

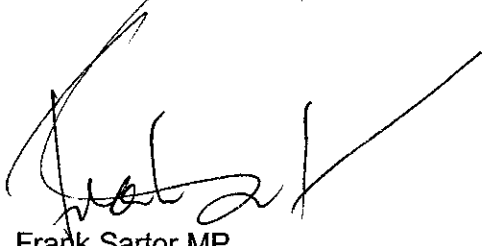
# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

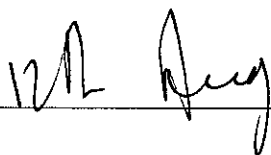
These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP  
Minister for Planning

Sydney



2006

File No: 9042166

### SCHEDULE 1

<b>Application No:</b>	06_0028
<b>Proponent:</b>	Orica Australia Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Lot 11 DP1039919, 16-20 Beauchamp Road, Matraville, Botany Local Government Area
<b>Project:</b>	Hexachlorobenzene (HCB) waste repackaging plant.
<b>Major Project:</b>	The project is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is development of a kind described in clause 27 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i>

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## **SCHEDULE 2**

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Council of the City of Botany Bay
<b>CPRC</b>	Community Participation and Review Committee
<b>DEC</b>	Department of Environment and Conservation
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval</b>	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
<b>Director-General's Report</b>	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
<b>Dust</b>	any solid material that may become suspended in air or deposited
<b>EA</b>	<i>Proposed Hexachlorobenzene (HCB) Waste Re-Packaging Plant, Botany Industrial Park, Environmental Assessment under Part 3a of the Environmental Planning and Assessment Act 1979, Final - Revision 0, prepared by Orica Australia Pty Ltd and dated 18 April 2006.</i>
<b>EPA</b>	Environment Protection Authority as part of the Department of Environment and Conservation
<b>EPL</b>	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
<b>IRP</b>	Independent Review Panel
<b>Minister, the</b>	Minister for Planning
<b>Proponent</b>	Orica Australia Pty Ltd
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Site</b>	Land to which Major Projects Application 06_0028 applies.

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Approval**

- 1.1 The Proponent shall carry out the project generally in accordance with the:
  - a) Major Project Application 06\_0028;
  - b) *Proposed Hexachlorobenzene (HCB) Waste Re-Packaging Plant, Botany Industrial Park, Environmental Assessment under Part 3a of the Environmental Planning and Assessment Act 1979, Final - Revision 0*, prepared by Orica Australia Pty Ltd and dated 18 April 2006; and
  - c) the conditions of this approval.
- 1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
  - a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### **Limits of Approval**

- 1.4 This approval shall lapse five years after the date on which it is granted, unless the works subject of this approval are physically commenced on or before that time.

### **Statutory Requirements**

- 1.5 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.
- 1.6 The Proponent shall ensure that all activities associated with the construction, operation and maintenance of the project comply with existing licences, permits and approvals, including:
  - a) the terms of any Environment Protection Licence relevant to the site;
  - b) the *Environmentally Hazardous Chemicals Act 1985* and any licence requirements in relation to this Act; and
  - c) the *Chemical Control Order in Relation to Scheduled Chemical Wastes 2004*.

### **Compliance**

- 1.7 The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.
- 1.8 The Proponent shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.
- 1.9 Prior to each of the events listed below, the Proponent shall certify in writing to the satisfaction of the Director-General that it has complied with all conditions of this approval applicable prior to that event.
  - a) commencement of any construction works on the land subject of this approval;
  - b) commencement of operation of the project.
- 1.10 Notwithstanding condition 1.9 of this approval, the Director-General may require an update report on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.

- 1.11 The Proponent shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this approval, and general consistency with the documents listed under condition 1.1 of this approval. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this approval, within such time as the Director-General may agree.

## **2. SPECIFIC ENVIRONMENTAL CONDITIONS**

### **Air Quality Impacts**

#### ***Dust Generation***

- 2.1 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

#### ***Odour***

- 2.2 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.
- 2.3 The Proponent shall ensure that regular odour patrols are undertaken by persons not normally working on the Botany Industrial Park site during the earthworks phase of the construction of the re-packaging plant and during the demolition of Store H tanks.

#### ***Fugitive Emissions***

- 2.4 The Proponent shall design, construct, operate and maintain ventilation systems for the building in which operation of HCB waste repackaging lines is to occur such that the pressure within the building lies below atmospheric pressure at all times.

#### ***Monitoring and Discharge Points***

- 2.5 For the purposes of this approval, air monitoring/ air discharge points shall be identified as provided in Table 1 below.

**Table 1 - Identification of Air Monitoring and Discharge Points**

<b>EPA Identification Number</b>	<b>Type of Discharge Point</b>	<b>Description of Location</b>
25 (j1)	Discharge to air	Common stack from building housing repackaging plant and new store J
26 (h1)	Discharge to air	Stack from temporary enclosure of store H
27 (e1)	Discharge to air	Stack from temporary enclosure of store E
28 (jb1)	In pipe monitoring	Store J interstage point between the two activated charcoal filters on extraction pipe 1
29 (jb2)	In pipe monitoring	Store J interstage point between the two activated charcoal filters on extraction pipe 2
30 (hb1)	In pipe monitoring	Store H interstage point between the two activated charcoal filters on the extraction pipe

#### ***Discharge Limits***

- 2.6 The Proponent shall design, construct, operate and maintain the project to ensure that for monitoring / discharge points 25 (j1), 26 (h1) and 27 (e1), the concentration of each pollutant listed in Table 2 does not exceed the maximum concentration limit specified for that particular pollutant. For the purpose of monitoring and determining compliance with this

condition, "dioxins and furans" shall be polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), presented as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) equivalent and calculated in accordance with the procedures included in Part 4, clause 29 of the *Protection of the Environment Operations (Clean Air) Regulation 2002*.

**Table 2 - Maximum Allowable Discharge Concentration Limits (Air)**

Pollutant	Maximum Concentration Limit	Reference Conditions
Total solids	10 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
Hazardous Substances (aggregate of Sb, As, Be, Cd, Cr, Co, Pb, Mn, Hg, Ni, Se, Sn and V)	0.5 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
Volatile Organic Compounds	10 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
Cadmium	0.1 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
Mercury	0.1 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
HCB	0.002 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
HCBD	0.21 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
HCE	9.7 mgm <sup>-3</sup>	Dry, 273 K, 101.3 kPa
Dioxins and furans	0.1 ngm <sup>-3</sup>	I-TEQ, Dry, 273K, 101.3kPa, 11% O <sub>2</sub>

- 2.7 The Proponent shall establish, in consultation with the DEC, a maximum break-through limit for volatile organic compounds for monitoring/ discharge points 28 (jb1), 29 (jb2) and 30 (hb1). For the purposes of monitoring volatile organic compounds, a suitable organic compound equivalent for volatile organic compounds shall also be determined. Reference conditions for the break-through limit shall be dry, 273 K and 101.3 kPa.

The break-through limit and nominated equivalent compound shall be submitted to the Director-General prior to the commencement of commissioning of the project and shall be accompanied by documentation demonstrating that the DEC is satisfied with the break-through limit and nominated equivalent compound. Once submitted to the Director-General, the break-through limit shall apply to the operation of the project.

#### **Shut-Down Requirements**

- 2.8 If the break-through limit described in condition 2.7 at monitoring/ discharge point 28 (jb1) or 29 (jb2) is exceeded after completion of commissioning, the repackaging facility shall immediately shutdown. The Proponent shall only restart the repackaging facility after the carbon filter is replaced with a new activated carbon filter.
- 2.9 If the break-through limit described in condition 2.7 at monitoring/ discharge point 30 (hb1) is exceeded after completion of commissioning, material transfer processes shall immediately shut down. The Proponent may only restart the material transfer processes after the carbon filter is replaced with a new activated carbon filter.
- 2.10 If any concentration limit described in condition 2.6 at monitoring/ discharge point 25(j1), 26(h1) or 27(e1) is exceeded after completion of commissioning, the repackaging facility shall immediately shut down. The Proponent may only restart the repackaging facility after receiving written approval from the DEC.

#### **Noise Impacts**

##### **Construction Noise**

- 2.11 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
  - 8:00 am to 1:00 pm on Saturdays; and
  - at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

- 2.12 The hours of construction activities specified under condition 2.11 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.11 shall be:
- considered on a case-by-case basis;
  - accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
  - accompanied by written evidence of the DEC's agreement with the proposed variation in construction times, after providing any information necessary for the DEC to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

### Operation Noise

- 2.13 The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 3, at those locations and during those periods indicated. The maximum allowable noise contributions apply under wind speeds up to 3 ms<sup>-1</sup> (measured at 10 metres above ground level), and under temperature inversion conditions of up to 3 °C/ 100.

**Table 3 - Maximum Allowable Noise Contribution**

Location	Day	Evening	Night	
	7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	6:00pm to 10:00pm on any day	10:00pm to 7:00am Mondays to Saturdays 10:00pm to 6:00am Sundays and public holidays	
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (1 minute)
Nearest affected receivers surrounding the re-packaging plant and Stores E and H	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)

- 2.14 For the purpose of assessment of noise contributions specified under condition 2.13 of this approval, noise from the project shall be:
- at any point within the residential boundary, or at any point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary; and
  - subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the project be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

### Soil and Water Quality Impacts

- 2.15 Except as may be expressively provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.16 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.

## **Waste Generation and Management**

- 2.17 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.18 To avoid any doubt, nothing in this project approval authorises the removal of hexachlorobenzene waste from the site unless and until the necessary separate approvals are obtained by the Proponent for an ultimate destruction/ disposal location for the wastes.
- 2.19 The Proponent shall manage any asbestos or asbestos-contaminated materials that may be uncovered during the construction, commissioning and operation of the project strictly in accordance with the requirements under *Protection of the Environment Operations (Waste) Regulation 2005* and any guidelines or requirements issued by the DEC in relation to those materials.
- 2.20 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.21 The Proponent shall ensure that all liquid and / or non-liquid waste generated and / or stored on the site is assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DEC, 2004), or any future guideline that may supersede that document.

## **Hazards and Risk**

- 2.22 The Proponent shall demolish all relevant structures strictly in accordance with *Australian Standard 2601-1991: The Demolition of Structures*, as in force at 1 July 1993.

### ***Bunding and Spill Management***

- 2.23 The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- a) all relevant Australian Standards;
  - b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

### ***Pre-Construction Hazards Studies***

- 2.24 Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the Director-General, a **Fire Safety Study** for the project, covering all aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines*. The Study shall include a strict maintenance schedule for essential services and other safety measures. The Study shall be submitted for the approval of the Commissioner of the NSW Fire Brigades prior to submission to the Director-General; and
- 2.25 The Proponent shall implement the *Construction Safety Study: HCB Waste Packaging Plant*, prepared by Kellogg Brown & Root Pty Ltd and dated May 2006 during construction and commissioning of the project.
- 2.26 The Proponent shall implement all of the actions and recommendations presented in the *HAZOP Report: HCB Waste Packaging Plant, Botany Industrial Park* prepared by Sherpa Consulting Pty Ltd and dated 6 April 2006. The Proponent shall submit a detailed statement

to the Director-General prior to the commencement of construction, commissioning and operation, indicating the status of implementation of each of the HAZOP actions and recommendations, and providing justification where any action or recommendations has yet to be implemented. The Proponent shall meet the reasonable requirements of the Director-General in response to review of each of these detailed implementation statements.

#### **Pre-Commissioning Hazards Studies**

- 2.27 Prior to the commencement of commissioning of the project the Proponent shall prepare and submit for the approval of the Director-General the following studies:
- a) an **Emergency Plan** for the repackaging facility. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. The Plan shall be developed in consultation with relevant emergency services, members of the Botany Industrial Park, Council and the CPRC. The Plan shall be consistent with other emergency plans for or within the Botany Industrial Park and the Botany local government area;
  - b) a **Safety Management System**, covering all operations at the repackaging facility and associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. It shall include a plan to safely shutdown the plant and each process as described in conditions 2.8, 2.9 and 2.10. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

#### **Repackaging Process Trials Plan**

- 2.28 Prior to the commencement of operation of the repackaging plant, the Proponent shall undertake repackaging trials to demonstrate that repackaging activities will be undertaken within acceptable environmental limits.
- 2.29 Prior to the commencement of repackaging trials, the Proponent shall prepare and submit for the approval of the DEC a **Repackaging Process Trials Plan**. The Plan shall be prepared in consultation with the DEC and shall provide a program to quantitatively confirm that the repackaging facility will meet the environmental performance described in the EA. In particular, the Plan shall include, but not necessarily be limited to:
- a) a description of smoke tests to be undertaken at Store J, Store E and Store H to ensure that the installed vapour / dust extraction systems are effective in preventing the escape of unfiltered air from those enclosures;
  - b) details in relation to trials to confirm extraction system performance and absorption rates;
  - c) a description of trials to be undertaken with substance(s) having low risk of environmental harm to confirm the environmental performance of the repackaging facility. This shall include a description of each step undertaken to test the ability of the facility to meet its EPL requirements;
  - d) the quantity and type of substance(s) to be used in the trial and an outline of why the substance(s) would reasonably represent the actual materials to be processed; and
  - e) details of monitoring that will be undertaken to measure and confirm compliance with the EPL emission limits. This shall include stack emission tests and mass balance calculations that account for material captured in the activated carbon vent controls, present in the fugitive emissions within the repackaging plant working area(s) and material otherwise not accounted for in the mass balance such as fugitive emissions to the environment.
- 2.30 The Proponent shall only commence repackaging trials after the DEC has approved the Repackaging Process Trials Plan.
- 2.31 The Proponent shall undertake repackaging process trials strictly in accordance with the approved Repackaging Process Trials Plan. In the event that the Proponent intends to vary the trials from that described in the Repackaging Process Trials Plan, the Proponent shall

seek further approval for the proposed changes from the DEC. Implementation of variations to an approved Repackaging Process Trials Plan shall only occur following DEC approval of the variations.

- 2.32 Within 28 days of the completion of the repackaging trials, the Proponent shall prepare and submit to the DEC, a **Repackaging Process Trial Report**. The report shall include, but is not necessarily limited to:
- details of the trials, describing steps undertaken during each trial. This shall include an indication of when each step was undertaken;
  - the quantity of substance(s) processed, including a detailed mass balance accounting for all of the substance(s) processed; and
  - an assessment of whether the process will perform with minimal risk of environmental harm and within EPL requirements, on the basis that the trials are representative of the actual operation; and
  - any recommended improvements to the repackaging process in response to the results of the trials.
- 2.33 The Proponent shall only commence operation of the project after completion of the repackaging trials and with the approval of the DEC, once it has considered the Repackaging Process Trial Report.

### HCB Waste Management Strategy

- 2.34 Within twelve months of the commencement of construction of the project, the Proponent shall develop a **HCB Waste Management Strategic Statement** which details the status of the Proponents longer-term strategy for the ultimate removal of HCB stores from the site. The Strategy shall form the basis for a publicly-accessible statement of the status of Proponent's investigations into and plans for HCB waste removal/ destruction, as current and relevant from time to time. The Proponent shall develop the scope of the Statement in consultation with the local community, CPRC, DEC, Council and Randwick City Council.

Note: the purpose of the HCB Waste Management Strategic Statement is to provide a single publicly-available snapshot of the Proponent's current endeavours to remove/ destroy HCB waste at any particular time, and to provide a transparent means for the Proponent to demonstrate progress to the local community and other stakeholders with respect to the ultimate resolution of HCB waste issue on the site.

It is not intended that the Strategic Statement should be a comprehensive compilation of previous studies and technical information – rather, it should be a concise overview of the history and future of HCB removal/ destruction options.

## 3. ENVIRONMENTAL MONITORING AND AUDITING

### Air Quality Monitoring

- 3.1 The Proponent shall monitor the concentration of each pollutant specified by sampling and obtaining results by analysis. The Proponent shall use the sampling method, units of measure and sampling frequency as indicated in the following tables.

**Table 4 – Periodic Pollutant and Parameter Monitoring Points 25(j1), 26 (h1) and 27(e1)**

Pollutant/ Parameter	Units of Measure	Method	Frequency
Total solids	mgm <sup>-3</sup>	TM 15	Special Frequency 13
Hazardous Substances	mgm <sup>-3</sup>	TM 12; TM 13	Special Frequency 13
Volatile Organic Compounds	mgm <sup>-3</sup>	TM 34	Special Frequency 15
Cadmium	mgm <sup>-3</sup>	TM 14	Special Frequency 13
Mercury	mgm <sup>-3</sup>	TM 14	Special Frequency 13
HCB	mgm <sup>-3</sup>	TM 34	Special Frequency 15
HCBD	mgm <sup>-3</sup>	TM 34	Special Frequency 15

HCE	mgm <sup>-3</sup>	TM 34	Special Frequency 15
Dioxins and furans	ngm <sup>-3</sup>	TM 18	Special Frequency 14

**Table 5 – Periodic Pollutant and Parameter Monitoring Points 28(jb1), 29 (jb2) and 30(hb1)**

Pollutant/ Parameter	Units of Measure	Method	Frequency
Volatile Organic Compounds	mgm <sup>-3</sup>	CEM-8, CEM-9 or CEM-10, or a continuous monitoring method otherwise approved by the DEC	Continuous
Volatile Organic Compounds	mgm <sup>-3</sup>	TM 34	Special Frequency 15

3.2 For the purpose of condition 3.1 of this approval, special monitoring frequencies shall be defined as follows:

- a) Special Frequency 13 is defined as monitoring on the same day of every week (or for a process that is discontinuous on a weekly basis, every 5th working day), and after 12 consecutive rounds of monitoring show that no parameter listed for 25 (j1), 26 (h1), 27 (e1), 28 (jb1), 29 (jb2) and 30 (hb1) has exceeded its limit (including parameters monitored other than at special frequency 13), thereafter special frequency 13 reverts to monitoring every month (or for a process that is discontinuous on a weekly basis, every 20th working day). Special frequency 13 may be reviewed by the EPA from time to time based on the results of monitoring of parameters listed for 25 (j1), 26 (h1), 27 (e1), 28 (jb1), 29 (jb2) and 30 (hb1).
- b) Special Frequency 14 is defined as monitoring on the same day of every week (or for a process that is discontinuous on a weekly basis, every 5th working day), and after 3 consecutive rounds of monitoring show that no parameter listed for 25 (j1), 26 (h1), 27 (e1), 28 (jb1), 29 (jb2) and 30 (hb1) has exceeded its limit (including parameters monitored other than at special frequency 14), thereafter special frequency 14 reverts to monitoring every quarter (or for a process that is discontinuous on a weekly basis, every 60th working day). Special frequency 14 may be reviewed by the EPA from time to time based on the results of monitoring of parameters listed for 25 (j1), 26 (h1), 27 (e1), 28 (jb1), 29 (jb2) and 30 (hb1).
- c) Special Frequency 15 is defined as monitoring on the same day of every week, or for activity that is discontinuous on a weekly basis, every 5th working day. Special frequency 15 may be reviewed by the EPA from time to time based on the results of monitoring of parameters listed for 25 (j1), 26 (h1), 27 (e1), 28 (jb1), 29 (jb2) and 30 (hb1).

3.3 If, on receipt of a certificate of laboratory analysis, the laboratory analysis results demonstrate that the concentration of any discharge parameter has exceeded a limit described in conditions 2.6 or 2.7 at any of the monitoring / discharge points, then the Proponent shall notify the DEC within twenty-four hours of receipt of the certificate.

#### ***Air Quality Performance Verification***

3.4 Within 90 days of the commencement of operation of the project, or as may be agreed by the Director-General, and during a period in which the project is operating under design loads and normal operating conditions, the Proponent shall undertake a program to confirm the air emission performance of the project. The Program shall include, but not necessarily be limited to:

- a) point source emission sampling and analysis subject to the requirements listed under condition 3.1;
- b) sampling and analysis downwind of the Store J building and Store H tanks to determine the extent of fugitive emissions from those sources, if any;
- c) a comprehensive air quality impact assessment, using actual air emission data collected under a) and b). The assessment shall be undertaken strictly in accordance with the methods outlined in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW (EPA, 2005)*;

- d) a comparison of the results of the air quality impact assessment required under c) above, and the predicted air quality impacts detailed in the documents listed under condition 1.1 of this approval;
- e) a comparison of the results of the air quality impact assessment required under c) above, and the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001); and
- f) details of any entries in the Complaints Register (condition 4.3 of this approval) relating to air quality impacts.

A report providing the results of the program shall be submitted to the Director-General and DEC within 28 days of completion of the testing required under a) and b).

- 3.5 In the event that the program undertaken to satisfy condition 3.4 of this approval indicates that the operation of the project, under design loads and normal operating conditions, will lead to:
- a) greater point source emissions or ground-level concentrations of air pollutants than predicted in the documents listed under condition 1.1 of this approval; or
  - b) greater point source emissions or ground-level concentrations of air pollutants than the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001);

then the Proponent shall provide details of remedial measures to be implemented to reduce point source emissions or ground-level concentrations of air pollutants to no greater than that predicted in the documents listed under condition 1.1 of this approval and to meet the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001). Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DEC is satisfied that the remedial measures are acceptable.

- 3.6 The Proponent shall include the project in the Local Air Monitoring Program currently undertaken to monitor local ambient air quality as part of the Groundwater Cleanup Project. The Proponent shall conduct two ambient air quality monitoring rounds within 12 months of the project commencing operation.

A report providing the results of the monitoring shall be submitted to the Director-General and DEC within 28 days of completion of each monitoring round.

### Auditing

- 3.7 Six months after the commencement of operation of the project, and then annually on the anniversary of the commencement of operation, or as otherwise agreed or required by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake an Environmental Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for the approval of the Director-General within one month of the completion of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
  - b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
  - c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and
  - d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

The Director-General may require the Proponent to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require. The Environmental Audit Report shall be made available for public inspection on request.

- 3.8 Twelve months after the commencement of operation of the project, or within such period otherwise agreed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake a Hazard Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Hazard Audits shall be undertaken every three years, or as otherwise agreed or required by the Director-General. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*.

#### **4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

- 4.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

##### **Complaints Procedure**

- 4.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a telephone number on which complaints about construction and operational activities at the site may be registered;
  - a postal address to which written complaints may be sent; and
  - an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- the date and time, where relevant, of the complaint;
  - the means by which the complaint was made (telephone, mail or email);
  - any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - the nature of the complaint;
  - any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
  - if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

##### **Community Reporting**

- 4.4 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- information on the development and the current implementation status of the project;
  - a copy of this approval;

- c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project;
- d) a copy of each monitoring program and each environmental management required under this approval;
- e) details of environmental performance of the project, specifically the provision of results of all air emissions monitoring;
- f) details of the outcomes of reviews and audits of the project; and
- g) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.

## 5. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan

5.1 The Proponent shall implement the *Construction Environment Management Plan: HCB Repackaging Plant*, prepared by Kellogg Brown & Root Pty Ltd and dated April 2006 during construction of the project. Prior to implementation, the Proponent shall update the Plan, where necessary, to reflect the specific requirements of this approval applicable to construction of the project.

### Operation Environmental Management Plan

5.2 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all approvals, licences, approvals and consultations;
- b) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;
- c) overall environmental policies and principles to be applied to the operation of the project;
- d) standards and performance measures to be applied to the project, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
- e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;
- f) the additional studies listed under condition 5.3 of this approval; and
- g) the environmental monitoring requirements outlined under conditions 3.1 to 3.7 of this approval, inclusive.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of the Repackaging Process Trial, or within such period otherwise agreed by the Director-General. The Repackaging Process Trial shall not commence until written approval of the Operation Environment Management Plan has been received from the Director-General.

5.3 As part of the Operation Environmental Management Plan for the project, required under condition 5.2 of this approval, the Proponent shall prepare and implement an **Air Quality Management Plan** to outline measures to minimise impacts from the project on local and regional air quality. The Plan shall include, but not necessarily be limited to:

- a) identification of all major sources of particulate and gaseous air pollutants that may be emitted from the repackaging facility, being both point-source and diffuse emissions, including identification of the major components and quantities of these emissions;
- b) monitoring for gaseous and particulate emissions from the repackaging facility, in accordance with any requirements of the DEC;
- c) procedures for the minimisation of gaseous and particulate emissions from the repackaging facility;

- d) protocols for regular maintenance of process equipment to minimise the potential for leaks and fugitive emissions; and
- e) a contingency plan should an incident, process upset or other initiating factor lead to elevated air quality impacts, whether above normal operating conditions or environmental performance goals/ limits.

#### **Standard Operating Procedures**

- 5.4 The Proponent shall develop Standard Operating Procedures (SOPs) for all plant items relating to the repackaging facility, including but not necessarily limited to procedures for the handling of contaminated materials, operation of process units and operation of pollution control equipment.
- 5.5 Operation of the repackaging facility shall be conducted strictly in accordance with the SOPs referred to under condition 5.4 at all times. SOPs shall be updated to reflect any changes to operations that may occur from time to time.

### **6. ENVIRONMENTAL REPORTING**

#### **Incident Reporting**

- 6.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
  - 6.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 6.1 of this approval, within such period as the Director-General may require.
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