



# Environment Protection Licence

Licence - 20193

Licence Details	
Number:	20193
Anniversary Date:	11-October

Licensee
STOLTHAVEN AUSTRALIA PTY LTD
PO BOX 304
WICKHAM NSW 2293

Premises
MAYFIELD FUEL TERMINAL
103 SELWYN STREET
MAYFIELD NORTH NSW 2304

Scheduled Activity
Chemical storage
Shipping in bulk

Fee Based Activity	Scale
Petroleum products storage	> 100000 kL storage capacity
Shipping in bulk	> 500000 T of annual capacity to load and unload

Region
North - Hunter
Ground Floor, NSW Govt Offices, 117 Bull Street
NEWCASTLE WEST NSW 2302
Phone: (02) 4908 6800
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NEWCASTLE NSW 2300

# Environment Protection Licence

Licence - 20193

<b>INFORMATION ABOUT THIS LICENCE</b>	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
<b>1 ADMINISTRATIVE CONDITIONS</b>	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	7
<b>2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b>	7
P1 Location of monitoring/discharge points and areas	7
<b>3 LIMIT CONDITIONS</b>	9
L1 Pollution of waters	9
L2 Load limits	9
L3 Concentration limits	9
L4 Waste	10
L5 Noise limits	10
L6 Hours of operation	12
L7 Potentially offensive odour	13
L8 Other limit conditions	13
<b>4 OPERATING CONDITIONS</b>	13
O1 Activities must be carried out in a competent manner	13
O2 Maintenance of plant and equipment	14
O3 Dust	14
O4 Emergency response	14
O5 Processes and management	14
O6 Waste management	15
O7 Other operating conditions	15
<b>5 MONITORING AND RECORDING CONDITIONS</b>	15
M1 Monitoring records	15



# Environment Protection Licence

Licence - 20193

M2	Requirement to monitor concentration of pollutants discharged	16
M3	Testing methods - concentration limits	17
M4	Testing methods - load limits	17
M5	Weather monitoring	17
M6	Recording of pollution complaints	18
M7	Telephone complaints line	18
M8	Requirement to monitor volume or mass	19
M9	Other monitoring and recording conditions	19
<b>6</b>	<b>REPORTING CONDITIONS</b>	<b>20</b>
R1	Annual return documents	20
R2	Notification of environmental harm	21
R3	Written report	21
R4	Other reporting conditions	22
<b>7</b>	<b>GENERAL CONDITIONS</b>	<b>22</b>
G1	Copy of licence kept at the premises or plant	22
G2	Signage	22
<b>8</b>	<b>SPECIAL CONDITIONS</b>	<b>23</b>
E1	Vapour Recovery Unit	23
<b>DICTIONARY</b>		<b>24</b>
	General Dictionary	24

# Environment Protection Licence

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Licence - 20193



## Information about this licence

### Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

### Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

### Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

### Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

### Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

# Environment Protection Licence

Licence - 20193



The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

### Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

### Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

### This licence is issued to:

STOLTHAVEN AUSTRALIA PTY LTD
PO BOX 304
WICKHAM NSW 2293

subject to the conditions which follow.

# Environment Protection Licence

Licence - 20193

## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:

Expansion of the facility in accordance with Development Consent SSD\_7065 granted on 15 December 2016 under the Environmental Planning and Assessment Act 1979 (Stage 3 ).

A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Chemical storage	Petroleum products storage	> 100000 kL storage capacity
Shipping in bulk	Shipping in bulk	> 500000 T of annual capacity to load and unload

A1.3 The available storage capacity of tank farm must not exceed 131 ML.

A1.4 The annual throughput of petroleum products must not exceed 1,300 ML.

A1.5 With the exception of the following tanks, the licensee must not store flammable liquids, as classified under the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, in bulk at the premises.

(i) The 30,000 litre Slops Tank (UN 1268) identified on site as "SL1"; and

(ii) The 50,000 litre Additive Tank (UN 3082) identified on site as "AT1".

Note: It is the EPA's intention to amend conditions A1.3 to A1.5 once the Stage 3 construction works are completed.

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
MAYFIELD FUEL TERMINAL
103 SELWYN STREET

# Environment Protection Licence

Licence - 20193

MAYFIELD NORTH

NSW 2304

PREMISES MARKED AND SHOWN AS "NEWCASTLE TERMINAL (STAGE 1, 1A, 2)", "NEWCASTLE TERMINAL (STAGE 3)", AND "STAGE 3 PIPELINE ROUTE" (MARKED AND SHOWN BETWEEN POINTS "96" AND "99" INCLUSIVE) ON THE PLAN TITLED "GENERAL LAYOUT STAGES 1, 2 AND 3", PREPARED BY AURECON, REVISION D, DATED 21/8/2018 ("THE PLAN") (EPA REFERENCE DOC18/608963).

A2.2 The premises, to which the licence applies, also includes the following:

- (a) The pipeline shown as "Stolthaven Pipeline (Under Wharf)" marked on the plan titled "EPA License Area, Mayfield No. 4 within Lot 4 DP. 1177466", prepared by ADW Johnson Pty Ltd., Version B, dated 5/8/2013 (EPA ref. DOC14/204196) ("the Mayfield No. 4 Plan");
- (b) The flexible pipeline whenever connecting the fixed pipeline at the Mayfield No. 4 Wharf (marked and shown as "Stolthaven Pipeline (Under Wharf)" on the Mayfield No. 4 Plan) and any vessel berthed at the Mayfield No. 4 Berth for the purpose of the import/export of petroleum products; and
- (c) The flexible pipeline whenever connecting the fixed pipeline at the Mayfield No. 7 Wharf (marked and shown as Points "96" and "97" on the Plan) and any vessel berthed at the Mayfield No. 7 Berth for the purpose of the import/export of petroleum products.

## A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

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

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description

# Environment Protection Licence

Licence - 20193

15	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Vapour recovery unit - location to be advised with an updated plan of the premises prior to commissioning.
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P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.3 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

## Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Groundwater monitoring		Groundwater Monitoring Well No. 1 shown as Point "49" marked on the Plan.
2	Groundwater monitoring		Groundwater Monitoring Well No. 2 shown as Point "50" marked on the Plan.
3	Groundwater monitoring		Groundwater Monitoring Well No. 3 shown as Point "51" marked on the Plan.
4	Groundwater monitoring		Groundwater Monitoring Well No. 4 shown as Point "52" marked on the Plan.
5	Discharge to waters Discharge quality monitoring Volume Monitoring	Discharge to waters Discharge quality monitoring Volume Monitoring	Discharge from the Collection Pit shown as Point "15" marked on the Plan.
16	Groundwater monitoring		Groundwater Monitoring Well No. 5 shown as Point "91" marked on the Plan.
17	Groundwater monitoring		Groundwater Monitoring Well No. 6 shown as Point "92" marked on the Plan.
18	Groundwater monitoring		Groundwater Monitoring Well No. 7 shown as Point "93" marked on the Plan.
19	Groundwater monitoring		Groundwater Monitoring Well No. 8 shown as Point "94" marked on the Plan.
20	Groundwater monitoring		Groundwater Monitoring Well No. 9 shown as Point "95" marked on the Plan.

P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.



# Environment Protection Licence

Licence - 20193

## Noise/Weather

EPA identification no.	Type of monitoring point	Location description
6	Meteorological Station	Weather Station shown as Point "58" marked on the Plan.

## 3 Limit Conditions

### L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Load limits

- L2.1 The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.

Note: An assessable pollutant is a pollutant which affects the licence fee payable for the licence.

- L2.2 The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol.

Assessable Pollutant	Load limit (kg)
Benzene (Air)	423.00
Volatile organic compounds (Air)	21469.00

### L3 Concentration limits

- L3.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L3.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L3.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.
- L3.4 Air Concentration Limits

# Environment Protection Licence

Licence - 20193

## POINT 15

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Organic vapours	Measure 1	10			4 hours

### L3.5 Water and/or Land Concentration Limits

## POINT 5

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Dissolved Oxygen	milligrams per litre				>2
Oil and Grease	milligrams per litre				10
pH	pH				6.5-8.5
TSS	milligrams per litre				30

Note: For the purpose of the table(s) above Measure 1 means where organic vapours are recovered, the total concentration of unrecovered vapour emitted to the atmosphere during any continuous period of four hours must not exceed 10 milligrams per litre of volatile organic liquid passing out of the plant during that period.

## L4 Waste

- L4.1 The licensee 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 licence.
- L4.2 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.

## L5 Noise limits

- L5.1 Noise generated at the premises must not exceed the noise limits specified in the table below:

# Environment Protection Licence

Licence - 20193



Location	Day - LAeq (15 minute)	Evening - LAeq (15 minute)	Night - LAeq (15 minute)	Night - LA1(1 minute)
R1 - 1 Arthur Street, Mayfield	35	35	35	45
R2 - 52 Arthur Street, Mayfield	35	35	35	48
R3 - 2 Crebert Street, Mayfield	41	41	41	49
R4 - 21 Crebert Street, Mayfield	40	40	40	47
R5 - 24 Crebert Street, Mayfield	42	42	42	51
R6 - 30 Crebert Street, Mayfield	41	41	41	50
R7 - 50 Crebert Street, Mayfield	35	35	35	50
R8 - 2 McNeil Close, Mayfield	35	35	35	48

Note: The locations of the receptors listed in the table above in condition L5.1 are identified in Figure 2 and Table 2 of document titled 'Noise and Vibration Impact Assessment - Stolthaven Mayfield Bulk Terminal - SSD\_7056', prepared by AECOM Australia Pty Ltd, dated 19 February 2016 (EPA ref. DOC16/187092-11).

L5.2 Fire pumps at the premises must be designed and operated so that noise from routine testing or maintenance is not more than LAeq (15min) 53dB(A) at the most affected residential or sensitive receiver. Routine testing or maintenance must only occur during the day time.

L5.3 For the purpose of conditions L5.1 and L5.2:

- (a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- (b) Evening is defined as the period from 6pm to 10pm; and
- (c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

L5.4 During construction, noise generated at the premises must not exceed:

- (a) 53 dB(A) as LAeq(15min) at receptors R1, R2, R3, R4, R5, R6, R7, and R8;
- (b) 54 dB(A) as LAeq(15min) at receptor R9 (32 Elizabeth Street, Carrington);
- (c) 57 dB(A) as LAeq(15min) at receptor R10 (186 Fullerton Road, Stockton); and
- (d) 55 dB(A) as LAeq(15min) at the R11 (Mayfield East Public School).

Note: Unless otherwise specified, the locations of the receptors are defined in condition L5.1.

L5.5 The noise limits specified in conditions L5.1, L5.2 and L5.4 apply under all meteorological conditions except for any of the following:

- (a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- (b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second

# Environment Protection Licence

Licence - 20193



at 10 metres above ground level; or  
(c) Stability category G temperature inversion conditions.

L5.6 For the purpose of condition L5.5:

- (a) Data recorded by the weather station on the premises must be used to determine meteorological conditions; and
- (b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E of the NSW Industrial Noise Policy.

L5.7 To determine compliance:

- (a) with the LAeq(15 minute) noise limits in conditions L5.1, L5.2 and L5.4, the noise measurement equipment must be located:
  - (i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - (ii) within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - (iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve;
- (b) with the LA1(1 minute) noise limits in condition L5.1, the noise measurement equipment must be located within 1 metre of a dwelling façade;
- (c) with the noise limits in conditions L5.1, L5.2 and L5.4, the noise measurement equipment must be located:
  - (i) at the most affected point at a location where there is no dwelling at the location; or
  - (ii) at the most affected point within an area at a location prescribed by conditions L5.7(a) or L5.7(b).

L5.8 A non-compliance with conditions L5.1, L5.2 and L5.4 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- (a) at a location other than an area prescribed by conditions L5.7(a) and L5.7(b); and/or
- (b) at a point other than the most affected point at a location.

L5.9 For the purposes of determining the noise generated at the premises, the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Note: Definition of Terms

- NSW Industrial Noise Policy - the document titled "New South Wales Industrial Noise Policy" published by the EPA in January 2000.
- Noise - "sound pressure levels" for the purposes of conditions L5.1 to L5.9.

## L6 Hours of operation

L6.1 Construction work associated with the expansion project may be undertaken:

- (a) between 7:00am and 6:00pm, Mondays to Fridays; and
- (b) between 8:00am and 1:00pm on Saturdays;

# Environment Protection Licence

Licence - 20193



however must not be undertaken on Sundays or Public Holidays.

L6.2 Construction work associated with the expansion project may be undertaken outside the hours specified in condition L6.1 if it is:

- (a) Construction that causes LAeq (15min) noise levels that are:
  - (i) No more than 5dB above the Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
  - (ii) No more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
- (b) for the delivery of materials required by the Police or other authorities for safety reasons; or
- (c) required for an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- (d) approved through processes under the relevant Development Consent.

## L7 Potentially offensive odour

- L7.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.
- L7.2 The licensee must not cause or 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 licensee 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.

## L8 Other limit conditions

- L8.1 The stack used to vent emissions from truck filling activities must be a minimum of 15 metres in height.
- L8.2 The exit velocity of emissions from the stack used to vent emissions from truck filling activities must exceed 15 metres per second at all times.

## 4 Operating Conditions

### O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.

# Environment Protection Licence

Licence - 20193



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.

## **O2 Maintenance of plant and equipment**

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- a) must be maintained in a proper and efficient condition; and
  - b) must be operated in a proper and efficient manner.

## **O3 Dust**

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 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.
- O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

## **O4 Emergency response**

- O4.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee 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 (e.g. spills, explosions or 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 this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

## **O5 Processes and management**

- O5.1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O5.2 Bunds must:
- a) have walls and floors constructed of impervious materials;
  - b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
  - c) have floors graded to a collection sump; and
  - d) not have a drain valve incorporated in the bund structure,

# Environment Protection Licence

Licence - 20193



or be constructed and operated in a manner that achieves the same environmental outcome.

## O6 Waste management

- O6.1 The licensee 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.
- O6.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.
- O6.3 The licensee must not land apply or dispose sewage at the the premises.
- O6.4 All wastewater generated on the premies must be collected and removed from the premises by a licensed waste transporter and taken to a facility that is able to lawfully receive it and reuse or dispose of it. The collected sewage must be pumped out at least weekly, or more frequently as required, to prevent discharges from the collection tank.

## O7 Other operating conditions

### Petroleum Product Pipeline Integrity and Pressure Testing

- O7.1 The licensee must conduct annual integrity testing on the petroleum product pipeline extending between the tank farm and Mayfield No. 4 Berth, and the Mayfield No. 7 Berth, according to the documents titled: 'Wharfline Integrity Checks - SHNC-OPS-004.04' dated October 2017; and 'Work Instruction Wharfline Integrity Checks - SHNC-OPS-004.04' dated October 2017 (as amended).

Note: The licensee must conduct surveillance checks on the pipeline prior to the commencement of and during transfer operations of any petroleum products.

- O7.2 The licensee must conduct leak testing of the petroleum products pipeline extending from the main tank farm to Mayfield No. 4 Berth, and the Mayfield No. 7 Berth, prior to each transfer of product operation.
- O7.3 The licensee must maintain a register for all integrity and pressure tests conducted on the pipeline extending from the tank farm to Mayfield No. 4 Berth, and the Mayfield No. 7 Berth.

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:

# Environment Protection Licence

Licence - 20193



- 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.

**M1.3** 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.

## M2 Requirement to monitor concentration of pollutants discharged

**M2.1** For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

**M2.2** Air Monitoring Requirements

**POINT 15**

Pollutant	Units of measure	Frequency	Sampling Method
Organic vapours	milliequivalents per litre	Special Frequency 1	TM-20

**M2.3** Water and/ or Land Monitoring Requirements

**POINT 1,2,3,4,16,17,18,19,20**

Pollutant	Units of measure	Frequency	Sampling Method
BTEX	milligrams per litre	Quarterly	Representative sample
pH	pH	Quarterly	Representative sample
Standing Water Level	metres	Quarterly	In situ
Total petroleum hydrocarbons	milligrams per litre	Quarterly	Representative sample

**POINT 5**

Pollutant	Units of measure	Frequency	Sampling Method
Dissolved Oxygen	milligrams per litre	Weekly during any discharge	Grab sample



# Environment Protection Licence

Licence - 20193

Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample
pH	milligrams per litre	Weekly during any discharge	Grab sample
Total suspended solids	milligrams per litre	Weekly during any discharge	Grab sample

Note: For the purpose of the table(s) above Special Frequency 1 means the collection of a single four hour (continuous) sample on a quarterly basis - once the vapour recovery unit is first commissioned. The sample must be representative of the predicted maximum concentrations of organic vapours released from the Point during the quarterly period. Frequency of monitoring may be subject to review following the initial 12 months of operation.

## M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
  - if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
  - if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes 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".

- M3.2 Subject to any express provision to the contrary in this licence, 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 Testing methods - load limits

Note: Division 3 of the *Protection of the Environment Operations (General) Regulation 2009* requires that monitoring of actual loads of assessable pollutants listed in L2.2 must be carried out in accordance with the relevant load calculation protocol set out for the fee-based activity classification listed in the Administrative Conditions of this licence.

## M5 Weather monitoring

- M5.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis)

# Environment Protection Licence

Licence - 20193

the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

## POINT 6

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Temperature at 2 metres	AM-4	degrees Celsius	1 hour	Continuous
Temperature at 10 metres	AM-4	degrees Celsius	1 hour	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous
Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous
Total Solar Radiation	AM-4	Watts per square metre	15 minutes	Continuous
Rainfall	AM-4	millimetres	24 hours	Continuous
Siting	AM-2 & AM-4	-	-	-

## M6 Recording of pollution complaints

- M6.1 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.
- M6.2 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.
- M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M7 Telephone complaints line

- M7.1 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

# Environment Protection Licence

Licence - 20193

by the vehicle or mobile plant, unless otherwise specified in the licence.

M7.2 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.

M7.3 The preceding two conditions do not apply until 3 months the date of the issue of this licence.

M7.4 The licensee must nominate a representative of the company who is available all all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including a telephone number, must be current at all times.

Note: This condition does not apply until two (2) weeks after the date of issue of this licence.

## M8 Requirement to monitor volume or mass

M8.1 For each discharge point or utilisation area specified below, the licensee must monitor:

- a) the volume of liquids discharged to water or applied to the area;
  - b) the mass of solids applied to the area;
  - c) the mass of pollutants emitted to the air;
- at the frequency and using the method and units of measure, specified below.

### POINT 5

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	megalitres per day	Special Method 1

Note: Special Method 1 refers to EPA 2004 'Approved methods for the sampling and analysis of water pollutants in New South Wales' dependant upon whether insitu channel or insitu pipe sampling is required.

## M9 Other monitoring and recording conditions

### Noise monitoring

M9.1 To assess compliance with Condition L5.1, attended noise monitoring must be undertaken in accordance with Condition L5.7 and:

- a) at each one of the locations listed in Condition L5.1;
- b) occur annually during the licensed reporting period;
- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
  - (i) 1.5 hours during the day;
  - (ii) 30 minutes during the evening; and
  - (iii) 1 hour during the night;
- d) occur for three consecutive operating days.

### Recording changes in wharf occupation

# Environment Protection Licence

Licence - 20193



- M9.2 The licensee must record details of when (i.e. time and date) the occupation of the Mayfield No. 7 Wharf is temporarily transferred to another person, and also when the occupation is transferred back to the licensee. These records must be made immediately prior to the transfer to the person, and immediately after the transfer back to the licensee. The licensee must record the name and telephone contact of the person that the wharf is transferred to.

## 6 Reporting Conditions

### R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At 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.

- R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

- R1.3 Where this 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.

- R1.4 Where this 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.

- R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a

# Environment Protection Licence

Licence - 20193



transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

- R1.6 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.
- R1.7 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.
- R1.8 Within the Annual Return, the Statements 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.

## R2 Notification of environmental harm

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

## R3 Written report

- R3.1 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.
- R3.2 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.
- R3.3 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;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee

# Environment Protection Licence

Licence - 20193



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; and

g) any other relevant matters.

R3.4 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.

## R4 Other reporting conditions

### Noise compliance assessment report

R4.1 A noise compliance assessment report detailing the attended noise monitoring undertaken under Condition M5.1 must be submitted to the EPA with the Annual Return each year. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with the noise limits detailed in Condition L5.1; and
- b) an outline of any management actions proposed to be undertaken at address any exceedances of the noise limits detailed in Condition L5.1.

## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

### G2 Signage

G2.1 The petroleum product pipelines extending between the main tank farm and Mayfield No. 4 Berth, and the Mayfield No. 7 Berth (when constructed) must:

(a) Be identified in accordance with Australian Standard AS1345-2008: 'Identification of the contents of pipes, conduits and ducts'; and

(b) Have pipe markers that include the name of the licensee and emergency contact details of the licensee.

# Environment Protection Licence

Licence - 20193



## 8 Special Conditions

### E1 Vapour Recovery Unit

E1.1 A Vapour Recovery Unit (VRU) must be installed and commissioned at the premises:

- (a) Prior to the annual throughput of petroleum products exceeded 1,300 ML; or
- (b) Prior to the bulk storage of any Class 3, Flammable Liquid Dangerous Goods (excluding from the generation of Slops).

E1.2 The Vapour Recovery Unit (VRU) must be designed, constructed, commissioned, operated and maintained at the premises to reduce the emission of volatile organic compounds (VOCs), including benzene, to the atmosphere from vehicle loading operations in respect of the Vehicle Fill Gantries (VFG). The VRU must include the following control equipment:

- (a) A vapour collection system by which all vapour displaced from tanks during bulk road vehicle loading operations is collected and conveyed to a vapour recovery system through vapour lines having an internal diameter of not less than 65 percent of the largest fill-line used for connection to the delivery tank.
- (b) An interlock system that prevents the loading of a delivery tank unless:
  - (i) the vapour collection system is first connected to that tank; or
  - (ii) the interlock system forms part of industrial plant used only for loading delivery tanks that are themselves fitted with such an interlock system.
- (c) Fittings on all liquid and vapour lines that make vapour-tight connections with the respective mating fittings on the delivery tank and that close automatically when disconnected.
- (d) The vapour recovery system is constructed so that the vapour resulting from loading operations is recovered, so that the concentration of unrecovered vapour emitted to the atmosphere during any period of four hours does not exceed 10 milligrams per litre of volatile organic liquid passing out of the plant during that period.

E1.3 The licensee must provide written notification to the EPA within seven days of commissioning the VRU. Notification must be provided to the EPA's Director - Hunter at PO Box 488G, Newcastle NSW 2300, or by email to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au).

E1.4 The licensee must provide written notification to the EPA at least one month prior to receiving and storing any Class 3, Flammable Liquid Dangerous Goods (excluding in respect of additives and slops in tanks "SL1" and AT1"). Notification must be provided to the EPA's Director - Hunter at PO Box 488G, Newcastle NSW 2300, or by email to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au).

E1.5 The licensee must provide written notification to the EPA within seven days if, and when, the annual throughput of petroleum products at the premises in the reporting period exceeds 1,300ML. Notification must be provided to the EPA's Director - Hunter at PO Box 488G, Newcastle NSW 2300, or by email to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au).



# Environment Protection Licence

Licence - 20193

## Dictionary

### General Dictionary

<b>3DGM [in relation to a concentration limit]</b>	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>AM</b>	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>BOD</b>	Means biochemical oxygen demand
<b>CEM</b>	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
<b>general solid waste (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997



# Environment Protection Licence

Licence - 20193

<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>general solid waste (putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
<b>restricted solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>special waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TM</b>	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

# Environment Protection Licence

Licence - 20193

<b>TSP</b>	Means total suspended particles
<b>TSS</b>	Means total suspended solids
<b>Type 1 substance</b>	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
<b>Type 2 substance</b>	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
<b>utilisation area</b>	Means any area shown as a utilisation area on a map submitted with the application for this licence
<b>waste</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>waste type</b>	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Mr Mark Hartwell

Environment Protection Authority

(By Delegation)

Date of this edition: 11-October-2013

## End Notes

2	Licence varied by notice	1524251 issued on 28-Aug-2014
3	Licence varied by notice	1530040 issued on 14-May-2015
4	Licence varied by notice	1532172 issued on 27-Aug-2015
5	Licence varied by notice	1533689 issued on 02-Oct-2015
6	Licence varied by notice	1536191 issued on 03-Dec-2015
7	Licence varied by notice	1539980 issued on 22-Apr-2016
8	Licence varied by notice	1548417 issued on 15-Mar-2017
9	Licence varied by notice	1550506 issued on 11-Apr-2017
10	Licence varied by notice	1555054 issued on 28-Aug-2017
11	Licence varied by notice	1567916 issued on 14-Sep-2018