



Licence Number	L8662/2012/1
Licence Holder	CSBP Limited
ACN	008 668 371
File Number:	2012/002609
Premises	CSBP Esperance Depot 130(Lot 901) Harbour Road CHADWICK WA 6450
Date of Amendment	28/06/2018

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B (9) of the EP Act.

Date signed: 29 May 2018

Paul Byrnes
Manager Licensing, Process Industries
Regulatory Service (Environment)

an officer delegated under section 20 of the Environmental Protection Act 1986 (WA)

Definitions and interpretation

Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
Term	Definition
ACN	Australian Company Number
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
DEC	Department Environment and Conservation
Delegated Officer	an Officer delegated under section 20 of the EP Act.
Department	means the department established under section 35 of the Public Sector Management Act 1994 and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence as set out below. This notice of amendment is given under section 59B (9) of the EP Act.

Amendment description

DWER received an application by the holder of the Licence for an amendment on 16 March 2018 requesting the following changes to Licence L8662/2012/1 as follows:

- 1 Remove Licence Condition 5 and 6 as the storage of dangerous goods is regulated under the '*Dangerous Goods Safety Act 2004*' and administered by the Department of Mines, Industry Regulation and Safety.
- 2 Reword condition 7 to read as follows - 'implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises' - this will be consistent with licences for CSBP Geraldton and Albany.
- 3 Remove Licence Condition 9 as the specified monitoring points were installed by the required date.
- 4 Amend Table 1 in Licence Condition 10 by:
 - i) adding a clause to Column 2 of Table 1 allowing for missed monitoring samples;
 - ii) removing Soak 2 and Soak 3 from the Licence as they are no longer in use and rename Soak1 and Soak 4 as North Soak and East Soak respectively.
 - iii) removing Total Petroleum Hydrocarbon (TPH) from list of parameters as hydrocarbons on site are stored in a bunded area and results obtained from monitoring emissions to land indicates that it is typical of runoff from roads.
- 5 Amend Table 2 in Licence Condition 11 as follows:
 - i) rename the groundwater monitoring bores in column 1 as 'Shallow Bores' MW1, MW2, MW9, MW10, MW11, GW1, GW11, GW12, GW13 and GW14;
 - ii) remove Total Recoverable Hydrocarbons (TRH), TPH, Chlorine(Cl), Tin(Sn), Mercury (Hg) as previous testing shows low levels and change the unit for conductivity from dS/m to µS/cm;
 - iii) reword 'Sampling Frequency' to allow compliance when bores are dry; and
 - iv) delete column 4 'Method' from table.
- 6 Add footnotes to the Tables 1 and 2 in Conditions 10 and 11 respectively of the Licence to allow for alternate sample preservation and non-NATA accredited pH testing.
- 7 CSBP requests rewording Licence Condition 12 to allow alternate preservation and storage for certain analytes as stormwater samples are usually collected post rainfall event and sometimes exceed NATA approved preservation and storage.
- 8 Remove Licence Condition 13(b) as some of the NATA approved testing methods is not in accordance with 'Standard Methods for Examination of Water and Wastewater – APHA-AWWA-WEF and reword Licence Condition 13 to allow for non NATA analyses of pH.
- 9 Remove Licence Condition 14 as these bores were installed.
- 10 Remove Licence Conditions 15, 16 and 17 as this improvement plan was submitted to the then DEC on 14 March 2013.
- 11 Include an updated map which indicates bore positions and North and East Soaks.

Amendment history

Table 2 provides the amendment history for L8841/2014/1.

Table 2: Licence amendments

Instrument	Issued	Amendment
L8662/2012/1	01/12/2014	New licence
L8662/2012/1	29/04/2016	Notice of amendment to extend the expiry date of the licence
L8662/2012/1	6/02/2017	<u>Amendment Notice</u> Licence amendment to change registered business address
L8662/2012/1	28/06/2018	<u>Amendment Notice 1</u> Licence amendment to remove/amend some of the conditions

Decision

- 1 The Delegated Officer acknowledges that the storage of dangerous goods is regulated under the *'Dangerous Goods Safety Act 2004'* and administered by the Department of Mines, Industry Regulation and Safety and therefore grants part 1 of the amendment Application and removes Licence Condition 5 and 6.
- 2 The Delegated Officer grants the amendment sought in part 2 of the Application and amends condition 7 from the Licence to be consistent with prevention of stormwater pollution as stipulated in CSBP Albany and Geraldton licences.
- 3 The Delegated Officer accepts that the stormwater monitoring points as required in Licence Condition 9(a) and (b) were installed and therefore grants part 3 of the amendment Application and deletes Licence Condition 9(a) and (b).
- 4 The Delegated Officer accepts that monitoring is only practical when there is sufficient flow to obtain reliable and representative water samples, as such, part 4 (i) of the amendment Application is granted by the addition of annotation to Table 1 as requested - to allow for occasional circumstances when there is insufficient flow to obtain water samples.
- 5 The Delegated Officer acknowledges the request in part 4(ii) of the amendment Application in that Soak 2 and Soak 3 are no longer in use and therefore removes it from Table 1 of the Licence and also renames Soak1 and Soak 4 as North Soak and East Soak respectively.
- 6 The Delegated Officer accepts that hydrocarbons are stored in a bunded area and that previous monitoring results show no elevated sign of hydrocarbon discharge to ground. The Delegated Officer therefore grants part 4 (iii) of the amendment Application to remove the requirement to measure TPH from the list of parameters in Table 1. The Delegated Officer also removes suspended solids (SS) from Table 1 as windblown sand in stormwater runoff will contribute adversely to SS results.
- 7 The Delegated Officer grants the amendment requested in part 5 (i) of the amendment Application and renames the groundwater monitoring bores in column 1 Table 2 as 'Shallow Bores' MW1, MW2, MW9, MW10, MW11, GW1, GW11, GW12, GW13 and GW14.
- 8 The Delegated Officer agrees with the requested in part 5 (ii) (iii) and (iv) of the amendment Application and removes TPH, TRH, Chlorine (Cl), Tin (Sn), Mercury (Hg) as previous monitoring results shows no elevated levels of the analytes. The Delegated Officer also changes the unit for conductivity from dS/m to µS/cm and removes column 4 'Method' from Table 2.
- 9 The Delegated Officer accepts that due to the physical location of the Premises and difficulty of sample collection, some samples require alternative preservation and testing. Part 6 of the amendment Application is granted by the addition of footnotes to Tables 1 and 2 allowing for alternative preservation and the non-NATA accredited analysis for pH.

- 10 The Delegated Officer acknowledges that due to the difficulty of rainwater sample collection, certain preservation methods are not possible and therefore grants part 7 of the amendment Application and amends Licence Condition 12 by adding the clause – *'Preservation methods and holding times detailed in Attachment 1 are also allowed.'*
- 11 The Delegated Officer is aware that some of the NATA approved testing methods are not in accordance with 'Standard Methods for Examination of Water and Wastewater – APHA-AWWA-WEF. The Delegated officer grants part 8 of the amendment Application and rewords Licence Condition 13 to allow for non-NATA analysis of pH, removes Licence Condition 13(b) and deletes the 'Method' column from Table 2 of the Licence.
- 12 The Delegated accepts that the monitoring bores were installed in March 2013 and included in Table 2 of the Licence for monitoring purposes. Part 9 of the amendment Application is granted with the deletion of Condition 14 from the Licence.
- 13 The Delegated is aware that the Environmental Improvement Plan (EIP) was submitted to the then DEC on 14 March 2013 and therefore part 10 of the amendment Application is granted with the deletion of Conditions 15, 16 and 17 from the Licence.
- 14 The Delegated Officer accepts the updated map of the Premises, noting the updated naming of the groundwater monitoring bores and soaks. Part 11 of the Amendment application is granted by replacing Attachment 4 and 5 of the Licence with the updated map.
- 15 The Delegated Officer also deleted Attachment 6 of the Licence as it has been superseded by a form available on the Department's internet website.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 18/06/2018. Comments received have been considered by the Delegated Officer as shown in Appendix 1.

Details of the Amendment

- 1 Conditions 5 and 6 of the Licence are deleted as shown in the strikethrough text below:
 - ~~5 The Licensee shall only store substances that are classified as dangerous goods below placard quantities or environmentally hazardous materials not classified as dangerous goods if they are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.~~
 - ~~6 The Licensee shall immediately recover, or remove and dispose of, liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compound(s) or double walled tank.~~
- 2 Condition 7 of the Licence is amended by the deletion of the strikethrough text and the insertion of the red underlined text as shown below:
 - ~~7 The licensee shall collect all spillages of fertiliser and chemical products onto outdoor surfaces, in a manner so as to prevent its access into the environment.~~
 - 7 The Licensee shall implement all practical measures to prevent stormwater run-off becoming contaminated by activities on the Premises.
- 3 Condition 9 of the Licence is deleted as shown in the strikethrough text below:
 - ~~9 The licensee shall by 30 May 2013, install stormwater monitoring points to enable water samples to be taken, within the stormwater drain at the locations:~~
 - ~~a) The closest location prior to discharge to Soak 1 (Attachment 5); and~~
 - ~~b) The closest location prior to discharge to Soak 4 (Attachment 5).~~

- 4 Tables 1 and 2 of the Licence are amended by the deletion of the strikethrough text and the insertion of the red underlined text as shown below:

Table 1: Surface water monitoring		
Column 1	Column 2	Column 3
Monitoring Site Location	Sampling Frequency²	Parameters¹ to be measured (mg/l)
Soak 1: Monitoring point specified by condition 10 North Soak	Monthly (rainfall dependant) within 48 hrs of a rainfall event that causes a flow of stormwater. <u>When there is enough water flowing to take a representative sample</u>	Chemical oxygen demand
Soak 2: Within the soak (Attachment 4)		Total Phosphorus
Soak 3: Within the soak (Attachment 4)		Total Nitrogen
Soak 4: Monitoring point specified by condition 10 East Soak		Total Petroleum Hydrocarbons
		Total Suspended Solids
		Fluoride
		Copper
		Cobalt
		Zinc
		Total Dissolved Solids

Note 1: Alternative sample preservation and storage permitted

Note 2: No more than one monthly sample per year is missed due to error or malfunction

Table 2.: Monitoring of groundwater quality				
Sample Location	Parameter¹ to be measured	Unit	Frequency	Method
<u>Groundwater Monitoring Bores</u>	pH ²	-	Biannually (June and December) <u>When samples are available</u>	AS/NZS 5667 Standard Methods for Examination of Water and Wastewater—APHA-AWWA-WEF
	Conductivity	dS/m- <u>µS/cm</u>		
Shallow Bores: 1, 2, 910 & 11 (as shown in Attachment 1)	Arsenic (As)	mg/L		
	Calcium (Ca)			
	Total Dissolved Solids (TDS)			
	Cadmium (Cd)			
	Fluoride (F)			
	Cobalt (Co)			
	Total Nitrogen (TN)			
	Chromium (Cr)			
	Ammonia Nitrogen (NH ₃ -N)			
	Copper (Cu)			
	Total Phosphorus (TP)			
	Iron (Fe)			
	Aluminium (Al)			
	Mercury (Hg)			
	Potassium (K)			
	Magnesium (Mg)			
	Manganese (Mn)			
	Molybdenum (Mo)			
	Nickel(Ni)			
	Lead (Pb)			
	Sulphur (S)			
	Sulphate (SO ₄)			
	Tin (Sn)			
	Vanadium (V)			
	Zinc (Zn)			
	Chlorine (Cl)			
	Nitrate (NO ₃)			
	Total Recoverable Hydrocarbon (TRH)			
	Total Polycyclic Aromatics (PAH)			

Note 1: Alternative sample preservation and storage permitted

Note 2: In-situ non-NATA accredited analysis permitted

- 5 Condition 12 of the Licence is amended by the insertion of the red underlined text shown below:
- 12 The licensee shall collect and preserve all water samples in accordance with AS/NZS 5667.1 and AS/NZS 5667.11. Alternative sample preservation and storage also permitted.
- 6 Condition 13 is amended by the deletion of the strikethrough text and the insertion of the red underlined text as shown below:
- 13 The licensee shall ensure that all water samples are analysed
- ~~a) in a laboratory holding NATA accreditation; and~~
 - ~~b) in accordance with the current "Standard Methods for Examination of Water and Wastewater APHA-AWWA-WEF~~
- by a laboratory with current NATA accreditation for the parameters being measured unless indicated otherwise in the relevant table.
- 7 Condition 14 is deleted as shown in the strikethrough text below:
- ~~14 The licensee shall employ a suitably qualified professional, to install a minimum of five groundwater bores at the premises by 1 October 2013. The new groundwater bores should be installed in accordance with the relevant standards and guidelines and located:~~
- ~~a) One up-hydraulic gradient shallow monitoring bore to ensure that background groundwater concentrations are determined; as approximately located in Attachment 5.~~
 - ~~b) One down hydraulic deep monitoring bore to capture any potential impacts on the Shire of Esperance's irrigation bore; as approximately located in Attachment 5.~~
 - ~~c) Three down gradient shallow monitoring bores to ensure all potential sources of contamination are monitored; as approximately located in Attachment 5.~~
- 8 Conditions 15, 16 and 17 are deleted as shown in the strikethrough text below:
- ~~15 The licensee shall submit an Environmental Improvement Plan (EIP) to the Director for approval by 1 April 2013.~~
- ~~16 The licensee shall ensure that the EIP required by condition 16 includes but is not limited to:~~
- ~~a) a review of activities that have the potential to generate dust and to identify improvement opportunities to reduce the potential for dust being discharged beyond the boundary of the premises;~~
 - ~~b) an assessment of current practices and identification of improvement opportunities to prevent discharge of fertilisers, other than fertilisers sold or given away as fertiliser product from leaving the sheds;~~
 - ~~c) an assessment of on-site stormwater infrastructure (drainage network and soaks) and improvement actions, in relation to the acceptability for holding and storing stormwater that may potentially be contaminated;~~
 - ~~d) an assessment and the identification of improvements of existing on-site stormwater infrastructure and/or the installation of an on-site stormwater retention system that captures all site stormwater up to the capacity expected in a 10 year ARI 24 hour storm event;~~
 - ~~e) a review of groundwater monitoring bore locations to determine if the existing bores listed in the licence are adequate to assess groundwater quality;~~
 - ~~f) assessment of options and recommendations for remediating contaminated drainage areas, soaks and contaminated sediments prior to or in parallel with upgrading on-site stormwater infrastructure; and~~
 - ~~g) the development of timelines for any proposed upgrades and works to the premises resulting from the above Environmental Improvement Plan.~~
- ~~17 The licensee shall ensure that the EIP required by condition 16 is signed by the licensee or by an officer authorised by the licensee to sign on the licensee's behalf.~~

- 9 The licence is amended by the deletion of Attachments 4 and 5 of the Licence and the insertion into the Licence of page 9 that follows.
- 10 Attachment 6 of the Licence the 'Annual Audit Compliance Report Form' is deleted and replaced by the superseded form available on the Department's internet website at:
<https://www.der.wa.gov.au/our-work/licences-and-works-approvals/publications#aacr>



Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L8662/2012/1	L8841/2014/1	accessed at www.dwer.wa.gov.au
2	DER, July 2015. <i>Guidance Statement: Regulatory Principles</i>	DER 2015a	
3	DER, October 2015. <i>Guidance Statement: Setting Conditions.</i>	DER 2015b	
4	DER, February 2017. <i>Guidance Statement: Risk Assessments.</i>	DER 2016b	
5	DER, February 2017. <i>Guidance Statement: Decision Making.</i>	DER 2016c	
6	Licence Amendment 1 Application Document	Application Document	A1644703

Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 18/06/2018 for review and comment. The Licence Holder responded on 19/06/2018. The following comments were received on the draft Amendment Notice.

Condition	Summary of Licence Holder comment	DWER response
Table 1	The word 'monthly' has been struck through in column 2.	Included the word 'monthly' again
Table 1 and 2	Remove 'as detailed in Appendix 1'	Removed Appendix 1
Table 2	Reword the sample frequency in Table 2	Changed frequency to 'when samples are available' to be the similar to CSBP Geraldton licence
Table 2	Remove the words 'shallow bores'	Removed the words 'shallow bores'