



ACT
Government

Chief Minister, Treasury and
Economic Development

Authorisation No. 0737

AUSTRALIAN CAPITAL TERRITORY

ENVIRONMENTAL AUTHORISATION UNDER THE ENVIRONMENT PROTECTION ACT 1997

NOTE: This is a variation of the environmental authorisation dated 19 February 2010 and subsequent variations dated 27 March 2015, 11 November 2016, 22 June 2017 and 11 August 2021.

The Environment Protection Authority (the Authority), pursuant to section 49(1)(a) of the *Environment Protection Act 1997* (the Act), hereby authorises:

Name: **Viva Energy Retail Pty Ltd**
ABN: **966 623 720 27**
ACN: **662 372 027**
Street: **30-34 Antill Street**
Suburb: **Dickson**
Postcode: **2602**

To conduct: **The storage of petroleum products in a facility designed to store more than 50m³ of products**

On: Block: **2**
Section: **32**
Suburb: **Dickson**

The authorisation is valid for an unlimited period or until surrendered by **Viva Energy Retail Pty Ltd** or cancelled or suspended by the Authority.

This is a **standard** environmental authorisation. This authorisation will be reviewed.

Environment Protection Authority
Dated: 25 May 2023

SCHEDULE 1: GENERAL CONDITIONS

Definitions

Act: means the *Environment Protection Act 1997*.

Authority: means the Environment Protection Authority.

Authorisation holder: Eureka Operations Pty Ltd t/as Coles Express (ACN 104 811 216)

Controlled Waste: as defined in the *National Environment Protection Measure (Movement of Controlled Waste between States and Territories) Measure*.

Groundwater Monitoring Bores: are the bores identified in the Environment Management Plan required under Section 17 of this schedule (the Environment Management Plan must detail any existing or proposed bores on individual sites).

Operation: includes the delivery, storage and dispensing of petroleum products.

Phase Separated Hydrocarbons: hydrocarbons that have low solubility in water that are in sufficient quantity to form a discrete layer of thickness of 2mm or more.

Plant and Equipment: includes drainage systems, infrastructure and pollution control equipment associated with the delivery, storage and dispensing of petroleum products.

Regulated Waste: as defined in Schedule 1, Section 1.1A of the *Environment Protection Act 1997*.

Site: Block 2, Section 32, Dickson

Stormwater System: as defined in Schedule 1, Section 1.1 of the *Environment Protection Act 1997*.

Waterway: as defined in Schedule 1, Section 1.1 of the *Environment Protection Act 1997*.

Working day: a day other than a Saturday, or Sunday, a public holiday or a day that is a holiday for public servants.

1. Compliance with Environmental Authorisation

The Authorisation holder shall:

- a) comply with any Authorisation condition immediately where no time for compliance is stated; and
- b) notify the Authority in writing within 2 working days of becoming aware of:
 - i. any event that causes, or is likely to cause, any Authorisation condition to be exceeded; or
 - ii. any monitoring data that show that a condition of the Authorisation has been exceeded.

2. Activities must be carried out to protect the environment

- 2.1 All activities carried out on the site shall be carried out in such a manner that adverse impact on the environment is minimised.

3. Maintenance of plant and equipment

- 3.1 All plant and equipment installed or used in or on the site shall be maintained in a safe and good condition and in accordance with manufacturer's recommendations.
- 3.2 Records of all maintenance and repairs performed on all plant and equipment including drainage systems, interceptors, separators and infrastructure shall be kept for a period of seven (7) years and made available to the Authority on request.

4. Environmental Practices

- 4.1 The Authorisation holder shall minimise emissions to the environment by adopting the practices set out in **Schedule 2**.

5. Compliance with Australian Standards, Industry Codes of Practice and Policies

- 5.1 The Authorisation holder shall comply with the provisions of the following Australian Standards, Guidelines, Industry Codes of Practice and Policies provided such provisions are not in conflict with the conditions in this Authorisation, and the provisions of any policies made by the Authority.
 - Environmental Guidelines for Petroleum Storage in the ACT.
 - AS 1940 – The Storage and Handling of Flammable and Combustible Liquids.
 - AS 4897 – The Design, Installation and Operation of Underground Petroleum Storage Systems.
 - AS 4976 – The Removal and Disposal of Underground Petroleum Storage Tanks.
 - AS 2832 – Cathodic Protection of Metals.
 - Environment Protection Policies prepared under the *Environment Protection Act 1997*.

6. Fuel Storage

- 6.1 Where there are fuel storage tanks on the site the Authorisation holder shall ensure the tanks and associated pipe work are maintained in good condition. The proposed method of demonstrating the integrity of the tanks and associated pipe should be incorporated into the Authorisation holder's Environment Management Plan required under Section 17 of this schedule.
- 6.2 Further to the provisions of clause 6.1, special requirements are applied to the abandonment of any aboveground or underground tanks and should the need arise, the Authorisation holder agrees to contact the Authority and Dangerous Substances Licensing on 13 22 81 or email to dangeroussubstances@act.gov.au.

7. Reporting of environmental harm

- 7.1 In the event that an incident has caused, is causing or is likely to cause material or serious environmental harm, whether the harm occurs on or off the site, the Authorisation holder, their employee or agent shall report the incident to the Authority immediately after it becomes known to the Authorisation holder or to their employee or agent in accordance with clause 7.2.
- 7.2 The incident shall be reported to the Authority by telephoning Access Canberra on 13 22 81 during and outside business hours.
- 7.3 The Authorisation holder shall notify the Authority in accordance with clause 7.2 immediately after becoming aware that land is contaminated in such a way as to present, or to be likely to present –
- a) a significant risk of harm to human health: or
 - b) a risk of material environmental harm or serious environmental harm

For the purposes of this section, the presence of phase separated hydrocarbon in groundwater constitutes material or serious environmental harm.

- 7.4 The Authorisation holder, their employee or agent shall also report an incident referred to in clause 7.1 and/or clause 7.3, in writing to the Authority within 2 working days of the incident occurring or becoming aware of contamination of land. The report must include:
- a) incident or activity that has caused contamination or environmental harm;
 - b) nature of contamination and chemicals of concern;
 - c) area affected (on or off site);
 - d) aspects of the environment affected;
 - e) any planned assessment or remediation; and
 - f) any other relevant information.

The report may be provided by email to environment.protection@act.gov.au

- 7.5 The Authorisation holder shall keep a record of all other matters in relation to pollution from, or on, the site.

8. Record of pollution complaints

- 8.1 The Authorisation holder shall keep a legible record of all complaints received by its employees or its agents, in relation to pollution from, or on, the site.

9. Record of activity levels

Not applicable to this Authorisation.

10. Records to be maintained

- 10.1 The following records will be maintained and kept for a period of seven (7) years:
- a) all incidents which has affected, is affecting or could affect the integrity of the storage system;
 - b) field sampling record sheets and chain-of-custody forms;
 - c) results of environmental monitoring including surface and groundwater; and
 - d) reconciliation records for all fuels and oils utilised and stored on site.

- 10.2 The following records will be maintained and kept for a period of one (1) year:
- a) waste disposal certificates for any regulated or controlled wastes disposed off-site.

11. Responsible employees

- 11.1 The Authorisation holder shall authorise at least two senior employees or agents:
- a) to speak on behalf of the Authorisation holder; and
 - b) to provide any information or document required under this Authorisation.
- 11.2 The Authorisation holder shall inform the Authority of the names and telephone numbers (including after hours numbers) of those persons within five (5) working days of this Authorisation coming into force. The details may be provided by email to environment.protection@act.gov.au.
- 11.3 The Authorisation holder shall inform the Authority of any change in the information provided under this condition within five (5) working days of the change. The details may be provided by email to environment.protection@act.gov.au.
- 11.4 Any person nominated by the Authorisation holder to meet the requirements of this condition shall be readily contactable on the person's nominated telephone numbers.

12. Authorisation shall be kept at the site

- 12.1 A copy of this Authorisation shall be kept at the site and shall be available for inspection by any employee or agent of the Authorisation holder working at the site.

13. Waste

- 13.1 No waste material is to be incinerated on site.
- 13.2 The Authorisation holder shall use licensed waste transporters to transport controlled and regulated wastes. Information on Controlled Waste handling and transport can be obtained from the Authority on 13 22 81.

14. Hazardous Materials

- 14.1 The Authorisation holder shall store and manage hazardous materials in a manner that prevents adverse impacts on the environment. The handling and storage of hazardous materials must be addressed in the Environment Management Plan required under Section 17 of this schedule.

15. Discharge of stormwater

- 15.1 There should be no dry weather discharges to the stormwater system or a waterway from the site.

16. New designs and innovations

16.1 The provisions of this Authorisation are not intended to limit the appropriate use of alternative materials, equipment, designs, or methods because they are not included.

16. Environment Management Plan

17.1 The Authorisation holder shall prepare and submit an Environment Management Plan (EMP) acceptable to the Authority within three (3) months of the date of this Authorisation.

17.2 The EMP should identify all activities that may have an adverse impact on the environment or the potential to cause environmental harm, and detail the mechanisms employed to prevent or minimise the impact of these activities. If required, the ways in which the conduct of the activity will be altered to minimise or reduce the adverse environmental impact of the activity is to be detailed including a timetable for implementation.

17.3 The EMP, once accepted by the Authority is to be implemented. It will also form the basis for future Authorisation conditions and environmental improvements.

17.4 A copy of the EMP must be kept on the site.

17.5 Where the mechanisms employed to prevent or minimise the adverse environmental impacts of the activity or the way in which the activity is carried out varies substantially from that detailed in the endorsed EMP, a revised EMP must be submitted.

18. Monitoring Requirements

18.1 Groundwater Monitoring

- a) Groundwater monitoring bores must be tested (visual assessment or interface probes and/or gauges) biannually for the presence of hydrocarbons.
- b) Groundwater monitoring bores must be sampled and analysed annually for the parameters set out in Schedule 2, Table 4.
- c) New groundwater monitoring bores must be sampled and analysed within 30 days for the parameters set out in Schedule 2, Table 4 after commissioning of installation.
- d) Groundwater monitoring bores must be sampled and analysed as soon as practicable for the parameters set out in Schedule 2, Table 4 after:
 - i. the discovery that the groundwater may be contaminated by petroleum; and
 - ii. the discovery (whether through the loss monitoring procedure for the system or otherwise) that the system has a leak.
- e) Sampling of bores shall be in accordance with the Groundwater Sampling Guidelines, Victorian Environment Protection Authority, Publication 669, April 2000.

18.2 Loss Detection Monitoring

- a) As soon as practicable after becoming aware of any discrepancy detected by the loss monitoring procedure for a storage system, action must be taken:
 - i. to investigate the discrepancy, and
 - ii. if the discrepancy cannot be attributed to anything other than a leak, to confirm the existence of a leak, and
 - iii. if the existence of a leak is confirmed, to identify the source of the leak and to fix the leak.
- b) Details of any action taken under this clause must be recorded.

19. Water Quality Standards

19.1 The Authority must be notified of any exceedence of the groundwater parameters set in Schedule 2, Table 4 as detailed in Section 7.4.

20. Reporting Requirements

20.1 A copy of any environmental site assessment that is, or has been, carried out on the site must be forwarded to the Authority within three (3) months of this authorisation coming into force and/or within thirty (30) working days of receipt of new reports.

21. Sampling Requirements

21.1 All sample collection, analysis and associated paperwork under this Authorisation shall be conducted in accordance with Australian Standard/New Zealand Standard 5667.1:1998, *"Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples"*, and with the American Public Health Association, American Water Works Association, Water Environment Federation *"Standard Methods for the Examination of Water and Wastewater"*, 23rd Edition, 2017, or other standards and methods agreed to by the Authority.

21.2 The sample collection shall be undertaken and documented by a suitably qualified person in accordance with clause 21.1. All required documentation shall be countersigned by a person authorised under clause 11.1 and shall be made available for inspection by the Authority. Sample analysis of parameters shall be conducted by a person employed as an analyst in any of the following organisations:

- a) a Government laboratory;
- b) an Australian university;
- c) a laboratory where Authorisation parameters are accredited by the National Association of Testing Authorities; or
- d) a laboratory approved by the Environment Protection Authority.

22. Provision of records

22.1 The Authorisation holder must provide any records required to be maintained under this Authorisation to the Authority upon request.

SCHEDULE 2

TABLE 1: AIR POLLUTION

Requirement	
1	All trafficked areas within the site must be paved, sealed or otherwise treated and maintained to prevent or minimise the generation of airborne dust.
2	Practical measures must be taken to ensure fuel tank vapour vents are not blocked. Note: Venting vapours must not impact adjoining premises.
3	Practical measure must be taken to ensure vapour recovery equipment is fitted and operated during fuel deliveries. Note: Noise from fuel deliveries must not exceed the noise levels set out in Schedule 2, Table 3.

TABLE 2: WATER POLLUTION

Requirement	
1	Manage the water catchment on the site so that drainage from the fuel dispensing zones, tank fill points and other areas of the site which have the potential to generate waste are isolated from the stormwater system and directed to the sewer system (with ICON Water approval) or directed to an appropriately sized stormwater improvement device. Only areas where no waste generating activities occur are permitted to drain to the stormwater system.

TABLE 3: NOISE POLLUTION

Requirement	
Shall manage the operations at the site so that noise levels do not exceed the following levels at any point on the boundary of the site	
Monday to Saturday	7 am to 10 pm - 55 dB(A) 10 pm to 7 am - 45 dB(A)
Sunday and Public Holidays	8 am to 10 pm - 55 dB(A) 10 pm to 8am - 45 dB(A)
The noise standard specified is in accordance with the Environment Protection Regulation 2005 (for specific noise zones refer to: www.legislation.act.gov.au).	

TABLE 4: GROUNDWATER PARAMETERS

Parameter - Water	Criteria
Depth to water	-
pH	6.5 – 8.5
Total Petroleum Hydrocarbons C ₆ – C ₉ C ₁₀ – C ₄₀	600µg/L
BTEX (Total)	
Benzene	950µg/L
Toluene	300µg/L
Ethyl Benzene	140µg/L
Xylenes	
o-xylene	350µg/L
m and p-xylene	200µg/L
Ethanol	1400µg/L
Lead (Total)	3.4µg/L

1. All analysis for organic and inorganic substances must be for total concentrations unless detailed otherwise.