



Our reference: DOC19/687661-6

Mr Jeremy Bath
Chief Executive Officer
City of Newcastle Council
PO Box 489
NEWCASTLE NSW 2300

By email: mail@ncc.nsw.gov.au

Dear Mr Bath

**Approval of Voluntary Management Proposal (VMP)
*Contaminated Land Management Act 1997***

Caltex Newcastle Terminal, 156 Hannell St, Wickham & "Building 33", 33 Annie St, Wickham

I write further in relation to the EPA's regulation of the Caltex Newcastle Terminal, 156 Hannell St, Wickham and "Building 33", 33 Annie St, Wickham sites (the sites) under the *Contaminated Land Management Act 1997* (CLM Act).

Caltex Australia Petroleum Pty Ltd has recently provided the EPA with a Voluntary Management Proposal (VMP) to manage groundwater, soil and soil vapour contamination at the sites. We have reviewed the proposal and consider that the proposed works are an acceptable approach to managing contamination at the sites, subject to certain conditions. Consequently, we have approved the proposal and have placed the approved VMP on our public record of notices issued under the CLM Act. Our public record is available online at <http://www.epa.nsw.gov.au/prclmapp/searchregister.aspx>.

A copy of Notice of Approval of Voluntary Management Proposal is enclosed for your information, along with a copy of the approved VMP. We draw your attention to section 59 of the CLM Act, which requires the notation of the approved VMP on the planning certificate for the site issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*.

If you would like to discuss this matter please contact Sam Waskett on (02) 4908 6865 or via email at sam.waskett@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Hogan".

14 August 2019

ROB HOGAN
Manager Contaminated Land Regulation
Environment Protection Authority

Enclosures: (1) Notice of Approval of Voluntary Management Proposal, and (2) approved VMP

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Environment Protection Authority (EPA)

**NOTICE OF APPROVAL OF VOLUNTARY
MANAGEMENT PROPOSAL**

(Section 17 of the *Contaminated Land Management Act 1997*)

Approval No.: 20191715

Approval Date: 14 August 2019

Area No.: 3392

The approved proposal consists of this approval document and the attached proposal, which comprises three Parts: Part 1 – Preliminary Details; Part 2 – Undertakings; and Part 3 – Performance Schedule.

Proponent: Caltex Australia Petroleum Pty Ltd

Site: Caltex Newcastle Terminal, 156 Hannell St, Wickham and “Building 33”, 33 Annie St, Wickham.

Proposal Date: 31 July 2019

BACKGROUND

The EPA is satisfied that the terms of the proposal, as modified by the conditions of this approval, are appropriate.

For the purposes of section 17(4) of the *Contaminated Land Management Act 1997* (CLM Act), the EPA is satisfied that the proponent has taken all reasonable steps to identify and find every owner and notional owner of the land and every person responsible for significant contamination of the land and given those parties identified an opportunity to participate in the formulation and carrying out of the proposal on reasonable terms.

The contents of Part 1, Part 2 and Part 3 of the attached proposal form part of the terms of the approved proposal.

For the purposes of section 9(1) of the CLM Act, the EPA has had regard to the principles of ecologically sustainable development in assessing and approving this Voluntary Management Proposal and has also sought the implementation of those principles in the management of the site under this approved proposal.

APPROVAL AND CONDITIONS

The EPA approves the proposal subject to the following conditions. These conditions form part of the terms of the approved proposal.

1. Each feature and milestone of the proposal is to be completed by the date specified in the proposal. Failure to satisfactorily complete any component by the due date for that feature or milestone may be taken as a failure to carry out the terms of the proposal for the purposes of section 17(6) of the CLM Act.

2. The proponent cannot recover contributions under Part 3 Division 6 of the CLM Act.
3. Make available for inspection by any person, free of charge, and provide a copy to any person for a reasonable fee, any document required to be prepared and submitted to the EPA under this voluntary management proposal. It is not necessary to disclose:
 - (i) any information contained in those documents that relates to any manufacturing or other industrial or commercial secrets or working processes; or
 - (ii) any personal information, within the meaning of the *Privacy and Personal Information Protection Act 1998* or *Privacy Act 1988* (Cth), contained in those documents.
4. Where this proposal requires the proponent or any other person to give a document to the EPA, that document may be given to the EPA:
 - (i) By delivering the document by hand to Level 14, 59 Goulburn St, Haymarket NSW 2000.
 - (ii) By posting the document to Attn: Director Contaminated Land Management NSW EPA, PO Box A290, Sydney South, NSW 1232
 - (iii) By faxing the document to Director Contaminated Land Management, NSW EPA, 02 9995 5999
 - (iv) By emailing the document to contaminated.sites@epa.nsw.gov.au

ADDITIONAL INFORMATION

5. The EPA may still exercise any powers it has under the CLM Act, or any other legislation, in relation to the site.
6. The EPA may require the proponent to pay all or any costs incurred by the EPA in connection with any one or more of the following:
 - a. Assessing and settling the terms of the approved voluntary management proposal;
 - b. Monitoring action under the approved voluntary management proposal;
 - c. Seeking the compliance of the proponent with the approved voluntary management proposal;
 - d. Any other matter associated with, or incidental to, the matters set out in paragraphs a. to c. above.

Signed:



ROB HOGAN
Manager Contaminated Sites Regulation
Environment Protection Authority

(by delegation)

VOLUNTARY MANAGEMENT PROPOSAL UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Part 1

Preliminary Details

1. Proponent's Details

(a) Name and contact details

ABN:	Caltex Australia Petroleum Pty Ltd 17 000 032 128
Postal Address:	GPO Box 3916, Sydney NSW
Postcode:	2001

AND

(b) Who the EPA should contact with technical enquiries about the proposal

Name:	Dr Jos Kusters
Employer/Company:	Caltex Australia Petroleum Pty Ltd
Position title:	Senior Environmental Specialist
Phone (business):	(02) 9668 1093
Phone (after hours):	0478 303 105
Email:	jkuster@caltex.com.au

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2. Sites to which proposal applies

The sites to which the proposal applies ("the Site") is summarised as follows.

Site Identification	Caltex Newcastle Fuel Terminal and the land beneath Building 33 at 33 Annie Street Wickham
Caltex Site Identification Number	1158
NSW EPA Declaration Number	20151106
Site Location:	156 Hannell Street and 33 Annie Street Wickham Wickham, NSW
Site Area:	The Site comprises an irregular-shaped parcel of land approximately 7,420 m ² in size
Legal Property Description	Part Lot 1 DP80877, Part Lot 1 DP715007 within the Caltex Terminal property and Part Lot 3 DP 346352, beneath Building 33 on the 33 Annie Street property*
Site Owner(s)	Caltex Australia Petroleum Pty Ltd and Investec Australia Limited

Note: *as per the figure attached to the EPA *Notice to Amend Significantly Contaminated Land Declaration*, date to be confirmed.

3. The contamination

The NSW EPA has indicated that the soil, groundwater and soil vapour contamination at the Site is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*. The substances of concern ("the contaminants") are:

- Petroleum Hydrocarbons (TRH), primarily TRH F1 and TRH F2 fractions within the C₁₀-C₄₀ range;
- Benzene, toluene, ethylbenzene and xylene (BTEX);
- Polycyclic Aromatic Hydrocarbons (PAHs) - specifically Naphthalene; and
- Petroleum hydrocarbon degradation products – specifically methane.

The contamination is principally from a leak of jet fuel that was reported to have occurred from a pinhole leak in an underground pipeline, identified on 14 April 2014¹, which is understood to have leaked over a period of two days between jet fuel tanks 6 and 7 within the site. This was repaired soon after the leak was identified, with an excavation around the damaged pipe recovering approximately 200 L of fuel, and a new above ground pipeline installed.

Concentrations of the contaminants are present at the Site at greater than published and site specific criteria² for the terminal land-use and adjacent land-uses. The media affected by these contaminants are soil, groundwater and soil vapour.

Groundwater beneath the site, and hydraulically down gradient to the west, is also contaminated with light non aqueous phase liquids (LNAPLs) and hydrocarbon impact was

¹ Other leaks are known to have occurred at the Terminal and may have also contributed to the contamination issues.

² GHD (2016), 1158, *Newcastle Terminal, 156 Hannell Street, Wickham, NSW. Derivation of Site Specific Trigger Levels*, 33, 41, 49 and 57 Annie Street, Wickham. April 2016

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previously observed on surface soils between the Caltex Newcastle Fuel Terminal and Building 33 following heavy rainfall events in January 2016.

The contaminants have migrated via groundwater into the neighbouring property known as 33 Annie Street Wickham (Lot 3 DP346352), including under the building identified as 'Building 33', in soil, groundwater and soil vapour at concentrations above published and site specific criteria appropriate for current and future permissible use of this property. The hydrocarbon plume and petroleum hydrocarbon biodegradation by-products (methane and carbon dioxide) have been identified under Building 33, at concentrations above published and site specific criteria for this property. The contaminants are also at concentrations greater than the adopted criteria in soil and groundwater (and possibly soil vapour) under other parts of Lot 3 DP346352, and also require remediation.

The contaminants may have also migrated to the south, beneath commercial premises at 21 Annie Street (Lot 1 in DP 715007) and 27 Annie Street (SP94545), based on concentrations in groundwater along the southern boundary of the Caltex site.

A remedial action plan (RAP)³ has been previously compiled with a staged remediation option, with Stage 1 consisting of a Multi-Phase Vacuum Extraction (MPVE) system being selected and installed followed by Stage 2 consisting of further delineation and removal of contaminated soils and LNAPL subsequent to removal of Building 33. The MPVE system commenced operation in January 2017 and continues to operate. The 2018 Annual remediation Status Report⁴ (2018 ARSR) concluded that ongoing MPVE operation is recommended with continued enhanced groundwater extraction to further the gain in mass recovery achieved since November 2018.

4. The management proposal

The management proposal ("the proposal") comprises:

- a) the information set out above;
- b) the undertakings set out in Part 2 of this document; and
- c) the performance schedule set out in Part 3 of this document.

³ GHD (2016) *1158, Newcastle Terminal, 156 Hannell Street, Wickham, NSW, Remedial Action Plan – Rev 1*, November 2016

⁴ GHD (2019) *1158, Newcastle Terminal, 156 Hannell Street, Wickham, NSW, 2018 To April 2019 Annual Remediation Status Report*, May 2019

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Part 2

Undertakings Included in Voluntary Management Proposal

THE PROPOSAL INCLUDES THE FOLLOWING UNDERTAKINGS:

General

1. All works or activities carried out in connection with the proposal, including sampling and preparation of associated reports ("the activities"), will be carried out in accordance with applicable provisions of *State Environmental Planning Policy 55 – Remediation of Land* and any requirements imposed under it in relation to the activities.
2. All matters listed as relevant to a remedial action plan (RAP) by the EPA's *Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011) will be taken into account in the carrying out of the activities.
3. All the activities will be carried out consistently with guidelines made or approved under section 105 of the CLM Act.
(See <http://www.epa.nsw.gov.au/clm/guidelines.htm>)
4. All the activities will be carried out in compliance with applicable NSW environmental legislation, and in particular:
 - i) All the activities, including:
 - (1) the processing, handling, movement and storage of materials and substances used to carry out the activities; and
 - (2) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activitieswill be carried out in a competent manner;
 - ii) All plant and equipment installed at the site or used in connection with the activities:
 - (1) will be maintained in a proper and efficient condition; and
 - (2) will be operated in a proper and efficient manner.
5. All the activities at the site will be carried out in a manner that prevents or minimises the emission of dust, odour and noise from the site.
6. Waste generated or stored at the Site will be assessed and classified in accordance with EPA's *Waste Classification Guidelines Part 1: Classifying Waste*.
(See <http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm>)
7. All waste transported from the Site that is required by the *Protection of the Environment Operations (Waste) Regulation 2014* to be tracked must be tracked using NSW EPA on-line tracking system or an alternative tracking system approved in writing by the EPA.
(See <http://www.epa.nsw.gov.au/owt/aboutowt.htm>)
8. The proponent will make this voluntary management proposal available to the public free of charge and consents to the EPA placing this proposal on its public website.
9. The proponent will make all documents referred to in, and required to be prepared

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under, this voluntary management proposal available to the public free of charge, unless the proponent identifies commercial-in-confidence or private/personal information (including information relating to a third party) within those documents. In these cases, the proponent will remove such information from the documents to make the documents suitable for public release.

10. The proponent will:

- i) prior to the implementation of the proposal provide for the EPA's approval a strategy for communicating about that implementation, particularly the actual management works, with members of the public who are likely to have a real interest in or be affected by that implementation; and
- ii) implement the strategy as approved in writing by the EPA.

Monitoring, Record Keeping & Reporting

- 11. At least until the EPA has notified the proponent that the EPA no longer considers that the contamination is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*, record and retain all monitoring data and information and provide this record to the EPA at any reasonable time if so requested by the EPA and as specifically provided under the proposal.
- 12. The EPA will be informed in writing within 7 days of the proponent becoming aware of information or data indicating a material change:
 - a) in conditions at the site, or
 - b) in its surrounding environment,which could adversely affect the prospects of successful management of the site.
- 13. The EPA will be informed immediately of the proponent becoming aware of any information or data that indicates harm to the environment, as defined by the *Protection of the Environment Operations Act 1997*.
- 14. The EPA will be informed in writing within 7 days of the proponent becoming aware of any failure, either by the proponent or any other person, to comply with any term of the proposal.
- 15. The EPA will be informed in writing as soon as practicable of any notification by the proponent, its employees or its agents to an appropriate regulatory authority other than the EPA of any pollution incident at the site within the meaning of the *Protection of the Environment Operations Act 1997*.

(See <http://www.epa.nsw.gov.au/licensing/dutytonotify.htm>)

Performance Schedule

- 16. The performance schedule which is in Part 3 of this document will be adhered to.

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Part 3

Performance Schedule

PART 3 - PERFORMANCE SCHEDULE	
The schedule should concisely set out:	
1. Objectives of the proposal	
2. Principal features of the proposal	
a. <u>Ongoing Remediation</u>	
b. <u>Monitoring</u>	
c. <u>Engage a Site Auditor</u>	
d. <u>Supplementary Investigations</u>	
3. Reporting requirements and timeframes for submission of reports	
4. Key milestones and deadlines for investigation or remediation activities	

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PERFORMANCE SCHEDULE

1. Objectives of the proposal

The objectives of the proposal are:

O1: Prevention of the continued migration of LNAPL and hydrocarbon contaminated groundwater from the Caltex Fuel Terminal to Part Lot 3 DP346352 at concentrations which present a potential unacceptable risk to human health and environmental receptors at Part Lot 3 DP346352.

O2: Removal of the hydrocarbon groundwater, soil vapour and soil contamination that has migrated onto Part Lot 3 DP346352 (beneath Building 33), and associated degradation products to levels that present a potential unacceptable risk to present or future human and environmental receptors for current or permissible land uses.

O3: Assess the ongoing efficacy of the remedial works through groundwater, soil vapour and indoor air monitoring.

O4: Confirm that the residual soil vapour, groundwater and soil contamination at Part Lot 3 DP346352 (beneath Building 33) does not present unacceptable risks to human health of the environment and demonstrate the offsite dissolved phase plume can be managed using monitored natural attenuation (MNA).

O5. Determine the nature, extent and potential risks of soil and groundwater contamination associated with the Caltex Newcastle Fuel Terminal and the potential to migrate on, under and beyond Lot 1 in DP 715007 and SP94545.

The objectives will be achieved through the appropriate investigation, remediation and management of the identified soil, groundwater and soil vapour contamination at the Site.

2. Principal features of the proposal

The principal features of the proposal are detailed as follows:

Part

P1. Remediation

- a. Continued implementation of the RAP to meet the objectives outlined in O1 – O4.
- b. Continued stakeholder engagement where and as appropriate. This will include six monthly meeting updates with Investec (as the party affected by migration of the contamination onto Part Lot 3 DP346352) and provision of copies of reports required to be prepared under this proposal to Investec on request.
- c. Undertake six monthly groundwater monitoring events (GME) to demonstrate the effectiveness of the remediation works. Frequency of the monitoring may be reduced if site conditions stabilise. Groundwater wells are to include onsite wells - MW18, MW40, MW46, MW47 and gauging of wells BH2, MW10, BH16, MW35, and wells - 4 to 10, 13 and MW50 to MW55) in the vicinity of the groundwater plume, with samples analysed for TRH and BTEXN. The GME reports must be reviewed and approved by the auditor prior to submission to EPA.
- d. Undertake quarterly soil vapour monitoring events (SVME) to demonstrate the effectiveness of the remediation works. Frequency of the monitoring may be reduced if

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site conditions stabilise. Soil vapour monitoring will include wells – SV01, SV02 and SV04), with samples analysed for NEPM TRH, BTEXN, heptane, hexane, cyclohexane and trimethylbenzenes; General gases O₂, CH₄, CO₂. The SVME reports must be reviewed and approved by the auditor prior to submission to EPA.

- e. Undertake monthly targeted indoor air monitoring within Building 33. Monitoring to focus on volatile organic compounds (VOCs) and methane within the building. Monitoring to continue until such time as indoor air and sub slab conditions are demonstrable to not pose a risk to occupants of the commercial properties at 33 Annie Street. The indoor air monitoring letter reports must be reviewed and approved by the auditor prior to submission to EPA.
- f. Preparation of an annual remediation status report demonstrating the effectiveness of the remediation works implemented including an evaluation of optimal ongoing remediation system performance. The report must be reviewed and approved by the site auditor prior to submission to EPA.

P2. Remediation Management

- a. Development of a site management plan, after the remediation system has been optimised. The plan must include measures to maintain the effectiveness of the remediation works and to treat or dispose of contaminants (in stormwater, groundwater and soil) that are generated during remediation. The site management plan must be reviewed and approved by the Auditor prior to implementation and submission to EPA.
- b. Preparation of mid-year maintenance status reports demonstrating the effectiveness of the maintenance of remediation works. The mid-year status reports must be reviewed and approved by the auditor prior to submission to EPA.

P3. Site Auditor

- a. Commission a site auditor accredited under the CLM Act to review reports as part of the implementation of the VMP. The Site Auditor will also oversee additional investigation and validation works undertaken as part of the VMP.
- b. Preparation of Part A1 and Part B4 Site Audit Statement (SAS) upon completion of the VMP.

P4. Supplementary Investigations

- a. Prepare and implement a sampling, analysis and quality plan (SAQP) to address the information gaps in relation to the nature, extent and potential risks of soil, groundwater and soil vapour contamination that may be associated with the Caltex Fuel Terminal on, under and beyond Lot 1 in DP 715007 and SP94545. The SAQP must be reviewed and approved by the appointed site auditor prior to implementation and submission to EPA. The associated investigation report must be reviewed and approved by the auditor prior to submission to EPA

3. Key milestones for investigation, remediation and other actions

Unless otherwise agreed with the EPA, all works set out in the proposal are expected to be completed by the target dates specified below:

<i>Works</i>	<i>Target date</i>
T1. Continued implementation of the RAP (P1a)	June 2019 to December 2021 (commenced)
T2. Ongoing six monthly GME (P1c)	September 2019, March 2020, September 2020, March 2021,

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	September 2021.
T3. Ongoing quarterly SVME (P1d)	June 2019 (completed 13 June 2019), September 2019, December 2019, March 2020, June 2020, September 2020, December 2020, March 2021, June 2021, September 2021, December 2021.
T4. Ongoing monthly targeted indoor air monitoring within Building 33 (P1e)	June 2019 to December 2021 (June 2019 monitoring completed 13 June 2019)
T5. Annual Remediation Status Report (P1f)	December 2019, December 2020, December 2021.
T6. Develop of Site Management Plan (P2a)	One month after MPVE system optimisation
T7. Mid-year site maintenance status reports (P2b)	June 2019, June 2020, June 2021.
T8. Site Audit Statement -Part A1 and Part B4 (P3)	2 months after issue of final report
T9. Supplementary Investigations	July 2019 to December 2019

4. Reporting requirements and timeframe for submission of reports

Unless otherwise agreed with the EPA, reports are expected to be provided to the EPA by the target dates specified below:

Report	Target date
R1. Six monthly GME (T2)	12 weeks from the completion of field works
R2. Quarterly SVME (T3)	12 weeks from the completion of field works
R3. Bi-monthly indoor air letter (T4)	4 weeks from the completion of bi-monthly monitoring.
R4. Annual Remediation Status Report (T5)	For works completed to 31 December 2019 – report issued by 31 March 2020 For works completed to 31 December 2020 - report issued by 31 March 2021 For works completed to 31 December 2021 - report issued by 31 March 2022
R5. Develop Site Management Plan (T6)	30 September 2019

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R6. Mid-year site maintenance status report (T7)	For works completed to 30 June 2019 - report issued by 31 August 2019
	For works completed to 30 June 2020 - report issued by 31 August 2020
	For works completed to 30 June 2021 - report issued by 31 August 2021
R7. Site Audit Statement and Site Audit Report (T8)	2 months after issue of final report
R8. SAQP for Supplementary Investigations (T9)	31 August 2019
R10. Supplementary Investigation Report (T9)	20 December 2019

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Signature of proponent


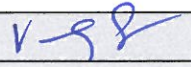
This application for approval of this voluntary management proposal may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

If the proponent is:		The application must be signed and certified by one of the following:
an individual	<input type="checkbox"/>	the individual.
a company	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or two directors, or a director and a company secretary, or if a proprietary company that has a sole director who is also the sole company secretary – by that director.
a public authority other than a council	<input type="checkbox"/> <input type="checkbox"/>	the chief executive officer of the public authority, or by a person delegated to sign on the public authority's behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application).
a local council	<input type="checkbox"/> <input type="checkbox"/>	the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> ('LG Act'), or the seal of the council being affixed in a manner authorised under the LG Act.

I/We (the proponent):

- **apply for approval of the voluntary management proposal set out in this proposal and in any documents referred to in Part 1.4 of this proposal**
- **declare that the information in this proposal form (including any attachment or document referred to in Part 1.4 of this proposal) is not false or misleading.**

Signature		Signature	
Name (printed)	LOUISE RENEE WARNER	Name (printed)	VIRGINIA PAPLUCA
Position	DIRECTOR	Position	COMPANY SECRETARY
Date	05/08/2019	Date	7 AUGUST 2019

Seal (if signing under seal):

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