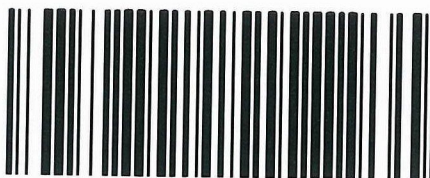




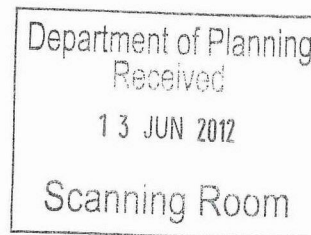
ENVIRONMENT PROTECTION AUTHORITY



PCU034677

Your reference: 06_0037 MOD 3
Our reference: DOC12/19207
Our contact: Dana Alderson 9995 6851

Mr David Rohloff
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001



Dear Mr Rohloff,

Modification Request for Marine Refuelling and Supply Facility, White Bay Berth 6 (06_0037 MOD 3)

I refer to the above modification request by Baileys Marine Fuels (the applicant) in relation to the approved marine refuelling and supply facility located at White Bay Berth 6 (the site) received by the Environment Protection Authority (EPA) on 14 May 2012. I apologise for the delay in providing this response.

The EPA understands that the proposal involves modifications to the berthing area, an increase to mooring periods and the introduction of de-fouling and antifouling activities. The EPA has reviewed the *Section 75W Modification Request for White Bay Berth 6 – Marine Refuelling and Supply Facility* prepared by AECOM and dated 30 January 2012 for the proposal and provides the following comments.

Antifouling activities

The proposal involves, in part, a modification to operations at the site to include the removal of fouling from vessels by way of high pressure water spray guns, the sanding of boat hulls to remove paint and the application of antifouling paint (antifouling activities). Antifouling activities have the potential to cause a range of environmental impacts in relation to water, noise, air and odour.

Facilities and operational controls for antifouling activities

The modification request states that the removal of fouling organisms from boats will be undertaken using high pressure water spray guns in an open wash down bay adjacent to the waters edge and that sanding and painting works associated will be carried out in the open on the hardstand. The modification request indicates that various operational measures will be implemented to reduce the environmental impact of antifouling activities on the site.

The EPA is of the view that the proposed facilities and operational controls for antifouling activities do not represent environmental best practice. The EPA is concerned that the proposal to carry out antifouling activities in the manner described in the modification will pose a risk that the site cannot be operated in compliance with the *Protection of the Environment Operations Act 1997* (POEO Act).

The development of a new site such as this represents an opportunity for site facilities to be designed and operated in a manner which embodies environmental best practice. In particular, the EPA considers that environmental best practice is represented by provision of a dedicated enclosed and bunded wash down

bay for water blasting activities, and a dedicated enclosed workshop for spray painting and sanding activities with an appropriate ventilation, filtration and extraction system.

The EPA requests that the following additional information relating to the antifouling activities be provided:

- Details of the full range of antifouling activities to be undertaken on site and the methods that will be employed to remove fouling and old paint, including whether abrasive (grit or sand blasting) is proposed.
- Details of the chemicals proposed to be used in antifouling activities and how these will be stored, including when they are in use.
- Details of the proposed environmental controls and procedural/operational management measures for antifouling activities.
- An assessment of how the proposed management measures will ensure compliance with the POEO Act.

The EPA's *Environmental Action for Marinas, Boatsheds and Slipways* (2007) provides guidance on these matters and can be downloaded from our website: <http://www.environment.nsw.gov.au/sustainbus/marinas.htm>.

Water

The modification request indicates that waste water from antifouling activities will be directed to a filtering system before being treated in a water treatment system. The information provided with the modification request does not provide adequate details of the proposed filtering and water treatment system to allow an assessment of its adequacy to be undertaken.

The EPA requests that details be provided of the amount of water expected to be treated by the system and subsequently discharged to the sewer. In addition, the applicant is requested to provide details of the treatment methodology and the capacity of the system to treat waste water which contains contaminants including, but not limited to, marine organisms removed during de-fouling, antifouling paint residues and flakes which commonly contain heavy metals such as copper, zinc and diuron, and all other chemicals used and stored on the site.

Noise

The antifouling activities described in the modification request include typically noisy activities such as the use of sanding equipment including vacuum sanders and high pressure water spray guns. The modification request states that the additional activities and changes to approved activities are unlikely to generate noise impacts above the predicted sound power levels considered in the original noise assessment.

The modification request states that the noise impact assessment that supported the original environmental assessment for the project assessed the operational noise impacts from the project and that this included a consideration of noise generated by electric power tools and high pressure water spray guns. Table 7: Typical Source Sound Power Levels, dBA contained in Section 4.3 of the *Noise Impact Assessment Proposed Marine Supply Base, Wharf 6 White Bay* prepared by Bridges Acoustics and dated 3 May 2006 (the noise assessment) does not include high pressure water spray guns and details relating to noise emitted from high pressure water spray guns is not provided in the modification request. In addition, the modification request states that to ensure noise from sanding activities associated with the antifouling activities would be undertaken in an area where noise can be shielded but does not indicate where on the site sanding works will occur.

The EPA requests that the noise impacts of antifouling activities are assessed, supported by additional noise modelling if needed, to demonstrate that the proposal is capable of complying with the noise limits prescribed by Condition F1 of the Recommended Conditions of Approval for Major Project No. 06-0037 having regard to the changes proposed.

Air and odour

The modification request indicates that the original environmental assessment for the development did not consider air quality and odour impacts associated with antifouling activities and no further information has been provided in this regard. Antifouling activities can cause air pollution through the release of volatile organic compounds (VOCs) from solvent and paint use as well as dust emissions from sanding and blasting which may contain particles that contain organic compounds, metals and metal complexes.

The applicant is requested to provide an assessment of the impact of antifouling activities on air quality as follows:

- An assessment of risks associated with potential discharges of fugitive and point source emissions from antifouling activities in relation to environmental harm, risk to human health and amenity.
- Justify the level of assessment undertaken on the basis of risk factors, including but not limited to:
 - a. proposal location;
 - b. characteristics of the receiving environment; and
 - c. type and quantity of pollutants emitted.
- Demonstrate the proposal's ability to comply with the relevant regulatory framework, specifically Sections 124-126 of the *POEO Act* and the *POEO (Clean Air) Regulation (2010)* and take due account of the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (available at: <http://www.environment.nsw.gov.au/resources/air/ammodelling05361.pdf>);
- Detail the emission control techniques/practices that will be employed by the proposal.

Please contact Dana Alderson on 9995 6851 if you have any queries regarding this letter.

Yours sincerely

 7/6/12

JAMES GOODWIN
A/Manager Sydney Industry
Environment Protection Authority