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Our reference: DOC12/16982
Contact: Stephen McClure 9995 6814

Dear Mr Ritchie

Macdonaldtown Gasworks Remediation Project – (MP 09_0145) Exhibition of Environmental Assessment

I refer to the Environmental Assessment for the Macdonaldtown Gasworks Remediation Project dated March 2012 and provided to the Environment Protection Authority (EPA) on 27 April 2012 for review.


The EPA has reviewed the EA and considers the key environmental issues to be noise and vibration, water management and contaminated land issues. Comments on the EA and recommended modifications to the Draft Statement of Commitments (DSoc) are included as an attachment to this letter (Attachment 1). The EPA recommends the proposed modifications to the DSoc are included as Conditions of Approval, should approval be granted by the Department of Planning and Infrastructure (DP&I).

The project may include activities that are scheduled under the *Protection of the Environment Operations Act 1997* (POEO Act) and which would require an Environment Protection Licence (EPL). If the Chullora site is used to treat more than 1000 m³ of contaminated soil received from offsite this will trigger clause 15(2)a of Schedule 1 the POEO Act.

If a decision is made to use the Chullora site for a contaminated soil treatment works the EPA should be informed of that decision and the details of the proposed treatment as soon as possible. Prior to project commencement the proponent or principle contractor should submit the appropriate EPL application to the EPA in accordance with the POEO Act.

If you wish to discuss any of the issues raised in this letter please contact Stephen McClure on 9995 6814.

Yours sincerely



4/6/12

GREG SHEEHY
A/Director Metropolitan
Environment Protection Authority

ATTACHMENT 1: EPA comments on the Macdonaldtown Gasworks Remediation Project Environmental Assessment

Contaminated Land

The EPA has reviewed the Macdonaldtown Gasworks Remediation Project EA Main Report and Remediation Strategy (Appendix I) and makes the following comments:

- The EPA notes that several key documents will be prepared at a later date. These documents include a Remediation Works Validation Plan to be approved by the Site Auditor before being implemented.
- The word 'declaration' is still used in s2.1.4. If the EA is to be edited then 'declaration' should be changed to 'determination'.
- The implementation of the Remedial Action Plan (RAP) (CH2M HILL, 2007) and the Remediation Strategy (JBS, 2011) is not included in the Draft Statement of Commitments (DSOC) (section 8 of the EA main report). The EPA recommends implementation of the RAP and Remediation Strategy be included in the DSOC and as a Condition of Approval.

Potential Licensing under the POEO Act

Section 5.8 of the Environmental Assessment states: *The Macdonaldtown site is expected to contain 17,775 m³ of hazardous or restricted solid waste. Under s41 of Schedule 1 of the POEO Act, the Macdonaldtown site may be a premises-based scheduled activity and require licence under the POEO Act.*

Clause 41 of Schedule 1 of the POEO Act relates to the treatment of waste received from an offsite location, which the EA indicates will not occur at the Macdonaldtown site. The clause also notes that it does not relate to the processing of contaminated soil or contaminated groundwater. As the proposed works at the Macdonaldtown site relate primarily to onsite contaminated soil remediation/management, the EPA does not believe clause 41 applies in this instance. Also, the proposed works at the Macdonaldtown site do not appear to meet the criteria of clause 15 of Schedule 1 of the POEO Act.

The EA does not confirm whether contaminated soil treatment works will be undertaken at the Chullora site. If works are undertaken at Chullora, the EA indicates that more than 1000 cubic metres of soil from the Macdonaldtown site will be treated at that site and therefore an EPL would be required under clause 15(2)(a) of Schedule 1 of the POEO Act.

Soil and Water Management

The EPA notes on page 71 of the EA that: *"the detailed plans for stormwater and sediment control will be submitted to RailCorp for approval as part of the Remedial Works and Validation Plan (RWVP), prior to mobilisation to site".*

The EA and EMP (EMP11) make reference to sediment controls measures taken from *the Blue Book, Managing Urban Stormwater: Soils and Construction* (Landcom, 2004). These notes also make reference to an Erosion and Sediment Control Plan (ESCP). However, no mention is made of erosion controls other than covering stockpiles. Controlling erosion is generally preferable to sediment controls and with the exposure and disturbance of potentially contaminated soil the EPA recommends greater focus be given to erosion controls at the site.

The EPA recommends the following are adopted in the DSOC and as Conditions of Approval:

- Water used at heavy vehicle wash down points (EMP09) will be treated as contaminated water and decontaminated in the same manner as other contaminated water generated at site prior to discharge;
- The principal contractor will create an Erosion and Sediment Control Plan (ESCP) which forms part of the CEMP and is consistent with principles and practices of *the Blue Book*;
- All sediment and erosion controls will be carried out in accordance with *Managing Urban Stormwater: Soils and Construction – the Blue Book* (LandCom, 2004).

Noise and Vibration

The Macdonaldtown Noise and Vibration Report (Appendix T) recommends a noise and vibration plan be implemented by the remediation contractor and submitted to the Director General for approval. The EPA recommends:

- The DSoC is amended to include a Construction Noise and Vibration Management Plan (CNVMP) as part of the CEMP;
- Respite periods be implemented during the operation of high noise generating equipment and machinery which should only be used during standard construction hours;
- Reversing alarms be smart alarms and fitted to all vehicles operating on the site.

Community engagement

In addition to the community consultation commitments outlined in the DSoC (CC1, CC2 and CC3), the EPA recommends the Conditions of Approval require a community stakeholder involvement plan (CSIP) be developed prior to the commencement of remediation operations and implemented for the duration of the project. It should include but not be limited to:

- Identification of all relevant community and other stakeholders;
- Details of procedures and mechanisms used to inform the community and stakeholders of the projects progress and other issues;
- Details of how property owners directly affected by the project would be consulted;
- Processes to receive and manage feedback and complaints; and
- Project phone, email and mail contact details, including a 24 hour contact number.

Environmental Management Plan

The normal hours of construction in the EMP are indicated as: “between 7.30 am and 5.30pm Monday to Friday and 7.30am to 3.30pm on Saturdays” (EMP06). The Saturday hours of operation need to be amended to reflect the standard hours of construction outlined in the DSoC which mirror those in the DECC (2009) *Interim Construction Noise Guideline* (ICNG), namely, Saturday 8am – 1pm.