NSW EPA

Contact: Rebecca Scrivener 02 49086830
Our reference: DOC13/12433 DOC13/17027 LIC11/41

Department of Planning and Infrastructure
GPO Box 29
SYDNEY NSW 2001

Attention: Mr Glenn Snow

Dear Mr Snow

CAPITAL STRATEGIC DREDGING PROJECT
STATE SIGNIFICANT INFRASTRUCTURE APPLICATION 10-0203
ENVIRONMENTAL ASSESSMENT AND RECOMMENDED CONDITIONS OF APPROVAL

Reference is made to your letter dated 26 March 2013 regarding State Infrastructure Application 10-0203 for Newcastle Port Corporation's Capital Strategic Dredging Project, and associated Environmental Impact Statement - Volumes 1 and 2, dated March 2013, titled *'Newcastle Port Corporation Capital Strategic Dredging Project, South Arm, Hunter River Environmental Impact Statement'* ("EIS") prepared by GHD.

The Environmental Protection Authority ("EPA") understands that the development proposal involves:

- dredging of 12 shipping berths in various locations of the South Arm of the Hunter River, adjacent to Mayfield, Carrington and Walsh Point;
- construction of foreshore treatment works, including sheet pile walls for river bank stabilisation;
- formation of stockpile areas for excavated sediment requiring treatment; and
- disposal or reuse of the sediment removed from the berths.

The proposal involves the dredging and in-river preparation works for the development of the wharf aprons which would be subject to separate approval and assessment processes. The proposal also includes the establishment of a waste processing facility, being stockpiling of contaminated dredge and excavated material and associated treatment via cement stabilisation prior to disposal off-site.

The proposal and the EIS does not include any assessment for reclamation projects, fill or beach nourishment.

Recommended Conditions of Approval
The EPA has reviewed the information provided, and has determined that, should development consent be granted, it would be able to issue an Environment Protection Licence ("EPL") under the *Protection of the Environment Operations Act 1997* ("POEO Act") for the dredging project.

Further discussion regarding the EPA's review of the proposal is provided at Attachment 1 and Recommended Conditions of Approval are provided at Attachment 2. Mandatory conditions for Environment Protection Licences are provided for information at Attachment 3.

If the Department of Planning and Infrastructure ("DP&I") grant consent for this proposal these conditions should be incorporated in the consent.

PO Box 488G Newcastle NSW 2300
117 Bull Street, Newcastle West NSW 2302
Tel: (02) 4908 6800 Fax: (02) 4908 6810
ABN 43 692 285 758
www.epa.nsw.gov.au

The Recommended Conditions of Approval provided at Attachment 2 relate to the development as proposed in the EIS documents provided to the EPA on 26 March 2013. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of a condition proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before consent is issued. This will enable the EPA to determine whether a recommended condition of approval needs to be modified in light of the changes.

Environment Protection Licence
In the EIS the proponent proposes to request a variation to existing EPL (#3373) that relates to maintenance dredging in the Port. Should development consent be granted, the applicant must make a separate application to the EPA to vary the EPL prior to the commencement of any scheduled development work and/or activity as required by the POEO Act. The EPL would need to reflect the conditions for maintenance dredging and waste processing facility for this development.

If you require any further information regarding this matter please contact myself on (02) 4908 6830.

Yours sincerely

Rscrivener 17/5/2013

REBECCA SCRIVENER
A/Head Regional Operations Unit – Hunter
Environment Protection Authority

Encl: Attachment 1: EPA review of EA
Attachment 2: Recommended Conditions of Approval
Attachment 3: Mandatory conditions for EPLs

ATTACHMENT 1

ENVIRONMENTAL PROTECTION AUTHORITY – REVIEW OF ENVIRONMENTAL ASSESSMENT

STATE SIGNIFICANT INFRASTRUCTURE APPLICATION 10-0203

NEWCASTLE PORT CORPORATION CAPITAL DREDGING PROJECT

The EPA has undertaken a detailed assessment of Volumes 1 and 2 of the documents titled' *Newcastle Port Corporation Capital Strategic Dredging Project, South Arm, Hunter River Environmental Impact Statement'* prepared by GHD March 2013 ('the EIS').

The EPA has determined through review of the EIS that the proponent would be required to assess the need for and apply for a variation of existing EPL number 3373 for a range of scheduled activities that may include, but not be limited to:

a) Contaminated soil treatment;
b) Extractive activities (land based extraction and water-based extraction);
c) Waste processing (non thermal);
d) Waste storage; and
e) Waste Disposal (application to land).

The following comments are provided to DP&I for consideration in the determination of the project proposal.

WATER QUALITY

Section 8 in the EIS discusses sediment and water quality whilst Section 2 discusses the likely dredging infrastructure to be used.

The EIS provides a literature review of previous water quality studies carried out in the Hunter River which includes identification of the key catchment processes that influence water quality within the Hunter River as well as sediment transport processes that also influence existing water quality.

The EPA acknowledges the turbidity levels within the South Arm of the Hunter River varies dramatically due to influences from catchment flows from the upper reaches of the Hunter River as well tidal influences from Newcastle harbour. There is also an impact from the interaction of salt and freshwater within the river system that influences turbidity levels as well as other pollutant concentrations.

The EIS identifies that the proposed dredging operations will have an impact on the turbidity as well as contaminant concentrations within the water column due to the disturbance and removal of sediments. The EPA recognises that the immediate impact from the dredging operations will be of short term duration; however this does not negate the need for effective pollution control measures to be implemented.

The EIS is not clear on the likely dredging method with contradictory statements in Section 8 and Section 16 of the EIS. Section 8.3.7 states that a backhoe dredge or cutter suction dredge would be the most likely method used to undertake the dredging works due to operational constraints within the berth pocket areas and also the lower level of suspended sediment concentrations generated from the operation of the dredge. Section 16.2.1 states that it is likely that the majority of excavation would be done by trailer suction dredges located on the river and a small proportion of sediment would be excavated by a backhoe excavator on floating barge for contaminated sediment.

Section 8.3.7 of the EIS states that hydrodynamic modelling was carried out to identify potential impacts of the dredging operation on the river system, based on the operation of a trailer suction hopper dredge. The trailer suction hopper dredge was used in the model as a 'worst-case' scenario, as this type of dredge generates a significant amount of turbidity due to the method of excavation. The model results suggest that total suspended solids in the immediate area of the dredge would be between 30 to 70mg/L (or turbidity of 15NTU-35NTU assuming a 2:1 ratio Total Suspended Solids and Turbidity).

The proposed mitigation measures include turbidity curtains around land-based excavators, cutter suction dredges and back-hoe dredge activities. The EIS states that a "*heavy duty turbidity curtain if required would be placed around some of the environmentally sensitive areas upstream on the South Arm when trailing suction hopper dredges were using overflows.*"

The EPA supports the use of a backhoe dredge or cutter suction dredge in preference to a trailer suction hopper dredge as the generation of turbidity is more readily controlled through the use of turbidity/silt curtains surrounding the dredge. The potential impacts on sensitive aquatic habitats and ecology is also minimised with a backhoe dredge or cutter suction dredge.

The EPA recommends a trailer suction hopper dredge only be used if/when a backhoe dredge or cutter suction dredge is not feasible and the need for such a dredge is demonstrated prior to its deployment.

The EIS commits to preparing a water quality monitoring strategy. The EPA supports the development and implementation of a water quality monitoring strategy and would incorporate the monitoring locations, frequencies and parameters into the Environment Protection Licence for the project. The EPA expects a real time water quality monitoring program for turbidity be implemented during dredging and trigger values set in order to actively manage and mitigate turbidity and potential resuspension of associated contaminants.

The EPA also recommends a regular monitoring program for the contaminants of potential concern ("COPC") apart from the hydrocarbons that were identified in section 9 of the EIS. Additional to these regular requirements for monitoring, the EPA has recommended monitoring for these COPCs and other analytes when a visual plume of turbid water is observed outside of the turbidity curtain surrounding the dredge. The EPA has provided details of these monitoring requirements in Attachment 2 as Recommended Conditions of Approval.

The dredging and processing of dredged material on land at Walsh Point and Mayfield Port Concept Area may involve dewatering. The proponent must develop an appropriate Soil and Water Management Strategy that involves water quality monitoring, appropriate retention and treatment of wastewater including assessment and treatment of potential acid sulphate soils as part of an acid sulphate soil management plan. The return water to the harbour must be appropriately sampled and treated in order that it meets Section 120 of the *Protection of the Environment Operations Act* 1997.

CONTAMINATION ISSUES

Section 9 of the EIS discusses contamination and Section 13 discusses spoil handling and disposal of dredged/excavated material and states that approximately 30 000m^3 of excavated material is likely to be contaminated and will require some form of treatment before disposal or reuse.

The EIS provides a general overview of the existing environment at the respective berth locations. The EIS also discusses a pilot study undertaken in 2011 at Dyke Berth 3, Kooragang Island and Walsh Point and Mayfield Berths 1 and 2 with Mayfield berths 5, 6 and 7 excluded from the study as the area has been previously remediated by BHP Billiton's Hunter River Remediation Project.

The pilot study included collection and analysis of a number of sediment samples which identified contaminants of potential concern including polycyclic aromatic hydrocarbons ("PAH"), Benzene, Toluene, Ethylbenzene and Xylene ("BTEX"), total petroleum hydrocarbons ("TPH"), arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc and tributyltin ("TBT").

The EPA has identified a number of issues relating to the adequacy of sediment sampling presented in the EIS, a lack of detail regarding management controls to be implemented during dredging and land excavation activities and also the need for further information regarding potential impacts on groundwater contamination at the Orica site on Kooragang Island.

Sediment Sampling

The sediment sampling presented in the EIS is not considered to be representative for the following reasons:

- The maximum reported sample depth is 6.35 metres (section 8.2.4 p76; Appendix D p23) while the proposed depth of dredging is 17 metres (section 2.2 p8 Figure 2.1). It has been shown on the Hunter River Remediation Project site that contaminated sediments occur at depth and are overlain by clean sediments hence the near surface sediments sampled are unlikely to be representative of the sediments at depth;
- There is a large spacing between sample points and samples that have been obtained are skewed towards the near surface hence the sampling is not considered to be adequate to detect the contamination of sediments in the proposed dredge zone. This is particularly evident in relation to a previously reported hot spot at Walsh Point (p78) which was not encountered in the sampling undertaken for the EIS; and,
- No bioavailability testing was undertaken (section 9.5 p107).

The PAH criterion reported as 10,000 µg/kg and is reference as the 'low' criterion derived from the Interim Sediment Quality Guidelines ("ISQG") however ISQG 'low' value is actually 4000 µg/kg which appears to influence the conclusions of the report in relation to the PAH contamination of sediments.

The proposed dredging of Mayfield berth M7 is adjacent to the declared contaminated sediments of the Onesteel site (Declaration 15008) which is listed on the NSW EPA Contaminated Land Register Database. While it is reported that the proposed dredging for berth M7 does not overlap with the declared sediments, the potential for the dredge void to disturb the declared sediments as the river reaches hydraulic equilibrium is not considered in the EIS.

Accordingly, the EPA does not concur with the reported conclusions that further (Phase 3) testing of sediments is not required in relation to PAH, TPH and BTEX (section 9.5, Table 9-2 p106 and 107; section 13.2.1 p187).

Representative and adequate sediment investigations at berths W1, W2, W3, K1, M1, M2, D3 and adjacent to Mayfield berth M7 (in the Onesteel sediments) should be undertaken and reported to the consent authority in order to assess the suitability of disturbance of the contaminated and potentially contaminated sediment and the appropriateness of sea disposal of sediments. The investigations should include:

- Detailed site history assessments with identification of specific sources of potential contamination within each site, chemicals of potential concern and areas of potential concern;
- a sampling analytical and quality plan which includes sampling for PAH, TPH and BTEX at appropriate depths based on the site history assessment and the proposed depth of dredging;
- assessment of the bioavailability of heavy metals in the sediments, in order to assess the validity of the reported assumptions on heavy metal bioavailability (section 9.4.2 p99); and,
- re-sampling to assess the nature and extent of contamination at the 'hot spot' previously identified at Walsh point.

Proposed Management Measures for Contamination

The EIS identifies that landside fill materials (of which fill is reported to extend up to 12 metres bgsl) will be disturbed in Mayfield berths 1 and 2 (p96) and that fill may be disturbed in Mayfield berths 3 to 7 inclusive (p95) but does not identify the management controls that will be used to prevent risks to the natural environment.

Dredging of proposed berths W1, W2, W3 and K1 (near Walsh Point) may intersect groundwater contamination at the Orica facility (which was identified to be significant enough to warrant EPA regulation in October 2001 and is currently regulated under Environment Protection Licence 828). The EIS identifies that retaining structures such as a sheet pile walls minimise disturbance and impact on groundwater quality (section 9.3.3 p97) but does not confirm whether retaining structures will be used.

Groundwater modelling should be undertaken and provided to the consent authority to identify whether the proposed dredging at W1 will have an impact on the groundwater contamination at the Orica Facility. Mitigation measures that will be used to minimise the disturbance and impact on the groundwater quality from the proposed dredging at W1, W2, W3 and K1 should be reported to the consent authority together with details of the implementation of the mitigation measures.

Remedial Action Plan

The EIS identifies that some dredged material and excavated material from Mayfield berths 1 and 2 will require remediation and states that remedial action measures would be developed and implemented when the contamination status of the material has been identified (section 13.4.4 p201). This would not be appropriate due to odours that may generate and pollution incidents may occur while the appropriate remedial action and control measures are being developed.

While options of proposed foreshore treatment are provided (section 2.3.4 p11) details of the design of the batter are not identified. Details of the foreshore protection measures that will be adopted should be provided to the consent authority in order to prevent contaminated soil and groundwater from leaching into waters.

The optimal remedial method for contaminated soil and sediments should be identified through the assessment of remedial options in the preparation of a Remedial Action Plan (RAP) in accordance with the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites.* The RAP should be approved by the consent authority prior to any dredging and excavation work commencing.

The EPA recommends the RAP also addresses the issues identified above in relation to further sediment investigations and characterisation.

Proposal for beach nourishment

The sampling undertaken is considered to be inadequate for the assessment of whether sediments may be suitable for re-use for beach nourishment and re-use on industrial land as the sampling is not representative (see above), the site criteria are not appropriate for consideration of land uses. Representative and adequate sampling and assessment in relation to land use criteria should be undertaken prior to any further consideration of use of the sediments in relation to beach nourishment (section 13.4.2).

BHP Closure Site

Where the proposed berths M1 to M7 inclusive will disturb remediated areas of the BHP closure site, review of the Contaminated Site Management Plan should be undertaken by an auditor accredited under the *Contaminated Land Management Act* and the proponent must ensure that any damage to the BHP closure site is rectified as soon as practicable.

The EPA recommends that the proponent engages an accredited site auditor to ensure compliance with the Voluntary Management Agreement on completion of the activity of processing and treatment of spoil, to ensure cap Integrity and that any further contamination of the soil surface has been fully remediated at the BHP Closure site.

The EPA recommends the site auditor provide a site audit statement for the project at completion of the spoil handling and processing to ensure objectives and commitments of existing Voluntary Remediation Agreement (s) and Contamination Management Plan (s) are satisfied.

NOISE

Section 11 (Volume 1) of the EIS discusses noise and vibration impacts. Appendix H (Volume 2) of the EIS provides a summary of relevant guidelines utilised during the assessment of noise and vibration impacts for the project.

The EPA notes the proponent has not undertaken any noise monitoring for the preparation of the EIS, rather has utilised results from previous noise studies carried out in 2006, 2009 and 2010 for other projects in and around the South Arm of the Hunter River. This approach is acceptable.

The EPA also notes that the project will not involve blasting works as previously indicated in the Preliminary Environmental Assessment.

The EIS has identified the nearest sensitive receivers in Mayfield, Carrington and Stockton, for each berth pocket and has also adopted project noise criteria developed in accordance with the *Interim Construction Noise Guidelines* (DECC, 2009). The use of this guideline is appropriate.

It is acknowledged that it is unlikely all 12 berths will be constructed simultaneously, however, this is the 'worst-case' scenario is presented in the EIS.

The EIS identifies there is potential for dredging to occur 24hrs a day, 7 days a week, for the duration of the respective construction period. However, foreshore construction works, sheet piling works and spoil handling and stockpiling will be undertaken during standard construction hours (being M-F 7am-6pm; 8am-1pm Sat; no work on Sundays or public holidays). Should there be a need to undertake foreshore construction works outside of these hours, the EIS states appropriate mitigation measures will be implemented.

The EIS does not identify the noise model used to predict noise levels at sensitive receivers, however the EIS states the model did not account for building or climatic influences and therefore the noise predications presented are likely to be more conservative.

Exceedances of project noise criteria are identified at Carrington and Stockton (daytime period) while sheet piling works are occurring at Dyke 3 and Walsh Point 1. The predicted exceedances are 8dB(A) and 1 dB(A) at Carrington and Stockton respectively (Table 11-10). The internal noise level (45dB(A)) is predicted to be exceeded at the Carrington Catholic Church by 2dB(A) (Table 11-12).
The EIS identifies a number of mitigation measures to be employed (section 11.5). The EIS does not demonstrate that the proposed mitigation measures would be adequate to meet the project noise criteria at Carrington during the sheet piling works. Further information should be provided to demonstrate that the project noise criteria can be achieved during sheet piling works at Dyke 3.

Exceedances of project noise criteria are predicted at Carrington and Stockton if construction works occur outside standard construction hours at the Walsh Point transfer compound. It is recommended that works be limited to standard construction hours.

Similarly, if dredging is undertaken at night, the project noise criteria at Carrington would be exceeded. The EPA recommends dredging activities are carried out during standard construction hours.

The broader impact of noise generation within the Port environment from the increase in shipping activity and cumulative impacts of ships berthed has not been assessed in the EIS. The EPA recommends that DP&I consider the cumulative impact of night berthing, discharging and the Mayfield Port Concept Plan Approval that recommends consideration of shore-side power for new berths in any future environmental assessment to limit night noise and air emissions.

WASTE
Section 13 of the EIS discusses spoil handling and disposal while Appendix E of the EIS (Volume 2) provides a copy of the Spoil Handling and Disposal Strategy.

The EIS identifies a number of disposal and reuse options available for the excavated and dredged material, with the preference being to dispose of dredged material to ocean, via a Sea Dumping Permit issued by the Australian Government. The preference for land-based excavated material is to reuse the material at development sites within the local area where possible.

Any material excavated and/or dredged must be classified in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste (2009)* prior to treatment, reuse or disposal.

It is reported that natural soil from the BHP Closure site would be classified as Virgin Excavated Natural Material (section 9.3.1 p95; section 9.3.2 p96). This is not considered appropriate as the soil at the closure site is declared as significantly contaminated land under the *Contaminated Land Management Act* 1997.

The EIS estimates approximately 30 000m^3 of contaminated material may be classified as hazardous or restricted waste and require further treatment prior to disposal at Kemps Creek landfill in Sydney.

It is unclear from the EIS whether the applicant is seeking, as part of the current project application, consent for the storage, handling and treatment of hazardous waste at the proposed land-based spoil treatment sites (identified at Mayfield and Walsh Point) or if the identified sites already have approval to carry out such activities.

Section 9.3.2 states that material dredged and/or excavated from the Mayfield berths 1 and 2 would likely to be classified as hazardous or restricted material and would be treated via cement stabilisation. There is limited information provided in the EIS regarding the detail of the stabilisation process or methods to be used.

As advised in previous correspondence (dated 16 February 2012), to carry out cement stabilisation, the proponent will require a Specific Immobilisation Approval issued under the provisions of Section 50 of the *Protection of the Environment Operations (Waste) Regulation* 2005 from the EPA prior to commencing any handling and/or treatment of material. The processes involved in obtaining a Specific Immobilisation Approval may be lengthy and may require the proponent to carry out a trial demonstrating the effectiveness of the proposed treatment process.

The following details of the proposed cement stabilisation process are required, as a minimum, to support an application for a Specific Immobilisation Approval:

- key contaminants to be stabilised;
- treatment methods to be employed;
- proposed treatment site(s),
- storage methods;
- handling, including the segregation and classification processes to be employed; and
- mitigation methods to ensure contaminants are fully contained within the treatment site, including odour control measures if appropriate.

This information will also be required to support any variation to an existing, or application for, a new Environment Protection Licence.

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) lists "*waste processing (non-thermal)*" and "*waste storage*" as scheduled activities requiring licensing with the EPA. Similarly contaminated soil treatment of more than 30,000 m^3 of contaminated soil is a scheduled activity under the POEO Act. Based on the information provided, the EPA believes one or all of these activities may occur at the proposed treatment sites.

Should consent be granted, an application to the EPA for this/these activities must be made as part of an application for an EPL for dredging. Alternatively the proponent may choose to hold individual land-based EPLs for the waste treatment, storage and processing.

The proponent must be able to identify the premises where the spoil treatment will occur by way of a surveyed plan provided to the EPA with the application for an EPL and obtain the appropriate immobilisation approvals prior to submitting any application relating to an EPL.

It must be noted that any variation to, or new, EPL must be issued to the proponent prior to any construction works commencing.

The EPA also note that land based excavation is to occur in the vicinity of Mayfield berths 1 and 2. Land based extractive activity is a scheduled activity under the POEO Act where 30,000 m^3 or more materials are extracted. An application to the EPA for this activity must be made as part of an application for an EPL for dredging.

Prior to the use of any dredged spoil for beach nourishment of Stockton, the proponent must consider if the activity meet the scheduled activity of "*waste disposal (application to land)*" under Schedule 1 of the POEO Act. This activity may be subject of an additional environmental assessment, identification of any waste resource recovery exemptions such as exemptions for Excavated Natural Materials ("ENM") or Virgin Excavated Natural Materials ("VENM"), or application for resource recovery exemption if appropriate, together with consideration of whether the activity is scheduled.

The EPA notes that the proponent has identified that clean sand may be used as clean fill for industrial developments and would be undertaken as part of a site reclamation strategy. The EPA advises that the proponent would need to characterise the waste in accordance with the POEO Waste Regulation and associated guidelines to ascertain whether an EPL is required for Waste Disposal (application to land) under Schedule 1 of the POEO Act and that the proponent for the development and or fill would need to make that application to the EPA.

Should the proponent not be successful in obtaining a permit, these materials would need to be appropriately treated onsite, before removal to a lawful facility that receives waste. Validation testing of materials must be undertaken in accordance with the *National Assessment Guidelines for Dredging 2009* and the Protection of the Environment Operations (Waste) Regulation 2010 and the *Acid Sulfate Soil Manual 1998* and their associated guidelines.

AIR QUALITY
Section 16 addresses air quality impacts associated with the proposed dredging progrect.

The EIS states that stockpiled sediments (particularly material containing odorous compounds such as polycyclic aromatic hydrocarbons) have the potential to create local odour impacts. An analysis of local meteorological data shows that the highest incidence of light winds (associated with poor dispersion) is from the northwest quadrant. Winds from the northwest quadrant would transport odorous air pollutants towards sensitive receptors in Stockton. The EIS, however, dismisses the potential for odour impacts at Stockton due to a buffer of approximately 850 metres. The EIS does not present a quantitative assessment of odour impacts.

The proponent recommends the following mitigation measures for odour:

- Where feasible, cover stockpiles during the night or when not in use to limit the exposure of odorous compounds to the atmosphere.
- All trucks hauling sediment must be covered before exiting the site and should maintain a reasonable amount of vertical space between the top of the load and top of the trailer.

Based on the information provided in the EIS, there is potential for offensive odour impacts at Stockton from stockpiled contaminated material due to the odorous nature of some of the primary contaminants of concern and the prevailing meteorological conditions, particularly at the Walsh Point site. The recommended mitigation measure of covering stockpiles where feasible is unlikely to be adequate to prevent offensive odour.

The EPA also notes there is no information in the EIS regarding the management of odour from the leachate.

The EIS lacks site specific information regarding the stockpiles size and location. The EIS indicates that odour and dust mitigation measures should be verified once specific details such as stockpile locations,

timing and site operations are known. The EIS also states that a site-specific management plan will be developed for any proposed stockpile area.

The EPA recommends that the site-specific stockpile management plan includes a quantitative odour impact assessment. The odour impact assessment is to be based on the proposed location and management of the stockpiles and include site specific odour emission rates for the stockpiles and leachate. The odour impact assessment is to include the scenario of storing all contaminated material in a fully enclosed building with an air pollution control system (e.g. activated carbon).

The EPA notes that the proponent is seeking to undertake immobilisation of hazardous waste or dredged spoil using cement stabilisation. This would require a concrete batching plant type process. The approvals required for this have been discussed above in the Waste and Contaminated sites section. The plant normally employ baghouses to capture air particulates and the EPA would require an emissions testing program as part of this approval process, should the soil treatment involve cement stabilisation and an approval be given.

STAGING
Section 2 of the EIS discusses staging.

The EPA notes that there is no indication by the proponent on the length of time that the land and water based excavation may take or how this may be staged. The EIS states that staging would be dependant upon the needs of the landside development.

The EPA recommends the proponent notify the EPA in writing 7 days before each stage is likely to occur and 7 days before any placement and treatment of dredged material is to occur landside for treatment. The EPA recommends the proponent also notify the EPA in writing within 24 hours of the completion of a stage of land or water based excavation and or spoil treatment.

END

EPA – 17 May 2013

ATTACHMENT 2

ENVIRONMENT PROTECTION AUTHORITY ("EPA") – RECOMMENDED CONDITIONS OF APPROVAL

STATE SIGNIFICANT INFRASTRUCTURE APPLICATION 10-0203
CAPITAL STRATEGIC DREDGING PROJECT – NEWCASTLE PORT CORPORATION

ADMINISTRATIVE CONDITIONS

A1 Works to be undertaken in accordance with information supplied to the EPA

A1.1 Except as provided by these conditions of approval, the works and activities must be undertaken in accordance with the proposal contained in:

(a) 'Newcastle Port Corporation Capital Strategic Dredging Project, South Arm, Hunter River Environmental Impact Statement Volumes 1 and 2' GHD March 2013;

unless otherwise specified in these conditions of approval.

A1.2 The proponent must not store, treat or dispose of materials on the premises unless specified by conditions within this licence.

A2.1 The proponent must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in Section 83 of that Act.

A3.1 The conditions of any EPL issued for the project does not limit of affect the requirements of the Voluntary Remediation Agreement issued to the RLMC pursuant to section 26 of the Contaminated Land Management Act 1997, dated 14 September 2005.

DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND

P1 Location of monitoring/discharge points and areas

P1.1 The following utilisation areas referred to in the table below are identified for the purposes of the monitoring and /or setting of limits for the emission of pollutants to the air from the point.

Air

EPA Identification Number	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Air Emission Monitoring	Discharge to air	Dust Collector Stack from cement batching plant used in soil treatment

Note: The number and location of monitoring points will be determined by the EPA on the proponent's application for a variation to the EPL and approval for immobilisation and or soil treatment.

P1.2 The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the discharges of pollutants to water from the point.

P1.3 The following utilisation areas referred to in the table below are identified for the purposes of the monitoring and/or setting of limits for any application of solids or liquids in the utilisation area.

Water and Land

EPA Identification Number	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Continuous ambient river water quality monitoring – upstream and Water quality monitoring		To be advised by applicant during EPL variation
3	Continuous ambient river water quality monitoring – downstream and Water Quality Monitoring		To be advised by applicant during EPL variation
4	Continuous ambient river water quality monitoring – nearfield Mayfield upstream and Water quality monitoring		To be advised by applicant during EPL variation
5	Continuous ambient river water quality monitoring – nearfield Mayfield downstream and Water quality monitoring		To be advised by applicant during EPL variation
6	Continuous ambient river water quality monitoring Nearfield Kooragang and Water quality monitoring		To be advised by applicant during EPL variation
7	Water Quality Monitoring nearfield		To be advised by applicant during EPL variation

Notes: The number and location of monitoring points will be determined by the EPA in consultation with the applicant upon application for EPL variation. The location must be provided to the EPA as eastings and northings on a plan of the premises that has been prepared by a registered surveyor.

LIMIT CONDITIONS

L1 Pollution of Waters

L1.1 Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the activity, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in connection with the carrying out of the activity.

L2 Waste

L2.1 The proponent must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the conditions of the approval.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

L2.3 The proponent 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. 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 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. This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
TBA	Water based or land based excavated materials "Materials that exceed screening levels in accordance with the *National Assessment Guidelines for Dredging.*	Materials excavated that will be sampled and treated to appropriate levels for sea dumping	Contaminated Soil Treatment	>30,000 cubic metres
TBA	Water based or land based excavated materials "Hazardous" as defined by the EPAs *Waste Classification Guidelines*	Materials excavated that will be sampled and treated to appropriate levels for landfill	Contaminated Soil Treatment	>30,000 cubic metres

Note: The location of the stockpile, treatment and processing of contaminated land based or water based excavated materials must be provided to the EPA when the proponent applies for a variation of the EPL. The location must be provided to the EPA as eastings and northings on a plan of the premises that has been prepared by a registered surveyor. The proponent must also provide the EPA with the likely classification of the waste in accordance with the EPA Waste Classification Guidelines.

L3 Potentially Offensive Odour

L3.1 No condition of the approval of this development identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997.*

L3.2 The proponent must not cause of permit the emission of offensive odour beyond the boundary of the premises.

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 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.

L4 Hours of Operation

L4.1 Piling

Unless otherwise specified by any condition of the approval construction activities that involve piling are;

a) restricted to between the hours of 9:00am and 5pm Monday to Friday;
b) restricted to between the hours of 9:00am and 1pm on Saturdays; and
c) Not to be undertaken on Sundays or public holidays.

L4.2 Contaminated Soil Stockpiling, Transfer and Processing

Unless otherwise specified by a condition of the approval activities that involve landside contaminated soil stockpiling, processing, treatment and transfer are;

a) restricted to between the hours of 7:00 am and 6:00 pm Monday to Friday;
b) restricted to between the hours of 8:00am and 1:00pm Saturday and
c) not to be undertaken on Sundays or public holidays.

L5 Noise

L5.1 Noise operated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated by Table 11.8 Construction Noise Goals for Residential Receivers in 'Newcastle Port Corporation Capital Strategic Dredging Project, South Arm, Hunter River, Environmental Impact Statement Vol 1, GHD March 2013.'

Locality	Location	Outside Standard Construction Hours* $L_{Aeq(15min)}$	Within Standard Construction Hours * Noise Management Level – Noise Affected criteria $L_{Aeq(15min)}$	Noise Management Level – Highly affected criteria $L_{Aeq(15min)}$
N1	1 Arthur Street Stockton	51	56	75
N2	2 Crebert Street Mayfield	45	59	75
N3	32 Elizabeth Street Carrington	44	54	75
N4	Stockton	48	51	75

* standard construction hours are defined as those listed in condition L4.2

OPERATING CONDITIONS

O1 Dust

O1.1 The Proponent shall implement all reasonable and feasible measures to minimise dust generated by the project.

O1.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O1.3 Should visible dust emissions occur at any time, the proponent must identify and implement all practicable dust mitigation measures, including cessation of relevant activities, as appropriate, such that emissions of visible dust ceases.

O2 Stormwater / Sediment Control

O2.1 Soil and Water management controls must be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during activities involving stockpiling, processing and treatment of materials in accordance with the requirements outlined in Managing Urban Stormwater: Soils and Construction (Landcom 2004).

Note: This condition does not allow pollution of waters.

O2.2 The construction environment management plan and soil and water management plan for the site must include measures that will be implemented to prevent infiltration of surface waters (including clean waters) into the site cap.

O3 Emergency Response

O3.1 The proponent must maintain, and implement as necessary, a current emergency response plan for the premises. The applicant must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (eg: spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which the proponent is issued the

Environment Protection Licence, the proponent must develop an emergency response plan within three months of that date.

O4 Waste

O4.1 The proponent must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.

O4.2 The proponent must ensure that waste identified for recycling is stored separately from other waste.

O5 Other Operating Conditions

O5.1 All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have alternate spill containment system in-place.

O5.2 All activities at the premises must be carried out in a manner that will prevent the pollution of waters.

O5.3 In the event that:

a) turbidity monitoring results within the Hunter River exceed the trigger values specified in the table below in O7.4 for a period of 1 hour, the licensee must immediately investigate the cause of the event and document any action taken.

b) Land base or water based excavation may only continue if:
   i) the cause can be attributed to something other than the land based or water based excavation activities, or
   ii) the effective correction measures have been implemented.

O5.4 The turbidity trigger values to be applied for the purpose of meeting condition O7.3 are defined in Table 1 and Table 2 of this condition.

Table 1 – Outgoing (Ebb) Tide and Slack Water Immediately Following This Tide

Monitoring Point	Reference Monitoring Point	Trigger Value
Monitoring Point 5 (Downstream Mayfield)	Monitoring Point 2 (Upstream Ambient)	Monitoring Point 5 + 15 NTU
Monitoring Point 6 (Downstream Kooragang)	Monitoring Point 2 (Upstream Ambient)	Monitoring Point 6 + 15 NTU

Table 2 – Incoming (Flood) Tide and Slack Water Immediately Following This Tide

Monitoring Point	Reference Monitoring Point	Trigger Value at
Monitoring Point 4 (Upstream Mayfield)	Monitoring Point 3 (Downstream Ambient)	Monitoring Point 4 + 15 NTU

Note: 15 NTU was chosen as the threshold for operations as it represents the difference between the mean and the modelling maximum total suspended solids for the Hunter River assuming a 2:1 ratio of Total Suspended Solids and Turbidity, identified in the Section 8 of 'Newcastle Port Corporation Capital Strategic Dredging Project, South Arm, Hunter River, Environmental Impact Statement Vol 1, GHD March 2013.

O5.5 In the event that a plume of turbidity is detected outside of the turbidity curtain installed around the water based excavation plant:

a) condition O7.3(a) and O7.3(b) applies; and
b) the proponent must immediately take a sample of the water in accordance with the 'sampling method' identified in the table below and sample it for the 'pollutant' identified in the table below.

Pollutant	Unit of Measure	Frequency	Sampling Method
Total suspended solids	Milligrams per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Cadmium	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Arsenic	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Chromium	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Copper	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Lead	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Mercury	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Nickel	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Zinc	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
Total Tributyltin	Micrograms per litre	Special Frequency 3	Grab sample (Mid Water Column)
pH	pH units	Special Frequency 3	Grab sample (Mid Water Column)

Note: Special Frequency 3 is defined as a grab sample based on observed plume of turbidity, then daily until plume subsides.

5 MONITORING AND RECORDING CONDITIONS

M1 Requirement to monitor concentration of pollutants discharged

M1.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.

M2 Air Monitoring Requirements

Point 1

Pollutant	Unit of Measure	Frequency	Sampling Method
Solid Particles	mg/m^3	Post Commissioning then 6 monthly	TM-15

Note: The Air monitoring requirements may be amended by the EPA when the proponent applies for the EPL and provides the EPA with more detail about the soil treatment and likely emissions.

M3 Water and/or Land Monitoring Requirements

Points 2,3,4,5, 6

Pollutant	Unit of Measure	Frequency	Sampling Method
Turbidity	Nephlometric Turbidity Units	Special Frequency 1	Real Time Water Quality Probe

Note: Special Frequency 1 is defined as: Continuously during water and land based excavation.

Points 2,3,4,5,6,7

Pollutant	Unit of Measure	Frequency	Sampling Method
Total suspended solids	Milligrams per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Cadmium	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Arsenic	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Chromium	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Copper	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Lead	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Mercury	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Nickel	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Zinc	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
Total Tributyltin	Micrograms per litre	Special Frequency 2	Grab sample (Mid Water Column)
pH	pH units	Special Frequency 2	Grab sample (Mid Water Column)

Note: Special Frequency 2 is defined as: Weekly during land based and/or water based excavation.

M3.1 The proponent must review the total suspended solids monitoring data collected at monitoring points 2,3,4,5 and 6 quarterly.

If the mean value measured as daily averages for the (near-field) monitoring points 4, 5 and 6 is more than 15 NTU above the mean value measured as daily averages for the (ambient) monitoring points 2 and 3 the proponent must:

a) notify the EPA of this exceedance immediately;
b) examine the data and investigate whether land or water based excavations undertaken in accordance with this licence caused the increasing total suspended solid levels; and if necessary,
c) identify management actions to be implemented to mitigate water quality impacts.

M4 Testing Methods – Concentration Limits

M4.1 Subject to any express provision to the contrary of this approval, 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.

M4.2 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this proponent must be done in accordance with:

a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant;
b) if no such requirement is imposed by or under the Act, any methodology which a condition of this approval requires to be used for that testing; or
c) if no such requirement is imposed by or under the Act, or by a condition of this approval, any methodology approved in writing by the EPA for the purpose of that testing prior to the testing taking place.

Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 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"

REPORTING CONDITIONS

R1 Additional Reporting Conditions (additional to those listed in Attachment 3 – Mandatory Conditions for EPL)

R1.1 Notification of the commencement and completion of land or water based extraction

The proponent must notify the EPA in writing at least seven days prior to the commencement and within 24 hours after completion of stages of land or water based extraction within the premises.

R1.2 Water Quality Reporting

The proponent must submit as part of the Annual Return, an annual Water Quality Monitoring Report ("WQ Report"). The WQ Report must:

a) be prepared by an appropriately qualified person;
b) include in tabular format quarterly minimum, median, mean, 80th percentile, 90th percentile, 95th percentile and maximum water quality values collected for monitoring sites 2,3,4,5, 6 and 7 listed at Condition P1 of the EPL;
c) include in tabular format any water quality data measured in accordance with Condition O7.5;
d) include a comparison column with the corresponding ANZECC Aquatic Ecosystem Water Quality Guideline (ANZECC, 2000);
e) include in tabular format, monthly rainfall measured in millimetres per month and monthly Hunter River flow data in megalitres per month obtained from the nearest upstream stream flow gauging station; and
f) graphical daily rainfall in millimetres per day and daily flow data in megalitres per day.

The WQ report must also provide discussion about the nearfield water quality monitoring results in comparison to the ambient monitoring points identified in Condition P1.

SPECIAL CONDITIONS

E1 Start and Completion of Staged Operations

E1.1 At least 7 days prior to the start of any stage of land-based or water-based excavation the proponent must notify the EPA in writing of its intent to commence a stage of excavation operations. The notification must include, but is not limited to the following:
(a) the location of the operation;
(b) the type of plant that will be used for water-based excavation; and
(c) the likely duration of the stage of operation.

The notification must be forwarded to the Manager Hunter Region PO Box 488G Newcastle 2300.

E1.2 Within 24 hours of the completion of any stage of land-based or water-based excavation the proponent must notify the EPA in writing of its completion of the stage of operations. The notification must include the location of the operation. The notification must be forwarded to the Manager Hunter Region PO Box 488G Newcastle 2300.

E1.3 At least 7 days prior to the start of any waste immobilisation activity, the proponent must notify the EPA in writing of its intent to start waste immobilisation operations. This must include the location of the operation and type of plant and processing that will be undertaken and the likely duration of the activity. The notification must be forwarded to the Manager Hunter Region PO Box 488G Newcastle 2300.

E1.4 Within 24 hours of the completion of waste mobilisation the proponent must notify the EPA in writing of its completion of operations. The notification must be forwarded to the Manager Hunter Region PO Box 488G Newcastle 2300.

E2 Contamination

E2.1 The proponent must submit and gain approval from the Director General of Dept of Planning and Infrastructure a Remedial Action Plan (RAP) prepared in accordance with the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites.*

Approval of the RAP must be granted before any dredging or excavation works commence.

The RAP must include, but is not limited to, the following information:

(a) Representative and adequate sediment investigations at berths W1, W2, W3, K1, M1, M2, D3 and adjacent to Mayfield berth M7 (in the Onesteel sediments) to enable assessment of the suitability of disturbance of the contaminated and potentially contaminated sediment and the appropriateness of sea disposal of sediments. The investigations should include:
   (i) Site history assessments;
   (ii) a sampling analytical and quality plan which includes sampling for PAH, TPH and BTEX at appropriate depths based on the site history assessment and the proposed depth of dredging;
   (iii) assessment of the bioavailability of heavy metals in the sediments, in order to assess the validity of the reported assumptions on heavy metal bioavailability (section 9.4.2 p99 of the EIS); and,
   (iv) re-sampling to assess the nature and extent of contamination at the 'hot spot' previously identified at Walsh point.

(b) Groundwater modelling results to identify whether the proposed dredging at W1 will have an impact on the groundwater contamination at the Orica Facility.

(c) Details of mitigation measures that will be implemented to minimise the disturbance and impact on the groundwater quality from the proposed dredging at W1, W2, W3 and K1.

(d) Details of mitigation measures to be implemented in an around Mayfield berths 1 and 2;

(e) Details of the foreshore protection measures that will be adopted to prevent contaminated soil and groundwater from leaching into receiving waters.

E3 Stockpile Management Plan

E3.1. The Stockpile Management Plan is to include an odour impact assessment. The following shall be included in the stockpile odour impact assessment:

a) Location of the contaminated material stockpiles;
b) Contaminated material stockpile odour emission rate;
c) Leachate odour emission rate; and
d) Predicted odour impacts when all contaminated material is stored in a fully enclosed building with an air pollution control system (e.g. activated carbon)
e) Odour mititgation measures to be employed at the premises

ATTACHMENT 3

MANDATORY CONDITIONS FOR ENVIRONMENT PROTECTION LICENCES

If an Environment Protection Licence is granted the following mandatory conditions will apply:

ADMINISTRATIVE CONDITIONS

Other activities

This licence applies to all activities carried on at the premises.

OPERATING CONDITIONS

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner. This includes:
(a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
(b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity must be:
(a) maintained in a proper and efficient condition; and
(b) operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Results Recorded and Maintained

The results of any monitoring required to be conducted by the licence or a load calculation protocol must be recorded and retained as set out in this condition.

Results kept by this licence

All records required to be kept by this licence must be:
(a) in a legible form, or in a form that can readily be reduced to a legible form;
(b) kept for at least 4 years after the monitoring or event to which they relate took place; and
(c) produced in a legible form to any authorised officer of the EPA who asks to see them.

Records on samples

The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
(a) the date(s) on which the sample was taken;
(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.

Recording of pollution complaints

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.

The record must include details of the following:
(a) the date and time of the complaint;
(b) the method by which the complaint was made;
(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;
(d) the nature of the complaint;
(e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
(f) if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

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.

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.

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
(a) a Statement of Compliance; and
(b) a Monitoring and Complaints Summary.

Before 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.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below.

Where the licence is transferred from the licensee to a new licensee:
(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
(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.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where a 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:
(a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
(b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA 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').

Notification where actual load can not be calculated

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:
(a) the assessable pollutants for which the actual load could not be calculated; and
(b) the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

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.

Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
(a) the licence holder; or
(b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

Notification of environmental harm

The licensee or its employees must immediately notify the EPA of incidents causing or threatening material harm to the environment in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Environment Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:
(a) where this licence applies to premises, an event has occurred at the premises; or
(b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the 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.

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.

The request may require a report which includes any or all of the following information:
(a) the cause, time and duration of the event;
(b) the type, volume and concentration of every pollutant discharged as a result of the event;
(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; and
(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;
(e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
(f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
(g) any other relevant matters.

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.

GENERAL CONDITIONS

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Environment Protection Authority
17 May 2013