



GREENWICH COMMUNITY ASSOCIATION INC

VIVA ENERGY GORE BAY TERMINAL

EPA LICENCE 661

MONITORING OF EMISSIONS

MEETING AT OFFICE OF MINISTER FOR THE ENVIRONMENT

12 MAY 2017

Kevin Wilde	Chief of Staff Office of the Hon Gabrielle Upton MP
Garry Draffin	Committee Member GCA Gore Bay Terminal Sub-committee
Meredith Southwood	President GCA/ Committee Member GCA Gore Bay Terminal Sub-committee
Stuart Warden	Secretary GCA /Convenor GCA Gore Bay Terminal Sub-committee

Greenwich Community Association

The Greenwich Community Association Inc (GCA) is an incorporated association registration number Y2838547.

It has offered to Greenwich residents a forum to exchange views about matters of relevance to the community for 72 years. Membership of the GCA is open to all residents of Greenwich. Six public meetings are held each year and elections of office bearers are held annually.

The GCA hosts a website <http://www.greenwich.org.au/> and newsletters are distributed to 2000 households prior to each public meeting.

GCA Gore Bay Terminal Sub-committee

The GCA Gore Bay Terminal Sub-committee is a sub-committee of the GCA convened by resolution of the GCA on 7 May 2014. The first objective of the sub-committee is to *“ensure that the operation of the Shell Gore Bay Terminal (which includes activities conducted on waterways adjacent to the terminal and infrastructure outside the boundaries of the terminal) is conducted and regulated by relevant authorities consistent with world’s best practice to ensure health and safety of the community and the environment of Greenwich and adjacent areas”*.

Location of Viva Energy Gore Bay Terminal

The Viva Energy Gore Bay Terminal is located on the eastern foreshore of the Greenwich Peninsula in the Lane Cove Council LGA.







Operation of Viva Energy Gore Bay Terminal

The terminal is located on land owned by Viva Energy Australia Pty Ltd (Viva Energy).

It is operated by Viva Energy as a petroleum product import and storage facility. The operation is a 24/7 operation, with up to 3 tankers per week berthed at the terminal.

Petroleum products handled at the terminal are jet fuel, diesel, petrol and marine fuel.

Some product is stored at the terminal, other product is transferred via pipeline under Greenwich Road to Viva Energy's Clyde facility.

A bunker vessel is berthed at the terminal on a near permanent basis.

The terminal has operated for almost 100 years. Residential development on the Greenwich Peninsula adjacent to the terminal and on the Wollstonecraft Peninsula across Gore Bay has intensified since the terminal operation commenced.

EPA Licence

The operations at the terminal are regulated under EPA Licence 661.

The last review date for this licence was 27 November 2015.

This licence permits the following activities:-

Shipping in bulk

Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste

Chemical storage waste generation

Petroleum products storage.

Purpose of Meeting

This meeting has been convened in response to a letter dated 11 April 2017 from the GCA to the Hon Gabrielle Upton, Minister for the Environment.

This letter sought urgent action by the Minister to secure variations to the conditions of EPA Licence 661 to ensure implementation of ongoing monitoring of emissions at the boundary of the terminal.

The GCA representatives at this meeting are authorised to make representations on behalf of the GCA.

A summary of the background to and reasons for the above request follows.

Additional material is contained in the Appendices to this paper.

1. Notwithstanding the close proximity of the terminal to residential development and the acknowledged health impacts of petroleum products, the terminal operation has never been subject to an environmental impact assessment (refer Appendix 1)
2. The GCA, Friends of Gore Bay Inc and community members have sought assurance around the potential health impacts of the operations at the terminal from 2007 and have requested the EPA to implement appropriate regulatory controls to ensure the health and safety of the community.
The EPA and the Minister for the Environment have been made aware of these concerns through letters, emails and meetings since 2012 (refer Appendix 2).
3. The EPA is aware of expert recommendations to require ongoing boundary monitoring of emissions from the terminal, in particular, NSWHealth's advice in 2015 preliminary to the EPA's review of Licence 661 (refer Appendix 3)
4. On 17 August 2016, as part of its review of Licence 661, the EPA inserted in the licence Condition U2 requiring the licensee to conduct a feasibility study of boundary monitoring and reporting of emissions (refer Appendix 4)
5. On 8 November 2016 the EPA agreed with the licensee to delete Condition U2 and formalised this deletion in a licence variation on 18 November 2016. No advice of this deletion was given by the EPA to the GCA (refer Appendix 5)
6. A new Condition E2 requires the licensee to provide a report on impacts of its operation that should be already known to the licensee and the EPA and which will be based on limited data acquired over a short time frame (refer Appendix 6)
7. NSWHealth is aware that the community looks to it to advise as to health impacts of the terminal operation. NSWHealth cannot do this without data on emissions. It has recommended to the EPA that Licence 661 should require collection of this data.
8. The EPA added, but has now deleted, the licence condition that would have provided NSWHealth with data to address concerns that the community has had for over ten years about the health impacts of emissions from a petroleum terminal on its doorstep.

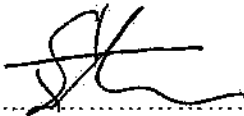
GCA Request to the Minister for the Environment

In the light of the above, the GCA requests the Minister to direct the EPA to vary Licence 661 to require the licensee to implement ongoing boundary monitoring of emissions and to report all data regularly on the EPA website or on the licensee's website in an easily accessed location.

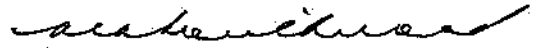
The GCA thanks the Minister for the Environment for the opportunity to meet in relation to this matter.

We will, if requested, provide in support of this submission copies of letters, emails, minutes of meetings etc between the GCA and the Minister for the Environment and the EPA.

The GCA will also procure from Friends of Gore Bay Inc similar material.



Stuart Warden
Secretary
Greenwich Community Association
Convenor
Gore Bay Terminal Sub-committee



Meredith Southwood
President
Greenwich Community Association

APPENDIX 1

No environmental impact assessment of the terminal operation

Some minor works at the terminal have, from time to time, been approved by Lane Cove Council as consent authority *but the terminal operation has been subject to no other development assessment.*

For this reason, no regulator mandated assessment of the environmental impact of the terminal operation has been made public (with the exception of a Draft Human Health Risk Assessment which will be discussed in Appendix 6).

In 2012 Shell Refining (Australia) Pty Ltd (as Viva Energy was known until 2014) gave notice of its intention to lodge an application for a State Significant Development SSD-5148.

In March 2012 the Director General of Planning issued a directive that Shell was to supply, in support of its application, an extensive environmental impact assessment. This would have offered the community its first ever access to technical data about the terminal, including its health and public safety impacts.

In May 2015, Viva Energy advised NSW Planning of its intention to withdraw SSD-5148.

As a consequence, the environmental impact assessment for SSD -5148 was not made public.

The community lost its first and only chance to access technical data around health impacts of the terminal operation.

APPENDIX 2

The Minister for the Environment and the EPA have been aware of the level of community concern around the health and public safety impacts of the terminal operations since 2012.

In late 2011 Shell announced that it was planning to close its Clyde refinery, thereby triggering a shift in product at Gore Bay from crude oil to petrol. There was (and remains) a high level of concern around the implications of the product shift in terms of the altered risk profile of petrol and the implications of an incident if petrol is stored at Gore Bay.

Both Friends of Gore Bay Inc and the GCA wrote frequently to the EPA/Minister from 2012 to 2015 seeking assurance around the safety of the operation. The consistent response from the EPA/Minister was to await the outcome of SSD-5148, which, of course, never eventuated.

The issues raised by the community were relevant regardless of the outcome of the SSD and it was disappointing that the EPA used the forthcoming SSD as a reason for delaying what it should have addressed more promptly. Furthermore, the EPA did not seek to engage with the community about its concerns after the SSD was cancelled. All contact has been initiated by the community, not vice versa.

We have on file the many letters and emails exchanged from 2012 to 2015 which we can provide if required.

In summary, the EPA was well aware for at least 3 years before its review of Licence 661 of the level of concern around the health impacts of the terminal operation but did not deem it necessary to contemplate a licence revision outside the 5 year review cycle.

Copies of correspondence, emails, notes of meetings etc will be made available upon request.

APPENDIX 3

The EPA is aware of recommendations of health experts to require ongoing boundary monitoring of emissions

Driscoll Report (November 2008)

For many years in the early 2000s there was concern in the Greenwich community around the seemingly high level of cancer related deaths in close proximity to the terminal. Shell commissioned a report to determine if the deaths may have been linked to activities at the terminal. The report was prepared by Dr Tim Driscoll (MBBS BSc(Med) MOHS PhD FAFOM FAFPHM), an independent consultant in epidemiology, occupational health and public health.

Dr Driscoll made the following recommendations, inter alia, in his report *Health and Exposures Study: Gore Bay Terminal* :-

Recommendation 2: Perimeter exposures

The current program of work designed to assess the perimeter exposures at the Terminal under various operational and meteorological conditions should be completed and any necessary changes to operations or controls should be implemented.

Recommendation 3: On-going monitoring of exposures

Shell should ensure that an appropriate exposure monitoring system is in place at the Terminal on an on-going basis. This should involve personal monitoring of workers and environmental monitoring of the Terminal and its perimeter.

Neither recommendation has been implemented.

Recommendation of NSWHealth (July 2015)

In anticipation of its 5 yearly review of EPA Licence 661, the EPA sought input from NSWHealth as to conditions to be inserted in the reviewed licence.

The advice of NSWHealth was very specific:-

Odour and Air Quality

In view of the close proximity of residential properties adjoining the site ongoing boundary monitoring should be required to supplement point source emission measurements. This ongoing monitoring should occur at consistent locations on the site boundary and measure odour and ambient air levels of Polycyclic Aromatic Hydrocarbons (PAH) and Volatile Organic Compounds (VOC).

Notwithstanding the above advice, including advice that the EPA itself sought in 2015, the licence now has no requirements in terms of boundary monitoring.

APPENDIX 4

Licence 661 variation 17 November 2016 to include Condition U2 re emissions monitoring

The EPA had not, by 2015, effected any significant changes to Licence 661 despite ongoing expressions of community concern around health and other impacts of operational changes that occurred at the terminal in 2012.

The review date for Licence 661 was 27 November 2015.

In anticipation of the review, the EPA wrote to NSWHealth seeking advice as to licence conditions.

NSWHealth provided very clear advice around ongoing emissions monitoring in July 2015.

On 7 November 2015 the GCA made an extensive submission to the EPA in respect of the licence review. Submission 6 covered in detail our request for boundary monitoring of emissions and reporting, noting the similar request from NSWHealth.

The EPA did not release its reviewed licence conditions until 17 August 2016, almost a year after the review date. *It is presumed that, with this long delay, the EPA would have or should have been totally confident as to the appropriateness of the licence variations that it had added.*

A new Condition U2 was inserted that read as follows:-

*U2 Boundary Monitoring Program Feasibility Study
Provide a report into the feasibility of conducting a boundary (fence line) monitoring program at the premises to monitor air emissions. The Study must detail the ability of the licensee to procure, install, operate and maintain equipment able to monitor air emissions from the premises at the boundary of the premises in accordance with relevant US EPA standards and methods.*

On 6 September 2016 the GCA wrote to the EPA to express its disappointment in Condition U2, in particular in terms of lack of specificity around scope of the study, time frames, compounds to be monitored and subsequent obligation to install monitoring equipment.

This concern was again raised at a meeting with Ms Burgett of the EPA in late October and reinforced in a follow-up letter on 28 October 2016.

APPENDIX 5

Eleven weeks after Condition U2 is added, EPA agrees with licensee to delete it

When a product spill occurred at Gore Bay on 30 December 2016, the community was exposed to offensive odour for several days. If ever there was a case for boundary monitoring, this was it, with hundreds due to assemble adjacent to the spill area to observe the New Year's Eve fireworks the next day.

When asked to advise as to health impacts of the emissions from the spill, NSWHealth repeated what they have said consistently – in the absence of data they could not advise.

It was only when a community member accessed Licence 661 online on 3 January 2017, that we found that the EPA had actually deleted Condition U2 on 18 November 2016, just three months after the condition had been added.

The report in support of the 18 November 2016 deletion offers no evidence as to why the deletion had occurred. However, the report of 28 March 2017, in respect of a subsequent variation, provides more insight into what actually led to the deletion of Condition U2. We now see that meetings were held with the licensee on 8 November 2016, where it was agreed that boundary monitoring would be abandoned.

*The life of Condition U2 was effectively eleven weeks.
There was no advice to the community of this deletion, nor was it mentioned in a lengthy letter from the EPA to the GCA on 20 December 2016.*

In response to inquiries from the GCA, the EPA advised on 2 February 2017, that Condition U2 had been deleted because it had been decided that boundary monitoring of emissions would be impacted by ambient emissions not related to the terminal and was, therefore, not appropriate.

The GCA submits that the EPA had from July 2015 to August 2016 to fully explore the most effective means of monitoring boundary emissions. The community waited for almost a year after the licence review date for Condition U2 to appear. Surely the EPA would have explored all aspects of the boundary monitoring technology in this time frame, including how best to manage external emission sources. The GCA finds it hard to accept that input from a licensee's consultant *after* the release of Condition U2 should cause a re-think – this detail should have been covered *before* the condition was inserted.

The lack of rigour in Condition U2 and agreement to its deletion after only eleven weeks without advice to the community leads the GCA to question the commitment of the EPA to address recommendations made by public health experts since 2008 about a matter that the EPA knew was so important to the community.

APPENDIX 6

Condition E2 requires a report on aspects of the operation that should be known to EPA and the licensee.

Given that there has been no condition to date around ongoing monitoring of emissions at the boundary, the GCA understands that there will be little data on which to base the report required by Condition E2.

On 28 March 2017, again without notice to the community, the EPA included in Licence 661 requirements for a pollution reduction program in lieu of boundary monitoring of emissions. Condition E1 is as follows:-

Volatile Organic Compounds (VOCs) Report

E2.1

The licensee must submit a report prepared by an independent and suitably qualified consultant on the impacts of Volatile Organic Compounds (VOCs) from current operations at the premises. The report must include a summary of the data to date and an interpretation of what, if any, impacts the VOCs emissions are having on the surrounding environment.

The report must be with the EPA by 30 June 2017.

We are perplexed that the EPA is requiring Viva to undertake a study of the impact of emissions on the surrounding environment when AECOM, Viva's consultants, have already conducted a vast study of the impact of over 150 compounds associated with the terminal operations as part of the EIS for SSD-5148. This study, known as the Human Health Risk Assessment, was over 2 years in preparation but was never made public as the SSD was cancelled. The document was prepared in consultation with NSWHealth and it is assumed that the department would make a copy of the report available to the EPA.

It should be noted that the Friends of Gore Bay Inc, another Greenwich community group, successfully obtained a copy of this report in an NCAT decision after a three year GIPAA action.

It is hard to know what a further report, additional to the HHRA, will add to an understanding of the impact of VOCs on the environment. We would have assumed that the EPA would have been fully conversant with current technical findings as to VOC impacts on environment to inform its review of Licence 661.

We note also that the report must be finalised within 3 months and include "a summary of the data to date". Given that, as far as the GCA is aware, no boundary monitoring was taking place prior to 28 March 2017, Viva's consultant will have a very limited amount of data from which to draw conclusions. The GCA submits that the data that will underpin the report will cover a short time frame/narrow range of weather conditions, thereby potentially compromising the integrity of the study.

The report required in Condition E2 will not address the specific recommendations as boundary monitoring of the Driscoll Report or NSWHealth, nor will it address the long articulated concern of the community around the potential health impacts of the Gore Bay operation. Only ongoing monitoring of emissions at the boundary and subsequent reporting will offer the community the transparency it seeks about the health impacts of a petroleum import and storage terminal on its doorstep.