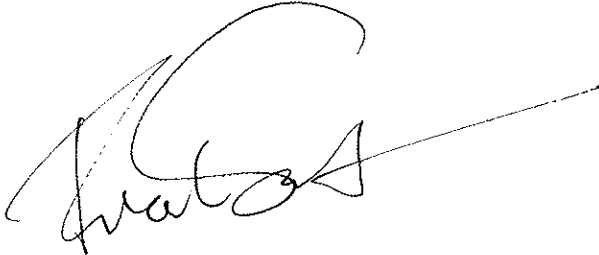


Modification Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, modify the project approval referred to in Schedule 1, in the manner indicated in Schedule 2.



Frank Sartor MP
Minister for Planning

Sydney

16th May 2007

File No: S03/03614

SCHEDULE 1

Project Approval:	Granted by the Minister for Planning on 4 July 2006.
In respect of:	Project application 05_0037 made by Transpacific Industries Pty Ltd, in relation to Lot 223 DP1037300, 11 Kyle Street, Rutherford in the Maitland local government area.
For the following:	Construction and operation of a waste oil recovering and recycling facility.
Modification Application:	Modification of the project approval for construction of additional plant to improve the quality of the final waste oil product.

SCHEDULE 2

The project approval is modified by:

Conditions that will require amendment:

1. replacing existing condition 1.1 with new condition 1.1 as follows:

Terms of Approval

1.1 The Proponent shall carry out the project generally in accordance with the:

- a) EAR as amended by the preferred project report (*Resource Recovery and Recycling Facility, Rutherford – Preferred Project Report*) prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated May 2006;
- b) Statement of Commitments, prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated 19 May 2006;
- c) Modification application titled *Environmental Assessment for Transpacific Refiners, Modifications to Existing Development* prepared by Transpacific Industries Pty Ltd, dated 12 April 2007; and
- d) conditions of this approval.

2. replacing existing condition 2.6 with new condition 2.6 as follows:

Air Quality Criteria

2.6 The Proponent shall design, operate and maintain the project in a manner that would achieve emissions compliance with the:

- a) Air quality criteria specified in Table 1 of this approval;
- b) Requirements of the *Protection of the Environment (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005*; and
- c) Requirements of the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (August 2005).

Table 1 – Air Quality Criteria

	<i>Parameter</i>	<i>Unit of Measure</i>	<i>100 percentile concentration limit</i>
Fired Heater Stack	Nitrogen oxides	mg/m ³	350
	Sulphur acid mist and sulphur trioxide (as SO ₃)	mg/m ³	100
	Sulphur Dioxide	mg/m ³	1360
	Carbon Monoxide	mg/m ³	100
	Volatile Organic compounds	mg/m ³	10
	Solid Particles	mg/m ³	10
	Hydrogen Sulphide	mg/m ³	5
3.0 MW and 0.2 MW Boilers and Hydrogen Reformer Burner Stack	Nitrogen oxides	mg/m ³	350
	Volatile Organic compounds	mg/m ³	10
	Solid particles	mg/m ³	10
Flare	Flare gas burn rate	m ³ /s	0.75
	Smoke	Visual	No visible emission other than for a total period of no more than 5 minutes in any 2 hours
Vapour Recovery Unit Stack (Light Ends Storage Tank)	Volatile Organic compounds	mg/m ³	20

3. replacing existing condition 2.18 with new condition 2.18 as follows:

Groundwater Contamination

2.18 Within 6 months of the granting of modified consent, the Proponent must complete the following groundwater contamination investigations and works which includes, but need not be limited to, the following:

- a) An assessment of the potential for off-site migration of chemicals of potential concern (including Tetrachloroethene);
- b) Identification, based on the activities carried out at the site, of suspected source locations. If suspected source locations are identified, an evaluation of the presence of DNPLs trapped in or above lower permeability zones above the regional groundwater aquifer must be undertaken (note that care must be taken to ensure that the regional aquifer is not penetrated at suspected source locations);
- c) Works to assess regional groundwater and determination of hydrogeological characteristics (such as flow and direction). Such works must include the installation of additional wells across the site to:
 - enable the groundwater flow direction to be determined;
 - further investigate the lateral and vertical extent of groundwater contamination;
 - enable more accurate falling head tests and/or a pump test to be undertaken; and
 - allow collection of soil samples within the water bearing zone.
- d) Soil samples collected must be analysed for organic carbon content and cation exchange capacity to allow fate and transport modelling to assess the potential for adsorption and retardation of dissolved organic compounds;
- e) An assessment of risk posed by the contamination and recommendations for appropriate management requirements.

The Director-General and the DECC must be provided with a copy of the report detailing the results of the investigations within 7 months of the modified development consent being granted.

The Proponent shall comply with all reasonable requirements of the Director-General and the DECC in respect of the implementation of any measures presented in the Report. Any such works shall be completed within such time as the Director-General or the DECC may require.

Note: Should it be established that there are no ongoing contamination sources at the site, that the regional groundwater has no beneficial uses, and that groundwater is not used in the area, then more detailed investigations into contaminant concentrations in the regional aquifer, groundwater flow direction and flow velocity may not be necessary. If applicable, the reasons for not undertaking this further investigation must be detailed in the report.

4. replacing existing condition 2.23 with new condition 2.23, as follows:

HAZARDS AND RISKS

Post-commissioning

2.23 Prior to commencement of operations, the Proponent shall submit to the Director-General, a Pre-Start up Compliance Report, detailing compliance with conditions 2.21 and 2.22, including:

- a) dates of commissioning of plant;
- b) an action plan to implement the recommendations made in the studies listed in conditions 2.21 and 2.22; and
- c) responses to each requirement imposed by the Director-General in respect of the implementation of any measures arising from recommendations of the studies or reports referred to in conditions 2.21 and 2.22 above and the hazards-related conditions of this approval, within such time as the Director-General may agree.

5. replacing existing condition 3.2 with new condition 3.2 as follows:

OPERATIONAL MONITORING – AIR

- 3.2 Air quality monitoring will be undertaken in strict accordance with the requirements set out in the EPL covering the operation of the facility and the Rutherford Resource Recovery and Recycling Facility Air Quality Management Plan (AQMP) prepared by Pacific Air and Environment (PAE), dated 20 March 2007.

6. replacing existing condition 4.2 with new condition 4.2 as follows:

AIR QUALITY AND NOISE VALIDATION REPORT

- 4.2 Within three months of commissioning operations at the site, the Proponent shall submit an **Operational Air and Noise Validation Report** for the project. This Report shall:
- a) be undertaken by a suitability qualified and experienced person(s);
 - b) assess whether the project is complying with the noise criteria specified in condition 2.20 of this approval, and identify what additional measures could be implemented to ensure compliance should any non-compliance be detected;
 - c) validate that the performance of the project reflects the assumptions and conclusions made in the Preferred Project Report and the *Environmental Assessment for Transpacific Refiners, Modifications to Existing Development*, dated 12 April 2007;
 - d) undertake air quality validation and performance verification reporting as detailed in the AQMP prepared by PAE, dated 20 March 2007 to validate compliance with the *Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005* and the emissions inventory of the project as detailed in the *Environmental Assessment for Transpacific Refiners, Modifications to Existing Development*, dated 12 April 2007;
 - e) provide details of each round of Performance Verification Monitoring such that the monitoring frequency for all pollutants can be reviewed, as specified in the AQMP;
 - f) identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; and
 - g) provide details of any complaints received relating to air quality generated by the project, and action taken to respond to those complaints.

7. replacing existing condition 4.3 with new condition 4.3 as follows:

- 4.3 If the Report identifies any non-compliance with the air quality limits imposed under this approval, an EPL for the development and/or does not reflect the conclusions made within the Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007, the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General and the DECC. The Proponent shall comply with all reasonable requirements of the Director-General or the DECC in respect to the findings presented in the Report. Any such works shall be completed within such time as the Director-General or the DECC may require.
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