste materials to site. No waste which looked like it may have been generated outside the premises was observed during the Site inspection.</p>		
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J100	Waste mineral oils unfit for their original intended use		Waste processing (non-thermal treatment)	Must not exceed 40,000 tonnes per year																															
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Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>L5 Noise Limits</b>					
L5.1	<p>Noise generated at the premises must not exceed:</p> <p>a) 37dB(A) LAeq(15 minute) at (Receptor B);</p> <p>b) 35 dB(A) LAeq(15 minute) at (Receptors A to P excluding B); and</p> <p>c) 49 dB(A) LA1(1 minute) at Receptors A to P during the hours 10pm to 7am Monday to Saturday and 10pm to 8am Sunday at all times, except as expressly provided by this licence.</p> <p>Where LAeq means the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels occurring over a measurement period.</p> <p>Where Receptors A to P are identified in the document "Rutherford Resource Recovery and Recycling Facility, Environmental Assessment, Volume 3 Appendix K" prepared by Parsons Brinkerhoff and dated January 2006.</p>	Cleanaway Rutherford – Environmental Noise Monitoring, Global Acoustics, March 2020	Refer to CoA 2.20 for assessment of compliance.	Compliant	
L5.2	To determine compliance with condition(s) of this licence noise must be measured at, or computed for, at the identified noise sensitive receptor. A modifying factor correction must be applied for tonal, impulsive or intermittent noise in accordance with the "Environmental Noise Management - NSW Industrial Noise Policy (January 2000)".	Cleanaway Rutherford – Environmental Noise Monitoring, Global Acoustics, March 2020	Refer to CoA 2.20 for assessment of compliance.	Compliant	
<b>L6 Potentially Offensive Odour</b>					
L6.1	<p>No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.</p> <p><i>Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.</i></p>	CoA checklist, condition 2.5	Refer to CoA 2.5 for assessment of compliance.	Compliant	
<b>L7 Other Limit Conditions</b>					
L7	<i>Note: The licensee must comply with the conditions as specified in this licence or where no specific conditions are outlined in this licence, the licensee must comply with the</i>	-	The Site reported that it does not have any materials or waste containing PCBs on Site.	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	"Chemical Control Order in Relation to Materials and Wastes Containing Polychlorinated Biphenyl, 1997".				
<b>4 OPERATING CONDITIONS</b>					
<b>O1 Activities must be carried out in a competent manner</b>					
O1.1	Licensed activities must be carried out in a competent manner. This includes: <ul style="list-style-type: none"> <li>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and</li> <li>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</li> </ul>	MYOSH Training Register Site Inspection Waste tracking records	<ul style="list-style-type: none"> <li>a) A training register is maintained in MYOSH by the Health and Safety Business Partner. The register identifies the training competencies assigned and completed by each employee. The auditors were shown the training register which listed training competencies for example forklift, volatile organic compounds and high risk work. The auditors were also shown the register of fire training undertaken. The Site reported that Plant Operators are assigned a training package and prior to conducting works they must be signed off as competent. The Site has developed different training modules for different access to the Site e.g., visitor, contractor, truck driver to loading bay. Operator and maintenance staff training is regularly undertaken however it was unclear whether the system provides notification of retraining when training currency expires.</li> <li>b) Cleanaway utilise licenced waste transport operators for transport and disposal of waste generated by the Site. In general this is Cleanaway themselves who are licenced waste removalists.</li> </ul>	Compliant	
<b>O2 Maintenance of Plant and Equipment</b>					
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: <ul style="list-style-type: none"> <li>a) must be maintained in a proper and efficient condition; and</li> <li>b) must be operated in a proper and efficient manner.</li> </ul>	Cleanaway Rutherford Equipment List Maintenance spreadsheet Incident Register Site observations	<ul style="list-style-type: none"> <li>a) The site operates 24 hours per day, seven days per week and is controlled via the Main Control Room. The Main Control Room includes monitoring of site conditions and weather forecasts and operating controls as required.</li> <li>A manual maintenance system is in operation i.e. Safe Compliant Reliable Optimised Assets (SCROA). The system is an Excel-based asset register which is</li> </ul>	Non-Compliant	<b>2021-REC-28:</b> Maintenance of plant and equipment should be in accordance with maintenance intervals set in the planned maintenance spreadsheet. <b>2021-OFI-12:</b> Review and update CWY Rutherford

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>maintained by maintenance personnel. The register contains all plant equipment, description, maintenance interval, etc.</p> <p>The spreadsheet is an Excel workbook 'CWYR Rutherford Equipment List Maintenance' which lists the plant and equipment, the frequency of the routine maintenance, date maintenance was last undertaken and when it is due (amongst other things). The spreadsheet includes over 1,000 pieces of equipment which are grouped into categories including instrumentation, electrical, mechanical, building, safety, fire system and lifting equipment.</p> <p>The following equipment with environmental duties were observed to be included in the spreadsheet: SOX scrubber, flare , weather station , VOC scrubber , stormwater pit silt trap and oily water separator.</p> <p>The CWYR Rutherford Equipment List Maintenance is managed by the maintenance team.</p> <p>The auditors reviewed the maintenance spreadsheet and interviewed the Cleanaway Maintenance Supervisor. Review identified that there were a number of maintenance tasks (in excess of 10% of the tasks listed) which were out of date. This included a number of items identified as 'high importance' in the spreadsheet.</p> <p>The auditors conducted a review against the spreadsheet to verify that new equipment had been added to the register adequately. Some items had been added and were being maintained within their review frequencies however some were identified as overdue. For example the MOPP Product Pump selected for review was overdue for an operational test in the spreadsheet and the emergency pump for the MOPP product pump was also overdue.</p> <p>Cleanaway has an online maintenance system in place for fleet. However, Cleanaway does not have an automated maintenance system in place for fixed plant. Cleanaway stated that there are plans to implement an automated system in the future for fixed plant. Discussion with Cleanaway personnel</p>		<p>Equipment List Maintenance spreadsheet so that it can be utilised effectively for planning maintenance of plant and equipment.</p> <p><b>2021-OFI-13:</b> Consideration should be given to the implementation of a computer based maintenance system that provides for a more automated process and less potential for failure to complete the testing requirements.</p>

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<p>revealed that the Site has conducted significant work to reduce the number of overdue maintenance items however at the time of the audit there were still outstanding items identified on the spreadsheet, some of which were identified as high importance.</p> <p>The auditors consider this condition to be non-compliant on the basis that plant and equipment were not being maintained in accordance with the site's planned maintenance spreadsheet.</p> <p>Furthermore, it is noted that deficiencies in the Site's maintenance system had been identified as an issue in the previous IEA and Hazard Audits conducted at the site in 2018 and 2021.</p> <p>b) The auditors noted that the Site was very clean and tidy. Together with auditor reviews of the site's incident register and training records, which indicated that plant and equipment is being operated in a proper and efficient manner.</p>		
O2.2	Waste oil and other non-standard fuels must not be burnt or used as fuel on the site.		Refer to CoA 2.13 for assessment of compliance.	Compliant	
O2.3	All boilers must be fuelled only by natural gas.		Refer to CoA 2.13 for assessment of compliance.	Compliant	
<b>O3 Emergency Response</b>					
O3.1	Within 3 months of the date of the issue of this licence, the licensee must develop, or update, an emergency response plan which documents the procedures to deal with all types of incidents (e.g. spill, explosions or fire) that may occur at the premises or outside of the premises (e.g. during transfer) which are likely to cause harm to the environment.	Site Emergency Management Plan 29/06/2020	<p>The EPL was updated on 29/10/2019, 1/12/2020 and 23/11/2021 during the reporting period.</p> <p>The auditors reviewed the Site Emergency Management Plan and note that it was last reviewed and updated on 29/06/2020. According to the review date noted in the Plan, it was due to be reviewed on 29/06/2021.</p> <p>The Site Emergency Management Plan has not been updated since the previous two EPL variations and also has not been updated in line with the scheduled plan review.</p> <p>This condition requires the development and upkeep of an emergency response plan for the site. As the sites emergency response plan has not been</p>	Non-Compliant	<b>2021-REC-29:</b> Review and update Site Emergency Management Plan

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			reviewed or updated following EPL licence variations this condition has been found to be non-compliant. A recommendation has been made to ensure the emergency plan is reviewed and updated.		
<b>O4 Processing and Management</b>					
O4.1	The licensee must ensure that any liquid and/or non-liquid waste for treatment, processing, reprocessing or disposal at the premises is assessed and classified in accordance with the Waste Classification Guidelines produced by the Environment Protection Authority (EPA) as in force from time to time.	Waste tracking records Wastewater tracking records Decision on Application for Consignment Authorisation Number, J120, ref AN003467	The only waste processed at the premises, during the audit period, was refined used fuel oil. No waste is disposed of at the premises. All waste generated at the site is taken off-site for disposal. The auditors sighted waste tracking tickets for waste removed from site and verified the following waste categories and vendors: <ul style="list-style-type: none"> <li>• Tank inspections – empty sludge from bottom of tank (Category J100) - waste vendor: Cleanaway</li> <li>• Waste Oil from Triple Interceptor and Load bay (Category J120) - waste vendor: Cleanaway &amp; S &amp; A Edwards Transport Pty Ltd</li> <li>• Wastewater (Category N205) - waste vendor: Cleanaway or Northern Oils</li> <li>• Spent Catalyst (Category D210) VIC EPA issued transport permit for the waste - Waste vendor: RSD transport the catalyst, ECOcycle VIC receive it.</li> <li>• General waste - vendor: Cleanaway</li> <li>• Scrap Steel – REX Surplus</li> <li>• Recycling - Vendor Cleanaway</li> <li>• Sour Water – waste vendor - Cleanaway</li> </ul>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
O4.2	The licensee must ensure that waste identified for recycling is stored separately from other waste.	Site inspection	<p>Waste oil generated through the process was stored in a separate IBC for transfer back into the feed tank for pre-processing.</p> <p>The office area was observed to have separate bins for paper, comingled recycling and landfill.</p> <p>Waste metal was observed in laydown areas located near the dam remediation works. The auditors were informed that this would be collected by a local scrap steel recycler (REX Surplus).</p>	Compliant	
O4.3	The licensee must not use or operate, or cause to be used or operated, any fuel burning equipment or industrial plant in or on the premises unless that equipment or plant is fitted with the control equipment prescribed in clauses 50(2), 50(3), 50(4), 50(5), 50(6), 50(7), 50(8), 51(2), 51(3), 51(4), 51(5), 51(6), 52(2), 52(3), 52(4), 52(5), 52(6), 53(2), 53(3), 53(4), 53(5), 54(2), 54(3) and 54(4) of Part 5 of the Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005.	<p>Site observations</p> <p>Scanned hard copy Flare Logs – 2018, 2019, 2020, 2021</p> <p>Plant KPI reports - February 2020, May 2021, October 2021</p> <p>Flaring Time Rolling Total spreadsheet</p>	<p>The regulation referred to is no longer in force and was repealed when the Clean Air Regulation was promulgated in 2010.</p> <p>Notwithstanding, the storage tanks at the Cleanaway facility are controlled with vapour reduction unit to capture and control emissions from the tanks and the loading / unloading area. The light end capture system (nitrogen blanketing and vapour capture) are scrubbed by the activated charcoal system prior to the VOC wet scrubber. The flare was only used when the system was experience interruptions or shutdowns known as an 'upset' as shown on the Flare Log.</p>	Compliant	<b>2021-OFI-14:</b> Within the next EPL variation, update this condition to refer to the current Regulations.
<b>O5 Waste Management</b>					
O5.1	All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.		Refer to CoA 2.24 for assessment of compliance.	Compliant	
O5.2	The licensee must ensure that suitable measures (e.g. high/low alarms, control valves with interlock control, one way valves) are installed on all tanks, ponds or clarifiers and associated pipes and hoses to prevent the spillage of waste.	Site observations	<p>Site observations identified the following:</p> <ul style="list-style-type: none"> <li>Cleanaway reported that the bunds drain to interceptor pits which are pumped through the puraceptor to a balance tank.</li> <li>The balance tank employs high level and low level switches. The effluent pumps were interlocked into the high level switch.</li> <li>In the event that the puraceptor overflows, the overflow drains back to the interceptor pit for reprocessing.</li> </ul>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			<ul style="list-style-type: none"> <li>Waste oil is stored in IBCs within the bunded area, attached to the purceptor via flexi hoses.</li> <li>Bulk storage tanks are fitted with overflow alarms</li> </ul>		
<b>O6 Other Operating Conditions</b>					
O6.1	The flare must not operate except during start up, shutdown and permissible process upsets.		Refer to CoA 2.11 for assessment of compliance	Compliant	
O6.2	Process upsets must not exceed 2% of the total process operating time during any 12 month period.		Refer to CoA 2.11 for assessment of compliance	Compliant	
O6.3	There must be no visible emission from Point 4 other than for a total period of no more than 5 minutes in any 2 hour period.	Scanned hard copy Flare Logs – 2018, 2019, 2020, 2021 Site Inspection	Flare log requires a check for visible plumes. Auditor review of hard copy flare log identified that no visible plume was observed during the audit period.	Compliant	
<b>5 MONITORING AND RECORDING CONDITIONS</b>					
<b>M1 Monitoring Records</b>					
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	-	<p>The following monitoring is required to be undertaken by the EPL:</p> <ul style="list-style-type: none"> <li>Groundwater monitoring</li> <li>Air quality monitoring</li> <li>Weather monitoring</li> </ul> <p>Assessment of compliance with monitoring requirements is provided in M1.2 and M1.3.</p>	Noted	
M1.2	<p>All records required to be kept by this licence must be:</p> <ol style="list-style-type: none"> <li>in a legible form, or in a form that can readily be reduced to a legible form;</li> <li>kept for at least 4 years after the monitoring or event to which they relate took place; and</li> <li>produced in a legible form to any authorised officer of the EPA who asks to see them.</li> </ol>	<p>Source Emissions Monitoring report, Assured Environmental, 19/12/2019</p> <p>Source Emissions Monitoring report, Assured Environmental, 20/01/2021</p>	<p>Monitoring data and results were sighted and available for the audit period.</p> <p>Records are maintained on the internal Cleanaway network drive in electronic format.</p> <p>The EPA has not requested any data during the audit period.</p>	Compliant	
M1.3	<p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <ol style="list-style-type: none"> <li>the date(s) on which the sample was taken;</li> </ol>	<p>Source Emissions Monitoring report, Assured Environmental, 20/01/2021</p>	<p><u>Air Quality Monitoring</u></p> <p>The auditors reviewed the Source Emission Monitoring Reports which detailed the date on which</p>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation												
	b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Source Emissions Monitoring report, Assured Environmental, 22/06/2021  Source Emissions Monitoring report, Assured Environmental, 15/12/2021  Groundwater monitoring report, Assured Environmental, 20/12/2019  Groundwater monitoring report, Assured Environmental, 20/01/2021  Groundwater monitoring report, Assured Environmental, 19/01/2022	samples were taken, the run start and run stop times, the sample locations and the name of the person who collected the sample.  <u>Groundwater Monitoring</u>  The auditors reviewed the Groundwater Monitoring Reports which detailed the date on which samples were taken, the run start and run stop times, the sample locations and the name of the person who collected the samples														
<b>M2 Requirement to Monitor Concentration of Pollutants Discharged</b>																	
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	-	Noted	Noted													
M2.2	Air Monitoring Requirements 2,3 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Dry gas density</td> <td>kilograms per cubic metre</td> <td>Yearly</td> <td>TM-23</td> </tr> <tr> <td>Moisture</td> <td>percent</td> <td>Yearly</td> <td>TM-22</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Dry gas density	kilograms per cubic metre	Yearly	TM-23	Moisture	percent	Yearly	TM-22	Source Emissions Monitoring report, Assured Environmental, 19/12/2019	The auditors reviewed the annual source emissions monitoring reports prepared by Assured Environmental for 2019, 2020, 2021 and noted the following:	Non-Compliant	<b>2021-REC-30:</b> It is recommended Cleanaway consult with the EPA to confirm compliance with the monitoring frequency specified in Condition M2.2
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AE stated that the testing was conducted in accordance with 'Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales' (DECC, 2007)</li> <li>2020 Annual Monitoring was conducted from 8/12/2020 to 9/12/2020 and on 18/05/2021 (for Point 20 only as it could not be tested in conjunction with the remainder of the facility in December 2020). AE stated that the testing was conducted in accordance with 'Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales' (DECC, 2007).</li> <li>2021 Annual Monitoring was conducted from the 1/11/2021 to 4/11/2021. AE stated that the testing was conducted in accordance with 'Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales' (DECC, 2007)</li> </ul> <p>Monitoring of Point 20 in 2020 could not be conducted in December 2020 as the monitoring point was inaccessible due to corrosion. This was rectified and monitoring was conducted in May 2021. Cleanaway consider the monitoring frequency to be within the Annual Return term. However monitoring at Monitoring Point 20 was conducted in November 2019 and then not again until May 2021, which is 18 months after the previous round of monitoring and not in accordance with the monitoring frequency specified in Condition M.2.</p> <p>This condition has therefore been assessed as non-compliant due to the non-compliance with sampling frequency in 2020. It is noted that the Site has complied with the monitoring requirements since that time.</p>		<p>of EPL 12555, with regards to Cleanaway conducting monitoring within the Annual Return term and not strictly within a 12 month period.</p>
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M2.3	<p>Water and/or Land Monitoring Requirements</p> <p>POINT 6,10,22,23</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Tetrachloroethene (tetrachloroethylene)</td> <td>micrograms per litre</td> <td>Yearly</td> <td>Representative sample</td> </tr> <tr> <td>TPH C10-C36 Fraction</td> <td>micrograms per litre</td> <td>Yearly</td> <td>Representative sample</td> </tr> <tr> <td>TPH C6-C9 Fraction</td> <td>micrograms per litre</td> <td>Yearly</td> <td>Representative sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Tetrachloroethene (tetrachloroethylene)	micrograms per litre	Yearly	Representative sample	TPH C10-C36 Fraction	micrograms per litre	Yearly	Representative sample	TPH C6-C9 Fraction	micrograms per litre	Yearly	Representative sample	<p>Groundwater monitoring report, Assured Environmental, 20/12/2019</p> <p>Groundwater monitoring report, Assured Environmental, 20/01/2021</p> <p>Groundwater monitoring report, Assured Environmental, 19/01/2022</p>	<p>The auditors reviewed the annual source emissions monitoring reports prepared by Assured Environmental for 2019, 2020, 2021 and noted the following:</p> <p>2019 Annual Monitoring – MW21 (Point 6) was dry therefore no sampling could be undertaken. Sampling for tetrachloroethylene, TPH C10-C35 and TPH C6-C9 was undertaken for Points 10, 22 and 23</p> <p>2020 Annual Monitoring – MW12 and MW21 (Points 10 and 6) were dry so no sampling could be undertaken. Sampling for tetrachloroethylene, TPH C10-C35 and TPH C6-C9 was undertaken for Points 22 and 23</p> <p>2021 Annual Monitoring – MW12 and MW21 (Points 10 and 6) were dry so no sampling could be undertaken. Sampling for tetrachloroethylene, TPH C10-C35 and TPH C6-C9 was undertaken for Points 22 and 23</p>	Compliant																																					
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M2.4	<p>For each monitoring/discharge point specified below (by a point number), the licensee must adjust the monitoring results for the pollutants listed in Column 2 to the units of measure and reference conditions specified opposite in the other columns.</p>	<p>Source Emissions Monitoring report, Assured Environmental, 19/12/2019</p> <p>Source Emissions Monitoring report, Assured</p>	<p>A review of the Source Emissions Monitoring reports indicated that stack testing was being corrected to 'normal conditions' (dry, 273K and 101.325kPa) as required.</p>	Compliant																																																					

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M2.5	Special Method 1 – means the method described in US-EPA 323	-	Noted	Noted																																																																																																	
<b>M3 Testing Methods – Concentration Limits</b>																																																																																																					
M3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <ol style="list-style-type: none"> <li>any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</li> <li>if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or</li> <li>if no such requirement is imposed by or under the Act or by a condition of this licence, any</li> </ol>		As discussed in EPL Condition M2.2, air monitoring has been undertaken in accordance with the 'Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales' (DECC, 2007).	Compliant																																																																																																	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation															
	<p>methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.</p> <p>Note: The <i>Protection of the Environment Operations (Clean Air) Regulation 2002</i> requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</p>																			
M3.2	<p>Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.</p>	-	<p>Monitoring of pollutants discharged to waters is not undertaken as it is not specified by this EPL. The site does not have any licensed discharge points for discharges to water.</p>	Noted																
<b>M4 Testing Methods – Load Limits</b>																				
Note	<p>Note: Division 3 of the <i>Protection of the Environment Operations (General) Regulation 2009</i> requires that monitoring of actual loads of assessable pollutants listed in L2.2 must be carried out in accordance with the relevant load calculation protocol set out for the fee-based activity classification listed in the Administrative Conditions of this licence.</p>		Noted	Noted																
<b>M5 Weather Monitoring</b>																				
M5.1	<p>For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period, and sample at the frequency specified in the other columns.</p> <p>POINT 21</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Frequency</th> <th>Averaging Period</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Wind direction</td> <td>Degrees</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 &amp; AM-4</td> </tr> <tr> <td>Wind speed</td> <td>m/s</td> <td>Continuous</td> <td>15 minute</td> <td>AM-2 &amp; AM-4</td> </tr> </tbody> </table>	Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method	Wind direction	Degrees	Continuous	15 minute	AM-2 & AM-4	Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4	<p>Site inspection Field Calibration Report, Envirodata, 29/06/2021, 20/08/2020 and 13/11/2019</p>	<p>The Site has a weather station on site, located on top of the Control Room. The weather station operates continuously and is monitored by the Control Room. The Site also has a windsack located on the top flash point correction column.</p> <p>Weather station data is downloaded to the Control Room where it is viewed on screen.</p> <p>Envirodata, the vendor who supplies the unit, also conducts maintenance and calibration of the weather station.</p> <p>The auditors sighted Annual Field Calibration Reports for the audit period which verified the required parameters were measured at 15 minute averaging</p>	Compliant	
Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method																
Wind direction	Degrees	Continuous	15 minute	AM-2 & AM-4																
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Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			periods and in accordance with the required sampling methods.		
<b>M6 Recording of Pollution Complaints</b>					
M6.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	MYOSH Complaints Register Extract	The auditors were informed that complaints are logged in MYOSH and an extract from MYOSH was provided for review.. Refer to findings against condition 6.3 of PA 05_0037.	Compliant	
M6.2	The record must include details of the following: <ul style="list-style-type: none"> <li>a) the date and time of the complaint;</li> <li>b) the method by which the complaint was made;</li> <li>c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;</li> <li>d) the nature of the complaint;</li> <li>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</li> <li>f) if no action was taken by the licensee, the reasons why no action was taken.</li> </ul>		The auditors were informed that complaints are logged in MYOSH and an extract from MYOSH was provided for review. Refer to findings against condition 6.3 of PA 05_0037.	Compliant	
M6.3	The record of a complaint must be kept for at least 4 years after the complaint was made.		A register of complaints was available for review and was available in MYOSH. Complaints from at least 4 years were available. Refer findings against condition 6.3 of PA 05_0037	Compliant	
M6.4	The record must be produced to any authorised officer of the EPA who asks to see them.		The EPA have not requested any record be produced during the audit period.	Not Triggered	
<b>M7 Telephone Complaints Line</b>					
M7.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.		During consultation prior to this audit, the EPA informed the auditors that the complaints hotline was found to be disconnected on 25/02/2019. This Appears to be an error as the complaints line was identified to be disconnected in the previous IEA period. The EPA stated in a letter dated 25/02/2019 that they were not going to take action against the	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
			non-compliance, and as a result a warning letter was issued. The auditors consider this issue closed out.		
M7.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.		The complaints line is displayed at the entrance of the Rutherford facility. While there is a community hotline available on the Cleanaway website it is not clear that it is a complaints line. The auditors find this condition compliant as it has been assessed in previous IEA periods as compliant however an opportunity for improvement has been made.	Compliant	<b>2021-OFI-15:</b> Update the Cleanaway website so it is clear that the complaints line telephone number is a complaints line, so the impacted community knows how to make a complaint.
M7.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.		Closed out in 2008 IEA.	Closed out	
<b>M8 Other Monitoring and Recording Conditions</b>					
M8.1	Detailed records of each use of the flare must be kept on site and made available to the EPA on request. Each record must include the flare start and stop time and the reason for its use.		Refer to CoA 2.12 for assessment of compliance for this condition.	Compliant	
M8.2	Detailed records of all process upsets and process start-ups and shutdowns must be kept. Each record must include the process start and stop time and the reason for each process upset.		Refer to CoA 2.12 for assessment of compliance for this condition.	Compliant	
<b>6 REPORTING CONDITIONS</b>					
<b>R1 Annual Return Documents</b>					
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: <ol style="list-style-type: none"> <li>1. a Statement of Compliance; and</li> <li>2. a Monitoring and Complaints Summary.</li> <li>3. a statement of Compliance – Licence Conditions,</li> <li>4. a Statement of Compliance - Load based Fee,</li> <li>5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,</li> </ol>	2019 Annual Return 2020 Annual Return 2021 Annual Return	Signed Annual Returns provided for review: <ul style="list-style-type: none"> <li>• Annual Return 29-9-2018 to 28-9-2019; no complaints or non-compliances reported, signed 26 November 2019</li> <li>• Annual Return 29-9-2019 to 28-9-2020; no complaints or non-compliances reported, signed 27 November 2020</li> <li>• Annual Return 29-9-2020 to 28-9-2021; one complaint received, no non-compliances reported, signed 26 November 2021</li> </ul>	Compliant	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	<p>6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</p> <p>7. a Statement of Compliance - Environmental Management Systems and Practices.</p> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>		Annual Returns are signed by the Cleanaway Director Brendan Gill.		
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.	<p>2019 Annual Return</p> <p>2020 Annual Return</p> <p>2021 Annual Return</p>	<p>Annual Return documents have been prepared and submitted by the Site as required by this Condition. The auditors reviewed signed Annual Returns for the following periods:</p> <ul style="list-style-type: none"> <li>• 29/09/2018 – 28/09/2019</li> <li>• 29/09/2019 – 28/09/2020</li> <li>• 29/09/2020 – 28/09/2021</li> </ul>	Compliant	
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and</p> <p>b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.</p>		Not triggered	Not triggered	
R1.4	<p>Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:</p> <p>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</p> <p>b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</p>		Not triggered	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Annual Returns for audit period. 2020-21 Annual Return Submission email, dated 26/11/2021 2020-21 Annual Return Submission email, dated 14/12/2021	The auditors reviewed the EPA EPL register online and identified the following Annual Return submission dates: <ul style="list-style-type: none"> <li>29/09/2018 – 28/09/2019 – submitted 27/11/2019</li> <li>29/09/2019 – 28/09/2020 – submitted 27/11/2020</li> <li>29/09/2020 – 28/09/2021 – initially submitted on 26/11/2021, resubmitted on 14/12/2021. Due to an error with reporting the Annual Return was required to be resubmitted.</li> </ul>	Compliant	
R1.6	Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify: <ol style="list-style-type: none"> <li>the assessable pollutants for which the actual load could not be calculated; and</li> <li>the relevant circumstances that were beyond the control of the licensee.</li> </ol>		Not triggered	Not triggered	
R1.7	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Annual Returns	The Site provided the auditors with a copy of each of the Annual Returns for the last 4 years.	Compliant	
R1.8	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: <ol style="list-style-type: none"> <li>the licence holder; or</li> <li>by a person approved in writing by the EPA to sign on behalf of the licence holder.</li> </ol>	2019 Annual Return 2020 Annual Return 2021 Annual Return	The Annual Returns as listed in Condition R1.2 have been completed and signed (dated) by the Director and Company Secretary.	Compliant	
R1.9	The results of air quality monitoring undertaken in accordance with the conditions of this licence must be provided to the EPA on a quarterly basis with the first air quality monitoring report due no later than 6 months from the date of issue of this licence.		A licence variation was approved on 4/04/2016 to reduce the frequency of all frequency values to "Yearly"; therefore this condition is no longer applicable to the Site.	Not triggered	<b>2021-OFI-16:</b> Submit a variation to the EPL to remove this condition (2018 OFI)

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
R1.10	The licensee must submit the following information with the Annual Return: <ul style="list-style-type: none"> <li>a) A comparison of data obtained from emissions monitoring to the emission limits in this licence and other relevant air quality criteria;</li> <li>b) Recommendations for the continuation or discontinuation of monitoring for pollutants which have not been detected or detected consistently at levels significantly below the licence and/or regulatory limits.</li> </ul>	2019 Annual Return 2020 Annual Return 2021 Annual Return	The auditors reviewed the information submitted with the Annual Returns and a comparison of data obtained from emissions monitoring to the emission limits in the EPL is not included in the Annual Return submission. In addition there are no recommendations for the continuation or discontinuation of monitoring for pollutants which have not been detected or detected consistently at levels significantly below the EPL or regulatory limits. This condition has been assessed as non-compliant as the information required under this condition has not been submitted with the Annual Returns.	Non-compliant	<b>2021-REC-31:</b> Ensure the information required under EPL Condition R1.10 is submitted with the Annual Return each year
Note	Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.  Note: An application to transfer a licence must be made in the approved form for this purpose.		Noted	Noted	
<b>R2 Notification of Environmental Harm</b>					
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.		The Site reported that no incidents of environmental harm have occurred within the auditing period.	Not triggered	
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.  Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.		The Site reported that no incidents of environmental harm have occurred within the auditing period.	Not triggered	
<b>R3 Written Report</b>					
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: <ul style="list-style-type: none"> <li>a) where this licence applies to premises, an event has occurred at the premises; or</li> <li>b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the</li> </ul>		Not triggered	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
	carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.				
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.		Not triggered	Not triggered	
R3.3	The request may require a report which includes any or all of the following information: <ul style="list-style-type: none"> <li>a) the cause, time and duration of the event;</li> <li>b) the type, volume and concentration of every pollutant discharged as a result of the event;</li> <li>c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;</li> <li>d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort</li> <li>e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;</li> <li>f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</li> <li>g) any other relevant matters.</li> </ul>		Not triggered	Not triggered	
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request		Not triggered	Not triggered	

Reference	Condition	Evidence	Comments	Audit Finding	Recommendation
<b>R4 Other Reporting Conditions</b>					
R4.1	The licensee must notify the EPA of any process start-up, process shut-down and/or process upset which results in the concentration of hydrogen sulfide, as measured by the continuous hydrogen sulfide monitoring system exceeding 15 parts per million for a period of 30 seconds or more. The notification must be made within 24 hours of any of these events. Notification may be made by facsimile to (02) 49086810 or by email to newcastlerequest@environment.nsw.gov.au.		Cleanaway stated that no process start-up, process shut-down and/or process upset had resulted in concentration of hydrogen sulfide, as measured by the continuous hydrogen sulfide monitoring system exceeding 15 parts per million for a period of 30 seconds or more.	Compliant	
<b>7 GENERAL CONDITIONS</b>					
<b>G1 Copy of licence kept at the premise</b>					
G1.1	A copy of this licence must be kept at the premises to which the licence applies.		The Site maintains an electronic copy of the EPL and if requested the Site reported that a copy would be made available to whoever requested it.	Compliant	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.		Not triggered	Not triggered	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.		The Site maintains an electronic copy of the EPL and if requested the Site reported that a copy would be made available to whoever requested it.	Compliant	

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# Appendix B Site Inspection Observations

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## Site Inspection Observations

The following photographs provide an indication of the general observations made or referenced during the site inspections as detailed in Table 9 below.

**Table 9 Site Observations**

Photo #	Comment	Photo
P-01	Sign located at the entrance to the facility.	
P-02	Plant inspection - Reformer area of the plant.	

Photo #	Comment	Photo
P-03	Plant inspection - Boiler room	
P-04	Plant inspection – stormwater controls sighted.	

Photo #	Comment	Photo
P-05	Plant inspection	
P-06	Plant inspection	

Photo #	Comment	Photo
P-07	Plant inspection	
P-08	Spill kits available across the site	
P-09	Chemicals storage located on pallet bunds	

Photo #	Comment	Photo
P-10	<p>MOPP unit and banded IBC. Note, plastic pallet bunds have been known to degrade when stored in direct sunlight and exposure to rainfall impacts the capacity of the bund.</p> <p><b>2021-OFI-42:</b> Cleanaway should consider storing the IBC located next to the MOPP in an undercover area.</p>	
P-11	Plant inspection	
P-12	Control room with emergency fire response equipment in the foreground	

Photo #	Comment	Photo
P-13	Loading/unloading truck bay	
P-14	IBCs stored in the bunded loading/unbonded area	
P-15	Loading / unloading truck bay	

Photo #	Comment	Photo
P-16	<p>Sock placed around stormwater drains. Stormwater from the Site is controlled via a manual valve (to the right of the photo)</p>	
P-17	<p>Dam remediation works</p>	
P-18	<p>Dam remediation works</p>	

Photo #	Comment	Photo
P-19	Dam remediation works	
P-20	Remnant 3 – showing area has been fenced	
P-21	Dangerous Goods Storeroom	

Photo #	Comment	Photo
P-22	Storage of catalyst in the dangerous goods storeroom	
P-23	Remnant 4 which is located within a leased area. Fence is not secure, weeds evidence in this area and rubbish/IBCs/old equipment located here	
P-24	Chemical storage	

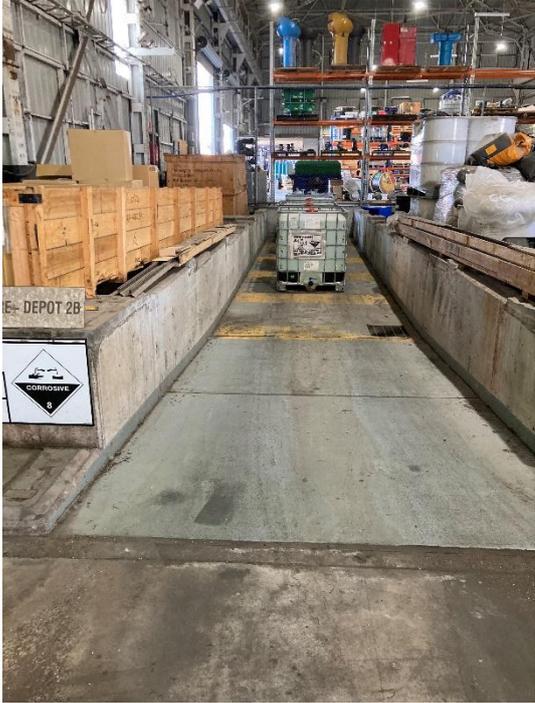
Photo #	Comment	Photo
P-25	Chemical storage	
P-26	Chemical storage	

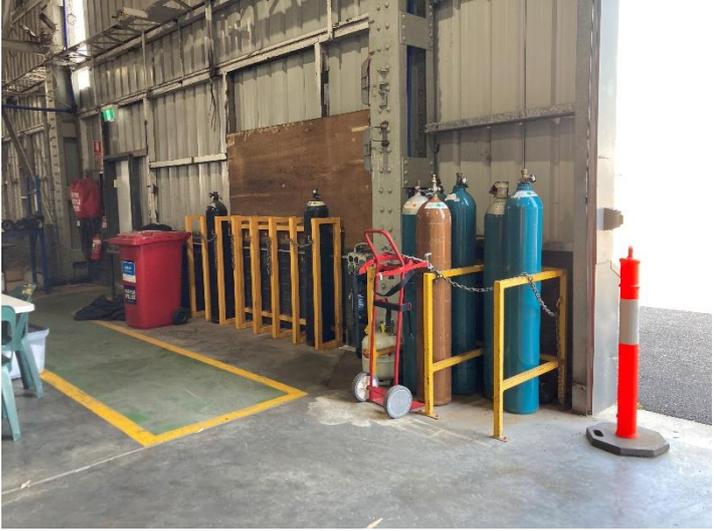
Photo #	Comment	Photo
P-27	Gas storage within workshop	
P-28	Nitrogen tank	

Photo #	Comment	Photo
P-29	Triple interceptor pit	
P-30	Surface water pit, outside workshop, identified using blue paint	
P-31	Asbestos signage on derelict legacy structures	

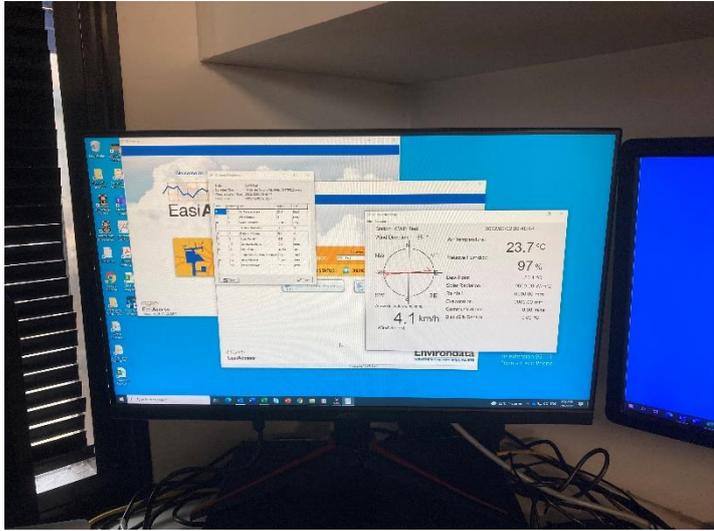
Photo #	Comment	Photo
P-32	Asbestos stockpile which had been capped as per the asbestos remediation works conducted prior to the audit period commencing.	
P-33	Control room	
P-34	Weather station data	

Photo #	Comment	Photo
P-35	Groundwater bore location – located on the north west corner of the site near the Admin carpark	
P-36	Groundwater bore location – east of site	
P-37	Groundwater bore located adjacent to dam remediation works on south western side of site	

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# Appendix C Audit Team Approval

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Orhan Cambaz  
Senior Environmental Business Partner  
Cleanaway Refiners Pty Ltd

By email only: [Orhan.Cambaz@cleanaway.com.au](mailto:Orhan.Cambaz@cleanaway.com.au)

22/09/2021

Dear Mr Cambaz

**Rutherford Waste Facility (MP05\_0037)  
2021 IEA & HA audit team amendment**

Reference is made to your post approval matter, MP05\_0037-PA-5, 2021 Independent Environmental Audit (IEA) and Hazard Audit (HA) team amendment request, submitted as required by Schedule 2, Conditions 4.4 and 4.6 of MP05\_0037 as modified (the approval) to the Department of Planning, Industry and Environment (the Department), on 20 September 2021.

**Independent Environmental Audit**

The Department has reviewed the amendments to the proposed IEA team and endorses the proposed IEA team with the following personnel:

- Shani Walton – Lead Auditor
- Kate Michelmore – Audit and Project Manager
- David Rollings – Odour Specialist
- Kelly Pearsall – Peer Review and Verification

The IEA must be carried out in accordance with Schedule 2, Condition 4.4 of the approval. However, the Department requests under Schedule 2, Condition 1.3 of the approval that the auditors consider the recently released Independent Audit Post Approvals Requirements (Department 2020), including the use of the compliance descriptors 'compliant', 'non-compliant' or 'not triggered' when describing the compliance status of each condition.

**Hazard Audit**

The Department has reviewed the amendments to the proposed HA team and endorses the proposed HA team with the following personnel:

- Steve Sylvester – Lead Auditor
- Kerrie Wells – Audit Coordinator and Process Specialist
- Phil Barnsley – Instrument and Electrical Specialist
- Francis Nadaraju – Mechanical Specialist
- Behz Siahpoosh – Structural Specialist
- David Lockley – Peer Review and Verification

The HA must be consistent with the Departments Hazardous Industry Planning Advisory Paper (NIPAP) No. 5 'Hazard Audit Guidelines', and Mr Sylvester must lead and participate in all site visits and reporting for the HA.



The Department has considered Cleanaway Refiners Pty Ltd request for an extension of time to carry out both the IEA and HA and approves an audit period for both audits of 12 September 2018 to 30 November 2021.

The Department requests that each audit (including a response to, and timeframe for implementing all audit recommendations [RAR]) be submitted as separate post approval matters via the Departments Major Projects portal.

Please note that the IEA report and RAR should be submitted to the Secretary by 30 January 2022 (unless otherwise agreed), and the HA report and RAR should be submitted to the Secretary by 30 December 2021 as required by Schedule 2, Conditions 4.5 and 4.6 of the approval respectively. Please ensure this correspondence is appended to the IEA and HA.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Should you wish to discuss the matter further, please contact Joel Curran on (02) 4904 2702 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to be 'James Epstein', written over a light grey circular stamp.

James Epstein  
A/ Team Leader  
Compliance

As nominee of the Planning Secretary



Mr Bart Downe  
Environmental Manager  
Cleanaway Operations Pty Ltd

By email only: [bart.downe@cleanaway.com.au](mailto:bart.downe@cleanaway.com.au)

16/11/2021

Dear Mr Downe

**Rutherford Waste Facility (MP05\_0037)  
Extension of Time to Type of Request - 2021 IEA Extension request**

I refer to your request (MP05\_0037-PA-6) for an extension of time to undertake the Independent Environmental Audit (IEA) as required under Schedule 2 condition 4.4 of MP08\_0037, as modified (the approval) for the Rutherford Waste Facility.

The Department notes the extension request is due to the approved audit team not being able to undertake the IEA site inspection until 1 and 2 February 2022.

Accordingly, the Planning Secretary has granted an extension of time until **2 February 2022** for the audit team to undertake the IEA site inspection, with the IEA period to be extended to be inclusive from 12 September 2018 until 2 February 2022.

As per Schedule 2 condition 4.5 of the approval, the IEA report and Proponent's response to auditor recommendations (RAR) is required to be submitted to the Department within 2 months of the IEA site inspection. Therefore, the IEA report and RAR must be submitted to the Department (via the Major Projects Portal) by **2 April 2022**, or as otherwise agreed by the Planning Secretary.

If you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on 02 4904 2702 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink that reads 'H Watters'.

Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary

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# Appendix D Regulator Consultation

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## Michelmore, Kate

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**From:** Joel Curran <Joel.Curran@planning.nsw.gov.au>  
**Sent:** Thursday, 27 January 2022 8:55 AM  
**To:** Walton, Shani  
**Subject:** [EXTERNAL] RE: Independent Environmental Audit of Cleanaway Refiners Rutherford Waste Facility - DPIE Consultation

Hi Shani

Please see the Department's responses below.

Regards

### Joel Curran Senior Compliance Officer

Planning & Assessment | Department of Planning and Environment  
**T** 02 4904 2702 | **M** 0412 323 331 | **E** [joel.curran@planning.nsw.gov.au](mailto:joel.curran@planning.nsw.gov.au)  
PO Box 1226 | Newcastle NSW 2300  
*Please direct all email correspondence to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)*



*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

*If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au).*

*The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).*

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**From:** Walton, Shani <[shani.walton@aecom.com](mailto:shani.walton@aecom.com)>  
**Sent:** Friday, 21 January 2022 5:16 PM  
**To:** DPE PSVC Compliance Mailbox <[compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)>  
**Subject:** Independent Environmental Audit of Cleanaway Refiners Rutherford Waste Facility - DPIE Consultation  
**Importance:** High

FAO: Joel Curran

Hi Joel

AECOM has been approved by the Department of Planning, Industry and Environment to conduct an independent environmental audit of Cleanaway Refiners Rutherford Waste Facility located at Kyle Street, Rutherford, New South Wales as required by their Project Approval (PA 05\_0037).

Condition 4.4, of the Project Approval requires that:  
*Within one year of the commencement of operations, and then as directed by the Secretary, the Proponent shall commission an Independent Environmental Audit of the development. This audit must:*

- a) Be carried out by a suitably qualified, experienced and independent audit team, that contains an odour specialist and hazard specialist, whose appointment has been endorsed by the Secretary;
- b) Be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing, the Department’s guideline Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines;
- c) Assess whether the project is complying with the conditions of both this approval and the EPL for the project;
- d) Assess whether the project is being carried out with industry best practice;
- e) Review the adequacy of the Operation Environmental Management Plan for the project; compliance with the requirements of this approval, and other licences and approvals; and
- f) Recommend measures or actions to improve the environmental performance of the project, and/or the Operation Environmental Management Plan for the project.

DPIE letter dated 13 May 2019 accepted the 2018 audit recommendations and requested that a Hazard Audit be conducted concurrently with an IEA for the period 11 September 2018 to 10 September 2021, and an extended audit period was subsequently approved by DPIE.

Section 3.2 of the NSW Department of Planning, Industry and Environment document *Independent Audit: Post Approval Requirements, May 2020* requires that prior to the site inspection key agencies should be contacted to obtain feedback and draw the auditor’s attention to any key issues, within the agreed scope of the audit.

As a significant stakeholder we are seeking your feedback concerning the environmental performance of the Rutherford Waste Facility during the audit period, taken from **11 September 2018** (previous audit) to **1 February 2021** (date of planned site inspection).

To assist you with your feedback we have provided a list of questions that may help structure your response; however, it is not mandatory that the questions are answered. Please feel free to respond in any manner that suits you or your agency. Your response can be either via email or we can discuss your response over the phone at a time convenient to you.

Question	Response
What has been DPIE’s involvement with the Rutherford Waste Facility during the audit period?	See below.
Has DPIE conducted an inspection of the site during the audit period? If so, when was the site last inspected?	Yes, 10 March 2020
Are there past or recent compliance issues such as fines, notices, correspondence or enforcement actions you are aware of concerning the site? If so have these been addressed by the Rutherford Waste Facility? Are there outstanding actions?	1. Disconnected complaints hotline 25/02/2019 – no enforcement action taken. Issued rectified quickly. 2. Failure to monitor as per the approved OEMP during the 2017/2018 and 2018/2019 AEMR periods. Warning letter issued.
Has DPIE received any community complaints regarding operations at the Rutherford Waste Facility? Were these satisfactorily addressed?	No
Are there any positive comments regarding environmental management at the Rutherford Waste Facility?	Generally a very well managed operation. Management have been quick to resolve any noted issues.
Are there any areas you would like the independent environmental audit to focus on?	Monitoring as per OEMP requirements.

We are planning to conduct the site inspection for the audit on 1 and 2 February 2022, hence we would appreciate your feedback **prior to 28 January 2022**.

If you are not the most appropriate person to contact at DPIE could you please pass on to one of your colleagues?

Yours Sincerely

Shani Walton

Principal Environmental Consultant, ANZ NAC, Sydney  
M +61438275138  
[shani.walton@aecom.com](mailto:shani.walton@aecom.com)

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## Michelmore, Kate

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**From:** Gemma McMahon <Gemma.McMahon@maitland.nsw.gov.au>  
**Sent:** Friday, 4 February 2022 1:31 PM  
**To:** Walton, Shani  
**Subject:** [EXTERNAL] RE: Independent Environmental Audit of Cleanaway Refiners Rutherford Waste Facility - MCC Consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Shani,

Under the Public Health Act 2010, cooling towers are required to maintain periodic Risk Management Plans and annual Audit Reports. These are conducted a by third party, and sent to Council to assist with monitoring and regulating these systems in their LGA. The purpose of the legislation is not manage public health risks associated with Legionella.

An independent auditor may state on a certificate of audit completion that the cooling water system has failed to comply with the RMP or Regulation within the 12 month audit period. The audit report (Approved Form 2) specifies the following triggers for an audit demonstrating non-compliance, which would prompt further follow up by an authorised officer from the local government authority.

Due to privacy laws, I am a little hesitate to pass on specific audit reports/RMPs, however, you should be able to obtain these from Cleanaway.

Please note, no follow up inspection was undertaken by Council.

Kind regards

**Gemma McMahon**  
Team Leader Compliance  
Planning and Environment | Maitland City Council  
t 02 4934 9869  
m +61 437 859 263  
[Gemma.McMahon@maitland.nsw.gov.au](mailto:Gemma.McMahon@maitland.nsw.gov.au)



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**From:** Walton, Shani <shani.walton@aecom.com>  
**Sent:** Thursday, 3 February 2022 9:54 AM  
**To:** Gemma McMahon <Gemma.McMahon@maitland.nsw.gov.au>  
**Subject:** RE: Independent Environmental Audit of Cleanaway Refiners Rutherford Waste Facility - MCC Consultation

Hi Gemma

Thank you for providing a response. Could you please clarify what trigger limits / ongoing non-compliances relating to the cooling tower you are referring to.

Kind regards  
Shani

**From:** Gemma McMahon <[Gemma.McMahon@maitland.nsw.gov.au](mailto:Gemma.McMahon@maitland.nsw.gov.au)>  
**Sent:** Monday, 31 January 2022 1:02 PM  
**To:** Walton, Shani <[shani.walton@aecom.com](mailto:shani.walton@aecom.com)>  
**Subject:** [EXTERNAL] RE: Independent Environmental Audit of Cleanaway Refiners Rutherford Waste Facility - MCC Consultation

Hi Shani,

Please find my responses below.

Kind regards,

Gemma

Question	Response
What has been MCC's involvement with the Rutherford Waste Facility during the audit period?	
Has MCC conducted an inspection of the site during the audit period? If so, when was the site last inspected?	MCC EHOs have conducted 1 site inspection at the facility in the last two years. The inspection was completed in 2020. The inspection was in relation to an exceedance of trigger limits / ongoing non-compliances relating to the cooling tower.
Are there past or recent compliance issues such as fines, notices, correspondence or enforcement actions you are aware of concerning the site? If so have these been addressed by the Rutherford Waste Facility? Are there outstanding actions?	There are no known past or recent compliance issues relating to the facility.
Has MCC received any community complaints regarding operations at the Rutherford Waste Facility? Were these satisfactorily addressed?	MCC has not received any community complaints regarding the operations of the facility.
Are there any positive comments regarding environmental management at the Rutherford Waste Facility?	
Are there any areas you would like the independent environmental audit to focus on?	

We are planning to conduct the site inspection for the audit on 1 and 2 February 2022, hence we would appreciate your feedback **prior to 28 January 2022**.

If you are not the most appropriate person to contact at MCC could you please pass on to one of your colleagues?

Yours Sincerely

**Shani Walton**

Principal Environmental Consultant, ANZ NAC, Sydney  
M +61438275138  
[shani.walton@aecom.com](mailto:shani.walton@aecom.com)

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\*I work flexibly. I'm sending this message now because it's a good time for me, but I don't expect you to read, respond or action it outside your own regular working hours

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# Appendix E Status of 2018 IEA Recommendations

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## Status of the 2018 Independent Environmental Audit Recommendations

The table below includes a discussion of the actions arising from the 2018 IEA and the progress outcomes of each action.

**Table 10 Status of 2018 IEA Recommendations**

2018 Ref	Recommendation	2022 Status
2018 IEA REC 01	<p>It is recommended that the OEMP is revised to consider the following:</p> <ul style="list-style-type: none"> <li>• Replace Transpacific with Cleanaway</li> <li>• Update the address to 41 Kyle Street rather than the redundant 11 Kyle Street address</li> <li>• Include a brief overview of the site operations to provide some context</li> <li>• Update the OEMP with the current statutory and other obligations. The Project Approval has been modified and the EPL varied a number of times since 2007. The OEMP does not clearly list these approvals and licences or others including the Trade Waste Agreement or Dangerous Goods Notification</li> <li>• Include reference to PA MP05_0037, Condition 3.5 in the 'Purpose and Scope' section of the OEMP</li> <li>• The Table included in Section 4.0 Development Approval Condition, which outlines the requirement of Condition 3.5 and where it is addressed will be more useful in the Scope section</li> <li>• Update the Compliance Management Statutory Register</li> <li>• Update the Roles and Responsibilities to include the Environmental Representative required by CoA 3.1</li> <li>• Review and update the performance measures required / implemented to ensure they reflect current practices and requirements</li> <li>• Details of landscaping undertaken on site are not contained within the OEMP but outlined in the CEMP and Vegetation Management Plan (VMP), both of which have not been sighted and are no longer relevant / implemented. Include relevant landscaping information of from the CEMP and VMP in the OEMP</li> <li>• Include details of contingency measures for adverse environmental impacts which are not currently outlined in the OEMP, but have been outlined in the GMP, AQMP and Site Emergency Management Plan</li> <li>• Update references to referenced documents, for example the Environmental Policy was reviewed on 1 May 2018 however the OEMP includes a superseded version of the Policy from 2006</li> <li>• Update Section 3.0 Environmental Management to ensure it reflects regulatory requirements and current practices</li> <li>• Specify a sampling regime for assessing surface water quality against the objectives provided in SOC 27A</li> <li>• Include a clearer figure which shows the as the Site Plan</li> </ul> <p>A copy of the updated OEMP should be provided to the DPE, EPA and Council.</p>	<p><b>NOT COMPLETE</b></p> <p>The OEMP and sub-plans were last updated in 2019 to address the findings from the 2018 IEA. All actions were adequately addressed with the exception of the following:</p> <ul style="list-style-type: none"> <li>• The purpose and scope of the OEMP does not reference Condition 3.5 of PA MP05_0037.</li> <li>• Evidence that the updated OEMP was approved by DPIE was not provided.</li> <li>• Evidence that the updated OEMP was provided to EPA and Maitland City Council was also not provided.</li> </ul> <p>A detailed review of the OEMP was conducted by the auditors. Recommendations have been made following this review and are documented in the 2021 IEA report.</p>

2018 Ref	Recommendation	2022 Status
2018 IEA REC 02	<p>It is recommended that the GMP is revised to consider the following:</p> <ul style="list-style-type: none"> <li>• Update the address to 41 Kyle Street rather than the redundant 11 Kyle Street address in Table 2.1</li> <li>• Update the GMP to include a section detailing the baseline groundwater quality prior to commencement of construction</li> <li>• The plan does not reference the monitoring requirements of EPL 12555. Though the monitoring requirements outlined in the plan are consistent with the EPL, it is recommended that the plan refer to the actual requirements of the EPL. For example, making specific reference to Condition M2.3, including the monitoring location description and EPA identification number provided in Condition P1.3 and referencing the requirement to not cause pollution of waters as per Condition L1.1</li> <li>• Table 3.1 provides groundwater assessment criteria for a number of pollutants however Cleanaway is only monitoring for Perchloroethene /Tetrachloroethne (PCE), and Total petroleum hydrocarbons (TPH) as required by its EPL. The plan should include discussion of the relevance of the criteria identified for the other contaminants</li> <li>• There is no discussion in the plan on how the monitoring data will be reviewed / analysed for trends to identify if site activities are having an adverse effect on groundwater quality</li> <li>• The plan does not detail any contingency measures and management options should monitoring of groundwater quality indicate the development has had or is having an adverse effect on groundwater quality</li> <li>• Evidence of consultation with EPA (formerly Department of Environment and Climate (DEC)) and NSW Office of Water (formerly DNR) was not sighted by the auditors. The GMP should include discussion of the consultation undertaken with the relevant agencies. For transparency the consultation could be included as an Appendix</li> <li>• The plan does not detail requirements for reporting</li> </ul>	<p><b>NOT COMPLETE</b></p> <p>The GMP was updated to address the recommendations made in the 2018 IEA. Evidence of consultation is not included or referenced. This was not provided to the auditors for review.</p> <p>A detailed review of the GMP was conducted by the auditors. Recommendations have been made following this review and are documented in the 2021 IEA report.</p>
2018 IEA REC 03	Review the location of the stack sampling points for adequacy.	<p><b>NOT COMPLETE</b></p> <p>Cleanaway stated in the 2020 AEMR that a review was undertaken by the stack emissions testing consultant to determine the adequacy of the stack sampling points. The results from this review are not documented in the Annual emissions report and the auditors did not sight evidence to verify this review was undertaken.</p>
2018 IEA REC 04	The existing AQMP needs to be updated to reflect the ongoing improvements and changes to the monitoring and	COMPLETE

2018 Ref	Recommendation	2022 Status
	<p>management of air pollutants from the site since it was prepared in 2007.</p> <p>This update should include a schedule for regular updates of the plan following any major modification to any of the air pollution control equipment or infrastructure, or a period of time (whichever occurs first).</p>	<p>The AQMP was updated to address the recommendations made in the 2018 IEA.</p> <p>A detailed review of the AQMP was conducted by the auditors. Recommendations have been made following this review and are documented in the 2021 IEA report.</p>
2008 IEA REC 05	Engage an acoustic consultant to undertake noise monitoring to demonstrate compliance with the noise limits by current operations.	<p><b>COMPLETE</b></p> <p>Attended noise monitoring was conducted by specialist consultant Global Acoustics during the night period of 31 March 2020 at five monitoring locations: C, F, G, J and O, selected to represent areas and groups of receptors and to align with monitoring locations specified in the EAR. The report concluded that noise levels from Cleanaway complied with the relevant noise limits.</p>
2018 IEA REC 06	Update the OEMP to discuss the relevance of the Transport Code of Conduct.	<p><b>NOT COMPLETE</b></p> <p>This recommendation was not complete at the time of the audit</p>
2018 IEA REC 07	Consolidate the two Asbestos Registers into one Register which clearly documents what asbestos is present on site and how it is treated or managed to prevent human health impacts. Ensure that the Asbestos Management Plan and Asbestos Register is maintained and reviewed as a minimum every five years in accordance with the Work Health and Safety Regulations.	<p><b>COMPLETE</b></p> <p>The asbestos register was consolidated and the asbestos management updated with a review interval of 5 years set.</p>
2018 IEA REC 08	Update the OEMP to reflect current site operations, statutory requirements and management practices and provide to the Secretary for approval and the relevant agencies for their information.	<p><b>NOT COMPLETE</b></p> <p>While the OEMP has been updated there was no evidence provided to verify if it had been provided to the Department for approval.</p>
2018 IEA REC 09	Re-commence using the Workplace Inspection Form to document site inspections as they provide evidence of items that were checked and found to be ok as well as noting issues.	<p><b>COMPLETE</b></p> <p>The workplace inspection form was being utilised weekly and monthly at during the audit period.</p>
2018 IEA REC 10	Contact the Department and request a copy of evidence that the Operational Air and Noise Validation report was provided to them for Cleanaway's record. Should the DPE not have evidence, submit the report to the DPE for its information	<p><b>NOT COMPLETE</b></p> <p>No evidence was provided to verify this had occurred.</p>

2018 Ref	Recommendation	2022 Status
2018 IEA REC 11	Ensure evidence of submission of AEMRs to the relevant agencies and any comments received are maintained into the future.	<b>NOT COMPLETE</b> Evidence of submission of AEMRs was no provided to the auditors. In addition the 2021 AEMR was yet to be submitted at the time of the audit.
2018 IEA REC 13	Ensure a valid 24-hour telephone number is displayed at the entrance to the site	<b>COMPLETE</b> A valid 24-hour telephone number was displayed at the sites entrance
2018 IEA REC 14	Update Air Emissions Monitoring spreadsheet to include the name of the person who collected the samples.	<b>COMPLETE</b> Air emissions monitoring spreadsheet was updated as per recommendation
2018 IEA REC 15	Ensure all future Annual Returns are submitted to the EPA within 60 days of the end of the reporting period (by the 27 November each year).	<b>NOT COMPLETE</b> Annual Return for 2021 was submitted 78 days after the end of the reporting period.
2018 IEA REC 16	Ensure the information required under EPL Condition R1.10 is submitted with the Annual Return each year.	<b>NOT COMPLETE</b> No evidence was provided to verify that the required information was submitted with the Annual Returns each year.
2018 IEA REC 17	Improve tracking of requests by regulatory agencies. Consider logging in the 'Vault' system to facilitate investigation and response to requests and track dates of close out.	<b>NOT COMPLETE</b> Cleanaway no longer use the system 'Vault'. The site now operates using MYOSH. A number of documents were not provided to the auditors for review this included evidence of submission of required documents to regulatory agencies as well as evidence of requests and responses from Regulatory agencies.  Cleanaway could still benefit from improving the tracking of submission of regulatory documents and reports and regulator correspondence.

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# Appendix F Audit Team Declaration Form

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## Independent Audit Report Declaration Form

<b>Project Name</b>	Cleanaway Refinery Rutherford
<b>Consent Number</b>	PA 05_0037
<b>Description of Project</b>	A lube oil hydrogenation plant to process re-refined waste oils to generate refinery grade base lubricant oils
<b>Project Address</b>	41 Kyle Street, Rutherford, NSW
<b>Proponent</b>	Cleanaway Operations Pty Ltd
<b>Title of Audit</b>	Cleanaway Independent Environmental Audit and Hazard Audit 2021
<b>Date</b>	29 June 2021

I declare that to the best of my knowledge:

- i. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- iii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- iv. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

<b>Name of Auditor</b>	Shani Walton
<b>Signature</b>	
<b>Qualification</b>	BEng (Hons), CEng, Master Environmental Engineering Management
<b>Company</b>	AECOM
<b>Company Address</b>	Sydney, NSW

## Independent Audit Report Declaration Form

<b>Project Name</b>	Cleanaway Refinery Rutherford
<b>Consent Number</b>	PA 05_0037
<b>Description of Project</b>	A lube oil hydrogenation plant to process re-refined waste oils to generate refinery grade base lubricant oils
<b>Project Address</b>	41 Kyle Street, Rutherford, NSW
<b>Proponent</b>	Cleanaway Operations Pty Ltd
<b>Title of Audit</b>	Cleanaway Independent Environmental Audit and Hazard Audit 2021
<b>Date</b>	29/06/2021

I declare that to the best of my knowledge:

- i. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
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- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

<b>Name of Auditor</b>	<b>Kate Michelmore</b>
<b>Signature</b>	
<b>Qualification</b>	Principal Environmental Auditor; Bachelor of Science in Environmental Forensics
<b>Company</b>	AECOM Australia Pty Ltd
<b>Company Address</b>	420 George Street, Sydney NSW 2000

## Independent Audit Report Declaration Form

<b>Project Name</b>	Cleanaway Refinery Rutherford
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<b>Description of Project</b>	A lube oil hydrogenation plant to process re-refined waste oils to generate refinery grade base lubricant oils
<b>Project Address</b>	41 Kyle Street, Rutherford, NSW
<b>Proponent</b>	Cleanaway Operations Pty Ltd
<b>Title of Audit</b>	Cleanaway Independent Environmental Audit and Hazard Audit 2021
<b>Date</b>	29/6/2021

I declare that to the best of my knowledge:

- i. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
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- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

<b>Name of Auditor</b>	David Rollings
<b>Signature</b>	
<b>Qualification</b>	BE (Chem)
<b>Company</b>	AECOM
<b>Company Address</b>	17 Warabrook Boulevard

## Independent Audit Report Declaration Form

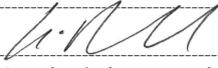
<b>Project Name</b>	Cleanaway Refinery Rutherford
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<b>Title of Audit</b>	Cleanaway Independent Environmental Audit and Hazard Audit 2021
<b>Date</b>	29 June 2021

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- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

<b>Name of Auditor</b>	Kelly Pearsall
<b>Signature</b>	
<b>Qualification</b>	Grad Diploma Urban and Regional Planning, BSc (Hons) Environmental Science
<b>Company</b>	AECOM Australia Pty Ltd
<b>Company Address</b>	Level 21, 420 George Street, Sydney NSW 2000