Prepared for:

Transpacific Refiners Pty Ltd

11 Kyle Street
Rutherford NSW 2320

TPR Independent Environmental Audit Report

11 Kyle Street
Rutherford NSW 2320

ENSR Australia Pty Ltd (ENSR)

22 July 2008

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Distribution

TPR Independent Environmental Audit Report
11 Kyle Street
Rutherford NSW 2320

22 July 2008

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1.0 Introduction

ENSR Australia was appointed by Transpacific Refiners Pty Ltd (TPR) to undertake an Independent Environmental Audit of the Project Approval (PA 05_0037) for the TPR resource recovery and recycling facility located at 11 Kyle Street in the Rutherford Industrial Estate in New South Wales. This report outlines the findings of the Audit and provides recommendations to improve compliance and environmental performance of the facility.

1.1 Audit Scope

The scope of works for the Independent Environmental Audit is set out in Condition 4.4, Schedule 2 of PA 05_0037. The condition is repeated below:

> *Within one year of the commencement of operations, and then as directed by the Director-general, the proponent shall commission an Independent Environmental Audit of the development. This audit must:*
>
> *a) be carried out by a suitably qualified, experienced and independent audit team, that contains and odour specialist and hazard specialist, whose appointment has been endorsed by the Director-general;*
>
> *b) be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing, the Department of Planning's Hazardous Industry Planning Advisory paper No. 5 – hazard Audit Guidelines;*
>
> *c) assess whether the project is complying with the conditions of both this approval and the EPL for the project;*
>
> *d) assess whether the project is being carried out in accordance with industry best practice;*
>
> *e) review the adequacy of the Operation Environmental Management Plan for the project; compliance with the requirements of this approval, and other licences and approvals; and*
>
> *f) recommend measures or actions to improve the environmental performance of the project, and/or the Operation Management Plan for the project.*

1.2 Audit Approach

Following discussion about the approach to the Audit between ENSR Australia and TPR Project Manager, the Audit program was divided into two components:

- Assessment of environmental management and performance (environmental component) at TPR against following documents:
  - Conditions of Project Approval PA 05_0037;
  - Conditions of Environmental Protection Licence (EPL 12555);
  - The Operation Environmental Management Plan (OEMP)
- Hazard Assessment Component

The environmental component of the Audit was undertaken in general accordance with *AS/NZS ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing* which by way of introduction has cancelled and replaced *ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing* as prescribed by Condition 4.4 of PA 05_0037.

The Hazard component of the Audit was undertaken in general accordance with the NSW Department of Planning's *Hazardous Industry Planning Advisory paper No. 5 – Hazard Audit Guidelines.*

This report presents the results of the listed components of the audit. The approach taken, while following the general outline of *AS/NZS ISO 19011:2003*, was tailored to match the specific aims of each component.

1.2.1 Compliance

The compliance with PA 05_0037 was assessed as follows:

- The project approval conditions, EPL conditions and associated documents were reviewed to establish information required to confirm compliance.
- A site inspection was conducted and interviews were undertaken with TPR personnel to progressively identify and obtain copies of evidence to support compliance.

A tabulated report was prepared identifying the operation's compliance with the project approval conditions and EPL conditions.

1.2.2 Monitoring

The operation's monitoring systems and outcomes were assessed as follows:

- The monitoring requirements of conditions of the project approval and the EPL 12555 were identified.
- Interviews were conducted with TPR personnel.
- Monitoring records and reports were inspected to confirm the results of the interviews and document review.

1.2.3 Performance

Environmental performance of the operations was assessed using the following approach:

- Review of relevant documents referred to in the Project Approval.
- Review against EPL 12555 conditions.
- Interviews with TPR Personnel.
- Inspection of the operational areas of TPR to confirm the results of the interviews and document review.

1.3 Audit Team

The audit was undertaken by the following ENSR Australia staff:

- Graham Taylor, Senior Principal. Graham was responsible for peer review of the audit. **Quality Assurance**.
- Kate Woods, Project Environmental Scientist. Kate was part of the audit team responsible for the assessment of compliance and the environmental performance components of the audit. **Lead Auditor**.
- Robert Mays, Principal Safety and Risk Engineer. Robert was author of the report about safety and hazard aspects of the audit and provided high level project support. **Hazard Specialist, Project Support.**
- David Rollings, Senior Chemical Engineer. David provided advice on the odour and technical aspects of the audit and high level project support. **Odour Specialist, Project Support.**

- Trudie MacDonell, Environmental Scientist. Trudie was part of the audit team responsible for the assessment of compliance and the environmental performance components of the audit. **Auditor**.
- Ana Jezdik, Environmental Technician. Ana assisted the audit team in assessment of compliance and the environmental performance components of the audit. **Auditor Assistant**.

The NSW Department of Planning (DoP) confirmed by letter dated 28 April 2008 that the Director-General's approval was granted with respect to the ENSR Australia audit team (refer to **Appendix D**).

1.4 Audit Timing

The Environmental Audit site inspection was conducted on the 10th and 11th June 2008. The audit report was finalised in July 2008.

The Environmental Audit was due to commence in May 2008. However, due to site concerns regarding asbestos, the Audit was postponed until the results of an asbestos survey were released and it was safe to visit the site.

The asbestos survey was intended to meet owner/employer obligations under the NSW *Occupational Health & Safety Regulation 2001* to identify the location, extent and condition of accessible asbestos-containing materials (ACM) present throughout the site, and also to determine the likely impact of these materials on persons accessing the site or on any proposed building works.

1.5 Document Review

The current statutory documents at TPR are listed in **Table 1**.

Table 1: Current Statutory Documents Relevant to TPR

Statutory Documents	Document Identification
Development Approval	PA 05_0037
Environmental Protection Licence	EPL No. 12555
Statement of Commitments	19th May 2006, Parsons Brinkerhoff

Numerous subsidiary documents were obtained and reviewed during the audit as referenced in **Appendix E**. In addition, numerous correspondence documents were inspected and referred to during specific aspects of the audit. These are referenced in the relevant sections of this report.

1.6 Personnel Interviewed

The following TPR personnel were interviewed during the course of the audit:

- John Bennett, Refinery Manager;
- Ken Telfer, Environmental Specialist NSW;
- Stuart Douglas, Project Manager;
- Michael Dyer; Instrument Electrician; and
- Rick Kyle, Operator.

1.7 Limitations to the Audit

The ENSR Australia audit team received complete cooperation from TPR staff during the audit. However, the following issues arose during the audit, which limited to some extent, its findings:

- The vast majority of documents needed to be inspected were supplied by TPR however, not all evidence in the form of historical documents required to be obtained, retained and/or forwarded to various agencies could be located for review at the time of audit. Where this has impacted on the audit, notation has been included in the text.
- Not all areas of the site could be visited and assessed during the site inspection due to asbestos issues. TPR had cordoned off certain areas highlighted in the Asbestos Survey to ensure the safety of all site users. The parts of the site that could not be visited and therefore could not be properly assessed included:
  - The TPR owned land behind the large warehouses;
  - Transport vehicle depot.

  Where this has impacted on the audit, notation has been included in the text.

The adequacy of strategy/ plans/ programs required under the consent was assessed by reference to acceptance of the strategy/ plan/ program by the relevant government authority. Where improvements were identified they were included in the text.

2.0 Background

Transpacific Refiners Pty Ltd is located at 11 Kyle Street, in the Rutherford Industrial Estate, which is in the Maitland local government area. The site was previously used for munitions manufacturing (1941-1945) and textile manufacturing (1944-2000). Construction of the TPR facility occurred between July 2006 and May 2007. The Refinery Plant commissioning stage occurred from 22 May 2007 until 22 September 2007, while full-scale operation and production of the facility was reached after that period.

The Plant processes and recycles re-refined waste oil, in order to produce refinery grade base lubricant oil that satisfies base lube specifications (Group II, high grade) and enables unrestricted reuse. The recycling process takes place in the hydrogenation plant which is located externally within the western portion of the site. It is noted that an industrial cleaning depot, environmental recovery services depot and a truck wash bay are not included at the site, as described in the original Environmental Impact Statement (EIS, Parsons Brinkerhoff, May 2006). The transport vehicle depot, mentioned in the original EIS is included at the site.

The Hydrogenation plant has a maximum annual treatment capacity of 40,000 tonnes of lube oil and generates 36,000 tonnes of the final product per annum. The hydrogenation processes involves the addition of hydrogen to unsaturated hydrocarbon molecules to result in stable saturated hydrocarbons while removing impurities such as nitrogen and sulphur. This process is conducted at elevated temperatures and pressure. Products of the process include light end gases (used as fuel), light end liquids (used as solvents), water and refinery grade base lubricant oil.

All transport to and from the site is via road, with semi-trailers and B-double trucks transporting the raw materials and finished product. The facility operates 24 hours per day, 7 days per week and employs full time staff in addition to the employment generated by ancillary service providers such as transport companies.

2.1 Background to the Approved Project

TPR originally applied to the Department of Planning for planning approval which involved a number of different treatment and recycling processes that would treat up to 85,000 tonnes of industrial, commercial and domestic liquid wastes.

TPR amended the project through a Preferred Project Report, which has significantly reduced the scale and complexity of the project. Approval was granted only for the establishment of the hydrogenation plant that would process and recycle up to 40,000 tonnes of re-refined waste oil to produce refinery grade base lubricant oil. The facility is the first in Australia with such purpose and provides a significant contribution to the environmentally sustainable management of waste oil in NSW.

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3.0 Compliance with Development Approval, Licences and Other Approvals

Condition 4.4 (c) of the development consent requires the audit to:

> c) assess whether the project is complying with the conditions of both this approval and the EPL for the project;

Assessment of compliance with the conditions of the Project Approval PA 05_0037 (PA) is included as **Appendix A**.

Compliance with the conditions of Environment Protection Licence No. 12555 (EPL) is included as **Appendix B**.

Compliance with the conditions of the PA and EPL in regards to the hazard and safety issues was also assessed by the Hazard Specialist in accordance with the NSW Department of Planning's *Hazardous Industry Planning Advisory paper No. 5 – hazard Audit Guidelines* as prescribed by Condition 4.4 (b) in a separate report titled "*Hazard Audit 2008*".

For each licence or consent condition, compliance was defined by the following terms:

- **TPR complies with this condition (compliance);**
- **TPR does not comply with this condition (non-compliance);**
- **This condition has not been activated; and**
- **This condition can not be verified.**

During the audit, several non-compliance areas were identified along with areas where improvement to environmental management could occur. Details of the non-compliances or an area that requires improvement along with recommendations to ensure future compliance/improvement are included in **Section 6.0** of this report. The main non-compliances relate to regulatory deadlines and the frequency of monitoring and reporting, along with the storage of dangerous goods.

In general a fair level of compliance with the project approval and EPL conditions has been achieved in the 12 months TPR have been operating. In some areas, particularly Vegetation Management, TPR have gone beyond what was required of them under the project approval by removing only 6 trees during construction and planting natives along the boundary to improve the visual appeal of the site, this commitment should be commended. It is noted that TPR are currently making considerable effort to comply with their environmental obligations.

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4.0 Assessment of Environmental Management and Assessment Against Industry Best Practice

Condition 4.4 (d), (e) and (f) of the development consent requires the audit to:

d) assess whether the project is being carried out in accordance with industry best practice;

e) review the adequacy of the Operation Environmental Management Plan for the project; compliance with the requirements of this approval, and other licences and approvals; and

f) recommend measures or actions to improve the environmental performance of the project, and/or the Operation management Plan for the project.

To assess whether the project is undertaken in accordance with industry best practice, the relevant environmental management plans and associated environmental monitoring reports were reviewed. Information gathered from the site inspection and audit interviews was combined with the above review to enable a complete assessment against relevant conditions in **Appendix A, B** and **C**. In addition, separate reports for the odour and safety audits will be issued and where appropriate, are referenced in this report.

The assessment of the effectiveness of environmental management at TPR was undertaken by reviewing the environmental management plans referenced in the Project Approval and assessing the effectiveness of their implementation during the audit site inspection and audit interviews.

Assessment of the implementation of the *Operation Environmental Management Plan* is included in **Appendix A,** Conditions 3.5 and 3.6. An assessment of the implementation of other environmental management plans referenced in the project approval is included in the relevant sections of **Appendix A**.

Areas requiring improvement are indicated by the term **Improvement Recommended** and are included in **Section 6.0** of this report, along with the associated recommendation.

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5.0 Assessment Against Information in the Statement of Commitments

An assessment against the information in the Statement of Commitments (SC) was undertaken and involved a review of all sections of the SC (2006).

The SC statements, particularly in regards to the SC predicted mitigation measures for the operational stage, were assessed against information contained in all other relevant TPR documents and against the findings from the site inspection and audit interviews.

The outcomes of the assessment against information in the SC are presented in **Appendix C**.

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6.0 Recommendations

This section presents the recommendations that arise out of the Independent Environmental Audit undertaken at TPR. **Table 2** below outlines the approval and condition number with brief recommendations based on the Audit findings.

Table 2: Recommendations

No.	Approval/Licence Identification	Issue & Condition	Recommendation
1	Project Approval, EPL	Groundwater Quality 2.18 and U3.1	**Improvement recommended** It is recommended that TPR consider updating the GWMP to reflect groundwater contamination investigation report findings and DoP / DECC comments once received. It is also recommended that TPR undertake further studies and works, as recommended in the Report.
2	Project Approval	Storage of Dangerous Goods 2.24	**Non-Compliance** TPR have identified the storage of Caustic Soda (NaOH) as an issue and have taken steps to rectify the non compliance buy engaging a consultant to assess dangerous goods storage. It is recommended that TPR ensure that an adequate storage depot and appropriate bunding for dangerous goods is provided in the near future.
3	Project Approval, EPL	Environmental Monitoring – Frequency & Methodology 3.2, M2.1	**Non-Compliance** It is recommended that TPR ensure that future emission testing and groundwater testing occurs as per frequency required. In regard to sampling method, TPR should ensure that all sampling methods are correctly quoted in future Emissions Testing Reports.
4	Project Approval	Operation Environmental Management Plan 3.5	**Improvement recommended** It is recommended that TPR send the OEMP to DECC and Maitland City Council.
5	Project Approval	Air Quality Management Plan 3.6 a)	**Improvement recommended** It is recommended that TPR amend the AQMP in the OEMP to include required details in regards to odour management and odour mitigation methods, and in particular demonstrate that these measures are consistent with industry best practice.

No.	Approval/Licence Identification	Issue & Condition	Recommendation
6	Project Approval, EPL	Compliance Reporting 2.18, 4.2, and U1.1, U3.1	**Non-Compliance** In order to assess and maintain future compliance, and in particular, meet compliance reporting deadlines to regulatory agencies, it is recommended that TPR consider the use of these Audit Protocols developed by ENSR Australia to undertake an internal audit program to assess compliance regularly. The internal Audit program could be incorporated into an existing schedule to complement the ISO 14001 systems in place.
7	EPL	Storage of Waste & Materials O6.2	**Non-Compliance** It is recommended TPR segregate all waste and materials and store with appropriate bunding.

Appendix A

Compliance with Project Approval PA 05_0037

PA Condition	Description	Compliance
1. ADMINISTRATIVE CONDITIONS		
1.1	The proponent shall carry out the project generally in accordance with the: a) EAR as amended by the preferred project report (Resource Recovery and Recycling Facility Rutherford – Preferred Project Report) prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated May 2006. b) Statement of commitments, prepared by Parsons Brinckerhoff Australia Pty Ltd, and dated 19 May 2006; c) Modification application titled *Environmental Assessment for Transpacific Refiners, Modifications to Existing Development* prepared by Transpacific Industries Pty Ltd, dated 12 April 2007; and d) Conditions of this approval.	**TPR complies with this condition.** TPR are generally in compliance with the documents listed here as relevant. Issues are detailed in this **Appendix A** and compliance with the Statement of Commitments is detailed in **Appendix C**.
1.2	If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.	**TPR complies with this condition.**
1.3	The Proponent shall comply with any reasonable requirements of the Director-general arising from the Department's assessment of: any reports, plans or correspondence that are submitted by the Proponent in accordance with this approval; and the implementation of any actions or measures contained in those reports, plans or correspondence submitted by the Proponent.	**TPR complies with this condition.** TPR have complied with all reasonable requests from the Department of Planning concerning the Reports, Plans and correspondence submitted as required under this Approval.
Note:	*Nothing in this consent approves the following components of the original project:* *oily water treatment and waste oil transfer facility;* *the Chemical Fixation, Stabilisation and Solidification (CFS) process facilities;* *the waste water treatment plan;* *the dangerous good store; and* *the soil conditioning and compositing facility*	
1.4	The Proponent shall not process more than 40,000 tonnes of waste lubricant oils a year at the hydrogenation plant.	**TPR complies with this condition.** As per e-mail received from TPR, dated 22 July, showing process tonnes records, TPR do not process more than a set limit amount of waste lubricant oils a year at the hydrogenation plant.

PA Condition	Description	Compliance
1.5	This approval shall lapse five years after the date on which is granted unless the works the subject of this approval are physically commenced on or before that time.	**TPR complies with this condition.** TPR have commenced operations, therefore the project approval will not lapse.
2. SPECIFIC ENVIRONMENTAL CONDITIONS		
WASTE		
2.1	Except as provided in condition 2.2 of this consent and/or expressly permitted by an EPL, the Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal.	**TPR complies with this condition.** As per audit interview and Section 3.1 of the OEMP, TPR does not permit any waste generated outside of the site, other than waste lubricant oils which are permitted under Condition 2.2 below, to be received at the site under any circumstances.
Note: The above condition only applies to the storage, treatment processing, reprocessing or disposal of waste at the site if it requires an EPL under the Protection of the Environment Operations Act 1997.		
2.2	The Proponent shall only receive, store, treat, process or reprocess the following wastes at the site: - waste lubricant oils	**TPR complies with this condition.** TPR only receive, store and reprocess waste lubricant oils as mandated by this condition.
2.3	The Proponent is prohibited from storing green waste and septic waste on site.	**TPR complies with this condition.** TPR comply with this condition as no storage of green waste or septic waste was witnessed during the site inspection.

PA Condition	Description	Compliance
AIR QUALITY		
Dust		
2.4	The Proponent shall design, construct, operate and maintain the project in a manner that prevents and/or minimises air pollution.	**TPR complies with this condition.** Prevention and minimisation of air pollution is addressed in the following TPR documents: • Flare Design report; • Design Plan for Stack Air Emission Points; • Construction Environmental Management Plan (CEMP); • Operational Environmental management Plan (OEMP) and • Air Quality Management Plan (AQMP); • Emissions Testing Report (Refer to Condition 2.6) The AQMP has mitigation methods including the use of the Wet Scrubber for the Gas-Fired Heater Stack (H_2S mitigation purpose) and Light End Scrubber (Vapour Recovery Unit) for fugitive VOC emissions.
Odour		
2.5	The Proponent shall not cause or permit the emission of offensive odours from the site, as defined under Section 129 of the Protection of the Environment Operations Act 1997.	**This condition can not be verified.** An Odour Audit is currently being undertaken by ENSR Australia. This will comprehensively detail all of the odour issues at TPR. Refer also to Condition 2.7.
Note:	*Section 129 of the Protection of the Environment Operations Act 1997, provides that the Proponent must not cause or permit the emission of any offensive odour from the site, but provides a defence in 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.*	

<table>
<tr><th>PA Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Air Quality Criteria</td></tr>
<tr><td>2.6</td><td>The Proponent shall design, operate and maintain the project in a manner that would achieve emissions compliance with the:
a) Air quality criteria specified in Table 1 of this approval;
b) Requirements of the Protection of the Environment (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005; and
c) Requirements of the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (August 2005).
Table 1 – Air Quality Criteria
<table>
<tr><th></th><th>Parameter</th><th>Unit of Measure</th><th>100 percentile concentration limit</th></tr>
<tr><td>Fired Heater</td><td>Nitrogen oxides</td><td>mg/m^3</td><td>350</td></tr>
<tr><td></td><td>Sulphur acid mist and sulphur trioxide (as SO3)</td><td>mg/m^3</td><td>100</td></tr>
<tr><td></td><td>Sulphur Dioxide</td><td>mg/m^3</td><td>1360</td></tr>
<tr><td></td><td>Carbon Monoxide</td><td>mg/m^3</td><td>100</td></tr>
<tr><td></td><td>Volatile Organic compounds</td><td>mg/m^3</td><td>10</td></tr>
<tr><td></td><td>Solid Particles</td><td>mg/m^3</td><td>10</td></tr>
<tr><td></td><td>Hydrogen Sulphide</td><td>mg/m^3</td><td>5</td></tr>
<tr><td>3.0 MW and 0.2 MW Boilers and Hydrogen Reformer Burner Stack</td><td>Nitrogen oxides</td><td>mg/m^3</td><td>350</td></tr>
<tr><td></td><td>Volatile Organic compounds</td><td>mg/m^3</td><td>10</td></tr>
<tr><td></td><td>Solid Particles</td><td>mg/m^3</td><td>10</td></tr>
<tr><td>Flare</td><td>Flare gas burn rate</td><td>m$^{3/s}$</td><td>0.75</td></tr>
<tr><td></td><td>Smoke</td><td>Visual</td><td>No visible emission other than for a total period of no more than 5 minutes in any 2 hours</td></tr>
</table></td><td>This condition can not be verified.
a) Refer to Condition L3.3 of Appendix B.
b) Refer to Condition M3.1 of Appendix B.
c) Refer to Condition M3.1 of Appendix B.

Refer also to Conditions 2.4 and 2.7 – 2.10.</td></tr>
</table>

PA Condition	Description				Compliance
	Vapour Recovery Unit Stack (Light Ends Storage Tank)	Volatile Organic compounds	mg/m^3	20	
Design Requirements					
2.7	The Proponent shall design, operate and maintain the project an a manner that would achieve Best Available Control Technology for toxic air pollutants specified in Approved Methods for the Modelling and Assessment of Air Pollutants in new South Wales (August 2005).				**TPR complies with this condition.** TPR utilise a Wet Scrubber system for the Gas-Fired Heater Stack (H_2S mitigation) and Light End Scrubber (Vapour Recovery Unit) for fugitive VOC emissions, which have been included in the Preferred Project Report (by Parsons & Brinckerhoff, May 2006), as best available control technology. As per audit interviews, TPR are in the process of optimising their air pollution control equipment. A series of stack emission retests, including odour testing, are scheduled to take place during July 2008 to assist with equipment optimisation. Refer also to Condition L3.3 of **Appendix B**.
2.8	The proponent shall ensure that all stack air emission points at the site are designed to: a) broadly conform to he general requirements of Guidelines for determination of Good Engineering Practice Stack height (Technical Support Document for the Stack Height regulations) (US EPA); and b) to accommodate and be built with sampling ports that conform with TM-1 as specified in Approved methods for the Sampling and Analysis of Air Pollutants in new South Wales (August 2005).				**TPR complies with this condition.** TPR Design Plan for the Stack Air Emission Points confirmed that stacks are designed in accordance with the "Guidelines for determination of Good Engineering Practice Stack Height" and that sampling points are built in accordance with *AS 4323.1 – 1995 Statutory source emissions – Method 1: Selection of sampling positions.*

PA Condition	Description	Compliance
2.9	The Proponent shall ensure that the flare is designed, constructed and operated in accordance with the requirements of Clauses 38-41 of the *Protection of the Environment (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005*. The manufacture's design specification for the flare must include the design destruction efficiency and must be submitted to the DEC for approval. The DEC's approval in writing must be obtained by the Proponent prior to the installation of the flare.	**TPR complies with this condition.** As per TPR AQMP and TPR Flare Design report which has been approved by the Department of Environment and Conservation (now DECC) in a letter, dated 27 September 2006 (sighted).
2.10	The Proponent shall design, operate and maintain the project in a manner that complies with all requirements of the DEC as specified in the EPL for the project with respect to volatile organic liquid control equipment prescribed in Part 5 of the *Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulations 2005*.	**TPR complies with this condition.** Refer to Condition 2.7 above.
Operation of Flare		
2.11	The Proponent shall not vent the flare except during start-up, shutdown and process upsets. For the purposes of this condition, process upsets shall not exceed 2% of the process operating time per annum. This excludes the initial commissioning period of the project, which is defined as being three months from the start-up date of the project.	**TPR complies with this condition.** As per Flare Records reviewed during the site inspection, flare is vented only during start-up, shutdown and process upsets, which overall did not exceed 2% of the process operating time per annum.
2.12	Throughout the life of the project, the Proponent shall keep and maintain detailed recorded of each use of the flare on site, and the details of all process upsets, start-ups and shut downs. The records shall be made available to the DEC upon request, and shall include: the flare start and stop time, and the reasons for its use; the process start and stop time, and the reason for each process upset.	**TPR complies with this condition.** During the site inspection Flare Records with all relevant data were reviewed. TPI have not received a request from the DECC for the Flare Records to date.

PA Condition	Description	Compliance
Boilers		
2.13	The Proponent shall not burn or use waste oil and other non-standard fuels as fuel at the site.	**TPR complies with this condition.** As per site inspection and the TPR AQMP, Sections 5.2 and 5.3, boilers have natural gas feed system fitted, approved by the Australian Gas Association (AGA) and therefore do not burn waste oil or other non-standard fuels.
2.14	Air supply to the boilers at the site may include vent air emissions from the hydrogenated oil storage, feed stock storage, light ends storage and sour water storage.	**TPR complies with this condition.** TPR vent air emissions from these sources to the boilers.

PA Condition	Description	Compliance
SOIL AND WATER		
2.15	Except as may be expressly provided in an EPL for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997*.	**TPR complies with this condition.** Prevention of water pollution is an important issue for TPR. Prevention of water pollution is addressed in the following TPR documents: • Construction Environmental Management Plan (CEMP); and • Stormwater Management Plan; • Soil Contamination Protocol • Operational Environmental management Plan (OEMP); • Groundwater Management Plan; and • Groundwater Monitoring Reports.
2.16	Prior to the commencement of operations, the Proponent shall ensure that stormwater management measures are implemented to mitigate the impacts of stormwater run-off from and within the site in a manner that is consistent with the Stormwater Management Plan for the catchments. Where a Stormwater Management Plan has not yet been prepared, the measures shall be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (DEC).	**TPR complies with this condition.** As per TPR CEMP (Section 3) and Stormwater Management Plan (SMP), prior to the commencement of operations stormwater management measures were implemented (e.g. Downstream Defender). During the Site Inspection it was confirmed that the site is designed with sumps to capture leaks and spills which slope either to an oil water separator (loading area) and/or Stormwater Downstream Defender (sighted). As per Technical manual for the Stormwater Defender, it removes oil, floatable and sediment from the stormwater.

PA Condition	Description	Compliance
		TPR discharge stormwater from the defender after rain events on a needs basis. The standard procedure in opening the valve for a discharge involves a visual inspection of the water prior to release and periodical quality testing (records sighted). Also, as per audit interview, TPR is currently in the process of purchasing a new additional Protection System for stormwater that will automatically shut down, depending on contaminant trigger levels.
Soil Contamination		
2.17	Prior to the commencement of construction, the Proponent shall submit to the Director-General for approval, a soil contamination validation report to confirm the presence, or otherwise, of any contamination within the construction footprint of the development, and to demonstrate that any contamination on the site is not inconsistent with the development. The validation report shall be prepared by a suitably qualified person(s), and shall detail any additional measures that shall be implemented to address contamination, if identified, and if requested.	**TPR complies with this condition.** A Soil Assessment Report (SAR), dated November 2006, was approved by the Director-General of the Department of Planning (letter dated 7 February 2007, sighted). The SAR indicated that soil results for the TPR site have meet relevant DEC and National Environment Protection Measure (NEPM) criteria for industrial and commercial use.

PA Condition	Description	Compliance
Groundwater Contamination		
2.18	Within 6 months of the granting of modified consent, the Proponent must complete the following groundwater contamination investigation and works which includes but need not be limited to the following: a) An assessment of the potential for off-site migration of chemicals of potential concern (including Tetrachloroethene); b) Identification, based on the activities carried at on the site, of suspected source locations. If suspected source locations are identified, an evaluation of the presence of DNPLs trapped in or above the lower permeability zones above the regional groundwater aquifer must be undertaken (note that care must be taken to ensure that the regional aquifer is not penetrated at suspected source locations); c) Works to assess regional groundwater and determination of hydrogeological characteristics (such as flow and direction). Such works must include the installation of additional wells across the site to: - enable the groundwater flow direction to be determined; - further investigate the lateral and vertical extent of groundwater contamination; - enable more accurate falling heads tests and/or a pump test to be undertaken; and - allow collection of soil samples within the water bearing zone. d) Soil samples collected must be analysed for organic carbon content and cation exchange capacity to allow fate and transport modelling to assess the potential for adsorption and retardation of dissolved organic compounds; e) An assessment of risk posed by the contamination and recommendations for appropriate management requirements. The Director-general and the DECC must be provided with a copy of the report detailing the results of the investigations within 7 months of the modified development consent being granted. The Proponent shall comply with all reasonable requirements of the Director-General and the DECC in respect of the implementation of any measures presented in the Report. Any such work shall be completed within such time as the Director-General or the DECC may require.	**TPR does not comply with this condition.** The Department of Environment & Climate Change issued Licence Variation Notice number 1082567, dated 6 February 2008, which extended due date for the groundwater contamination investigation report, and set 30 May 2008 as new due date for the report. However, the Groundwater Contamination Investigation Report was delayed, due to difficult drilling conditions but has been completed and is due to be submitted. Therefore, as it was not submitted by the due date set by the EPL variation notice, TPR have not complied with this condition. According to the Groundwater Contamination Investigation Report; - The nature and extent of contamination at the site, while further characterised by the assessment, remains unclear and additional assessment were recommended to be undertaken to assess remaining uncertainties, to fully satisfy points a) and b). - Groundwater flow direction was determined with installation of six wells across the site. - The report details sufficient information to comply with points d)

PA Condition	Description	Compliance
		and e) **Refer to Recommendation 1 and Recommendation 6.**
Note:	*Should it be established that there are no ongoing contamination sources at the site that the regional groundwater has no beneficial uses, and that groundwater is not used in the area, than more detailed investigations into contaminant concentrations in the regional aquifer, groundwater flow direction and flow velocity may not be necessary. If applicable, the reasons for not undertaking this further investigation must be detailed in the report.*	
NOISE		
Construction Hours		
2.19	The Proponent shall only undertake construction activities associated with the project, that are audible at any residential receptor, between the following hours: a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive; b) 8:00 am to 1:00 pm on Saturdays; and c) at no time on Sundays or public holidays.	**TPR complies with this condition.** As per TPR CEMP, TPR undertook construction activities during the specified times, which were only representatively audible at residential receptors only between indicated hours.

<table>
<tr><th>PA Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Noise Limits</td></tr>
<tr><td>2.20</td><td>The Proponent shall ensure that noise from the project at the nearest sensitive receiver does not exceed the criteria specified in Table 2 at those locations and during those periods indicated.
<table>
<tr><th rowspan="2">Location</th><th>Day
7am-6pm Mon-Sat
8am-6pm Sun and Public Holidays</th><th>Evening
6pm-10-pm
Mon-Sun</th><th colspan="2">Night
10pm-7am Mon-Sat
10pm-8am Sun</th></tr>
<tr><th>$L_{Aeq(15\ min)}$ (dB(A))</th><th>$L_{Aeq(15\ min)}$ (dB(A))</th><th>$L_{Aeq(15\ min)}$ (dB(A))</th><th>$L_{A1(1\ min)}$ (dB(A))</th></tr>
<tr><td>Receptor B</td><td>37</td><td>37</td><td>37</td><td>49</td></tr>
<tr><td>Receptor A-P (excluding B)</td><td>35</td><td>35</td><td>35</td><td>49</td></tr>
</table></td><td>This condition has not been activated.
TPR are currently undertaking their first round of Noise Monitoring as a part of the Operational Air and Noise Validation Report that is currently being undertaken by ENSR Australia (Refer to Condition 4.2).
As the Report is still being prepared the compliance with the levels stated in this condition cannot be validated at this time.</td></tr>
<tr><td colspan="3">Note: For the purpose of this condition:
a) Noise emission limits apply under meteorological conditions of wind speeds up to 3 m/s at 10 metres above ground level and temperature inversions conditions of 3C/100m. To determine compliance with this condition, noise from the development must be measured at any point within the residential boundary at a noise sensitive receiver location, or at any point within 30 metres of the dwelling at a noise sensitive receiver location where the dwelling is more than 30 metres from the boundary. However, where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise policy shall also be applied to the measured noise levels where applicable.
b) Locations specified in Table 2 as per Noise impact Assessment, Figure ES-1 as presented in the EAR.</td></tr>
<tr><td colspan="3">HAZARDS AND RISKS</td></tr>
<tr><td>2.21</td><td>Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the Director-General, to following studies:</td><td>This condition has been assessed in detail in a separate report titled “Hazard Audit 2008”, prepared by ENSR Australia.</td></tr>
<tr><td>a)</td><td>a Fire Safety Study covering the relevant aspects of the Department of Planning’s Hazardous Industry Planning Advisory paper No. 2 – Fire Safety Study Guidelines and the NSW Government’s Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. In addition to approval from the Director-General, approval for this study shall also be obtained from the Commissioner of the NSW Fire Brigades/Rural Fire Service.</td><td>This condition has been assessed in detail in a separate report titled “Hazard Audit 2008”, prepared by ENSR Australia.</td></tr>
</table>

PA Condition	Description	Compliance
b)	a **Hazard and Operability Study**, undertaken by an independent qualified person approved by the Director-General. The study shall be carried out in accordance with department of Planning's Hazardous Industry Planning Advisory paper No. 8 – HAZOP Guidelines. The study report shall be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent purposes to defer the implementation of a recommendation, full justification must be included. In particular, the HAZOP must address: i) the adequacy of the vent and pressure relief system, such as relief valves and busting discs, in the hydrogen system and the process systems; ii) the adequacy of measures to ensure that oil/sludge is not built up on the upstream side of relief devices; iii) that adequate provision has been made for isolating the hydrogen line and the process area with "blowing through" with inert gas prior to maintenance work such as welding in the vicinity; iv) the details of the hazardous classification area and the adequacy of safety measures for the hydrogen manufacturing area, process area and the area surrounding the hydrogen supply pipes; and v) the separation distances between the hydrogen system, and the natural gas and the boiler house system.	This condition has been assessed in detail in a separate report titled "Hazard Audit 2008", prepared by ENSR Australia.
c)	a **Final Hazard Analysis** prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory paper No. 6 – Guidelines for hazard Analysis.	This condition has been assessed in detail in a separate report titled "Hazard Audit 2008", prepared by ENSR Australia.
d)	a **Construction Safety Study** prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory paper No. 7 – Construction Safety Guidelines. The "commissioning" portion of the study may be completed prior to the commencement of operations rather than prior to the commencement of construction. In particular, risks during the construction period from and to the existing plant shall be considered in the study.	This condition has been assessed in detail in a separate report titled "Hazard Audit 2008", prepared by ENSR Australia.
	Construction, other than of preliminary works, shall not commence until approval is given to the studies listed in a) – d). The proponent shall consider and implement, as appropriate, all recommendations arising out of the studies and/or shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures presented in the Report. Any such works shall be completed within such time as the Director-general may require.	This condition has been assessed in detail in a separate report titled "Hazard Audit 2008", prepared by ENSR Australia.

PA Condition	Description	Compliance
Pre-commissioning		
2.22	Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the Director-General, the following studies:	**TPR complies with this condition.** TPR have prepared and submitted the pre-commissioning studies. A letter to the Department of Planning was sighted, dated 6th March 2007. There has been no correspondence received from the Department of Planning.
a)	an **Emergency Plan** and detailed emergency procedures shall for the site. An update of the existing site Emergency Plan will be acceptable for the purpose pf this condition. The plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the development. The plan shall be prepared in accordance with the Department of Planning's Hazardous Industry Planning Advisory paper No. 1 – Industry Emergency Planning Guidelines.	**TPR complies with this condition.** TPR's Emergency Management Plan was inspected during the Site Inspection and Interview. The Plan is very comprehensive covering a range of potential situations. The Plan however is not in the same format as HIPA paper No.1 but has been reviewed against HIPA paper No. 1 to ensure consistency and was found to be in general accordance.
b)	a **Safety Management System** covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibility and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Director-General or nominee. The Safety Management System shall be developed in accordance with the Department of Planning's Hazardous Industry Planning Advisory paper No. 9 – Safety Management.	**TPR complies with this condition.** The Safety Management System (SMS) has been submitted to the Department of Planning. Please refer to separate report titled "Hazard Audit 2008", prepared by ENSR Australia, for detailed assessment of safety and hazard issues. The SMS however is not in the same format as HIPA paper No.9 but has been reviewed against HIPA paper No. 9 to ensure consistency and was found to be in general accordance.

PA Condition	Description	Compliance
	Operations shall not commence until approval is given to the studies outlined in a)-b). The proponent shall consider and implement, as appropriate, all recommendations arising out of the studies and/or shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures presented in the Report. Any such works shall be completed within such time as the Director-General may require.	**TPR complies with this condition.** There has been no specific correspondence received from the Department of Planning giving approval for this Condition. However, TPR applied to modify their Project Approval before commencing operations and the Department of Planning issued a Modification to the project approval on the 16th May 2007 for TPR to commence operations.

PA Condition	Description	Compliance
Post-commissioning		
2.23	Prior to commencement of operations, the Proponent shall submit to the Director-General, a **Pre-Start up Compliance Report**, detailing compliance with conditions 2.21 and 2.22, including: a) dates of commissioning of plant; b) an action plan to implement recommendations made in the studies listed in conditions 2.21 and 2.22; and c) responses to each requirement imposed by the Director-general in respect of the implementation of any measures arising from recommendations of the studies or reports referred to in conditions 2.21 and 2.22 above and the hazards-related conditions of this approval, within such time as the Director-General may agree.	**TPR complies with this condition.** A letter to the Department of Planning submitting the Report, dated 22nd August 2007, was sighted. The Pre Start up Compliance Report has not been viewed by the ENSR Audit Team and therefore its content cannot be assessed. Correspondence from the Department of Planning dated 3rd October 2007 approving the Pre-Start up Compliance Report was also sighted. According to this letter the Report only detailed compliance with Conditions 2.21 and 2.22, therefore it is assumed, without viewing the Report, that the Report did not detail compliance with all the conditions of this Approval. This letter also states that the start date of commissioning the plant is the 22 May 2007 with the commission period to end on the 22 September 2007 (as per extension granted).

PA Condition	Description	Compliance
Dangerous Goods		
2.24	All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. The bund(s) shall be designed and installed in accordance with: a) the requirements of all relevant Australian Standards; and b) the DEC's Environmental Protection Manual *Technician Bulletin Bunding and Spill Management* In the event of inconsistency between the requirements listed from a) to b) above, the most stringent requirement shall prevail to the extent of the inconsistency.	**TPR does not comply with this condition.** TPR have received a 'Notification of Dangerous Goods on Premises' from WorkCover acknowledging the dangerous goods at the site (expiry date: 3/08/07) and have an up to date MSDS register. In most respects TPR comply with this condition as all of the waste oil storage and process tanks, the loading bay and refinery plant is sufficiently bunded. However, due to asbestos being found in one of the storage sheds, Caustic Soda (NaOH), waste oil, empty NaOH and waste oil containers were sighted during site inspection to be stored outdoors without bunding, and therefore not in compliance with this condition. As per audit interview, a capital request has been made to management to buy special 'spill pallets' and a portable containment bund. TPR have also engaged a consultant to assess dangerous goods storage (report prepared by the "ESP Personnel" sighted) in order to rectify this issue. **Refer to Recommendation 2.**

PA Condition	Description	Compliance
TRANSPORT		
Road Improvements		
2.25	Prior to the commencement of operations or as otherwise agreed by the Director-General, the Proponent shall provide a monetary contribution of $60, 000 to the RTA towards the upgrade of the New England Highway and Kyle Street intersection to accommodate B-Double movements.	**TPR complies with this condition.** TPR have gained a bank guarantee (C6468) for $60,000 in favour of the RTA towards the upgrade of the New England Highway and Kyle Street intersection. The Guarantee is from the ANZ bank and acknowledgement of the guarantee from the RTA was sent to TPR 13th July 2007 (letter sighted).
2.26	The Proponent shall ensure that B-Doubles associated with the site do not use the New England Highway and Kyle Street intersection at any time until the intersection has been upgraded to cater for B-Double movements. In the interim, B-Doubles associated with the site shall only use the Racecourse Road/New England Highway intersection to access the site via Racecourse Road and Kyle Street.	**TPR complies with this condition.** TPR ensure that B-Doubles associated with the site do not use the New England Highway and Kyle Street intersection by informing the drivers of the requirement and asking them to sign an undertaking (*Transport Code of Conduct Sign Off*) not to use the intersection. Records of these signed undertakings were witnessed during the site inspection. Failure to observe the condition by B-Double drivers may result in disciplinary action or annulment of contractual obligations. The transport Code of Conduct is reviewed every 12 months, assessing effectiveness of the measures put in place to enforce B-Double route.

PA Condition	Description	Compliance
2.27	To enforce the nominated B-Double route, as conditioned in condition 2.26, the Proponent shall implement a **Transport Code of Conduct** for the project. The Code of Conduct shall include, but not necessarily be limited to, the following: a) details of the measures that would be implemented to enforce this route. This shall include, but not be restricted to, contractual arrangements and disciplinary action; b) a program of driver training to ensure that drivers are aware of route restrictions applicable to the development; c) communication and management strategies for both the Proponent's own fleet and contracted fleet to ensure the requirements of the Code are met; d) the incorporation of a regular audit and monitoring program for the Code to determine compliance with the Strategy by heavy vehicles associated with the development and to evaluate the effectiveness of Code in enforcing this route. The Applicant shall not commence operations until the Director-General has approved the Transport Code of Conduct. The Code shall be incorporated into the Operational Environmental Management Plan for the development (refer to condition 3.5 and condition 3.6 of this consent).	**TPR complies with this condition.** TPR have developed and submitted (letter dated 26th September 2006 sighted) a Transport Code of Conduct, refer to Condition 3.6b) below. Please refer to Condition 2.26 for enforcement of the B-Double route that satisfies a) to d).
Internal Road Works and Parking		
2.28	The Proponent shall ensure that: a) all car parking on the site is constructed in accordance with the relevant requirements in AS 2890.1-2004; b) the internal road network can accommodate the largest vehicles that would be used on site in accordance with the relevant requirements of AS 2890.2-2002; c) no vehicles from the project park, queue or stand in any or the road reserves outside the site.	**TPR complies with this condition.** The Internal Traffic Management Plan details the requirements of b) and c) however it cannot be verified that the car park has been constructed in accordance with AS2890.1-2004.

PA Condition	Description	Compliance
2.29	Prior to the commencement of the construction work, the Proponent shall submit to the Director-General documentation detailing the internal traffic management plan, particularly the internal road works and car parking arrangement for the project. This shall include: a) measures to ensure the conflict between passenger vehicles heavy vehicles are minimised. This includes reversing passenger vehicles into road carriage ways utilised by heavy vehicles; b)measures to ensure the conflict between pedestrians and vehicles on site are minimised; c) the arrangement for the unloading and loading of heavy vehicles; and d) demonstration of adequate turning-paths for all heavy vehicles accessing various components of the project. This internal traffic management plan shall be prepared in consultation with Council. Documentary evidence of this consultation shall be provided to the Director-General.	**TPR complies with this condition.** TPR have prepared and submitted (letter to Department of Planning dated 26th September 2006 sighted) an Internal Traffic Management Plan that sufficiently details the requirements of a)-d). The plan includes a schematic traffic flow diagram. It cannot be verified that the Internal Traffic Management Plan was prepared in consultation with the Council with documentary evidence of this consultation provided to DoP not sighted.
2.30	Prior to the commencement of the construction work, the Proponent shall demonstrate to the Director-general that any applicable consent for the site access road works have been granted under section 128 of the Roads Act 1993. The site access point shall be completed prior to the commencement of operations.	**TPR complies with this condition.** TPR notified the department of Planning (letter dated 27th September 2006 sighted) that “no new site access has been requested under this project and the existing site access is not being modified. Therefore no applicable consent is required.” There has been no specific correspondence received from the Department of Planning giving approval for this Condition. However, the Department of Planning issued a Modification to the project approval on the 16th May 2007.

PA Condition	Description	Compliance
FLORA AND FAUNA		
2.31	The Proponent shall minimise any clearing of vegetation during construction work, and shall retain the vegetation community, referred to as Remnant 4" on Map Reference 2118506A_2001 (Figure No.11 of the EAR), and partially retain the vegetation community, referred to as "Remnant 3", throughout the life of the development in a healthy and tidy state.	**TPR complies with this condition.** TPR are to be commended for their commitment to retain the existing vegetation. Only 6 trees in total (according to the Vegetation Management Plan) were removed from the site during construction. Remnants 3 and 4 have not been disturbed and are maintained in a generally healthy and tidy state; however some weed control works are necessary.
VISUAL		
2.32	The proponent shall ensure that all external lightning associated with the project: a) does not create a nuisance to surrounding properties or roadways; and b) complies with AS 4282(INT) 1995 – Control of Obtrusive Effects of Outdoor Lightning.	**TPR complies with this condition.** TPR has minimal external lighting. TPR have not received any complaints about the external lighting suggesting it is not a nuisance to neighbours. Discussion during the Interviews suggested that the lighting would have been designed according to AS 4282(INT) 1995, however no documentary evidence of this was sighted.
ASBESTOS		
2.33	The Proponent shall handle and dispose of asbestos containing materials in accordance with the Protection of the Environment Operations (Waste) Regulations 1996.	**TPR complies with this condition.** TPR have identified asbestos on site and have undertaken an Asbestos Survey (May 2008) which includes a risk analysis and recommendations. The area containing asbestos has been demarcated. It is understood that TPR are in the process of commissioning a qualified contractor to remove the asbestos.

PA Condition	Description	Compliance
2.34	Prior to the commencement of construction work at the site, the Proponent shall ensure that all asbestos-containing materials, including friable asbestos particles within soil, are identified, treated and/or removed to ensure no long-term impact on human health and safety for personal located at the site and neighbouring properties. *Note: The proponent is required to comply with the statutory requirements of the Occupational Health and Safety Regulation 2001 to manage risks to human health as a result of handling, treatment and removal of asbestos at the site.*	**TPR does not comply with this condition.** TPR complied an Asbestos Register, dated July 2006 prior to the commencement of construction identifying all asbestos containing material, however treatment and removal of asbestos is currently being addressed, therefore no recommendation is required. Refer to condition 2.33 above.
2.35	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2002: The Demolition of Structures, or its latest version.	**TPR complies with this condition.** Demolition work is carried out at the site includes the removal of some buildings in a state of bad repair and a large warehouse (Asbestos Register, July 2006) to make way for the Plant. It cannot be verified whether the demolition took place in accordance the Australian Standard, as TPR have no documentary evidence.
3. ENVIRONMENTAL MANAGEMENT AND MONITORING		
ENVIRONMENTAL REPRESENTATIVE		
3.1	Prior to the commencement of construction, the Proponent shall employ a suitably qualified and experienced environmental representative/s, whose appointment has been endorsed by the Director-General. The Proponent shall employ this representative/s throughout the life of the project, and notify the Director General of any changes to the appointment that may occur from time to time. This environmental representative must be: a) the primary contact point in relation to the environmental performance of the project; b) responsible for all the environmental requirements under this approval; c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the environmental performance and impacts of the project;	**TPR complies with this condition.** Ken Telfer was appointed the Environmental representative for the site approved by the Department of Planning in a letter dated 18th September 2006 (sighted). The exact Construction commencement date has not been supplied by TPR and therefore whether this was submitted prior to construction cannot be verified. Commissioning commenced on the 22

PA Condition	Description	Compliance
	d) responsible for the receiving and responding to complaints about the project; and e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.	May 2007. He is the primary point of contact and responsible for all environmental requirements under this approval. He also handles complaints and has the authority to take steps to avoid adverse environmental impacts.
OPERATIONAL MONITORING-AIR		
3.2	Air quality monitoring will be undertaken in strict accordance with the requirements set out in the EPL covering the operation on the facility and the Rutherford Resource Recovery and Recycling Facility Air Quality management Plan (AQMP) prepared by Pacific Air and Environment (PAE), dated 20 March 2007.	**TPR does not comply with this condition.** Refer to Condition M2.1 of **Appendix B**.
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)		
3.3	Prior to the commencement of construction, the Proponent shall prepare (and following approval implement) a **Construction Environmental Management Plan** (CEMP) for the project to the satisfaction of the Director-General. This plan must outline the environmental management practices and procedures that would be implemented during each stage of construction, and include: a) a description of all activities to be undertaken on the site during construction of the project, including an indication of stages of construction, where relevant; b) statutory and other obligations that the proponent is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders; c) details of how the environmental performance of the construction works would be monitored, and what actions would be taken to address identified adverse environmental impacts; d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project; and e) complaints handling procedures during construction and site preparation.	**TPR complies with this condition.** A CEMP for the site was prepared by the construction contractors Hutchinson Builders (first dated 7th July 2006). The CEMP was approved by the Department of Planning in a letter dated 7 December 2006 (sighted). This letter also approved the content of the Soil, Water and Dust Management Plan and Soil Contamination Protocol requested in Condition 3.4 below. The CEMP adequately addresses points a)-e). The contents of CEMP were implemented through a training and induction process of construction workers who were made especially aware of the following issues: • Flora and fauna

PA Condition	Description	Compliance
		management; • Stormwater management; • Erosion and sediment control; • Noise Management, including road traffic noises; • Waste management and hazardous substances; • Health and safety; and • Emergency response
	Site preparation and construction works associated with any stage of the project shall not commence until the Director-General has approved the CEMP for that stage. Upon receipt of the Director-general's approval, the Proponent shall supply a copy of the CEMP to the DEC, DNR and Council as soon as practicable.	**TPR complies with this condition.** The CEMP was approved by the Department of Planning in a letter dated 7 December 2006 (sighted). TPR sent a copy of the CEMP to the Maitland City Council, DEC and DNR as per correspondence sighted (date not verified).
3.4	The CEMP for the project shall include the following management Plans;	
a)	a **Soil, Water and Dust Management Plan** to detail measures to minimise the disturbance of soil, erosion and the generation of dust during construction of the project. This plan shall include; i) the results of investigations into soils associated with the site, in particular the presence of friable asbestos and/or contaminants within the construction work footprint; ii) a description of the proposed erosion and sediment control measures which must be consistent with best practice, including the Landcom's publications Soil and Water management	**TPR complies with this condition.** As per review of the TPR CEMP and the Department of Planning's letter of approval for the Soil, Water and Dust Management Plan, dated 7 December 2006 (sighted). The SWDMP was not a separate

PA Condition	Description	Compliance
	for Urban Development and the Managing Urban Stormwater – Soils and Construction; iii) a description of the measures that would be implemented to prevent the generation of dust during construction work; iv) a description of the proposed monitoring that would be carried out during construction, clearly indicating who would conduct the monitoring, how the results would be recorded; and, if any non-compliance is detected, what corrective action would be taken; and v) a description of procedures that would be implemented to ensure that the control measures are maintained at all times, and to address any non-compliance, should it occur.	document but was included in the contents of Section 3 of the CEMP. The contents of Section 3 are broken down by issue. Issues 1, 4, 5 and 5a provide the detail required for Points i) – v).
b)	a **Soil Contamination Protocol** to manage soil contamination during site preparation and construction works. The Protocol shall detail procedures for the identification, isolation and removal of any contaminated soil, asbestos (including friable asbestos fibres) and munitions disturbed during site preparation and construction works, and detail measures for addressing any detected contamination.	**TPR complies with this condition** As per review of the TPR CEMP and the Department of Planning's letter of approval for the Soil Contamination Protocol, dated 7 December 2006. The Protocol was included in Section 3 of the CEMP, issue 5a. The protocol details the management controls, risk assessment and person responsible.
c)	a **Vegetation Management Plan** to detail measures to minimise the impact of vegetation clearing associated with the project and manage the rehabilitation of remaining remnants throughout the life of the development. The plan shall include: i) a detailed plan showing the area and type of vegetation that is to be removed; ii) a description of the measures that would be implemented to protect the vegetation that would not be cleared (such as fencing); iii) identification of plant material to be used for rehabilitation, and the densities and species mix for areas to be rehabilitated; and iv) a description of establishment methods, sequencing of tasks, maintenance and performance monitoring.	**TPR complies with this condition.** The Vegetation Management Plan was approved by the Department of Planning with letter dated 16th February 2007. The Plan adequately addresses points i) – iv). Refer to Condition 2.31.
OPERATION ENVIRONMENTAL MANAGEMENT PLAN (OEMP)		
3.5	Prior to the commencement of operations, the Proponent shall prepare (and following approval implement) an **Operation Environmental Management Plan** (OEMP) for the project, in consultation with the DEC, DNR and Council, and to the satisfaction of the Director-General. The plan must describe the environmental management framework, practices and procedures that would be followed during operations, and include:	**TPR complies with this condition.** TPR prepared an OEMP prior to the commencement of operations and sent a copy of the OEMP to the Department of Planning on the 6th March 2007

PA Condition	Description	Compliance
	a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the development, including all approvals, licenses, approvals and consultations; b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development; c) overall environmental policies and principles that will be/are applied to the operation of the development; d) standards and performance measures that will be/are applied to the development, and a means by which environmental performance can be periodically reviewed and improved; e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval; f) details of all landscaping to be undertaken on the site; g) the various management plans required under this approval; and h) contingency measures should monitoring of environmental issues under this approval indicate that the development has had, or is having and adverse environmental impact.	(letter sighted). The OEMP includes: • Identification of all statutory and other obligations in Section 2.3 and Appendix 2 to satisfy point a); • A detailed description of the roles and responsibilities for employees to satisfy point b); • The Environmental Policy and the purpose and scope of the OEMP are contained in Section 1, satisfying point c); • The environmental management performance measures are included in Section 3 in an effective table outlining the issue, objective, strategy, monitoring and responsibility, thus satisfying point d); • The management policies are also covered in the Table in Section 3, satisfying point e); • The Vegetation Management Plan includes all landscaping details and is included in Appendix 1, satisfying point f);

PA Condition	Description	Compliance
		• The management plans are included in Appendix 1, satisfying point g); and • The contingency measures are included in Section 3 table under the strategy and monitoring columns, satisfying point h). TPR are successfully implementing the OEMP. The contents of the OEMP are communicated to employees through the staff induction process (confirmed by discussion with a Plant Operator). Staff also have regular 'tool box talks' which communicate topical/relevant contents of the OEMP. The Environmental Management responsibilities of the OEMP have been collated into an 'Environmental Workplace Inspection Form' completed every month by different employee so that implementation of the OEMP is effectively assessed (checked). It includes all of the elements required by the OEMP and triggers corrective actions and follow up (previous completed records sighted). Implementation of the OEMP was further verified by the site inspection.

PA Condition	Description	Compliance
	Operations shall not commence until the Director-General has approved the OEMP. Upon receipt of the Director-General's approval, the Proponent shall supply a copy of the OEMP to the DEC and Council as soon as practicable.	**TPR complies with this condition.** TPR sent a copy of the OEMP to the Department of Planning on the 6th March 2007 (letter sighted), however no specific notification of Approval of the OEMP has been received by TPR. The Department of Planning issued a Modification to the project approval on the 16th May 2007 and in granting this modification it is implied that approval has been granted for this condition. It cannot be verified if the OEMP has been sent to the Maitland City Council and DECC. **Refer to Improvement Recommendation 4.**
3.6	The OEMP for the project shall include the following Management Plans:	
a)	an **Air Quality Management Plan** outlining the measures that would be implemented to minimise and manage air quality impacts of the proposal, particularly odour. The plan shall include, but not necessarily be limited to: i) identification of all point and diffuse sources of air quality emissions associated with the project; ii) a detailed description of the mitigation methods and management practices that would be used throughout the project, particularly methods to ensure offensive odour impacts do not occur off site, and a demonstration that these measures are consistent with industry best practice; iii) a detailed monitoring program for the project; iv) detail of the contingency measures that would be implemented if non-compliance with air quality emission criteria is detected or if offensive odour impacts occur; and v) a procedure for handling complaints.	**TPR complies with this condition.** TPR Air Quality Management Plan (AQMP), prepared by Pacific Air and Environment (PAE), dated 20 March 2007, includes; • identification of air quality emissions sources thus satisfying point i); • management and mitigation methods used (e.g. Wet Scrubber for the Gas-Fired Heater Stack for SO_2 mitigation purpose and Light End Scrubber (vapour recovery unit) for fugitive VOC emissions; sighted during site inspection) to partially satisfy point ii);

PA Condition	Description	Compliance
		• a detailed monitoring program in Section 7 (two quarterly monitoring reports sighted), thus satisfying point iii); • contingency measures to be implemented in a case of non-compliance; • a complaints procedure (Appendix A of the AQMP) verified during audit interviews. However, TPR AQMP in its content does not adequately address odour impacts and mitigation measures to fully comply with point ii) of this condition, particularly that these measures are consistent with industry best practice. The AQMP states that this will be addressed in detail in the Odour Audit. The TPR Odour Audit Report is currently being undertaken by ENSR Australia (refer to Condition U2.1 of **Appendix B**). **Refer to Improvement Recommendation 5.**
b)	a **Transport Code of Conduct** to outline measures to manage all heavy vehicle traffic movements associated with the project to minimise impacts on the local and regional road network, including traffic noise. The Code shall address the requirements of Council and the RTA and shall include, but not necessary be limited to: i) restrictions to routes, where relevant; ii) management measures to reduce volumes of heavy vehicles travelling to and from the site during peak hours, particularly B-Double movements at the Kyle Street/New England Highway intersection during peak hours; and iii) details of what disciplinary actions would be taken should any non-compliance with the Transport Code of Conduct be detected.	**TPR complies with this condition.** The Transport Code of Conduct (TCC) was submitted with the OEMP to the Department of Planning. The TCC includes the route restriction and management measures as referred to in Conditions 2.26 and 2.27 above. The TCC also includes details of disciplinary actions that may be taken by TPR if a driver does not strictly

PA Condition	Description	Compliance
		comply with the TCC. The contents of the TCC are communicated to employees and contractors via the induction process.
c)	a **Groundwater Management Plan** to detail measures to monitor, and where applicable, manage the impact on groundwater. The Plan shall be prepared in consultation with DNR and DEC, and shall include, but not necessarily be limited to: i) details of baseline groundwater quality, as present prior to the commencement of construction of the development; ii) groundwater assessment criteria for a broad range of parameters, including heavy metals, total nitrogen and total phosphorous; iii) monitoring program of groundwater quality, including frequency of monitoring and monitoring locations; iv) details of contingency measures and managements options should monitoring of groundwater quality indicate that the development has had, or is having and adverse effect on groundwater quality; v) details of the nominating contingency measures and management options, should monitoring of groundwater quality indicate that the development has exceeded this criteria. These levels and contingencies and management options must be developed in the satisfaction of the DEC and DNR.	**TPR complies with this condition.** TPR Groundwater Management Plan (GMP), dated 18 July 2006 includes; • groundwater quality report prior to commencement of construction (Appendix A of the GMP) thus satisfying point i); • groundwater assessment criteria (Section 5.2 of the GMP) thus satisfying point ii); • groundwater monitoring program (Section 5 of the GMP), thus satisfying point iii) (two quarterly monitoring reports sighted); • contingency measures to be implemented for a non-compliance (Section 5.3 of the GMP, thus satisfying points iv) and v). DoP approval of the TPR OEMP (and therefore the GWMP) is pending (Refer to Condition 3.5).

PA Condition	Description	Compliance
3.7	Within 3 months of the completion of each Independent Environmental Audit (see condition 4.4), the Proponent shall review and update the Operation Environmental Management Plan (OEMP) for the project, in consultation with the DEC and Council, and to the satisfaction of the Director-General.	**This condition has not been activated.** TPR have undertaken to review the OEMP after the completion of this Audit. Refer to Condition 4.4 below.
4. COMPLIANCE, AUDITING AND INDEPENDENT AUDITING		
COMPLIANCE		
4.1	Prior to the commencement of construction and operations, the Proponent shall certify in writing to the satisfaction of the Director-General, that it has complied with all the applicable conditions of this approval.	**TPR does not comply with this condition.** Prior to the commencement of construction, as per letter dated 21 February 2007 with compliance report attached, TPR has certified that it had complied with all the applicable conditions of this approval. However, TPR did not certify compliance with all the applicable conditions of this approval prior to the commencement of operations. Therefore, this is a retrospective non compliance and no recommendation is required.
AIR QUALITY AND NOISE VALIDATION REPORT		
4.2	Within three months of commissioning operations at the site, the Proponent shall submit an **Operational Air and Noise Validation Report** for the project. This Report shall: a) be undertaken by a suitably qualified and experienced person(s); b) assess whether the project is complying with the noise criteria specified in condition 2.20 of this approval, and identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; c) validate that the performance of the project reflects the assumptions and conclusions made in the Preferred Project Report and the Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007; d) undertake air quality validation and performance verification reporting as detailed in the AQMP	**TPR does not comply with this condition.** TPR does not comply with this condition as the due date for the Operational Air and Noise Validation Report (OANVR) was not met. The due date for the OANVR was amended as per TPR Environment Protection Licence (EPL) Variation Notice number 1079458 to be due: *within nine months* from the operations

PA Condition	Description	Compliance
	prepared by PAE, dated 20 March 2007 to validate compliance with the Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005 and the emissions inventory of the project as detailed in the Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007; e) provide details of each round of Performance verification Monitoring such that the monitoring frequency for all pollutants can be reviewed, as specified in the AQMP; f) identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; and g) provide details of any complaints received relating to air quality generated by the project, and action taken to respond to those complaints.	commissioning (refer to **Appendix B**, Condition U1) which is 22 June 2008. TPR OANVR is currently being undertaken by ENSR Australia. As per audit interview, the Report has been delayed due to onsite assessment of asbestos issues, which affected meeting the deadline for the Report. As the Report is still being prepared the contents could not be validated at this time. **Refer to Recommendation 6.**
4.3	If the Report identifies any non-compliance with the air quality limits imposed under this approval, an EPL for the development and/or does not reflect the conclusions made within the Environmental Assessment for Transpacific Refiners, Modifications to Existing Development, dated 12 April 2007, the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-general and the DECC. The Proponent shall comply with all reasonable requirements of the Director-General or the DECC in respect to the findings presented in the Report. Any such works shall be completed within such time as the Director-General or the DECC may require.	**This condition can not be assessed.** Refer to Condition 4.2.
INDEPENDENT ENVIRONMENTAL AUDIT		
4.4	Within one year of the commencement of operations, and then as directed by the Director-general, the proponent shall commission an **Independent Environmental Audit** of the development. This audit must: a) be carried out by a suitably qualified, experienced and independent audit team, that contains and odour specialist and hazard specialist, whose appointment has been endorsed by the Director-general; b) be carried out in accordance with ISO 14010 – Guidelines and General Principles for Environmental Auditing and ISO 14011 – Procedures for Environmental Auditing, the Department of Planning's Hazardous Industry Planning Advisory paper No. 5 – hazard Audit Guidelines; c) assess whether the project is complying with the conditions of both this approval and the EPL	**TPR complies with this condition.** ENSR Australia was contracted and the Audit team was approved by the Department of Planning (letter dated 28th April 2008).

PA Condition	Description	Compliance
	for the project; d) assess whether the project is being carried out in accordance with industry best practice; e) review the adequacy of the Operation Environmental Management Plan for the project; compliance with the requirements of this approval, and other licences and approvals; and f) recommend measures or actions to improve the environmental performance of the project, and/or the Operation management Plan for the project.	
4.5	Within 2 months of commissioning this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the Audit report to the Director-General, with a response to any recommendations contained in the audit report.	**TPR does not comply with this condition.** The Audit Report was due to be sent to the Department of Planning by the 28 June 2008, however, the Report has been delayed due to the onsite assessment of the asbestos issues (refer to Condition 4.2).
5. ENVIRONMENTAL REPORTING		
INCIDENT REPORTING		
5.1	The proponent shall notify the DEC and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The proponent shall provide written details of the incident to the DEC and the Director-General within seven days of the date on which the incident occurred.	**TPR complies with this condition.** TPR have had no incidents of actual or potential significant off-site impacts on people or the biophysical environment and as such have not been required to contact/notify DECC or the Director-General. TPR have a National Integrated Management System which includes an incident reporting procedure and the only incidents have been minor spills within the bunded area.

PA Condition	Description	Compliance
ANNUAL PERFORMANCE REPORTING		
5.2	Within 12 months of the commencement of operations, and annually thereafter, the Proponent shall submit an **Annual Environmental Management Report** (AEMR) for the project to the DEC, Council, and the Department. The AEMR shall include: a) details of compliance with the conditions of this approval, and any other licenses and approvals for the project; b) a list of variations obtained to approvals applicable to the development and to the site during the preceding twelve-month period; c) a copy of the Complaint Register for the preceding twelve month period (exclusive of personal details), and a description of how these complaints were addressed and resolved; d) results of all environmental monitoring required under this approval and other approvals, including interpretations and discussion by a suitably qualified person; e) a list of all occasions on the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident; f) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in the EA and the additional information listed under condition 1.1; g) identification of trends in monitoring data over the life of the development to date; and h) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results.	**This condition has not been activated.** TPR commenced operations on the 22 September 2007, making the first AEMR due on the 22 September 2008. According to discussion during the Site Interviews the AEMR has been drafted by TPR (sighted).
6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT		
ACCESS TO INFORMATION		
6.1	Subject to confidentiality, the proponent shall make all documents required under this approval publicly available.	**TPR complies with this condition.** No requests have been made for documents required under this approval to date. Should a request be made documents would be made available.

PA Condition	Description	Compliance
COMPLAINTS PROCEDURE		
6.2	Prior to the commencement of construction, the Proponent shall establish community complaints system to the satisfaction of the Director-General. This System must include: a) a 24-hour telephone number on which complaints about operations on the site may be registered; b) a postal address to which written complaints may be sent; and c) an email address to which electronic complaints may be transmitted, should the Proponent have email capabilities. The telephone number, the postal address and the email address shall be advertised in a newspaper circulating within the locality on at least one occasion prior to the commencement of construction of each stage of the development. These details must also be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public and on the Proponent's internet site, should one exist. The telephone number, postal address and email address must be maintained throughout the life of the development.	**TPR complies with this condition.** TPR have established a community complaints system that has been approved by the Department of Planning (letter dated 24th October 2006 sighted). TPR have a 24-hour telephone number (1800 158 447), a PO Box postal address and an email address that complaints can also be sent to. The Complaints number and addresses were advertised in the Maitland Mercury on the 16th March 2007 (sighted). The details are also displayed on a sign at the site gate.
6.3	The proponent must record details of all complaints received about the project in an up-to-sate Complaints register. The register must record, but not necessarily be limited to: a) the data and time, where relevant, of the complaint; b) the means by which the complaint was made (telephone, mail or email): c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect; d) the nature of the complaint; e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the Proponents in relation to the complaint, the reason(s) why no action was taken. The Complaints Register must be made available for inspection by the Director-general upon request.	**TPR complies with this condition.** TPR have not received any complaints themselves from the community, the only complaints they have received have been general odour complaints in the Rutherford area via DECC. TPR have responded to the DECC for each odour complaint received (correspondence sighted). For the complaints received, TPR have been following their complaints procedure that complies with and records all the details required in points a) to f). If asked, TPR would provide the Complaints Register to the Department of Planning.

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Appendix B

Compliance with Environmental Protection Licence 12555

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">1. Administrative Conditions</td></tr>
<tr><td>A1</td><td>What the licence authorises and regulates</td><td></td></tr>
<tr><td>A1.1</td><td>Not applicable.</td><td></td></tr>
<tr><td>A1.2</td><td>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.
<table>
<tr><th>Scheduled Activity</th></tr>
<tr><td>Petroleum Works</td></tr>
<tr><td>Waste Activities</td></tr>
<tr><td>Chemical Industries or Works - other</td></tr>
<tr><td>Waste Facilities - HIGAB processing</td></tr>
</table>
<table>
<tr><th>Fee Based Activity</th><th>Scale</th></tr>
<tr><td>Petroleum Refining (68)</td><td>> 10000 - 200000 T refined and manufactured</td></tr>
</table></td><td>TPR complies with this condition.
TPR only undertake the scheduled activities listed as per Audit site inspection.
Refer to Condition 1.4 of Appendix A.</td></tr>
<tr><td>A1.3</td><td>Not applicable.</td><td></td></tr>
<tr><td>A2</td><td>Premises to which this licence applies</td><td></td></tr>
<tr><td>A2.1</td><td>The licence applies to the following premises:
Premises Details
TRANSPACIFIC INDUSTRIES PTY LTD
11 KYLE STREET
RUTHERFORD NSW 2320
LOT 223 DP 1037300</td><td>TPR complies with this condition.

TPR are currently in the process of transferring the EPL from Transpacific Industries Pty Ltd to Transpacific Refineries Pty Ltd a company created by the Transpacific Group after the issuing of the initial EPL.</td></tr>
</table>

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td>A3</td><td>Other activities</td><td></td></tr>
<tr><td>A3.1</td><td>This licence applies to all other activities carried on at the premises, including:
Chemical Storage Facilities</td><td>TPR complies with this condition.
TPR store chemicals on site for use in the refinery process.</td></tr>
<tr><td>A4</td><td>Information supplied to the EPA</td><td></td></tr>
<tr><td>A4.1</td><td>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:
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 the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</td><td>TPR complies with this condition.
TPR only undertake activities as expressly provided for in this Environmental Protection Licence and application and in the Project Approval (compliance assessed in Appendix A).</td></tr>
<tr><td colspan="3">2. Discharges to air and water and applications to land</td></tr>
<tr><td>P1</td><td>Location of monitoring/discharge points and areas</td><td></td></tr>
<tr><td>P1.1</td><td>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.
Air
<table>
<tr><th>EPA Identification no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Description of Location</th></tr>
<tr><td>1</td><td>Discharge to Air</td><td>Discharge to Air</td><td>In the discharge duct downstream of the stainless steel fired heater and before the junction with the fired heater stack</td></tr>
<tr><td>2</td><td>Discharge to air
Air emissions monitoring</td><td>Discharge to air
Air emissions monitoring</td><td>3.0 MW Boiler stack</td></tr>
<tr><td>3</td><td>Discharge to air
Air emissions monitoring</td><td>Discharge to air
Air emissions monitoring</td><td>0.2 MW Boiler stack</td></tr>
</table></td><td>TPR complies with this condition.
As per TPR Air Quality Management Plan (AQMP) and site visit, required discharge points have been identified as a source of emission of pollutants to the air from the point.</td></tr>
</table>

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><td>4</td><td>Discharge to air
Air emissions monitoring</td><td>Discharge to air
Air emissions monitoring</td><td>Flare</td></tr>
<tr><td>5</td><td>Air emissions monitoring</td><td>Air emissions monitoring</td><td>Emissions from light ends scrubber (vapour recovery unit)</td></tr>
<tr><td>18</td><td>Discharge to air</td><td>Discharge to air</td><td>In the discharge duct downstream of the fired heater serving the flashpoint correction column and before the junction with the fired heater emission stack</td></tr>
<tr><td>19</td><td>Discharge to Air</td><td>Discharge to Air</td><td>Stack serving the fired heaters</td></tr>
<tr><td>20</td><td>Discharge to Air</td><td>Discharge to Air</td><td>Hydrogen Reformer Burner</td></tr>
<tr><td>21</td><td>Weather Monitoring</td><td></td><td>Rooftop near southwest corner of the control room</td></tr>
</table>
</td><td></td></tr>
<tr><td>P1.2</td><td>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.</td><td>TPR complies with this condition.
Refer to Condition P1.3 below.</td></tr>
<tr><td>P1.3</td><td>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.
Water
<table>
<tr><th>EPA Identification no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Description of Location</th></tr>
<tr><td>6</td><td>Groundwater quality monitoring</td><td></td><td>Bore MW13</td></tr>
<tr><td>7</td><td>Groundwater quality monitoring</td><td></td><td>Bore MW14</td></tr>
<tr><td>8</td><td>Groundwater quality monitoring</td><td></td><td>Bore MW15</td></tr>
</table>
</td><td>TPR complies with this condition.
As per TPR quarterly Groundwater Monitoring Reports, six monitoring wells have been installed and used for groundwater monitoring.
No solids or liquids are applied to the utilisation area, as per audit site inspection.</td></tr>
</table>

<table>
<tr><th>EPL Condition</th><th colspan="2">Description</th><th></th><th></th><th>Compliance</th></tr>
<tr><td></td><td colspan="4"><table>
<tr><td>9</td><td>Groundwater quality monitoring</td><td></td><td>Bore MW10</td></tr>
<tr><td>10</td><td>Groundwater quality monitoring</td><td></td><td>Bore MW11</td></tr>
<tr><td>11</td><td>Groundwater quality monitoring</td><td></td><td>Bore MW12</td></tr>
</table></td><td></td></tr>
<tr><td colspan="6">3 Limit conditions</td></tr>
<tr><td>L1</td><td colspan="4">Pollution of waters</td><td></td></tr>
<tr><td>L1.1</td><td colspan="4">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.</td><td>TPR complies with this condition.
Refer to Condition 2.15 of Appendix A.</td></tr>
<tr><td>L2</td><td colspan="4">Load limits</td><td></td></tr>
<tr><td>L2.1</td><td colspan="4">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.</td><td>This condition has not been activated.
Load limits will be assessed in the TPR Annual Return which is due shortly.</td></tr>
<tr><td>L2.2</td><td colspan="4">The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol.<table>
<tr><th>Assessable Pollutant</th><th>Load limit (kg)</th></tr>
<tr><td>Benzene (Air)</td><td>26</td></tr>
<tr><td>Benzo(a)pyrene (equivalent) (Air)</td><td>4.6</td></tr>
<tr><td>Fine Particulates (Air)</td><td>1360</td></tr>
<tr><td>Hydrogen Sulfide (Air)</td><td>64</td></tr>
<tr><td>Nitrogen Oxides (Air)</td><td>10000</td></tr>
<tr><td>Sulfur Oxides (Air)</td><td>46000</td></tr>
<tr><td>Volatile organic compounds (Air)</td><td>850</td></tr>
</table></td><td>This condition has not been activated.
Refer to Condition L2.1 above.</td></tr>
</table>

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td>L3</td><td>Concentration limits</td><td></td></tr>
<tr><td>L3.1</td><td>For each monitoring/discharge point or utilisation area specified in the table\s 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.</td><td>This condition can not be verified.
Refer to Condition L3.3 below.</td></tr>
<tr><td>L3.2</td><td>Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.</td><td>This condition is not applicable.
No pH limits are specified.</td></tr>
<tr><td>L3.3</td><td>To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\s.
Air
POINTS 2,3,20
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th></tr>
<tr><td>Nitrogen Oxides</td><td>milligrams per cubic metre</td><td>350</td></tr>
<tr><td>Volatile organic compounds</td><td>milligrams per cubic metre</td><td>10</td></tr>
<tr><td>Solid Particles</td><td>milligrams per cubic metre</td><td>10</td></tr>
</table>
POINT 4
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th></tr>
<tr><td>Smoke Emissions</td><td>Visible</td><td>See Note 1</td></tr>
<tr><td>Volumetric flow rate</td><td>cubic metres per second</td><td>0.75</td></tr>
</table>
POINT 5
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th></tr>
<tr><td>Volatile organic compounds</td><td>milligrams per cubic metre</td><td>20</td></tr>
</table></td><td>This condition can not be verified.

Due to initial operational shut down, TPR have undertaken only two quarterly Air Quality testing events from the date of issuing this licence; while four testing events should have been undertaken (refer to Condition M2.1).

Furthermore, as per audit interview, retesting of the stack emission points is currently being undertaken, due to inconsistent and illogical results shown in the latest report (e.g. Individual results for Carbon monoxide for Points 1 and 18 which feed into Point 19 were 1.4 mg/m^3 and 29.9 mg/m^3, while the result for Point 19 was 1250 mg/m^3)

Therefore, as TPR does not have required number of quarterly stack testing reports and the existing reports contain inconsistent data, this condition can not be verified at this stage.

As per TPR Emissions Testing Report dated 17 January 2008, the following results have been established:</td></tr>
</table>

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr>
<td></td>
<td>
POINT 19
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>100 percentile concentration limit</th></tr>
<tr><td>Nitrogen Oxides</td><td>milligrams per cubic metre</td><td>350</td></tr>
<tr><td>Volatile organic compounds</td><td>milligrams per cubic metre</td><td>10</td></tr>
<tr><td>Hydrogen Sulfide</td><td>milligrams per cubic metre</td><td>5</td></tr>
<tr><td>Sulphur dioxide</td><td>milligrams per cubic metre</td><td>1360</td></tr>
<tr><td>Solid Particles</td><td>milligrams per cubic metre</td><td>10</td></tr>
<tr><td>Sulfuric acid mist and sulfur trioxide (as SO3)</td><td>milligrams per cubic metre</td><td>100</td></tr>
<tr><td>Carbon monoxide</td><td>milligrams per cubic metre</td><td>100</td></tr>
</table>
Note 1: No visible emission other than for a total period of no more than 5 minutes in any 2 hour period.
</td>
<td>
TPR complied with all concentration limits at Points 2 and 3, while Point 20 was not tested. (Refer to Condition M2.1 below)
TPR did not comply with concentration limit at Point 4 for Volumetric flow rate which was 1.0 m^3/s.
Point 5 was not tested. (Refer to Condition M2.1 below)
Point 19 was tested only for solid particulates which complied with required concentration limit.

As per TPR Emissions Testing Report dated 8 May 2008, prepared by ENSR Australia, the following results have been established:
TPR complied with all concentration limits at Points 2, 3 and 20.
TPR did not comply with the concentration limit at Point 4 for Volumetric flow rate which was 2.0 m^3/s.
TPR did not comply with concentration limit at Point 5 for Volatile organic compounds which was 1290 mg/m^3.
TPR did not comply with concentration limits at Point 19 for Hydrogen sulfide which was 27.4 mg/m^3, for Solid particles which was 33.5 mg/m^3 and for Carbon monoxide which was 1250 mg/m^3.

Refer to Recommendation 3.
</td>
</tr>
</table>

EPL Condition	Description	Compliance
L4	**Volume and mass limits**	**This condition is not applicable.**
L4.1	Not applicable.	**This condition is not applicable.**
L5	**Waste**	
L5.1	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.	**TPR complies with this condition.** Refer to Condition 2.1 of **Appendix A.**
L5.2	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.	**TPR complies with this condition.** Refer to Condition 2.1 of **Appendix A.**
L5.3	The licensee must assess, classify and manage any waste generated at the premises in accordance with the Waste Guidelines prior to dispatching the waste off site.	**TPR complies with this condition.** The waste produced onsite is classified in accordance with the *Waste Classification Guidelines.* The main wastes produced are general kitchen waste and oily water. The oily water is transported to another Transpacific Industries site and separated. The OEMP (section 3.1) states TPR have a Waste Matrix, however this document cannot be verified as it has not been viewed.
L5.4	Except as provided by any other condition of this licence, only the Group A waste listed below may be treated, processed or reprocessed at the premises. waste lubricant oils	**TPR complies with this condition.** The only waste reprocessed at the premises is waste lubricant oils, refer also to Condition 2.2 of **Appendix A.**
L5.5	The quantity of Group A waste treated, processed or reprocessed at the premises must not exceed 40,000 tonnes per year.	**TPR complies with this condition.** Refer to Condition 1.4 of **Appendix A.** TPR process all waste in accordance with the recently updated *Waste Classification Guidelines* which have removed the Group A classification and

EPL Condition	Description	Compliance
		now classify wastes as either special, liquid or pre-classified (including solid) waste.
L6	**Noise Limits** Noise from the premises must not exceed: (a) 37dB(A) LAeq(15 minute) at (Receptor B); (b) 35 dB(A) LAeq(15 minute) at (Receptors A to P excluding B); and (c) 49 dB(A) LA1(1 minute) at Receptors A to P during the hours 10pm to 7am Monday to Saturday and 10pm to 8am Sunday at all times, except as expressly provided by this licence. Where LAeq means the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels occurring over a measurement period. Where Receptors A to P are identified in the document "Rutherford Resource Recovery and Recycling Facility, Environmental Assessment, Volume 3 Appendix K" prepared by Parsons Brinkerhoff and dated January 2006.	**This condition cannot be verified.** Refer to Condition 2.20 of **Appendix A**.
L6.1	To determine compliance with condition(s) L6.1 noise must be measured at, or computed for, at the identified noise sensitive receptor. A modifying factor correction must be applied for tonal, impulsive or intermittent noise in accordance with the "Environmental Noise Management – NSW Industrial Noise Policy (January 2000)".	**This condition cannot be verified.** Refer to Condition L6 above.
L7	**Polychlorinated Biphenyls (PCBs)** Note: The licensee must comply with the conditions as specified in this licence or where no specific conditions are outlined in this licence, the licensee must comply with the "Chemical Control Order in Relation to Materials and Wastes Containing Polychlorinated Biphenyl, 1997".	**TPR complies with this condition.** TPR do not allow PCBs onsite, all waste oil suspected of containing PCBs are sent to the TPI Wetherall Park facility and thus are in compliance with the Chemical Control Order.
L8	**Potentially offensive odour**	
L8.1	No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997. 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.	**This condition can not be verified.** Refer to Condition 2.5 in **Appendix A.**

EPL Condition	Description	Compliance
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. 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.	**TPR complies with this condition.** TPR have very comprehensive Standard Operating Procedures (SOPs) for 3 main areas of the refinery: • Hydrogenation Plant (SOP sighted) • Hydrogen Plant (SOP Sighted) • Flash Point Correction Column (SOP sighted) All SOPs are regularly updated and TPR maintain a new and altered Procedures folder that must be read by operators and signed off to ensure operators understand and are aware of new procedures.
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.	**TPR complies with this condition.** As evidenced during the Site Inspection and as shown by the 'Log Sheets' (completed log sheets sighted). The operators undertake a two hourly check using the log sheets and record the condition of plant and equipment. TPR operate the plant in an efficient and proper manner by undertaking training and inductions of their operating staff. Operators must pass

EPL Condition	Description	Compliance
		competency modules before they can operate the plant and must sign off that they have read and understood the Standard Operating Procedures. TPR also hold regular toolbox talk meetings to convey information to all employees. A recent tool box talk (notes sighted) included discussion about the ongoing asbestos issues onsite and what is being done about it.
O3	Waste oil and other non-standard fuels must not be burnt or used as fuel on the site.	**TPR complies with this condition.** Refer to Condition 2.13 in **Appendix A.**
O4	All boilers must be fuelled only by natural gas.	**TPR complies with this condition.** Refer to Condition 2.13 in **Appendix A.**
05	**Emergency response**	
O5.1	Within 3 months of the date of the issue of this licence, the licensee must develop, or update, an emergency response plan which documents the procedures to deal with all types of incidents (eg spill, explosions or fire) that may occur at the premises or outside of the premises (eg during transfer) which are likely to cause harm to the environment.	**TPR complies with this condition.** Refer to Condition 2.22a) in **Appendix A.**
O6	**Processes and management**	
O6.1	The licensee must ensure that any liquid and/or non liquid waste for treatment, processing, reprocessing or disposal at the premises is assessed and classified in accordance with the "Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes" issued by the EPA and in force as at 1 July 1999.	**TPR complies with this condition.** The DECC has introduced new waste classification guidelines. TPR are assessing and classifying waste for treatment in accordance with the new guidelines, as per audit interviews.

EPL Condition	Description	Compliance
O6.2	The licensee must ensure that waste identified for recycling is stored separately from other waste.	**TPR does not comply with this condition.** The waste oil that is recycled by TPR is mostly stored in bunded tanks clearly identified and separated from other waste. However, some waste oil was stored in large plastic containers, outdoors, without bunding as per site inspection. Refer to Condition O1.1 above. Refer to **Recommendation 7.**
O7	**Environmental systems**	
O7.1	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.	**TPR complies with this condition.** All of the waste oil storage and process tanks, the loading bay and refinery plant are sufficiently bunded. All of the above ground tanks at TPR were sufficiently bunded to contain a spill as viewed during the Site inspection. Spill kits were also observed during the Site inspection to be used for minor spills. Also refer to Condition 2.24 in **Appendix A** for bunding compliance for all chemicals, fuels and oils.

EPL Condition	Description	Compliance
O7.2	The licensee must ensure that suitable measures (e.g. High/low alarms, control valves with interlock control, one way valves) are installed on all tanks, ponds or clarifiers and associated pipes and hoses to prevent the spillage of waste.	**TPR complies with this condition.** High/Low alarms, control valves with interlock control and one way valves were all installed during the construction of the Plant to prevent the spillage of waste. The valves, levels and pressures are checked during 2 hourly checks (as evidenced by the Log Sheet). Refer also to the separate report titled "*Hazard Audit 2008*".
O8	**Flare Operation**	
O8.1	The flare must not operate except during start up, shutdown and permissible process upsets.	**TPR complies with this condition.** Refer to Condition 2.11 of **Appendix A.**
O8.2	Except for the initial commissioning period (which is a four month period from the start up date) process upsets must not exceed 2% of the process operating time annually.	**TPR complies with this condition.** Refer to Condition 2.11 of **Appendix A.**
O9	**Prescribed Control Equipment**	
O9.1	The licensee must not use or operate, or cause to be used or operated, any fuel burning equipment or industrial plant in or on the premises unless that equipment or plant is fitted with the control equipment prescribed in clauses 50(2), 50(3), 50(4), 50(5), 50(6), 50(7), 50(8), 51(2), 51(3), 51(4), 51(5), 51(6), 52(2), 52(3), 52(4), 52(5), 52(6), 53(2), 53(3), 53(4), 53(5), 54(2), 54(3) and 54(4) of Part 5 of the Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005.	**This condition cannot be verified.** The fuel burning equipment and associated pollution control equipment at TPR is as follows: • natural gas fired heater - wet scrubber • Boiler – no emission point • Hydrogen plant – flare (thermal oxidiser) A comprehensive review of plant and equipment has occurred as part of an Odour Audit at TPR. Upon completion of the Odour Audit more information about system design will be known. Until this time a complete assessment

EPL Condition	Description	Compliance
		of compliance with this condition cannot be made.
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.	**TPR complies with this condition.** As per site inspection, it was established that monitoring records are kept in accordance with this condition, including: Two quarterly Groundwater Monitoring records; first dated 14 January 2008, and second dated 28 May 2008, Two quarterly Emission Testing records; first dated 17 January 2008, and second dated 8 May 2008, Weather Monitoring records (refer to Condition M2.2) Noise records are currently being prepared (refer to Condition 2.20 of **Appendix A**).
M1.2	All records required to be kept by this licence must be: (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.	**TPR complies with this condition.** As per review of the TPR monitoring records it was confirmed that monitoring records are kept in legible form.
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.	**TPR complies with this condition.** As per review of the TPR monitoring records it was confirmed that records contain all required data in regards to the collected sample (date, time, sampling point and person's name).

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td>M2</td><td>Requirement to monitor concentration of pollutants discharged</td><td></td></tr>
<tr><td>M2.1</td><td>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:

POINTS 1, 18, 19
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
<tr><td>Carbon monoxide</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-32</td></tr>
<tr><td>Dry gas density</td><td>kilograms per cubic metre</td><td>Special Frequency 1</td><td>TM-32</td></tr>
<tr><td>Formaldehyde</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>Special Method 1</td></tr>
<tr><td>Hydrogen Sulfide</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-5</td></tr>
<tr><td>Methane</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-34</td></tr>
<tr><td>Moisture</td><td>percent</td><td>Special Frequency 1</td><td>TM-22</td></tr>
<tr><td>Molecular weight of stack gases</td><td>grams per gram mole</td><td>Special Frequency 1</td><td>TM-23</td></tr>
<tr><td>Nitrogen Oxides</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-11</td></tr>
<tr><td>Odour</td><td>odour units</td><td>Special Frequency 1</td><td>TM-7</td></tr>
<tr><td>Oxygen (O2)</td><td>percent</td><td>Special Frequency 1</td><td>TM-23</td></tr>
<tr><td>Polycyclic aromatic hydrocarbons</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>OM-6</td></tr>
</table></td><td>TPR does not comply with this condition.
For points 1, 18, 19, 2, 3, 20, 4 and 5:

TPR did not comply with this condition in regards to the sampling points and frequency.
In relation to Frequency, TPR have undertaken two quarterly Air Quality testing events from the date of issuing this licence, while four testing events should have been undertaken.
In the audit interview it was established that testing was late due to initial operational problems which lead to plant shutdown. TPR informed DECC about reporting delays (phone call to Mrs Karen Marlow). Furthermore, TPR has engaged environmental consultant to ensure future compliance with this condition.

In relation to Sampling Points, emissions were not tested from all sampling points required by the EPL and AQMP. Points 1, 5 and 20 were not tested as per TPR Emissions Testing Report dated 17 January 2008.
In the Second TPR Emissions Testing Report dated 8 May 2008, all sampling points were tested.

In regards to the Sampling Method used, all sampling method codes were</td></tr>
</table>

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><td>Solid Particles</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-15</td></tr>
<tr><td>Sulfuric acid mist and sulphur trioxide (as SO3)</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-3</td></tr>
<tr><td>Sulphur dioxide</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-4</td></tr>
<tr><td>Temperature</td><td>Celsius</td><td>Special Frequency 1</td><td>TM-2</td></tr>
<tr><td>Type 1 and Type 2 substances in aggregate</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-12, TM-13 & TM-14</td></tr>
<tr><td>Velocity</td><td>meters per second</td><td>Special Frequency 1</td><td>TM-2</td></tr>
<tr><td>Volatile organic compounds</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-34</td></tr>
<tr><td>Volumetric flow rate</td><td>cubic meters per second</td><td>Special Frequency 1</td><td>TM-2</td></tr>
</table>
Special method 1 – means method described in US EPA 323
Special Frequency 1 - means monitoring quarterly for the first year after commissioning of the facility is complete. The monitoring frequency will be reviewed after one year of normal operations of the plant.
Special Frequency 2 – During operation of the flare
</td><td>not quoted in the Emissions Testing Report dated 17 January 2008. Compliance was confirmed in the Emissions Testing Report dated 8 May 2008.
Refer to Recommendation 3.</td></tr>
<tr><td></td><td>POINTS 2, 3, 20
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
<tr><td>Carbon monoxide</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-32</td></tr>
<tr><td>Dry gas density</td><td>kilograms per cubic metre</td><td>Special Frequency 1</td><td>TM-23</td></tr>
<tr><td>Hydrogen Sulfide</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-5</td></tr>
</table></td><td></td></tr>
</table>

EPL Condition	Description				Compliance
	Moisture	percent	Special Frequency 1	TM-22	
	Molecular weight of stack gases	grams per gram mole	Special Frequency 1	TM-23	
	Nitrogen Oxides	milligrams per cubic metre	Special Frequency 1	TM-11	
	Odour	odour units	Special Frequency 1	TM-7	
	Oxygen (O2)	percent	Special Frequency 1	TM-23	
	Polycyclic aromatic hydrocarbons	milligrams per cubic metre	Special Frequency 1	OM-6	
	Solid Particles	milligrams per cubic metre	Special Frequency 1	TM-15	
	Sulfuric acid mist and sulphur trioxide (as SO3)	milligrams per cubic metre	Special Frequency 1	TM-3	
	Sulphur dioxide	milligrams per cubic metre	Special Frequency 1	TM-4	
	Temperature	Celsius	Special Frequency 1	TM-2	
	Velocity	meters per second	Special Frequency 1	TM-2	
	Volatile organic compounds	milligrams per cubic metre	Special Frequency 1	TM-34	
	Volumetric flow rate	cubic meters per second	Special Frequency 1	TM-2	
	POINT 4				
	Pollutant	**Units of measure**	**Frequency**	**Sampling Method**	
	Smoke Emissions	Visible	Special Frequency 2	Inspection	
	Volumetric flow rate	cubic meters per second	Special Frequency 1	TM-2	

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>POINT 5
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
<tr><td>Polycyclic aromatic hydrocarbons</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>OM-6</td></tr>
<tr><td>Temperature</td><td>Celsius</td><td>Special Frequency 1</td><td>TM-2</td></tr>
<tr><td>Volatile organic compounds</td><td>milligrams per cubic metre</td><td>Special Frequency 1</td><td>TM-34</td></tr>
<tr><td>Volumetric flow rate</td><td>normalised cubic metres per second</td><td>Special Frequency 1</td><td>TM-2</td></tr>
</table></td><td></td></tr>
<tr><td></td><td>POINTS 6, 7, 8, 9, 10, 11
<table>
<tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr>
<tr><td>Benzene</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
<tr><td>Ethyl benzene</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
<tr><td>Phenols</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
<tr><td>Polycyclic aromatic hydrocarbons</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
<tr><td>Tetrachloroethene (tetrachloroethylene)</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
<tr><td>Toluene</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
<tr><td>Total petroleum hydrocarbons</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
<tr><td>Xylene</td><td>micrograms per litre</td><td>Quarterly</td><td>Grab sample</td></tr>
</table></td><td>TPR does not comply with this condition.
For points 6, 7, 8, 9, 10 and 11:

TPR did not comply with this condition in regards to the sampling frequency.
TPR have undertaken two quarterly Groundwater Monitoring events from the date of issuing this licence, while four monitoring events should have been undertaken.
In the audit interview it was established that testing was late due to initial operational problems which lead to plant shutdown and TPR informed DECC about reporting delays. Furthermore, TPR has engaged environmental consultant to ensure future compliance with this condition.
“TPR Groundwater Monitoring – November 2007 Report”, dated 14 January 2008, prepared by ENSR</td></tr>
</table>

<table>
<tr><th>EPL Condition</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td></td><td>Australia details groundwater monitoring undertaken on 20 November 2007.
“TPR Groundwater Monitoring – May 2008 Report”, dated 28 May 2008, prepared by ENSR Australia details groundwater monitoring undertaken on 30 April and 1 May 2008.

Sampling was undertaken in accordance with the relevant sampling method specified in this table, as per the above mentioned groundwater monitoring reports.
Refer to Recommendation 3.</td></tr>
<tr><td></td><td>Special method 1 – means method described in US EPA 323
Special Frequency 1 - means monitoring quarterly for the first year after commissioning of the facility is complete. The monitoring frequency will be reviewed after one year of normal operations of the plant.
Special Frequency 2 – During operation of the flare.</td><td></td></tr>
<tr><td>M2.2</td><td>Requirement to monitor weather</td><td></td></tr>
<tr><td>M2.2.1</td><td>For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.
POINT 21
<table>
<tr><th>Parameter</th><th>Units of measure</th><th>Frequency</th><th>Averaging Period</th><th>Sampling Method</th></tr>
<tr><td>Wind direction</td><td>degrees</td><td>Continuous</td><td>15 minute</td><td>AM-2 & AM-4</td></tr>
<tr><td>Wind speed</td><td>m/s</td><td>Continuous</td><td>15 minute</td><td>AM-2 & AM-4</td></tr>
</table></td><td>TPR complies with this condition.
TPR have a weather monitoring station onsite (on the roof of the Control room). The anemometer records wind direction and speed continuously with an averaging period of 15 minutes, meeting the requirements of Point 21. TPR additionally monitor average temperature and relative humidity.
It cannot be verified if the anemometer has been calibrated.</td></tr>
</table>

EPL Condition	Description	Compliance
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: (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or (b) 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 (c) 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 2002 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".	**TPR comply with this condition.** In TPR Emissions Testing Reports dated 17 January 2008 and 8 May 2008 prepared by ENSR Australia, emissions were tested in the accordance with prescribed methodology required under this condition.
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.	**TPR complies with this condition.** Refer to Condition 2.16 in **Appendix A.**
Note:	**Testing methods - load limit** Note: Clause 18 (1) and (2) of the Protection of the Environment Operations (General) Regulation 1998 requires that monitoring of actual loads of assessable pollutants listed in L2.1 must be carried out in accordance with the testing method set out in the relevant load calculation protocol for the fee based activity classification listed in condition A1.2.	**This condition has not been activated.** TPR will be submitting their first Annual Return in late July for 2007-2008 and as such this condition cannot be assessed.
M4	**Recording of pollution complaints**	
M4.1	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.	**TPR complies with this condition.** TPR have a legible complaints register. TPR have not received any complaints from the community directly, they have only received general odour complaints in the Rutherford area forwarded to them via the DECC.

EPL Condition	Description	Compliance
M4.2	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.	**TPR complies with this condition.** The Complaints Register includes the required detail to satisfy points (a) – (f).
M4.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	**This condition has not been activated.** TPR have only been operating for less than 12 months. Records exist for the operating period (sighted).
M4.4	The record must be produced to any authorised officer of the EPA who asks to see them.	**TPR complies with this condition.** TPR have not been requested to produce documents to an authorised officer of the EPA.
M5	**Telephone complaints line**	
M5.1	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 by the vehicle or mobile plant, unless otherwise specified in the licence.	**TPR complies with this condition.** TPR have a 24-hour telephone number (1800 158 447) for complaints. The telephone call goes through to reception or the control room depending on the time and TPR have a procedure in place for handling the complaint (sighted). Refer also to Conditions 6.2 and 6.3 in **Appendix A**.
M5.2	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.	**TPR complies with this condition.** The Complaints number and addresses were advertised in the Maitland

EPL Condition	Description	Compliance
		Mercury on the 16th March 2007. The details are also displayed on a sign at the site gate. Refer also to Conditions 6.2 and 6.3 in **Appendix A**.
M5.3	Conditions M5.1 and M5.2 do not apply until 3 months after: (a) the date of the issue of this licence or (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	**TPR complies with this condition.** TPR have established the telephone complaints line as required by conditions M5.1 and M5.2.
M6 M6.1	**Requirement to monitor volume or mass** Not applicable.	
M7	**Records of Flare Operation and Process Upsets**	
M7.1	Detailed records of each use of the flare must be kept on site and made available to the EPA on request. Each record must include the flare start and stop time and the reason for its use.	**TPR complies with this condition.** Refer to Conditions 2.11 and 2.12 of **Appendix A**.
M7.2	Detailed records of all process upsets and process start-ups and shutdowns must be kept. Each record must include the process start and stop time and the reason for each process upset.	**TPR complies with this condition.** Refer to Conditions 2.11 and 2.12 of **Appendix A**.

EPL Condition	Description	Compliance
6 Reporting conditions		
R1	**Annual return documents**	
	What documents must an Annual Return contain?	
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: (a) a Statement of Compliance; and (b) a Monitoring and Complaints Summary. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before 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.	**This condition has not been activated.** TPR have only been operating for less than 12 months with the EPL conditions commencing on the 22 May 2007. TPR will complete their first Annual Return due 22 July 2008 and as such the Annual Return cannot be assessed.
	Period covered by Annual Return	
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.	**This condition has not been activated.** Refer to Condition R1.1 above.
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.	**This condition has not been activated.** Refer to Condition R1.1 above. TPR are currently in the process of transferring the EPL from Transpacific Industries Pty Ltd to Transpacific Refineries Pty Ltd a company created by the Transpacific Group after the issuing of the initial EPL.

EPL Condition	Description	Compliance
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.	**This condition has not been activated.** Refer to Condition R1.1 above.
	Deadline for Annual Return	
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	**This condition has not been activated.** Refer to Condition R1.1 above.
R1.6	**Notification where actual load can not be calculated** 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.	**This condition has not been activated.** Refer to Condition R1.1 above.
	Licensee must retain copy of Annual Return	
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.	**This condition has not been activated.** Refer to Condition R1.1 above.
	Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary	
R1.8	Within the Annual Return, the Statement 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.	**This condition has not been activated.** Refer to Condition R1.1 above.

EPL Condition	Description	Compliance
R1.9	A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.	**This condition has not been activated.** Refer to Condition R1.1 above.
	Air Quality Monitoring Reports	
R1.9.1	The results of air quality monitoring undertaken in accordance with the conditions of this licence must be provided to the EPA on a quarterly basis with the first air quality monitoring report due no later than 6 months from the date of issue of this licence.	**TPR does not comply with this condition.** The first TPR Emissions Testing Report was issued on 17 January 2008 (Refer to Condition M2.1), while the due date for the first report was no later than 22 November 2007, therefore TPR does not comply with this condition. Refer to Condition M2.1.
R1.9.2	The licensee must submit the following information with the Annual Return: • A comparison of data obtained from emissions monitoring to the emission limits in this licence and other relevant air quality criteria; • Results of the comprehensive odour audit required by Condition U2; • Recommendations for the continuation or discontinuation of monitoring for pollutants which have not been detected.	**This condition has not been activated.** The TPR Annual Return is due 22 July 2008.
R2	**Notification of environmental harm**	
Note:	The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	**This condition has not been activated.** As per audit interviews, TPR have had no incidence of environmental harm. Incident records were inspected.
R2.1	Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.	**This condition has not been activated.** Refer to Condition R2 above.
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.	**This condition has not been activated.** Refer to Condition R2 above.

EPL Condition	Description	Compliance
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.	**TPR complies with this condition.** The EPA have requested written report in relation to the general odour complaints DECC have received for the Rutherford area. TPR have supplied the EPA with written reports as requested (1May 2008 Report sighted).
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.	**TPR complies with this condition.** Refer to Condition R3.1 above. The 1 May 2008 Report shows that TPR have made all relevant enquires including assessment of wind direction and production data in relation to the location of the complaint.
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 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.	**TPR complies with this condition.** Refer to Condition R3.1 above. The 1 May 2008 Report includes all the required information to satisfy this condition.
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.	**This condition has not been activated.** It cannot be verified whether or not the EPA has requested further information in relation to the above written reports.

EPL Condition	Description	Compliance
General conditions		
G1	**Copy of licence kept at the premises**	
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	**TPR complies with this condition.** TPR have a copy of the licence available on the premises.
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	**TPR complies with this condition.** TPR have not been requested to produce the licence to an authorised EPA officer but would do so upon request.
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	**TPR complies with this condition.** The licence is available to all employees or agents working onsite.
Pollution studies and reduction programs		
U1	**Post Commissioning Monitoring and Assessment**	
U1.1	Within nine (9) months of the date of commencement of scheduled activities at the premises, the licensee must submit an Operational Air and Noise Validation Report ("the Report") to the EPA's Regional Manager, Hunter. The Report must: Be prepared by a suitably qualified and experienced person(s); Assess whether the facility is complying with the noise criteria specified in condition L6 of this licence; Identify what additional measures could be implemented to ensure compliance with the noise limits should non-compliances be identified; Include a revised Air Quality Impact Assessment of air quality impacts from the project 'as constructed' that is consistent with the limits in the project approval, and includes actual measured emissions; Confirm conclusions made in the documents: - "*Air Quality Impact Assessment – Hydrogenation Plant (Rutherford, NSW"* prepared by Transpacific Industries Pty Ltd and dated 2 May 2006; and	**TPR does not comply with this condition.** Refer to Condition 4.2 of **Appendix A**. Refer to **Recommendation 6.**

EPL Condition	Description	Compliance
	- "*Report Air Impact Assessment Alternate Hydrogenation Plant (Rutherford NSW)"* prepared by Pacific Air and Environment and dated 7 July 2006; - and any subsequent air quality impact assessment prepared for the facility 'as constructed'. Include a complete source emissions monitoring program for the facility to validate compliance with the Protection of the Environment Operations (Clean Air) Amendment (Industrial and Commercial Activities and Plant) Regulation 2005 ("the Regulation") and to validate the emissions inventory contained within the document "*Air Quality Impact Assessment – Hydrogenation Plant (Rutherford NSW")* prepared by Transpacific Industries Pty Ltd and dated 2 May 2006 or any subsequent emissions inventory prepared for the facility 'as constructed'. A copy of the results and recommendations of the source emissions monitoring program must be included in the Report. Identify what additional measures could be implemented to ensure compliance with the Regulation and licence conditions should any non-compliance be detected; and Provide details of any complaints received relating to air quality generated by the project and action taken to respond to those complaints.	
U2	**Comprehensive Odour Audit**	
U2.1	*The aim of this condition is to:* *a) Ensure that the facility has been constructed and is operating as described in all documentation referenced in the Project Approval issued by the Department of Planning;* *b) ensure that the facility is performing adequately with regard to odour emissions; and* c) *to demonstrate that no offensive odours can occur at sensitive receivers.*	**This condition has not been activated.** The Comprehensive Odour Audit (COA) has to be submitted with the Annual Return for the licence reporting period ending 22 May 2008 hence this condition has not been activated until 22 July 2008. The Comprehensive Odour Audit is currently being undertaken by ENSR Australia.
	The licensee must complete a comprehensive odour audit of the premises that must include but need not be limited to the following:	
	a) Identify and list, within reason, every process, activity and substance stored or used at the premises that generates or has the potential to generate odours;	

EPL Condition	Description	Compliance
	b) Benchmark each process and activity identified at (a) against comparable international best available technology and industry best management practice relating to the control of odour from that process and activity;	
	c) Identify and list, within reason, every actual and every potential source of offensive odour at the premises. This must include, within reason, all point, diffuse and fugitive sources;	
	d) Identify for each odour sources identified at (c) the cause or causes of the odour;	
	e) Quantify for each odour source identified at (c) the actual and potential nature, strength and duration of occurrence of the odour in accordance with the publication "*NSW DEC 2005 Approved Methods and Guidance for the Modelling and Assessments of Air Pollutants in NSW*";	
	f) Model for each odour source identified at (c) (where appropriate) the impacts and potential impacts of the odour at all sensitive receptors in accordance with the publication "*NSW DEC 2005 Approved Methods and Guidance for the Modelling and Assessments of Air Pollutants in NSW*";	
	g) If the odour impact assessment at f) identifies potential offensive odour at any sensitive receptor, the following must be undertaken: i) identify all available options, within reason, to prevent the generation of offensive odour for each actual and potential odour sources identified at (c); ii) Where at (i) prevention is not possible, identify all available options, within reason, to minimise the generation of offensive odour for each actual and potential odour source identified at (c); iii) Describe, quantify and model (where appropriate) the likely environmental impacts of implementing each option identified at (i) and (ii); iv) State for each actual and potential odour source identified at (c) (where appropriate), the preferred option of the prevention or minimisation of the generation of offensive odour from that source;	
	h) Review the adequacy of policies, procedures, standards, practices and training at the premises in relation to environmental performance and in particular odour management, Where any inadequacy is found to exist recommend options to address each inadequacy;	

EPL Condition	Description	Compliance
	i) Details of the qualifications and experience of the consultant(s) undertaking the odour audit.	
	Note: The licensee must submit a Comprehensive Odour Audit Report which details the findings of the Comprehensive Odour Audit and which includes all information as listed above with the Annual Return for the licence reporting period ending 22 May 2008.	
U3	**Groundwater Contamination Assessment**	
U3.1	Within six months of the date of issue of this licence, the licensee must complete the following groundwater contamination investigations and works which include, but need not be limited to, the following:	**TPR does not comply with this condition.** Refer to Condition 2.18 of **Appendix A**. Refer to **Recommendation 1 and Recommendation 6.**
	(a) An assessment of the potential for off-site migration of chemicals of potential concern (including Tetrachloroethene);	
	(b) Identification, based on the activities carried out at the site, of suspected source locations of contamination. If suspected source locations are identified, an evaluation of the presence of dense no aqueous phase liquids (DNPL's) trapped in or above lower permeability zones above the regional groundwater aquifer must be undertaken (note that care must be taken to ensure that the regional aquifer is not penetrated at suspected source locations);	
	(c) Works to assess regional groundwater and determination of hydrogeological characteristics (such as flow and direction). Such works must include the installation of additional wells across the site to: - enable the groundwater flow direction to be determined - further investigate the lateral and vertical extent of groundwater contamination - enable more accurate falling head tests and/or a pump test to be undertaken; and - allow collection of soil samples within the water bearing zone.	
	(d) Soil samples collected must be analysed for organic carbon content and cation exchange capacity to allow fate and transport modelling to assess the potential for adsorption and retardation of dissolved organic compounds;	
	(e) An assessment of risk posed by the contamination and recommendations for appropriate management requirements;	

EPL Condition	Description	Compliance
	The EPA must be provided with a copy of a report detailing the results of the above investigations **by no later than 30 May 2008.**	
Special conditions		
E1	**Stack Air Emission Points**	
E1.1	All stack air emission points on the premises must: a) broadly conform to the general requirements of "Guideline for Determination of Good Engineering Practice Stack height (Technical Support Document for the Stack Height Regulation), US EPA, EPA-450/4-80-023R June 1985; and b) be designed to accommodate and be built with sampling ports that conform with TM-1, *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*, DEC, August 2005. Within 4 months from the date of issue of this licence, licensee must submit a report, prepared by a suitably qualified person, to the Regional Manager, Hunter PO Box 488G Newcastle 2300, which provides confirmation that all air stack emission points conform with the above requirements	**TPR comply with this condition.** Refer to Condition 2.8 of **Appendix A.** A report was submitted with a letter dated 21 September 2007 (sighted).

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Appendix C

Compliance with Statement of Commitments

Commitment	Description	Compliance
1. ADMINISTRATIVE		
The Activity		
1	The Proponent will carry out the Activity consistent with: a) The procedures, identified plans, safeguards and mitigation measures identified in the Environmental Assessment prepared by Parsons Brinckerhoff and dated November 2005, as modified by the Submissions Report b) This Statement of Commitments This Statement of Commitments will prevail in the event of any inconsistency with the requirements for the Construction and Operation of the Activity arising out of the documents described in (a) above.	**TPR complies with this commitment.** Refer to Condition 1.1 of **Appendix A**.
2	The Proponent acknowledges that this Statement of Commitments does not relieve it in any way from its obligations under any other Act.	**TPR complies with this commitment.**
Statutory Requirements		
3	The Proponent will ensure that all licenses, permits and approvals are obtained and kept up-to-date as required throughout the Construction and Operation of the Activity. This Statement of Commitments does not remove any obligation of the Proponent to obtain, renew or comply with such licenses, permits or approvals.	**TPR complies with this commitment.** Refer to **Appendix A** and **Appendix B** of this report.
Compliance – General		
4	The Proponent will ensure compliance with all of this Statement of Commitments and will implement any measures arising from this Statement of Commitments.	**TPR does not comply with this commitment.** Refer to all “non – compliance” commitments in this document.
5	The Proponent will bring to the Director-General’s attention any matter that may require further assessment by the Director-General.	**TPR complies with this commitment.** As per audit interviews, TPR complies with this commitment.
6	The Proponent will comply with any requirements of the Director-General arising from the Director-General’s assessment of: a) any reports, plans or correspondence that are submitted to satisfy this Statement of Commitments b) the implementation of any actions or measures contained in such reports, plans or correspondence.	**TPR complies with this commitment.** Refer to Condition 1.3 of **Appendix A**.

Commitment	Description	Compliance
Compliance – Pre Construction Compliance Report		
7	The Proponent will prepare and submit a Pre-Construction Compliance Report to the Director-General at least four weeks before Construction commences (or within any other time agreed to by the Director-General). The Pre-Construction Compliance Report will include: a) details of how the Statement of Commitments required to be addressed before Construction were complied with b) the time when each relevant Statement of Commitments was complied with, including dates of submission of any required reports and/or approval dates c) details of any approvals or licences required to be issued by government departments before Construction commences.	**TPR does not comply with this commitment.** TPR have submitted a Pre-Construction Compliance Report certifying only the compliance with Development Approval conditions (refer to Condition 4.1 of **Appendix A)**, while it has not included compliance with the Statement of Commitments.
Compliance – Construction Commencement		
8	The Proponent will notify the Director-General and all relevant authorities in writing at least four weeks prior to the commencement of Construction.	**TPR complies with this commitment.** TPR have notified the Director – General about commencement of construction with a letter dated 21 February 2007 (sighted).
Compliance – Construction Compliance Report		
9	The Proponent will provide the Director-General, Council and any other government department nominated by the Director-General with a Construction Compliance Report. The Compliance Officer will review the Construction Compliance Report before it is submitted to the Director-General and bring to the Director-General's attention any shortcomings. The Construction Compliance Report will be submitted prior to demobilisation of the civil construction workforce. The Construction Compliance Reports will include information on: a) compliance with the CEMP and this Statement of Commitments b) compliance with any approvals or licences issued by the RTA, the DEC or other government departments for Construction c) the implementation and effectiveness of environmental controls. The assessment of effectiveness will be based on a comparison of actual impacts against performance criteria identified in the CEMP d) environmental monitoring results, presented as a results summary and analysis e) the number and details of any complaints, including a summary of main areas of complaint, action taken, response given and intended strategies to reduce recurring complaints f) details of any review and amendments to the CEMP resulting from Construction during the reporting period	**TPR does not comply with this commitment.** Refer to Conditions 2.23 and 4.1 of **Appendix A**.

Commitment	Description	Compliance
	g) any other matter relating to compliance with the Statement of Commitments or as requested by the Director-General.	
Compliance – Pre-Operation Compliance Report		
10	The Proponent will submit a Pre-Operation Compliance Report to the Director-General at least four weeks before Operation commences (or within any other time agreed to by the Director-General). The Pre-Operation Compliance Report will include: a) details of how the Statement of Commitments required to be addressed before Operation were complied with b) the time when each of the relevant Statement of Commitments was complied with, including dates of submission of any required reports and/or approval dates c) details of any approvals or licences required to be issued by government departments before Operation commences.	**TPR does not comply with this commitment.** Refer to Condition 4.1 of **Appendix A**.
Compliance – Operation Commencement		
11	The Proponent will notify the Director-General and all relevant authorities in writing at least four weeks prior to the commencement of Operation.	**TPR complies with this commitment.** Refer to Conditions 2.23 of **Appendix A**.
Environmental Impact Audit – Post Construction		
12	The Proponent will prepare an Environmental Impact Audit Report – Post Construction and submit it to the Director-General a maximum of twelve months following completion of Construction. The Environmental Impact Audit Report – Post Construction will also be submitted to other government departments upon the request of the Director-General. The Environmental Impact Audit Report – Construction will: a) summarise the main environmental management plans and processes implemented during Construction and assess their effectiveness b) identify any innovations in Construction methodology used to improve environmental management c) discuss the lessons learnt during Construction, including recommendations for future Activities. d) compare the Operation impact predictions made in the Environmental Assessment, Submissions Report and any supplementary studies with the actual impacts e) assess compliance with the systems for Operation maintenance and monitoring.	**TPR complies with this commitment.** Refer to Condition 4.4 of **Appendix A**.

Commitment	Description	Compliance
Compliance Officer		
13	TPI will employ a Compliance Officer.	**TPR complies with this commitment.** TPR employed Environmental Representative Mr Ken Telfer for this role.
14	The Compliance Officer will have responsibility for: a) considering and advising TPI on matters specified in this Statement of Commitments and the Conditions of Approval and compliance with such b) reviewing and approving TPI's induction and training programme for all persons involved in the construction activities and monitoring implementation c) coordinating the periodic auditing of TPI's environmental activities to evaluate the implementation, effectiveness and level of compliance of on-site construction activities with the EMP and associated plans and procedures, including carrying out site inspections at least fortnightly d) recording and providing a written report to TPI of non-conformances with the EMP and requirements of TPI to undertake mitigation measures to avoid or minimise any adverse impacts on the environment including reporting required changes to the EMP e) directing TPI to stop work immediately where necessary, if in the view of the Compliance Officer an unacceptable impact on the environment is likely to occur, or require other reasonable steps to be taken to avoid or minimise any adverse impacts f) reviewing corrective and preventative actions to ensure the implementation of recommendations made from the audits and site inspections g) reviewing and approving minor revisions to the EMP h) liaising with regulators, and responding to customer environmental complaints as required i) providing reports to the Department on matters relevant to the carrying out of the Compliance Officer role as necessary, including notifying the Department of any stop work notices j) certifying the Construction Environmental Management Plan and the Operation Environmental Management Plan.	**TPR complies with this commitment.** Refer to Condition 3.1 of **Appendix A**.
IEMS		
15	Prior to the commencement of operation TPI will develop and implement an IEMS for the various operations at the Facility based on *AS/NZS ISO 14001:2004 – Environmental Management Systems.* The IEMS will: a) identify and evaluate existing and potential environmental aspects, impacts and risks caused by site activities	**TPR complies with this commitment.** TPR's "National Integrated management System" document (sighted) is developed in accordance with AS/NZS Standards, particularly with ISO

Commitment	Description	Compliance
	b) achieve the levels of environmental performance required by legislation and company policies c) prevent, minimise and/or control environmental impacts to the environment and surrounding community within acceptable regulatory and company standards during the construction and operation of the Facility d) provide opportunities for continuous improvement.	14001:2004 Environmental Management Systems.
16	The IEMS will be reviewed not less than annually.	**TPR complies with this commitment.** Refer to Commitment 15.
CEMP		
17	The Proponent will prepare and implement a CEMP in accordance with this Statement of Commitments and all relevant Acts and Regulations. The Proponent will obtain the Director-General's approval for the CEMP before Construction commences or within any other time agreed to by the Director-General. The CEMP will be reviewed by the Compliance Officer before the Proponent seeks the Director-General's approval for the Plan. The Compliance Officer will be required to bring to the Director-General's attention any shortcomings. The Proponent will ensure that the mitigation measures identified in the Environmental Assessment, Submissions Report and in this Statement of Commitments are incorporated into the CEMP. The CEMP will: a) state how the Construction related mitigation measures identified in the Environmental Assessment will be implemented b) include a Construction program, identifying Construction activities and their location and timing c) cover any relevant environmental elements identified in any environmental due diligence investigations undertaken by, or on behalf of, the Proponent d) contain the following Plans prepared in accordance with this Statement of Commitments: i. Soil and Water Quality Management Plan ii. Air Quality Management Plan iii. Noise Management Plan iv. Landscape Plan v. Traffic Management Plan vi. Energy Use Plan e) include a notification strategy (including local community and businesses and Council) that is prepared in accordance with this Statement of Commitments and which includes a Construction program that describes: i. details of any traffic disruptions and controls	**TPR complies with this commitment.** Refer to Conditions 3.3 and 3.4 of **Appendix A**.

Commitment	Description	Compliance
	ii. construction of temporary detours iii. details of any passenger rail disruptions and alternative transport arrangements iv. work approved to be undertaken outside standard Construction hours, in particular noisy works, before such works are undertaken v. a complaints management system f) include environmental management details such as: i. identification of statutory obligations that the Proponent is required to fulfill during Construction, including all approvals and licences ii. an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the CEMP iii. the role of the Compliance Officer and identification of Construction activities requiring Compliance Officer attendance iv. details of the Construction personnel induction and training program v. emergency response procedures g) include implementation details such as: i. identification of relevant environmental elements ii. measures to avoid and/or control environmental impacts iii. the tools to be used to implement the CEMP such as plans, schedules and work instructions h) include monitoring and review details such as: i. performance criteria ii. performance monitoring methods iii. auditing and corrective actions procedures iv. CEMP review procedures.	

Commitment	Description	Compliance
OEMP		
18	The Proponent will prepare and implement an OEMP in accordance with this Statement of Commitments and all relevant Acts and Regulations and based on AS/NZS ISO 14001:2004 – Environmental Management System. Any OEMP prepared would a) identify the Operation activities b) cover relevant environmental elements arising from any environmental due diligence investigations or as required to satisfy any licence or approval c) contain the following Plans prepared in accordance with this Statement of Commitments: i. Air Quality Management Plan ii. Noise Management Plan iii. Traffic Management Plan iv. Waste Management and Minimisation Plan v. Operation Emergency Plan d) include environmental management details such as i. identification of statutory obligations which the Proponent is required to fulfil during the Activity's Operation, including all approvals and licences ii. an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the OEMP iii. details of a personnel induction and training program iv. emergency response procedures e) include implementation details such as: i. identification of relevant environmental elements ii. measures to avoid and/or control environmental impacts iii. the tools to be used to implement the OEMP such as plans, schedules and work instructions f) include monitoring and review details such as: i. performance criteria ii. performance monitoring methods iii. auditing and corrective actions procedures iv. OEMP review procedures.	**TPR complies with this commitment.** Refer to Conditions 3.5 and 3.6 of **Appendix A**.
Environmental Management System		
19	The Proponent will ensure that any appointed Construction and/or Operation head contractor(s) have an environmental management system prepared in accordance with the AS/NZS ISO 14000 series and/or have a proven environmental management performance record.	**This commitment can not be verified.**
Communication and Consultation – Contact Telephone Number		

Commitment	Description	Compliance
20	Prior to the commencement of construction, TPI will institute, publicise and list with a telephone company a 24 hour contact telephone number, which will enable any member of the general public to reach a person who can arrange appropriate response action to the complaint.	**This commitment can not be verified.** TPR community complaint system was approved by the DoP letter dated 24th October 2006, and complaint number and addresses were advertised on 16th March 2007 (refer to Condition 6.2 of **Appendix A**). However it can not be verified if this was done prior to the commencement of construction.
Communication and Consultation – Advertisement of Activities		
21	Prior to the commencement of Construction, the proponent will undertake consultation with Council and the local community, including all affected landowners and occupiers. As a minimum, the Proponent will, prior to the Commencement of Construction, advertise in relevant local newspapers the proposed Construction, the areas in which Construction is proposed to occur, the Construction work hours and the 24 hour complaints contact telephone number. The Proponent will ensure that the local community is kept informed of the progress of the Activity, including but not limited to prior notice of: a) the 24 hour complaints contact telephone number b) any traffic disruptions or controls or changes to property access c) any irregular work practices d) individual's rights under the Statement of Commitments	**This commitment can not be verified.** Refer to Commitment 20.
22	The Proponent will consult adjacent property owners about implementing mitigation measures that affect their property. Mitigation measures will be implemented according to a program derived from that consultation if consistent with this Statement of Commitments.	**Not Applicable.**
Communication and Consultation – Dispute Resolution		
23	In the event that a dispute arises between the proponent and Council or the proponent and a public authority other than the Department in relation to a specification or requirement applicable under this Statement of Commitments, the proponent will refer the matter to the Director-General or, if not resolved, to the Minister. The Proponent will regard the determination of the dispute as final and binding.	**Not Applicable.**

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Communication and Consultation – Construction Complaints Management System</td></tr>
<tr><td>24</td><td>The Proponent will prepare and implement a Construction Complaints Management System before Construction commences and maintain the System for the duration of Construction. The Construction Complaints Management System will be consistent with AS 4269 Complaints Handling and include:
a) a 24 hour telephone number listed with a telephone company and advertised
b) a system to receive, record, track and respond to complaints within a specified timeframe. When a complaint cannot be responded to immediately, a follow-up verbal response on what action is proposed will be provided to the complainant within 24 hours
c) a process for the provision of a written response to the complainant within 10 days, if the complaint cannot be resolved by the initial or follow-up verbal response
d) a mediation system for complaints unable to be resolved. Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, will be included in a Construction Compliance Reports and will be made available to the Director-General on request.</td><td>This commitment can not be verified.
It can not be verified if Complaints Management System was prepared prior to commencement of construction (refer to Commitment 20), however, it can be verified that Complaints Management System was implemented during construction stage which lasted until commencement of plant commissioning stage on May 22nd 2007 (according to the TPR letter to DoP, dated 3 October 2007, sighted).</td></tr>
<tr><td colspan="3">Maximum Capacity Limits</td></tr>
<tr><td>25</td><td>The maximum capacity limits for the Facility will be restricted to those limits specified in Table 1.

Table 1 Maximum Capacity Limits
<table>
<tr><th>Treatment</th><th>Maximum Capacity</th><th>Nature of Waste</th></tr>
<tr><td>Oily Water Treatment and Waste Oil Transfer Station</td><td>17,160,000 litres per year</td><td>Oily water and waste oil</td></tr>
<tr><td>Lube Oil Hydrogenation Process</td><td>36,000 tonnes per year</td><td>Re-refined oil</td></tr>
<tr><td>CFS Process</td><td>26,000 tonnes per year</td><td>Non sewerable aqueous wastes and sludges</td></tr>
</table></td><td>This commitment can not be verified.
The only process that is undertaken at the TPR facility is Lube Oil Hydrogenation Process, while other treatments were abandoned in the project.
Refer to Condition 1.4 of Appendix A.</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Groundwater</td></tr>
<tr><td>26</td><td>The groundwater quality objectives adopted for the site are based on the ANZECC 2000 Australian and New Zealand Guidelines for Fresh and Marine Water Quality trigger values for Volatile Organic Compounds (VOC). The groundwater quality objective for the activity is shown in Table 2 or otherwise identified in the Submissions Report.
Table 2 Groundwater Quality Objective for the Activity
<table>
<tr><th>Analyte</th><th>ANZECC (2000)</th></tr>
<tr><td>Chloroform</td><td>370</td></tr>
<tr><td>Tetrachloroethene</td><td>70</td></tr>
<tr><td>Trichloroethene</td><td>330</td></tr>
</table></td><td>TPR complies with this commitment.
As per Groundwater Monitoring Reports dated 14 January 2008 and 28 May 2008, concentration limits of quoted elements were in compliance with quoted quality objectives.</td></tr>
<tr><td>27</td><td>The proponent will
a) prior to the commencement of construction, undertake a longer term pumping test of MW10 will be undertaken to further investigate the variation of contaminant concentration with time
b) during Construction and Operation, undertake quarterly monitoring of all wells with sampling and analysis for VOCs
c) during Construction and Operation, undertake monthly measurement of groundwater levels to determine if there is any seasonal variation in the water table and determine the groundwater flow direction
d) implement the groundwater mitigation measures specified in Table 3

Table 3 Groundwater Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Housekeeping and spill management procedures will be implemented throughout the site to prevent potential groundwater contamination.</td><td>Prior to commencement of construction, during construction and operation</td></tr>
<tr><td>Emergency response procedures will be written and implemented to manage and clean up spills immediately, if they occur,</td><td>Prior to commencement of construction</td></tr>
<tr><td>Infiltration of water into excavations and footings will be pumped out and transferred to sedimentation traps.</td><td>During construction, as required</td></tr>
<tr><td>All transfers, storage, treatment and processing will be undertaken on imperviously bunded surfaces.</td><td>During operation</td></tr>
</table></td><td>TPR does not comply with this commitment.
Point a): Two rounds of groundwater monitoring had previously been undertaken at the site by Parsons Brinkerhoff on 24 August and 11 November 2005.
Point b): During construction, monitoring of wells was performed in March 2007 (report sighted) in which VOC was sampled and analysed. During the operation, as per two Quarterly Groundwater Monitoring Reports (dated 14 January 2008 and 28 May 2008), VOC was sampled and analysed. However, four quarterly groundwater monitoring should have been undertaken (refer to condition M2.1 of Appendix B - Points 6, 7, 8, 9, 10 and 11).
Point c): Monthly measurements of groundwater levels during the construction can not be verified. During the operation TPR performs monthly</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><td>All areas used for traffic movement, parking, transfers, cleaning, drum and container handling, treatment and storage will be surfaced and maintained with impervious materials such as concrete and bitumen in accordance with Building Codes and Australian Standards.</td><td>Prior to construction</td></tr>
<tr><td>Pipelines will be inspected to detect leaks, leaks will be rectified and any maintenance required to be undertaken promptly.</td><td>Inspections conducted weekly during operation</td></tr>
<tr><td>Bunded areas to be maintained free from spills and debris. Spills to be contained and cleaned as soon as practical after spill event</td><td>During operation</td></tr>
</table>
</td><td>measurements which are recorded (sighted) and quarterly as per Quarterly Groundwater Monitoring Reports.
Point d): Refer to Conditions 2.24 of Appendix A, O7.1 of Appendix B and separate report titled “Hazard Audit 2008”, prepared by ENSR Australia.</td></tr>
<tr><td colspan="3">Surface Water</td></tr>
<tr><td>27a</td><td>The surface water quality objective for the Activity is to manage surface water contamination from Construction and Operation activities so it does not exceed water quality objectives for the Hunter River published by the DEC using data from ANZECC 1992 (except where ANZECC 1992 is superseded by ANZECC 2000, in which case ANZECC 2000 data is applied). The surface water quality objective for the Activity is shown in Table 4 or otherwise identified in the Submissions Report.

Table 4 Surface Water Quality Objective for the Activity
<table>
<tr><th>Analyte</th><th>WQO Lowland River (ug/L unless shown)</th></tr>
<tr><td>Total phosphorus</td><td>50</td></tr>
<tr><td>Total nitrogen</td><td>600</td></tr>
<tr><td>Chlorophyll-a</td><td>3</td></tr>
<tr><td>NOx as N</td><td>5</td></tr>
<tr><td>Salinity</td><td>300-900*</td></tr>
<tr><td>Dissolved oxygen</td><td>60% - 120%</td></tr>
<tr><td>pH</td><td>6.5 – 9.0</td></tr>
</table>
Source: Resource Recovery and Recycling Facility Environmental Assessment (Parsons Brinckenhoff 2005)
* Salinity WQO for an ‘unspecified tributary of the Hunter River (from Hunter River Management Committee)</td><td>TPR complies with this commitment.
As per due diligence surface water testing conducted by the Laboratory of Transpacific Industries Group, on 4 June 2008 (report sighted).
Refer to Condition 2.16 of Appendix A.</td></tr>
</table>

Commitment	Description	Compliance
28	The Proponent will prepare Soil and Water Quality Management Plans for Construction and Operation of the Activity in consultation with the DEC. The Soil and Water Quality Management Plans will, as appropriate: a) be developed in accordance with *Managing Urban Stormwater: Soils and Construction* (Department of Housing 1998, revised by Landcom 2004) b) contain details of measures to be employed to minimise the amount of water discharged to the stormwater system c) identify measures to manage any cumulative impacts of the Activity on the quality and quantity of surface and groundwater, including stormwater d) identify measures to manage the impacts of the Activity on nearby streams and water bodies e) identify all potential sources of water pollution (including those resulting from maintenance activities) and contain a detailed description of the remedial action to be taken, or management systems to be implemented, to prevent discharge of these pollutants from all sources within the Site f) identify opportunities for recycling/re-use of stormwater g) contain a detailed description of water quality monitoring to be undertaken prior to Construction, during Construction and during Operation of the Activity including identification of those locations where monitoring will be carried out h) contain contingency plans to be implemented in the event of major fuel spills or other chemicals i) provide a detailed description of site rehabilitation requirements j) contain a program for reporting on the effectiveness of the sediment and erosion control system against performance goals k) detail short- and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters (erosion and sediment control), including, but not limited to, the specific mitigation and design measures contained in the Environmental Assessment and Submissions Report.	**TPR complies with this commitment.** TPR prepared a following documents which addressed quoted issues: i) Soil, Water and Dust Management Plan (refer to Condition 3.4 a) of **Appendix A**) and ii) Soil Contamination Protocol (refer to Condition 3.4 b) of **Appendix A**) as part of TPR CEMP. iii) Stormwater Management Plan (refer to Condition 2.16 of **Appendix A**) iv) Groundwater Management Plan (refer to Condition 3.6 of **Appendix A**) as part of TPR OEMP.

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td>29</td><td>The Proponent will implement the surface water mitigation measures specified in Table 5.

Table 5 Surface Water Mitigation measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Swales and sediment ponds and traps will be used to retain coarse suspended particles. Sediment and erosion control will be carried out according to the “Blue Book” (Landcom, 2004 “Managing Urban Stormwater: Soils and Construction)</td><td>During construction</td></tr>
<tr><td>Drains and channels will be constructed to collect and divert stormwater runoff to silt traps and sedimentation ponds prior to discharge to the offsite stormwater system, clean stormwater to be segregated using kerbs and channels and reused onsite where possible, and off-site stormwater to be diverted away from the site using earth mounds and landscaping</td><td>Prior to construction, during construction and operation</td></tr>
<tr><td>Runoff from roadways and hardstand areas will be directed to the interceptor traps before discharging to the off-site stormwater system. The interceptor traps will be maintained and cleaned regularly in accordance with manufacturer’s recommendations to ensure optimal operation.</td><td>During construction and operation</td></tr>
<tr><td>Sediment control devices such as silt traps, sedimentation ponds, straw bales, silt fencing or similar will be constructed and maintained to prevent sediment runoff.</td><td>Prior to and during construction</td></tr>
<tr><td>The area of exposed ground surfaces will be minimised during construction.</td><td>During construction</td></tr>
<tr><td>Resealing and revegetating works to be undertaken in areas as soon as practicable following disturbance</td><td>During construction</td></tr>
<tr><td>Vehicle access to the site will be restricted, trafficable areas, roadways and construction areas to be regularly cleaned of soil and other materials</td><td>During construction</td></tr>
<tr><td>Site maintenance procedures to be implemented to ensure regular removal of excess soil and other materials</td><td>During construction</td></tr>
</table></td><td>Refer to Condition 2.16 and 2.24 of Appendix A, and O7.1 of Appendix B.
Note: TPR does not have roof run off collective system.</td></tr>
</table>

Commitment	Description		Compliance
	Any tanks, drums and fuel stores to be adequately bunded in accordance with Australian Standards	During construction	
	A Stormwater Management Plan (SWMP) will be prepared to minimise the impact of potentially contaminated stormwater runoff on the groundwater and local waterways.	Prior to construction and operation	
	The drainage system will be designed for a 1 in 10 year, 24 hour period ARI storm event (Q_{10}).	Prior to construction	
	All activities, including transfer activities are to be undertaken in accordance with engineering standards to prevent any contact with the external environment. All surfaces shall be graded to ensure flow of liquids to drainage and collection systems	During operation	
	Housekeeping and maintenance programmes will be implemented to ensure bunds will be kept clean and functional. Bunds will be inspected regularly for contamination.	Weekly, during construction and operation of following a rain event.	
	Sump drainage, wash waters and waste water generated by onsite activities will be recovered and treated on-site	During operation	
	Roof runoff water will discharge to be collected and reused on site where possible.	During operation	
	To minimise the chance of impact on surface water quality the car park run off will be discharged via an interceptor to a grass swale area to the south of the site.	During operation	
	Roadways around the site are to be constructed of crushed and compacted rock or gravel aggregate. Drainage from the road surfaces will be directed into grassed swales constructed alongside the road. These swales shall run into stormwater drains.	Prior to operation	
	The remaining areas not covered by building, car park and roadways will retain existing vegetation. No discharges from the remainder of the site will be directed to these areas, unless that forms part of a secondary treatment process for runoff. Any of these areas disturbed during the construction process will be reinstated to prevent sediment erosion.	Prior to and during operation	
	In the event of a fire, the drains will be able to be shut off at the discharge points to prevent pollutants from leaving the site. Runoff will be directed or transferred to the stormwater lagoon or the waste water treatment plant for further assessment, treatment and appropriate disposal.	During operation	
	All spills be will be immediately cleaned up and spill management kits will be available throughout the site.	During construction and operation	

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Landform, Soils and Land Contamination</td></tr>
<tr><td>30</td><td>The Proponent will implement the landform, soils and land contamination mitigation measures specified in Table 6.

Table 6 Landform, Soils and Land Contamination Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Soils will be tested to identify acid sulphate soils. If an acid Prior to construction sulphate soil environment exists, an acid sulphate management plan will be prepared. The management of acid sulphate soils will be undertaken in accordance with the NSW Acid Sulphate Soil Manual (1998).</td><td>Prior construction</td></tr>
<tr><td>Contaminated or potentially contaminated land will be analysed prior to disposal.</td><td>During construction</td></tr>
<tr><td>Any excavation and earth works to be halted during significant rainfall events.</td><td>During construction</td></tr>
<tr><td>Groundwater monitoring to be undertaken as per Environmental Protection Licence requirements.</td><td>During construction and operation</td></tr>
<tr><td>Emergency response procedures will be written and implemented to manage and clean up spills immediately, if they occur.</td><td>Prior to construction and during construction and operation.</td></tr>
<tr><td>All waste treatment and other activities to be conducted within imperviously bunded areas to contain and capture any potential spills and prevent contamination of the soil.</td><td>During construction</td></tr>
<tr><td>Sumps to be inspected weekly and dewatered as required and/or immediately after a rainfall event.</td><td>During construction</td></tr>
<tr><td>Bunded areas to be maintained free from spills and debris. Spills to be contained and cleaned as soon as practical after spill event.</td><td>During construction and operation</td></tr>
<tr><td>Housekeeping and spill management procedures will be implemented throughout the site to prevent potential soil and land contamination.</td><td>During construction</td></tr>
</table></td><td>Refer to Conditions 2.22 a), 2.24 and 3.5 of Appendix A, and Conditions O7.1 and M2.1 of Appendix B (Points 6, 7, 8, 9, 10 and 11).</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Site maintenance programmes and regular inspections will be During operation conducted to ensure proper, functional operation of plant and equipment. The maintenance programme will also daily, weekly and monthly inspection checklists.</td><td>During operation</td></tr>
<tr><td>Pipelines will be inspected weekly and detected leaks rectified and any maintenance required to be undertaken promptly.</td><td>During operation</td></tr>
<tr><td>Any disruption of impacted material will be done in a manner that will minimise impact on the surrounding area, groundwater and people working in the immediate vicinity.</td><td>During construction</td></tr>
<tr><td>Impacted material will be disposed of at an appropriately licensed landfill facility.</td><td>During construction</td></tr>
</table>
</td><td></td></tr>
<tr><td colspan="3">Flora and Fauna</td></tr>
<tr><td>31</td><td>The Proponent will implement the flora and fauna mitigation measures specified in Table 7.
Table 7 Flora and Fauna Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Wherever possible existing vegetation will be retained.</td><td>Prior to and during construction</td></tr>
<tr><td>Where it is unavoidable to clear some of the remnant areas of Endangered Ecological Communities, the impact of the proposal will be to off-set by retaining and rehabilitating other remnants, where possible.</td><td>During construction and operation</td></tr>
<tr><td>Work areas to be clearly delineated using barriers, fences etc.</td><td>Prior to and during construction</td></tr>
<tr><td>Sediment control devices to be installed prior to clearing vegetation to ensure that no impacts affect surrounding vegetation or creeks.</td><td>Prior to and during construction</td></tr>
<tr><td>Control measures to be implemented to ensure that weed species are not further promoted into retained native vegetation areas on site or in adjacent lands and the excess growth of vegetation which may</td><td>Prior to construction, during construction and operation.</td></tr>
</table>
</td><td>TPR complies with this commitment.
Refer to Condition 2.31 of Appendix A.</td></tr>
</table>

Commitment	Description	Compliance
	increase the risk of fire.	
	The site is to be landscaped following the completion of construction activities. In order to offset cleared vegetation, similar native species will be planted to complement local ecological values. Landscaping will be designed to enhance the local environment. — Following completion of construction	
	Drought tolerant species will be selected to reduce the requirement for irrigation. — Following completion of Construction	
	Trees and shrubs will be planted along boundaries to provide an aesthetic, visual barrier which will functionally act as a wind break — Following completion of construction	
32	The Proponent will prepare a Clearing Management Plan as part of the CEMP. The Plan will be prepared in consultation with the DEC and the Council and will contain procedures for vegetation clearing, soil management and managing other habitat damage (terrestrial and aquatic) during construction. Specific tree clearing protocols will be documented, including the following: a) shaking the tree using a bulldozer b) slowly pushing the tree to the ground so that it largely remains intact c) leaving the tree in place once felled for at least one day/night before removing to allow animals to relocate to nearby vegetation d) ensuring all contractors have the contact numbers of wildlife rescue groups should animals be injured during clearing	**TPR complies with this commitment.** TPR prepared Vegetation Management Plan as part of the CEMP. Refer to Condition 3.4 c) of **Appendix A**.
Indigenous Heritage		
33	The Proponent will include the following indigenous heritage management measures in the CEMP: a) procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction. If such objects are discovered, the Proponent will cease all work in the vicinity of the discovered objects and will inform the DEC, Mindaribba Local Aboriginal Land Council and the Lower Hunter Wonnarua Council in accordance with the *National Parks and Wildlife Act 1974*. If disturbance to any suspected relics or site is proposed, an excavation permit will be sought from DEC b) an awareness program for Construction personnel on their obligations for Aboriginal cultural materials, which will be incorporated into site induction training.	**This commitment is not applicable to TPR site.** This commitment results from the original proposed development for the facility. Due to the change of the initial plan and the resulting Preferred Project Report instead, indigenous and non-indigenous heritage are not an issue for TPR and hence are not necessary to regulate in their commitments.
Non-indigenous Heritage		
34	Prior to the commencement of Construction, the Proponent will undertake a building integrity inspection of the tea room to assess its structural integrity. If Feasible and Reasonable, the Proponent will retain and adaptively reuse the tea room. If retention and adaptive reuse of the team room is not Feasible and Reasonable, the Proponent will commission a suitable qualified	**This commitment is not applicable to TPR site.** Refer to Condition 33 above.

Commitment	Description	Compliance
	professional to undertake a full heritage assessment of the tea room building and a Section 140 application will be submitted to the Director-General to gain a permit prior to demolition	
35	The Proponent will include the following in the CEMP: a) identification of all local and State listed non-Indigenous heritage items within the construction zone of influence that may be potentially affected by vibration impacts or any other impacts during construction b) details of licences/approvals to be obtained in relation to non-Indigenous heritage issues including those required under the NSW Heritage Act 1977 c) procedures to be implemented if previously unidentified items/areas of potential non-Indigenous archaeological significance, such as footings are identified during the construction works, including the requirement to cease work immediately and contact the NSW Heritage Office to determine appropriate actions d) any additional heritage relics or sites discovered during Construction shall be reported to the NSW Heritage Office. Work in the vicinity of the relic(s) or site(s) will cease. If disturbance to any suspected relics or sites is proposed, an excavation permit shall be sought from the NSW Heritage Office.	**This commitment is not applicable to TPR site.** Refer to Condition 33 above.
Air Quality		
36	The Proponent will establish and implement an air quality monitoring programme as part of the OEMP in accordance with the Environmental Protection Licence requirements. The monitoring program will comprise of detailed rounds of air emission compliance monitoring to be undertaken on an annual basis during the first two years of site operation including: a) odour compliance monitoring to be undertaken annually for the first two years of operation. The scope of works undertaken as part of the odour compliance monitoring would include odour source measurement sampling and a reference odour samples along the potential plume centre-line migration pathway with an up wind and down wind measurement taken. The odour measurements would include evaluation of the odour concentration as well as a description of the 'character' of the odour (generally referred to as an intensity measurement). b) annual monitoring program including potential compound-specific emissions. Each compound identified in **Table 9** would be addressed as part of stack sample analysis program. c) dust monitoring to assess dust levels during construction and operation of the Facility During the first year's implementation of the air quality management plan, the odour management practices and effectiveness gauged by observations would be recorded. Corrective action taken as a result of this experience would be built into the environmental management plan / manual (EMP) for the site. It is anticipated that the requirements for the monitoring program would vary after detailed review and assessment of the results from the initial assessment	TPR Air Quality Management Plan as part of the OEMP contains detailed monitoring program (refer to Condition 3.6 a) of **Appendix A**) Point a): An Odour Audit is currently being undertaken by ENSR Australia (refer to Condition U2.1 of **Appendix B**) Point b) and c): Operational Air and Noise Validation Report is currently being undertaken by ENSR Australia (refer to Condition 4.2 of **Appendix A**)

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Air Quality – Air Quality Management Plan</td></tr>
<tr><td>37</td><td>The Proponent will operate the Facility in compliance with Section 129 of the Protection of the Environment Operations Act 1997 (ie no offensive odour).</td><td>This commitment can not be verified.
Refer to Condition 2.5 of Appendix A.</td></tr>
<tr><td>38</td><td>The Proponent will prepare Air Quality Management Plans as part of the CEMP and the OEMP. These Plans will include, as appropriate:
a) identification of potential air quality issues
b) requirements to undertake a post commissioning compliance study (odour and compound specific measurements), followed by annual surveys thereafter
c) protocol for handling air quality complaints that includes recording, reporting and acting on complaints
d) a reactive management programme detailing how and when operations are to be modified to minimise the potential for dust emissions, should emission levels exceed the criteria
e) measures to minimise air quality issues including, but not limited to, the mitigation and design measures outlined in Table 8.
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>The following mitigation measures will be implemented in the oily water treatment and waste oil recovery process:
utilization of submerged rather that splash filling of storage tanks to reduce solvent emissions
utilisation of tightly covered, well maintained collection systems can suppress emissions.
development and implementation of plant maintenance and loading procedures to reduce emissions from leaks and spills.
adherence to Part 10 of the Clean Air (Plant and Equipment) Regulation 2005
post commissioning monitoring to verify the findings of the air quality assessment</td><td>During operation</td></tr>
<tr><td>The following mitigation measures will be implemented in the lube oil hydrogenation process:
validation of the assumptions made within the air quality assessment for the hydrogenation plant, flare and boiler to be undertaken
design control measures to meet air quality objectives for the site will be incorporated during detailed design. The following stack heights or equivalent to meet emission</td><td>During operation</td></tr>
</table></td><td>TPR complies with this commitment.
Refer to Condition 3.6 a) of Appendix A.</td></tr>
</table>

Commitment	Description		Compliance
	specifications will be maintained at the site: - flare 16 m - fired heater 16 m - boiler 2 m - steam generator 6m - reformer unit 6 m		
	The following mitigation measures would be implemented in the CFS process: • design flow rates in air extraction system to air quality objectives. The exhaust hoods would be designed to allow entrainment and capture of particulates and compounds released from the mixing pits • installation of reverse pulse filters or equivalent to reduce particulate emissions to less than 0.03 g/m3 • installation of a misting system in the CFS Processing Area and CFS Curing area as required to reduce dust emissions • if required, use of chemical deodorants (generally strong oxidising agents) that chemically oxidise compounds that lead to a given undesirable odour mixture to be utilised as required within the CFS mixing and curing areas • post-commissioning validation monitoring and compliance works to determine the requirement for further controls and management practices.	Prior to, and during operation	
	Vehicles using public roads will be maintained and covered to prevent any loss of load, whether in the form of dust, liquids or solids. Construction vehicles will be maintained in such a way that they will not track mud, dirt or other material onto any street that is open and accessible to the public. In the unlikely event of any spillage, TPI will remove the spilt material within 24 hours.	During construction and operation	
	Exposed earth areas to be minimised.	During construction and operation	
	Appropriately surfaced and defined traffic routes will be established for traffic movement.	During construction and operation	
	Roadways and construction areas will be regularly maintained/watered	During construction	
	Gravel areas will be established on roadways from construction areas to minimise removal of soil by truck wheels.	During construction	
	Dust reduction/suppression methods such as use of covers, wind breaks, water trucks, dust suppression techniques to be implemented as required.	During construction and operation	

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><td>Dust to be monitored at the site throughout construction by the construction Project Manager.</td><td>During construction</td></tr>
<tr><td>Dust-generating works will be avoided during unfavourable weather conditions.</td><td>During construction and operation</td></tr>
<tr><td>Trafficable areas, access ways, roadways and parking areas will be paved or constructed of stabilised, compacted, hardstand materials to reduce potential generation of dust.</td><td>Prior to operation</td></tr>
<tr><td>Internal roads will be regularly maintained and cleaned.CFS materials to be mixed and cured within the confines of the building.</td><td>During operation</td></tr>
<tr><td>Dust extraction systems to be installed in the CFS process area</td><td>Prior to operation</td></tr>
<tr><td>In order to minimise odour emissions wastes will be:
pre-screened prior to delivery to classify appropriate treatment methods
re-checked upon delivery to confirm composition, contaminants and potential adverse reactions.</td><td>During operation</td></tr>
<tr><td>Control systems incorporating sensors and alarms to be installed to ensure optimum and complete combustion processes (boiler, flare) will be installed.</td><td>Prior to, and during operation</td></tr>
</table>
</td><td></td></tr>
<tr><td colspan="3">Air Quality – Air Quality Management Plan</td></tr>
<tr><td>39</td><td>The air quality objective for the Operation of the Activity is to manage air emissions to comply with relevant national and New South Wales air quality goals. The air quality objective for the Activity is shown in Table 9 or otherwise identified in the Submissions Report or Air Quality Management Plans.

Table 9 Air Quality Objectives for the Activity
<table>
<tr><th>Pollutants</th><th>Averaging period</th><th>Goal</th><th>Source</th></tr>
<tr><td>Nitrogen dioxide</td><td>1 hours maximum
1 hour maximum

Annual mean</td><td>245 µg/m^3
200 µg/m^3

62 µg/m^3</td><td>NEPC, NEPM
NSW DEC long term reporting goal
NEPC</td></tr>
<tr><td>Carbon Monoxide</td><td>15 minutes
1 hour
8 hours</td><td>100 mg/m^3
30 mg/m^3
10 mg/m^3</td><td>WHO
WHO
NEPC</td></tr>
<tr><td>Sulphur dioxide</td><td>10 minute maximum
1 hour maximum</td><td>712 µg/m^3
570 µg/m^3</td><td>NHMRC
NEPC, NEPM</td></tr>
</table>
</td><td>This condition can not be verified.
Refer to Condition L3.3 of Appendix B.</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><td></td><td>1 day
Annual mean</td><td>228 µg/m^3
60 µg/m^3</td><td>NEPC, NEPM
NEPC, NEPM</td></tr>
<tr><td>TSP</td><td>Annual TSP Concentration
Annual TSP Deposition [1]
Annual TSP Deposition [2]</td><td>90 µg/m^3
2 g/m^2/month
4 g/m^2/month</td><td>NHMRC
NERDDC
NERDDC</td></tr>
<tr><td>PM_{10}</td><td>Annual PM_{10} Concentration
24-hour PM_{10} Concentration</td><td>30 µg/m^3
50 µg/m^3</td><td>NSW EPA
NEPC, NEPM</td></tr>
<tr><td>Odour</td><td>Annual average – 99th %ile</td><td>2 OU/m^3 – 7 OU/m^3</td><td>NSW DEC</td></tr>
<tr><td>Ammonia</td><td>1 hour maximum</td><td>0.33 mg/m^3</td><td>NSW DEC</td></tr>
<tr><td>Hydrogen Chloride</td><td>1 hour maximum</td><td>0.14 mg/m^3</td><td>NSW DEC</td></tr>
<tr><td>Cyanide (as CN)</td><td>1 hour maximum</td><td>0.09 mg/m^3</td><td>NSW DEC</td></tr>
<tr><td colspan="4">Volatile Organic Compounds (selected)</td></tr>
<tr><td>Benzene</td><td>1 hour maximum</td><td>0.029 mg/m^3</td><td>NSW DEC</td></tr>
<tr><td>Ethylbenzene</td><td>1 hour maximum</td><td>8.0 mg/m^3</td><td>NSW DEC</td></tr>
</table>
Notes to Table 9
1 - maximum allowable increase
2 - maximum total deposited level
PM_{10} = Particulate matter 10 m in aerodynamic diameter
TSP = Total suspended particulates 30 m in aerodynamic diameter
NEPM = National Environment Protection (Ambient Air Quality) Measure
NHMRC = National Health and Medical Research Council
The above values are ambient air quality goals. Wherever possible, cumulative assessment of particulate matter impacts is required. In assessing short-term impact potential, it should be noted that the 24-hour PM_{10} target specified in the NEPM should not be exceeded on more than five days in a single year.
</td><td></td></tr>
<tr><td colspan="3">Noise and Vibration – Construction Noise Management Plan</td></tr>
<tr><td>40</td><td>The Proponent will prepare a Construction Noise Management Plan. The Plan will include, but not be limited to:
a) identification of general activities that will be carried out and associated noise sources
b) establishment of procedures for the assessment of noise impacts
c) a pro-active and reactive strategy for dealing with complaints, particularly with regard to verbal and written responses
d) the need for respite periods</td><td>This commitment can not be verified.</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>
e) noise monitoring, reporting and response procedures, including compliance monitoring and mitigation measures to be implemented should monitoring indicating exceedances of the Noise Management Plan
f) internal audits of compliance of all plant and equipment
g) construction timetabling, in particular works outside standard hours, to minimize noise impacts
h) procedures for notifying residents of construction activities likely to affect their noise and vibration amenity
i) contingency plans to be implemented in the event of non-compliances and/or noise complaints
j) specific physical and managerial measures including, but not limited to, those noise mitigation measures contained in Table 10.

Table 10 Air Quality Construction Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Intensive construction activities (with the potential to be audible off site) should be scheduled between Monday to Friday, 7.00 am to 6.00 pm, and Saturdays, 8.00 am to 1.00 pm. No intensive construction activities should be undertaken on Sundays or Public Holidays.</td><td>During construction</td></tr>
<tr><td>Access will be restricted for contractors to prevent early starts or late finishes.</td><td>During construction</td></tr>
<tr><td>Construction activities should be undertaken in accordance with Australian Standard AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites. All equipment used on site should be required to demonstrate compliance with the noise levels recommended within AS 2436-1981.</td><td>During construction</td></tr>
<tr><td>Trucks and machinery fitted with appropriate noise reducing devices.</td><td>During construction</td></tr>
<tr><td>Defined traffic routes will be utilised to minimise noise impacts during construction.</td><td>During construction</td></tr>
<tr><td>Noise compliance monitoring be undertaken during the initial construction works.</td><td>During construction</td></tr>
</table>
</td><td></td></tr>
<tr><td colspan="3">Noise and Vibration – Construction Hours</td></tr>
<tr><td>41</td><td>The Proponent will restrict intensive construction activities (with the potential to be audible off site) to Monday to Friday, 7.00 am to 6.00 pm, and Saturdays, 8.00 am to 1.00 pm. No audible works should be undertaken on Sundays or Public holidays. Works outside these hours that</td><td>TPR complies with this commitment.</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td></td><td>may be permitted include:
a) any works which do not cause noise emissions to be audible at any nearby residential property
b) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons
c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm
d) any other work approved by the Director-General through the Construction Noise Management Plan process. Potentially affected noise receivers will be informed of the timing and duration of any such works at least 48 hours prior to the commencement of the work.</td><td>Refer to Conditions 2.19 of Appendix A.</td></tr>
<tr><td colspan="3">Noise and Vibration – Construction Noise Criteria</td></tr>
<tr><td>42</td><td>The Construction noise criteria for the Activity is to manage noise from Construction activities (as measured by an L_{A10} descriptor) so it does not exceed the background L_{A90} noise level by more than 10 dBA wherever possible. The Construction noise criteria is 51 dB(A) [LA10 impacts], LA90, median + 10 dB(A) or as otherwise identified in the Submissions Report or Construction Noise Management Plan. The Proponent will identify and manage any activity that has the potential for noise emissions that exceed the criteria in accordance with the Construction Noise Management Plan. The Proponent will implement all Reasonable and Feasible noise mitigation and management measures with the aim of achieving the Construction noise criteria.</td><td>This commitment can not be verified.</td></tr>
<tr><td colspan="3">Noise and Vibration – Operation Noise Management Plan</td></tr>
<tr><td>43</td><td>The Proponent will prepare an Operation Noise Management Plan. The Plan will include, but not be limited to:
a) predicted noise levels
b) noise monitoring, reporting and response procedures
c) specific physical and managerial measures including, but not limited to, those noise mitigation measures contained in Table 11.

Table 11 Air Quality Operation Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Use of auxiliary equipment such as articulated semi-trailers should be carried out in a reasonable manner, with the associated off-site noise impacts considered at all times.</td><td>During operation</td></tr>
<tr><td>Scheduling of truck movements should to be undertaken</td><td>During operation</td></tr>
</table></td><td>This commitment can not be verified.</td></tr>
</table>

Commitment	Description		Compliance
	Truck movements to be limited to no more than six movements per hour (excluding peak hour flows).		
	Trucks entering the site during the night time period are to have air bag suspensions. Engine brakes can not be used. Access would be via Kyle Street; with a creep speed of 5 km/hr should be exercised.	During operation	
	No queuing of road transport trucks along Kyle Street to take place at any time.	During operation	
	Practical on-site vehicle movement practices are to be implemented at the site including low on-site speed limits, no use of horns or engine brakes and adequate access road design.	During operation	
	All equipment to be maintained in good order including mufflers, enclosures and bearings to ensure unnecessary noise emissions are eliminated.	During operation	
	Appropriate use of all plant and equipment. Reasonable work practices are to be applied with no extended periods of 'revving', idling or 'warming up' within the proximity of existing residential receivers. Any excessively loud activities should be scheduled during periods of the day when an increase in general ambient noise levels is apparent.	During operation	
	Plant and equipment to be selected based on minimal noise emissions.	Prior to and during operation	
	Residential class mufflers and where applicable, engine shrouds (acoustic lining) will be fitted to permanent on-site mobile engine sources.	During operation	
	Fixed noise generating devices such as compressors will be housed within insulated enclosures and have appropriate noise reducing devices.	During operation	
	Final design of the plant to consider the impact potential presented within the noise assessment.	Prior to construction and operation	
Noise and Vibration – Operation Hours			
44	The Proponent intends for Operation of the Activity to occur 24 hours per day, 7 days per week, with the exception of the chemical fixation, stabilisation and solidification (CFS) treatment that will operation 7 days per week from 6 am to 9 pm.		**TPR complies with this commitment.** As per audit interview, TPR complies with this commitment.

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Noise and Vibration – Operation Noise Criteria</td></tr>
<tr><td>45</td><td>The Operation noise criteria is shown in Table 12 or otherwise identified in the Submissions Report.
Table 12 Operation Noise Criteria (dBA)
<table>
<tr><th></th><th>Goal</th><th>Source</th></tr>
<tr><td>Construction Noise Criteria</td><td>51 dB(A) [L_{A10} impacts], L_{A90} + 10dB(A)</td><td>DEC ENCM</td></tr>
<tr><td>Operational Noise Criteria
Day Time Intrusive Noise Limit (7am – 6pm)</td><td>46 dB(A) [$L_{Aeq,\ 15\ min}$]</td><td>DEC INP</td></tr>
<tr><td>Evening Intrusive Noise Limit (6pm – 10pm)</td><td>45 dB(A) [$L_{Aeq,\ 15\ min}$]</td><td>DEC INP</td></tr>
<tr><td>Night Time Amenity Noise Limit (10pm – 7am)</td><td>38 dB(A) [$L_{Aeq,\ night}$]</td><td>DEC INP</td></tr>
<tr><td>Boundary Noise Limits</td><td>70 dB(A) [$L_{Aeq,\ 15\ min}$]</td><td></td></tr>
<tr><td>Sleep Disturbance</td><td>49 dB(A) [L_{A1}, impacts]</td><td>DEC ENCM</td></tr>
<tr><td>Road Traffic Noise
Base Criteria</td><td>60 dB(A) [$L_{Aeq,\ 15\ hr}$]</td><td>DEC ECRTN</td></tr>
<tr><td>Night Time</td><td>55 dB(A) [$L_{Aeq,\ 9\ hr}$]</td><td>DEC ECRTN</td></tr>
<tr><td>Vertical Vibration Limits
Residential Levels (night time)</td><td>0.14-0.2 millimetres per second</td><td></td></tr>
<tr><td>Residential Levels (day time)</td><td>028.0.26 millimetres per second</td><td></td></tr>
</table>
Source: Rutherford Resource Recovery and recycling Facility Environmental Assessment (Parsons Brinckerhoff 2005)
The Proponent will identify and manage any activity that has the potential for noise emissions that exceed the Operation noise criteria in accordance with their own EMS or OEMP. The Proponent will implement all Reasonable and Feasible noise mitigation and management measures with the aim of achieving the Operation noise criteria.</td><td>This commitment can not be verified.
Refer to Condition 2.20 of Appendix A.</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Visual</td></tr>
<tr><td>46</td><td>The Proponent will implement specific physical and managerial measures including, but not limited to, those visual mitigation measures contained in Table 13.

Table 13 Visual Mitigation Measures
<table>
<tr><th>Commitment</th><th>Timing</th></tr>
<tr><td>Buildings to be designed using techniques such as defined entrances of one storey (about three metres) height and using colour tones or different materials to break up the visual scale (such as darker colours or different materials on the lower section</td><td>Prior to construction</td></tr>
<tr><td>Plant and towers to be constructed in locations of minimal visual impact</td><td>Prior to and during construction</td></tr>
<tr><td>Main building colours to be limited to a defined colour palette (eg colorbond colours elephant and dune) with only other brighter colours used in a minor way to highlight features</td><td>Prior to and during construction</td></tr>
<tr><td>Signs will be of a high quality presentation and limited in number and overall size</td><td>During construction and operation</td></tr>
<tr><td>Landscape planting will be implemented as soon as practically possible. The Landscape Concept Plan has been prepared for the site to mitigate potential visual impact and enhance the final scenic quality and landscape character. The basic design objectives of this plan are to: provide partial screen planting along perimeter areas, undertake rehabilitation works along the site’s watercourse to remove weeds and revegetate and use locally native plant species.</td><td>Following construction</td></tr>
</table></td><td>TPR complies with this commitment.
During the site visit, it was assessed that TPR facility does not have any excessive visual impact on its surroundings, neither it stands out with its colour, number and size of its signs, or lighting (refer to Condition 2.32 of Appendix A).
In regards to the landscape planting, as per site visit, it was confirmed that TPR removed only 6 trees during construction and planted natives along the boundary to improve the visual appeal of the site.</td></tr>
<tr><td colspan="3">Visual – Landscape Plan</td></tr>
<tr><td>47</td><td>The Proponent will prepare a Landscape Plan. The Plan will include, but not be limited to:
a) sections and perspective sketches
b) methodology of landscaping works
c) location and identification of existing and proposed vegetation
d) location of mounds, bunds, structures or other proposed treatments, finishes of exposed surfaces (including paved areas), colours and specifications, staging of works
e) landscape strategies incorporating other environmental controls such as erosion and sedimentation controls, drainage, noise mitigation and lighting
f) monitoring and maintenance.</td><td>TPR complies with this commitment.
Refer to Condition 3.4 c) of Appendix A.</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Traffic and Transportation – Traffic Management Plans</td></tr>
<tr><td>48</td><td>The Proponent will prepare Traffic Management Plans as part of the CEMP and the OEMP. These Plans will be prepared in conjunction with the RTA and will include, as appropriate, measures to minimise traffic impacts including, but not limited to the specific air quality mitigation and design measures contained in Table 14.

Table 14 Traffic and Transportation Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Designated transport routes will be established to minimise impact on road safety, including, directing a proportion of heavy vehicle movements to the New England Highway and Racecourse Road intersection.</td><td>During construction and operation</td></tr>
<tr><td>Road speed limits for heavy vehicles on local routes and at the site to be specified.</td><td>During operation</td></tr>
<tr><td>On-site designated parking and transfer areas to be established at the site</td><td>During construction and operation</td></tr>
<tr><td>On-site weighbridge to be utilised to ensure vehicles do not exceed weight limits</td><td>During operation</td></tr>
<tr><td>Site specific procedures for the delivery and despatch of materials to be developed and implemented</td><td>Prior to and during operations</td></tr>
<tr><td>Hours of operation for construction and deliveries to be limited to 6am – 6pm Monday to Friday and 8am – 1pm Saturdays.</td><td>During construction</td></tr>
<tr><td>Where possible vehicular access will be restricted outside business hours</td><td>During operation</td></tr>
<tr><td>Liaison with the RTA will be undertaken regarding the movement of oversize vehicles</td><td>During construction and operation</td></tr>
</table></td><td>TPR complies with this commitment.
TPR prepared Transport Code of Conduct (refer to Conditions 2.27 and 3.6 b) of Appendix A.)</td></tr>
<tr><td colspan="3">Energy Use Plan</td></tr>
<tr><td>48a</td><td>The Proponent will prepare an Energy Use Plan as part of the OEMP. This Plan will be include measures to promote energy efficiency including, but not limited to the specific energy mitigation and design measures contained in the Environmental Assessment and the Submissions Report.</td><td>TPR complies with this commitment.
TPR prepared Energy Use Plan as part of the OEMP (Section 3.7 of OEMP) which included energy mitigation and design measures.</td></tr>
</table>

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Energy Efficiency – Energy Use Plan</td></tr>
<tr><td>49</td><td>The Proponent will prepare an Energy Use Plan as part of the OEMP. This Plan will be include measures to promote energy efficiency including, but not limited to the specific energy mitigation and design measures contained in Table 15.
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Wherever possible, low energy consumption equipment will be installed and will include variable speed electric motors and PLC isolation steps to best manage the use of power.</td><td>Prior to and during construction and operation</td></tr>
<tr><td>Energy efficient pumps, motors, lighting and other equipment will be installed.</td><td>During construction and operation</td></tr>
<tr><td>Smart and high efficiency lighting systems will be employed in all cases that will have photo sensors fitted, where possible, to best manage the life of the equipment and the use of power.</td><td>During construction and operation</td></tr>
<tr><td>Steam pipelines from the boiler will be lagged to retain heat.</td><td>During operation</td></tr>
<tr><td>Where possible steam condensate lines will be reused as heat exchangers for incoming products into the same process or for other processes within the Facility.</td><td>During operation</td></tr>
<tr><td>Steam condensate will be reused where possible.</td><td>During operation</td></tr>
<tr><td>The boiler will be powered by recycled oil or natural gas.</td><td>During operation</td></tr>
<tr><td>Skylights will be installed to minimise daytime lighting requirements.</td><td>During construction and operation</td></tr>
<tr><td>Treated effluent will be mixed with clean potable water and reused onsite wherever possible.</td><td>During operation</td></tr>
</table></td><td>TPR complies with this commitment.
Refer to Commitment 48.</td></tr>
<tr><td colspan="3">Waste Management – Waste Management and Minimisation Plan</td></tr>
<tr><td>50</td><td>The Proponent will prepare a Waste Management and Minimisation Plan as part of the OEMP. The Plan will include, but not be limited to:
a) management of wastes in accordance with the DEC’s Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes (1999)
b) the specific waste management and minimisation measures contained in Table 16.
Table 16 Waste Management and Minimisation Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Portable toilets to be used during construction of the Facility for human waste, to be emptied and disposed of offsite in accordance with regulatory requirements.</td><td>During construction</td></tr>
<tr><td>Wastes to be managed in accordance with the DEC’s Environmental</td><td>During construction and</td></tr>
</table></td><td>TPR complies with this commitment.
TPR addressed Waste Management as part of the OEMP (Section 3.1 of OEMP).
Refer to Conditions 2.1, 2.2 and 2.3 of Appendix A and L5 Conditions of Appendix B.</td></tr>
</table>

Commitment	Description		Compliance
	Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes (1999).	operation	
	Waste minimisation, reduction, reuse and recycling principles to be utilised wherever possible. In order to reduce waste volumes, where possible, all wastes generated from construction and operational activities will be reused on site or sent to recyclers. Disposal to appropriately licensed waste facilities will only be undertaken where reuse or recycling is not possible or feasible.	During construction and operation	
	Chemical and industrial wastes to be separated and clearly identified to ensure appropriate waste disposal methods.	During operation	
	Construction and demolition wastes to be reused and recycled, where possible.	During construction	
	Materials to be fabricated offsite where possible to minimise the generation of waste.	During construction	
	Where possible components of the proposed development will be constructed and operated within existing site buildings and with existing infrastructure in order to minimise the need for new materials and to minimise waste generated from the site.	During construction and operation	
	Scheduled or intractable wastes will not be accepted or received for treatment.	During operation	
	Where appropriate waste generators will be encouraged to segregate wastes to minimise cross contamination.	During operation	
	Waste will only be transported by appropriately licensed transporters (inclusive of TPI).	During construction and operation	
	All pre-screening, transportation and receival of waste will be carried out in accordance with EPA requirements. The results of testing will determine the most appropriate recycling or treatment process of the waste. Wastes will only be stored in appropriately designated areas.	During operation	
	Should any anomalies be detected between the pre-screening analysis and onsite analysis waste may be quarantined or rejected	During operation	
	All transfer of waste will be undertaken within imperviously bunded areas and, where possible, waste transfers will be undertaken in undercover areas.	During operation	
	A waste audit will be conducted when the site is operational on an ongoing basis to identify types and volumes of wastes generated, opportunities for waste avoidance re-use and recycling, waste storage and segregation methods, waste treatment and disposal techniques and destination of waste materials.	During operation	

<table>
<tr><th>Commitment</th><th>Description</th><th>Compliance</th></tr>
<tr><td colspan="3">Hazards and Risk</td></tr>
<tr><td>51</td><td>The Proponent will implement specific hazard and risk management measures including, but not limited to, those hazard and risk mitigation measures contained in Table 17.

Table 17 Hazard and Risk Mitigation Measures
<table>
<tr><th>Mitigation Measures</th><th>Timing</th></tr>
<tr><td>Qualified auditors to undertake a detailed assessment, identification and inventory of all asbestos materials and residues at the site.</td><td>Prior to construction</td></tr>
<tr><td>An asbestos and synthetic mineral fibre register will be developed in accordance with Section 44 of the Occupational Health and Safety Regulation 2001 (NSW) which requires that a register identifying the type, condition and location of all asbestos and asbestos-containing materials be prepared and maintained.</td><td>Prior to and during construction and operation</td></tr>
<tr><td>An asbestos management programme will be implemented.</td><td>Prior to and during construction and operation</td></tr>
<tr><td>Specialist asbestos contractors will be engaged to remove and clean each building of asbestos and synthetic mineral fibres before any construction or demolition work commences.</td><td>Prior to construction</td></tr>
<tr><td>Handling and removal of asbestos will be undertaken by licensed contractors in accordance with Worksafe Australia’s requirements. Disposal to licensed landfills in accordance with legislative requirements.</td><td>Prior to construction</td></tr>
<tr><td>Contractors required to complete Job Safety and Environmental Analysis forms (JSEAs) and Work Permits in accordance with legislative requirements and TPI policies before handling, removing and disposing of asbestos.</td><td>Prior to construction</td></tr>
<tr><td>Control measures to be implemented to minimise the risk of airborne asbestos, e.g., by applying a sealant such as PVA.</td><td>Prior to construction</td></tr>
<tr><td>The condition of asbestos-cement sheeting will be monitored and n will be removed and replaced as required. Where PVA coating is applied to asbestos, regular integrity checks to be conducted on the sealant by qualified personnel.</td><td>Prior to construction</td></tr>
<tr><td>Where asbestos fibres from the PVA-coated sheeting is disturbed or broken damaged sheets will be removed and replaced with non-asbestos cement sheeting in accordance with asbestos handling and disposal requirements.</td><td>Prior to construction</td></tr>
</table></td><td>Refer to separate report titled “Hazard Audit 2008”, prepared by ENSR Australia.</td></tr>
</table>

Commitment	Description		Compliance
	Emergency procedures will be developed to quarantine areas when materials suspected of containing asbestos or synthetic mineral fibres are found and to train all staff and relevant contractors	Prior to construction	
	Qualified contractors will be engaged to remove all fluorescent light fittings.	Prior to construction	
	Contractors to review and assess whether any fluorescent light ballast resistors contain PCBs	Prior to construction	
	PCB resistors will be disposed of only at appropriately licensed facilities	Prior to construction	
	Emergency procedures will be developed to handle and dispose of fluorescent lights which may potentially contain small PCB capacitors and train site personnel and contractors.	Prior to construction	
	Bund surface areas to be cleaned and the liquids collected and removed for appropriate treatment.	Prior to construction	
	Drum storage areas identified in old site plans to be cleaned prior to commencement of construction and demolition work to remove any chemical residues and the washings disposed of at an appropriately licensed treatment facility.	Prior to construction	
	Prior to any excavation and road works, metal detectors to be used to clear the area of any possible buried ordnance and drums.	Prior to construction	
	Fire Safety Study - the study would cover all aspects detailed in Hazardous Industry Planning Advisory Paper No 2 – Fire Safety Study Guidelines (HIPAP 2) and the Best Practice Guidelines for Contaminated Water Retention and Treatment Systems. The study would be submitted to NSW Fire Brigades for review and approval prior the commencement of construction activities.	Prior to construction	
	Hazard and Operability (HAZOP) Study - the study would be conducted in accordance with *Hazardous Industry Planning Advisory Paper No 8 – HAZOP Guidelines* (HIPAP 8). A HAZOP study is used to critically analyse potential hazardous events during the construction and operation of the proposal and identifies appropriate design and operational measures which would ensure the identified risks are avoided or minimised. The study would be chaired by a suitably qualified person, to be appointed by the design contractor.	Prior to construction	
	Construction Safety Study – the study would be developed in accordance with *Hazardous Industry Planning Advisory Paper No7 – Construction Safety Study Guidelines* (HIPAP 7). The construction safety study process would critically review all of the risks associated with the construction and commissioning phases of the proposal to ensure risk levels to land uses that may be affected by the proposal remain within acceptable limits.	Prior to construction	

Commitment	Description		Compliance
	Separation distances of hazardous process plant and storages from other parts of the operation will be implemented and maintained in accordance with separation distance requirements.	During operation	
	All incompatible dangerous goods classes will be properly and completely segregated with appropriate fire separation distances created and maintained (including use of fire walls etc where necessary) according to AS1940.	During operation	
	Management systems, policies, procedures and plans will be developed and implemented to appropriately manage operational risk.	Prior to operation	
	The site will be continuously staffed and appropriate security fencing and systems to be implemented and maintained to resist malicious attack.	During operation	
	Existing sheds to be fully renovated with a new electrical system designed to meet relevant explosion protection (ExP) standards.	During construction	
	Equipment operating in warehouses that might generate friction or other sources of heat and contribute to risk of ignition will be prohibited.	During operation	
	A strict smoking ban to be implemented in all hazardous warehouse and process areas.	During operation	
	Equipment (such as fork lifts) will be maintained on an ongoing basis suitable for the relevant hazardous area classification.	During operation	
	No dangerous goods will be accepted unless in packaging complying with the Australian Dangerous Goods Code with steel drums preferred where possible to limit rate of spread of fire.	During operation	
	Process areas to be fully bunded to limit the spread of fire and prevent the discharge of contaminated fire-water in accordance with the relevant Australian Standards and regulatory requirements.	Prior to operation	
	Flammable and combustible liquid stores will be adequately bunded in accordance with Australian Standards and regulatory requirements.	Prior to operation	
	Fire services including fire hoses with foam suppressants, extinguishers, fixed sprinklers to be installed. The fire control system will be designed to meet the requirements of the Building Code of Australia and to the satisfaction of the NSW Fire Brigade. Elements of the system will include: • provision of potable water to supply to the site • provision of booster pumps to meet the specified pressure requirements • provision of permanent water storage, if necessary, to meet the supply volume requirements • provision of fire hydrants, hose reels and foam	Prior to operation	

Commitment	Description		Compliance
	suppressants as required • installation of a suitable fire alarm system with actuating points distributed at key points throughout the Facility		
	A dedicated fire management system for the Hydrogenation Plant will be installed.	Prior to operation	
	Flammable gas detectors strategically placed to ensure gas releases are detected to be utilised and appropriate action taken before combustible vapours can be generated.	During operation	
	Pressure regulators, shutdown valves and monitoring equipment at key process points to be installed.	Prior to operation	
	Site stormwater containment system to be installed that can be isolated and contained.	Prior to operation	
	Full-time chemists and technicians to be employed within on-site laboratories to conduct risk assessments on all wastes received at the Facility; identify, classify and/or label wastes and chemicals prior to storage, treatment and transport and undertake regular testing and monitoring of processes.	During operation	
	An Emergency Co-ordinator for each shift will be appointed as well as an Emergency Response Team.	During operation	
	All employees will be required to attend training in emergency response prior to commencing work at the Facility and attend specialised training, as required for specific tasks. Simulated emergencies will be utilised regularly to ensure all personnel are competent in responding to and aware of their roles in an emergency.	Prior to operation	
	All personnel and contractors will receive induction training with particular emphasis on emergency response procedures, evacuation, spill management and fire fighting techniques. Visitors will also receive induction training sufficient to permit supervised access to the site.	During operation	
	All transport vehicles to be fitted with fire extinguishers and communications systems. Tankers will be constructed in accordance with relevant Australian design standards, regulatory requirements and the Australian Dangerous Goods Code, where applicable. Design features will include recessed valves, rollover protection, and locking valves. Each vehicle will have a Drivers' Manual incorporating procedures to be followed in the event of an emergency. All drivers will be required to attend emergency response training prior to commencing work and specific training, as required.	During operation	
	A spill response procedures to be developed and implemented at the site. Spill management kits will be distributed throughout the plant	Prior to operation	

Commitment	Description	Compliance
	and vehicles, all spills to be immediately contained and removed.	
	Regular inspections to be conducted on fire protection and emergency control devices to ensure their operability and use in accordance with manufacturers instructions. All inspections will be recorded and copies of inspection logs kept on site for not less than five (5) years. — During operation	
Hazards and Risk – Operation Emergency Management Plan		
52	The Proponent will prepare an Operation Emergency Management Plan as part of the OEMP. The Management Plan will include, but not be limited to: a) identification of emergencies that may arise in relation to operation of the proposal b) procedures to be followed to address potential emergencies and minimise the impacts of emergencies on surrounding land uses c) monitoring and communication systems installed to indicate an emergency d) details of fire safety measures where relevant e) procedures for the notification of relevant emergency services, authorities and affected receptors of an emergency situation f) a system to investigate and address the cause(s) of any emergency to prevent recurrence.	Refer to separate report titled “Hazard Audit 2008”, prepared by ENSR Australia.

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Appendix D

ENSR Auditing Team Approval

01 MAY 2008

NSW GOVERNMENT
Department of Planning

Major Development Assessment

Phone: (02) 9228 6471
Fax: (02) 9228 6466
Email: deana.burn@planning.nsw.gov.au

Level 4 Western Gallery
23-33 Bridge Street
GPO Box 39
SYDNEY NSW 2001

Ms Kate Woods
Project Environmental Scientist
ENSR Australia Pty Ltd
PO Box 73
HUNTER REGION MC NSW 2310

Dear Ms Woods

Transpacific Refiners Pty Ltd, Rutherford
PA 05_0037 Resource Recovery and Recycling Facility

The Department has reviewed your request for approval of ENSR Australia Pty Ltd to undertake an independent environmental audit in accordance with condition 4.4 of PA 05_0037 for the resource recovery and recycling facility at Rutherford.

The Department has reviewed the curriculum vitae and approves the team proposed by ENSR to carry out the audit.

Please note that the scope of the audit must also address compliance with conditions of the modified approval, dated 16 May 2007.

If you have any further questions please contact me on 9228 6413 or Deana Burn on 9228 6471.

Yours sincerely

C. Ritchie 28/4/08.

Chris Ritchie
Manager – Manufacturing and Rural Industries
Major Development Assessment

As delegate for the Director-General

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Appendix E

Summary of Evidence Supporting Audit Findings

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The following is a list of supporting documents reviewed to determine compliance at TPR. Documents include:

- Project Approval (PA) No. 05_0037, 4 July 2006, DoP;
- Modification Approval for PA No. 05_0037, 16 May 2007, DoP;
- Environment Protection Licence No. 12555, 22 May 2006, DECC;
- Licence Variation Notice No. 1079458, 17 December 2007, DECC;
- Licence Variation Notice No. 1082567, 6 February 2008, DECC;
- "Statement of Commitments", 19th May 2006 (Parsons Brinckerhoff);
- TPR letter to DoP as notification of commencement of Construction;
- TPR letter to DoP with compliance report attached, as the certification of compliance with DA, before commencement of the construction;
- Construction Environmental Management Plan, July 2006 (Hutchinson Builders) including:
  - Soil, Water and Dust Management Plan
  - Soil Contamination Protocol; and
  - Vegetation Management Plan;
- DoP letter to TPR approving the CEMP, dated 7 December 2006;
- TPR Operation Environmental Management Plan, March 2007 (revised May 2007) including:
  - Air Quality Management Plan;
  - Transport Code of Conduct; and
  - Groundwater Management Plan;
- TPR letter to DoP submitting OEMP, dated 6 March 2007;
- "Stormwater Management Plan", Transpacific Industries Group Ltd;
- "Soil Assessment – Hydrogenation Plant", report dated November 2006;
- DoP Letter of approval for the Soil Assessment report, dated 7 February 2007;
- "Quarterly Groundwater Monitoring – November 2007", report dated 14 January 2008, by ENSR Australia;
- "Quarterly Groundwater Monitoring – May 2008"; report dated 28 May 2008, by ENSR Australia;
- "Emissions Testing Report", dated 17 January 2008, by ENSR Australia;
- "Emissions Testing Report", dated 8 May 2008, by ENSR Australia;
- Design Plan for Stack Air Emission Points, 21 September 2007;
- "Hydrogenation Plant - Flare Design Brief";
- DEC Letter of approval for flare design, dated 27 September 2006;
- Flare - Operation Records;
- Environmental Assessment prepared by "Parsons & Brinckerhoff" – Section 6.3 "Heritage";

- Groundwater monitoring report, dated 12 April 2007, prepared by the "Environmental & Earth Sciences";
- Stormwater laboratory results, dated 19 June 2008, prepared by "Liquids and Hazardous Division, Transpacific Waste Services Pty Ltd – Laboratory";
- "Dangerous Goods Storage Comments" – report dated June, 2008, prepared by "ESP Personnel";
- TPR e-mail with Process tonnes records for the period: May 2007 to May 2008;
- DoP letter to TPR approving the appointed Environmental Representative, dated 18 September 2006;
- DoP letter to TPR approving the TPR Community Complaints System, dated 24 October 2006;
- "The Maitland Mercury" TPR newspaper add, dated 16 March 2007;
- TPR "Complaints Procedure" document, dated October 2006;
- TPR Complaint Register;
- "National Integrated Management System Manual", Transpacific Industries Group Ltd;
- TPR letter to DoP submitting Internal Traffic Management Plan, dated 26 September 2006;
- TPR letter to the DoP submitting the Pre-commissioning Studies, dated 6 March 2007;
- TPR letter to the DoP submitting the Pre – Start up Compliance Report, dated 22 August 2007;
- DoP letter to TPR approving the Pre – Start up Compliance Report, dated 3 October 2007;
- RTA letter to TPR of acknowledgement of the bank guarantee, dated 13 July 2007;
- TPR Environmental Workplace Inspection Forms;
- TPR Standard Operating Procedures;
- TPR "Log Sheets" for two-hourly check of plant and equipment;
- Groundwater Contamination Investigation Report, July 2008, by ENSR Australia;
- Asbestos Survey, May 2008;

ENSR | AECOM

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