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Mr Jeffrey Peng
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Department of Planning, Industry and Environment
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Email: Jeffrey.Peng@planning.nsw.gov.au

Attention: Mr Jeffrey Peng

EPA Request for more Information on Environmental Impacts

Dear Mr Peng

Thank you for the request for advice from Public Authority Consultation (PAE-11650633), requesting the review by the NSW Environment Protection Authority (EPA) of the updated Environmental Impact Assessments for the proposed Second Thermal Oxidiser (Application DA246/96 MOD 3) at Terminals P/L, 45 Friendship Road, Port Botany (the premises).

On 13 January 2021, the EPA provided initial comments on the proposal, which was requested by the Department of Planning, Industry and Environment on 30 November 2020. As a result of these comments and meetings held between Terminals and the EPA on 22 and 28 January 2021, the proponent has submitted amended versions of the Environmental Impact Assessments for review.

The EPA has reviewed the following documents:

- *Waste Management and Impact Assessment, Quantem Port Botany (v1.3)* – icubed consulting – 05/02/2021 (the WMIA)
- *Quantem (Terminals Pty Ltd) Air Quality Impact Assessment Report (Rev 03) – 45 Friendship Road, Port Botany NSW 2036* – Peter J Ramsay & Associates – 11/02/2021 (the AQIA)

The EPA understands that the proposal is for:

- Installation and operation of a second thermal oxidiser and associated infrastructure at the premises, to combust liquid hydrocarbon waste generated at the premises.
- Demolition and removal of an existing liquid waste tank.
- Repurposing of an existing tank for use as new liquid waste tank.

Activities undertaken at the premises are regulated by the EPA under Environment Protection Licence no. 1048 (the licence), issued under the *Protection of the Environment Operations Act 1997* (the Act). Under Section 45 of the Act, the EPA is required to take into consideration any pollution caused or likely to be caused by the licence and the likely impact of that pollution on the environment.

The EPA has reviewed the AQIA and WMIA, and considers that the documents do not provide sufficient information to enable the EPA to adequately assess the environmental impacts of the

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proposal. In order for the EPA to adequately assess the proposal the proponent will need to determine and quantify the increase in the environmental impact (eg air, water, noise) of the operations if the proposal is permitted to proceed

The EPA has the following additional recommendations:

Matters to be addressed prior to determination

1. Air quality

Recommendation: The proponent to provide the following information on the proposal to use the thermal oxidiser to treat the liquid waste:

- a) Details of the composition of the liquid waste (e.g. waste types, contaminants, volumes) that is proposed to be treated by the thermal oxidiser. The proponent is to consider the variability of the liquid waste proposed to be treated by the thermal oxidiser and to demonstrate that it will take all reasonable steps to reduce the aqueous component to the minimum amount possible so that the waste stream is as concentrated and homogeneous as possible.
- b) Advice and justification that the thermal oxidiser is designed to maintain the required temperature and destruction efficiency when treating the liquid waste.
- c) Verification of the assumption that the assessed and modelled scenario in the AQIA is adequately worst-case and encompasses the burning of the liquid waste.

2. Waste Management

- a) Details of the thermal oxidiser and its performance are not provided. The proposed liquid waste management strategy is not demonstrated as suitable or consistent with current international best practice. The WMIA or other assessment documents do not include details of the proposed thermal oxidiser, such as its type, design, capacity or capability. Consequently it is not possible to confirm the technology and plant proposed to manage the liquid wastes (noting 1a) above) generated at Terminals at Port Botany is suitable or appropriate for its intended purpose.

Recommendation: The proponent provide further information on proposed liquid waste management strategy to demonstrate it is suitable and fit for purpose, including an assessment against current international best practice for the management of similar wastes.

- b) The greenhouse gas emission estimates cannot be verified as details of the emission calculations are not provided. In addition, justification is lacking for the assumptions used in these calculations.

To evaluate environmental impacts of the change in waste management strategy the WMIA includes a comparative assessment of the current process against the proposed process. The comparative assessment concludes the overall environmental impacts, measured in CO₂-equivalent emissions, will be significantly reduced, from 7,641 tonnes CO₂-equivalent from the current process to 1,746 tonnes of CO₂-equivalent for the proposed waste management process.

However the EPA notes that the WMIA does not include details of the calculations and consequently the emissions estimates cannot be verified. In addition the WMIA does not include detailed justification of all the assumptions used to calculate greenhouse gas emissions. Justification of all assumptions is required to confirm they are appropriate and reasonable, and to demonstrate the estimated emissions are reliable.

Recommendation: The proponent provide detailed information on the calculations and assumptions used for the comparative greenhouse gas emissions assessment.

- c) The quantitative comparative assessment is limited to greenhouse gas emissions and does not consider all environmental aspects or impacts.

The WMIA includes a quantitative comparative assessment of project greenhouse gas emissions against current greenhouse gas emissions, however a comparative assessment of other project impacts however has not been made.

Recommendation: Note that the comparative assessment in the WMIA is limited and its weighting with respect to project benefits needs to be considered in this context.

If you have any questions about this request, please contact Afnan Fazli on 8275 1455 or via email at afnan.fazli@epa.nsw.gov.au.

Yours sincerely



28 April 2021

Erin Barker
Manager Regulatory Operations Metropolitan

Our ref: F2007/00656

4 March 2021

Mr Jeffrey Peng
Industry Assessments
Major Projects
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Jeffrey,

Re: Response to RtS for Modification 3 (DA246/96) Second Thermal Oxidiser

Thank you for the opportunity to comment on the Proponent's Response to Submissions (RtS) in relation to modification 3 (MOD 3) application to modify DA246/96 for the existing Terminals bulk liquid storage facility. MOD 3 essentially seeks to install a new thermal oxidiser with associated infrastructure at the existing bulk liquid storage facility site at 45 Friendship Road, Port Botany.

Council has reviewed the RtS prepared by Urbis and maintains its concern that the installation of a new thermal oxidiser unit represents a substantial departure from the terms of approval granted under Modification 2 (MOD 2) for the following reasons:

1. The proposed MOD 3 will provide a waste disposal process for treatment of a liquid waste stream whereas the MOD 2 process is for vapour waste stream only. Furthermore, the current MOD 2 approval allows for the storage and handling of liquid waste only and not for destruction of this waste. The proposed destruction of liquid waste via the proposed second thermal oxidiser effectively constitutes a materially different disposal process with significantly different technical, environmental and safety requirements and regimes.
2. The proposed second thermal oxidiser will be 50 per cent larger in capacity along with a new, added liquid waste burning capability whereas the existing facility has a limited vapour-only disposal capability which will remain in operation. As such, the proposal is not a replacement like for like, rather an additional and distinct, larger combustor facility which cumulatively results in a greater waste treatment capability on-site. The use of a modification application to install a second thermal oxidiser of this nature will facilitate a creep in the scale, capacity and function of waste treatment on-site, which, if approved, potentially sets a precedent for further unchecked expansion in the future.

3. The RtS states that *“the proposed thermal oxidiser has the potential to be considered as exempt development on the subject land, **if it was not for the ability to burn liquid waste.**”* The RtS acknowledges, therefore, that exempt development provisions cannot apply to the proposed thermal oxidiser because it is not the same as the existing facility. This same assessment should be applied when considering the “substantially the same development” test for the MOD 3 proposal. The burning of liquid waste under MOD 3 is materially different in nature, operation and impacts from the burning of vapours under MOD 2. In fact, the Three Ports SEPP defines exempt development as development that, among other things, *“must not be ... of a kind specified as designated development”* (Schedule 3, Environmental Planning and Assessment (EP&A) Regulation 2000). Any proposal for a new liquid waste incinerator should especially consider the fact that such a proposal would be used for incinerating Dangerous Goods which, by definition, significantly meets the definition of designated development as per the following relevant excerpt from Schedule 3 to the EP&A Regulation 2000) below:

Designated Development

32 Waste management facilities or works

- (1) Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—
- (a) that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—
- (i) that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or

Australian Dangerous Goods Code includes Class 3 substances which are Flammable liquids i.e. fuels

4. The approved use under MOD 2 was the expansion of a bulk liquid storage facility with ancillary and associated loading/ unloading facilities, pipelines, safety systems, landscaping. Prior to this, a Vapour Recovery Unit (VRU) was approved under MOD 1 also as an ancillary equipment to support the facility. All these ancillary components are integral to the bulk liquid tank facility and in place as an “environmental management system”. In contrast, the proposed MOD 3 thermal oxidiser constitutes a waste treatment facility that cannot be considered ancillary to the existing development given its scale and capacity. It can potentially cater for waste treatment from a wider area than the subject bulk liquid storage facility site. MOD 3 will be inconsistent with the operational functionality of the existing bulk liquid storage facility. Furthermore, the proposed incineration of liquid waste represents a new and distinct land use that is not currently undertaken in the existing facility so that the proposed MOD 3 is not substantially the same development as that approved under MOD 2.
5. The existing thermal oxidiser burns vapours from existing operations and is licensed under EPL1048. This licence does not cover the combustion of liquid waste as proposed under MOD 3. In fact, Council notes that the existing facility is only licenced for waste storage, not the destruction and/or burning of waste which should be included as a scheduled activity. Accordingly, the proposed works are materially different in activity and scale and cannot be carried out under Terminals existing Environmental Protection Licence EPL 1048 as authorised by the NSW EPA. An amendment to this licence is required before operation is permissible, this is stated by the applicant in the RtS response table. This is another significant indication that the MOD 3 proposal should be assessed and determined under a development application and not a modification application.

6. While the claimed economic and environmental benefits of the proposed MOD 3 liquid waste disposal process, as detailed in the RtS, are laudable, they do not justify the installation of this process via a modification application. The technical merits and environmental obligations of a new liquid waste incinerator should be the subject of a thorough development application assessment and determination process. This will allow for comprehensive stakeholder and agency input as well as community engagement and transparency in relation to the proposed incineration of flammable liquids classified as Dangerous Goods. As mentioned above, such an activity constitutes designated development pursuant to Schedule 3 to the EP&A Regulation 2000.

In summary, respectfully, Council reiterates its position that the proposed MOD 3 thermal oxidiser should be subject to a development application assessment process that comprehensively addresses the long term operational intentions for, and environmental impact of, the original approved development rather than be via a modification to an earlier, possibly unrelated, modification 2 consent.

If you have any questions regarding Randwick City Council's submission, please contact David Ongkili, Coordinator Strategic Planning, on 9093 6793.

Yours sincerely,

A handwritten signature in cursive script, reading 'SAgagiotis'.

Stella Agagiotis
Manager Strategic Planning

<p>English</p> <p>If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.</p>	<p>Greek</p> <p>Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.</p>	<p>Italian</p> <p>Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.</p>
<p>Croatian</p> <p>Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski služni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.</p>	<p>Spanish</p> <p>A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes [“TIS”], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.</p>	<p>Vietnamese</p> <p>Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.</p>
<p>Polish</p> <p>Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.</p>	<p>Indonesian</p> <p>Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.</p>	<p>Turkish</p> <p>Bu mektubu anlamak için yardıma ihtiyacınız varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.</p>
<p>Hungarian</p> <p>Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tölmács Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tanácsházat a 1300 722 542 telefonszámon.</p>	<p>Czech</p> <p>Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 1300 722 542.</p>	<p>Arabic</p> <p>إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس والمُلب المُساعدة في لغتك، أو يُمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 والمُلب منهم الاتصال بالمجلس على رقم 1300 722 542.</p>
<p>Chinese</p> <p>如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯係，號碼是 131 450。請他們幫助你打電話給市政會，號碼是 1300 722 542。</p>	<p>Russian</p> <p>Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.</p>	<p>Serbian</p> <p>Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.</p>