

Registration certificate

Environmental Protection Act 1994

Registration certificate

No: ENRE00873709

This registration certificate is issued by the administering authority and takes effect from: 02-MAR-2012.

The anniversary day for the purposes of the Annual Return is 28 January.

This registration certificate is a requirement of section 73F of the *Environmental Protection Act 1994* and authorises the registered operator to undertake the activities listed below at the following places; subject to the conditions set out in development approval attached to the premises, or the relevant code of environmental compliance.

Registered Operator:-

Boral Resources (Qld) Pty Limited
C/- Boral Limited, 'AMP Centre'
Level 39, 50 Bridge Street, SYDNEY NSW 2000

Development Approval Number: IPDE01330709

Place:-

No fixed place. The activity is a mobile and temporary activity as defined in Schedule 4 of the Environmental Protection Act 1994.

Located at:-

Various locations throughout the State of Queensland

Registered Activities:-

ERA 6 Asphalt manufacturing Threshold (b) - manufacturing in a year 1000t or more of asphalt

ERA 8 Chemical storage Threshold 3(a) - storing 10m³ to 500m³ of chemicals of class C1 or C2 combustible liquids under AS 1940 or dangerous goods class 3



Delegate

Linda Gorman

Department of Environment and Resource Management
Environmental Protection Act 1994

02-MAR-2012

Section 3.5.15 Integrated Planning Act 1997

DERM Permit¹ number: IPDE01330709

EPA Permit¹ number:	IPDE01330709
Assessment Manager reference:	332459 / BNT290
Date application received by EPA:	22-DEC-2008
Permit¹ Type:	Development Approval for a MCU involving an ERA
Date of Decision:	18-AUG-2009
Decision:	Granted with conditions
Relevant Laws and Policies:	<i>Environmental Protection Act 1994</i> and any subordinate legislation

Development Description

Property	Lot/Plan	Aspect of Development
Itinerant mobile asphalt plants various locations within the State of Queensland	Not applicable	ERA 6 Asphalt manufacturing Threshold (b) - manufacturing in a year 1000t or more of asphalt

Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the *Integrated Planning Act 1997* and section 27B of the *Acts Interpretation Act 1954*, the reasons for the inclusion of development conditions are:

Additional information for applicants

The standard currency periods stated in section 3.5.21 of the *Integrated Planning Act 1997* or the nominated currency period, apply to each aspect of development in this permit₁. For information on when this permit₁ takes effect and the relevant currency periods, please see point 3 in the Notice of Decision.

Contaminated Land

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware a Notifiable Activity (as defined by Schedule 4 of the *Environmental Protection Act 1994*) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 22 business days after becoming so aware, give notice to the Department of Environment and Resource Management.

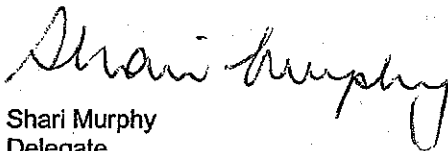
¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

Environmentally Relevant Activities

The aforementioned description of any environmentally relevant activity (ERA) for which this permit is issued is simply a restatement of the ERA as prescribed in the legislation at the time of issuing this permit. Where there is any conflict between the abovementioned description of the ERA for which this permit is issued and the conditions specified herein as to the scale, intensity or manner of carrying out of the ERA, then such conditions prevail to the extent of the inconsistency.

This permit authorises the ERA. It does not authorise environmental harm unless a condition within this permit explicitly authorises that harm. Where there is no such condition, or the permit is silent on a matter, the lack of a condition or silence shall not be construed as authorising harm.

In addition to this permit, the person to carry out the ERA must be a registered operator under the *Environmental Protection Act 1994*. For the person to become a registered operator, they must apply for a registration certificate under section 73F of the *Environmental Protection Act 1994*.



Shari Murphy
Delegate
Department of Environment and Resource Management
18-AUG-2009

CONDITIONS OF APPROVAL

Agency Interest: General

- (A1) In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.
- (A2) The holder of this development approval must:
- (i) install all plant and equipment necessary to ensure compliance with the conditions; and
 - (ii) maintain such plant and equipment in a proper and efficient condition; and
 - (iii) operate such plant and equipment in a proper and efficient manner.

In this condition, "plant and equipment" includes:

- (i) plant and equipment used to prevent and/or minimise the likelihood of environmental harm being caused, for example scrubbing systems and fabric filter dust collectors;
- (ii) devices and structures to contain foreseeable escapes of contaminants and waste;
- (iii) fuel burning equipment;
- (iv) devices and structures used to store, handle, treat and dispose of waste;
- (v) monitoring equipment and associated alarms; and
- (vi) backup systems that act in the event of failure of a primary system.

Display of Development Approval

- (A3) A copy of this development approval must be kept in a location readily accessible to personnel carrying out the activity.

Records

- (A4) Except as otherwise stated by the conditions of this development approval, any record or document required to be kept by a condition of this development approval must be kept at the approved place for a period of at least five (5) years and be available for examination by an authorised person. The record retention requirements of this condition will be satisfied if any daily and weekly records are kept for a period of at least three (3) years and these records are then kept in the form of annual summaries after that period.
- (A5) Copies of any record or document required to be kept by a condition of this development approval must be provided to any authorised person or the administering authority on request.

Alterations

- (A6) No change, replacement or operation of any plant or equipment is permitted if the change, replacement or operation of the plant or equipment increases, or is likely to substantially increase, the risk of environmental harm above that expressly provided by this development approval.

An example of a substantial increase in the risk of environmental harm is an increase of ten percent (10%) or more in the quantity of the contaminant to be released into the environment.

Calibration

- (A7) All instruments and devices used for the measurement or monitoring of any parameter under any condition of this development approval must be calibrated, and appropriately operated and maintained.

Activity Based Management Plan (ABMP)

(A8) Within twelve (12) months of the date of this development approval taking effect, the holder of this development approval must develop and implement a completed ABMP, based on the outline submitted with the approval application. The ABMP must also include;

- a) environmental commitments – a commitment by senior management to achieve specific and relevant environmental goals;
- b) identification of environmental issues and potential environmental impacts from the activity;
- c) control measures for routine operations to minimise the likelihood of causing environmental harm;
- d) contingency plans and emergency procedures for non routine situations;
- e) organisational structure and responsibility;
- f) details of staff training;
- g) record keeping methods; and
- h) provisions for continuous improvement

(A9) The holder of this development approval must not implement an Activity Based Management Plan or amend the Activity Based Management Plan where such implementation or amendment would result in a contravention of any condition of this environmental authority.

(A10) A copy of the Activity Based Management Plan must be kept with each mobile plant.

(A11) The licensee must make and keep a record of the daily location of each mobile asphalt plant where the environmentally relevant activity is carried out. These records must be kept for 3 years

Agency Interest: Air

(B1) At each site where it is reasonable to expect that dust will cause environmental nuisance, the following actions must be taken—

- (a) roadways and other vehicle movement areas are to be paved, sealed or kept watered to control wind-blown dust. Paved and sealed areas used for vehicle movement are to be kept clean of any spills of bitumen, asphalt and dry quarry materials;
- (b) dust emissions from stockpiles of material are to be controlled by reasonable and practicable methods such as the following—
 - (1) water sprays;
 - (2) enclosure of stockpiles;
 - (3) controlling the height of stockpiles within enclosures and the distance between toe of stockpile and base of enclosure;
- (c) dust emissions from conveyors are to be controlled by reasonable and practicable methods such as the following—
 - (1) water sprays;
 - (2) enclosure of stockpiles;
- (d) all fly ash storages must be provided with fabric filters to control dust emissions. Storages must be fitted with high level indicators and airtight inspection hatches.

Noxious or Offensive Odour

- (B2) Notwithstanding any other condition of this development approval, no release of contaminants from the activity is to cause a noxious or offensive odour at any nuisance sensitive place.
- (B3) The gaseous exhaust from the drier must be directed vertically upwards by way of a chimney of a minimum height of 9 metres above adjacent ground level without any hindrance to the discharge of the exhaust.
- (B4) The velocity of the gaseous exhaust from the drier at the point of exit from the chimney must be at least 8 m/s.
- (B5) The gaseous exhaust from the drier must pass through a baghouse/wet scrubber. Means of detecting failure of water supply must be provided.
- (B6) Notwithstanding condition (B2), the licensee must take reasonable and practicable measures to minimise odours generated by the carrying out of the environmentally relevant activity.
- (B7) Where it is reasonable to expect that emissions to air will impact on residential or commercial areas, the predicted sulphur dioxide concentration at the nearest sensitive receptor during plant operation, as predicted by 'AUSPLUME' modelling, must not exceed the following—
- | | | | |
|-----|----------------------|------|------------------------------------|
| (a) | 10 minute mean value | 1400 | micrograms per Normal cubic metre; |
| (b) | hourly mean value | 700 | micrograms per Normal cubic metre; |
| (c) | annual mean value | 60 | micrograms per Normal cubic metre. |

"Normal cubic metre" of air means measured at a temperature of zero degrees Celsius and a pressure of 101.3 kilopascals.

Agency Interest: Water

Release of Contaminants to Waters

- (C1) There must be no release of a contaminant to a roadside gutter, stormwater drain or waters.

Agency Interest: Stormwater Management

Control of Stormwater Contamination

- (D1) There must be no release of stormwater that has been in contact with any contaminants to any roadside gutter, stormwater drain or waters.

Cleaning and Spillages

- (D2) The maintenance and cleaning of vehicles and any other equipment or plant must be carried out in areas from where contaminants cannot be released into any waters, roadside gutter or stormwater drainage system.

- (D3) Any spillage of wastes, contaminants or other materials must be cleaned up as quickly as practicable. Such spillages must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater drainage system, roadside gutter or waters.

Agency Interest: Land

Preventing Contaminant Release to Land

- (E1) Contaminants must not be released to land.

Agency Interest: Noise

Emission of Noise

- (F1) Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place.

SCHEDULE F TABLE 1

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
<i>Period</i>	<i>Noise Level at a Noise Sensitive Place Measured as the Adjusted Maximum Sound Pressure Level $L_{Aeq\ adj, T}$</i>
7 am - 6 pm	Background noise level plus 5 dB(A)
6 pm - 10 pm	Background noise level plus 5 dB(A)
10 pm - 7 am	Background noise level plus 3 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
<i>Period</i>	<i>Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level $L_{Aeq\ adj, T}$</i>
7 am - 6 pm	Background noise level plus 10 dB(A)
6 pm - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)

- (F2) At least 5 working days before first commencing the environmentally relevant activity at each location, the licensee must give, to the nearest district or regional office of the administering authority, written notice of the activity's location and its expected period of operation at the site.
- (F3) At least 5 working days before first commencing the environmentally relevant activity at each location, the licensee must give to the occupiers of all "noise sensitive places" and "commercial places" within 600 metres of the proposed site of the activity a notice stating:

- (a) the name of the licensee; and
 - (b) the fact that the plant will be starting operations; and
 - (c) the expected starting and ending dates for operations at the site; and
 - (d) the expected daily operating hours of the activity; and
 - (e) the name and telephone number of the person in the licensee's organisation who can be contacted to deal with any noise nuisance arising as a result of the licensee's operations; and
 - (f) that, if unforeseen circumstances necessitate extension of operations beyond the expected ending date, notice of this will be given promptly.
- (F4) The method of noise measurement and assessment, and the format for reporting results, must be in accordance with the current edition of the Noise Measurement Manual published by the Environmental Protection Agency, third edition dated 1 March 2000.
- NOTE: In this Schedule, terms enclosed in quotation marks are defined in the section headed "Interpretation" at the end of the Schedule.
- (F5) The licensee must make records of all enquiries and complaints which it receives in respect of the carrying out of the environmentally relevant activity by the licensee. These records must include the following details as far as possible—
- (1) the name and address of the person making an enquiry or complaint; and
 - (2) the substance of the enquiry or complaint; and
 - (3) the action taken by the licensee in response to the enquiry or complaint.

The licensee must keep these records for 3 years.

Agency Interest: Waste

General

- (G1) Waste must not be released to the environment, stored, transferred or disposed of contrary to any condition of this development approval.
- (G2) The holder of this development approval must not:
- (i) burn waste at or on the approved place; nor
 - (ii) allow waste to burn or be burnt at or on the approved place; nor
 - (iii) remove waste from the approved place and burn such waste elsewhere.

Except in accordance with the conditions of the development approval.

Waste Management Plan

- (G3) The holder of this development approval, must develop and implement a Waste Management Plan which details how the holder of this development approval will effectively and appropriately manage waste caused by the carrying out of the environmentally relevant activity.
- (G4) In developing the Waste Management Plan and periodically updating it to incorporate changing practices and future options, the holder of the development approval must have regard to the following hierarchy of preferred methods of dealing with waste. Where reasonable and practicable, the method of dealing with waste which is higher in the hierarchy must be adopted over another method which is lower in the hierarchy.

Hierarchy of methods of dealing with waste;
The most preferred method [method (1)]

- (1) Avoid the generation of waste in the first place, for example by utilising alternate materials and or processes.
- (2) Minimise the quantity and or hazardous nature of the waste generated, for example by utilising alternate materials and or processes and segregation of high strength waste streams from low strength waste streams.
- (3) Recycling of waste produced, for example by incorporating reuse, reprocessing, and utilisation of the waste for a worthwhile purpose.
- (4) Treatment of the waste to render it less or non-hazardous.
- (5) Disposal of the waste as a last resort.

The least preferred method [method (5)].

- (G5) The Waste Management Plan must detail at least the following:

the source, quantity and nature of each waste produced; and the current method of disposal; and proposed methods of pre-treatment or disposal; and expected reduction in quantity of waste produced through waste minimisation and cleaner production; and provisions for carrying out and submitting to the administering authority a waste audit within two (2) years from the date of issue of this development approval.

- (G6) A copy of the Waste Management Plan must be kept at the approved places.
- (G7) The holder of this development approval must not implement a Waste Management Plan or amend a Waste Management Plan where such implementation or amendment would result in a contravention of any condition of this development approval.

Off Site Movement

- (G8) Where regulated waste is removed from the approved place (other than by a release as permitted under another schedule of this development approval), the holder of this development approval must monitor and keep records of the following:
 - (a) the date, quantity and type of waste removed; and
 - (b) name of the waste transporter and/or disposal operator that removed the waste; and
 - (c) the intended treatment/disposal destination of the waste.
- (G9) Records of trade waste agreements must be made available for inspection on request.
- (G10) Waste water from any washing of vehicles and equipment and waste water from wet scrubbers must not be discharged to roadside gutters, stormwater drains or waters.
- (G11) Waste water from any washing of vehicles and equipment and waste water from wet scrubbers, if released to the environment, must be directed through a settling pit.
- (G12) Stormwater runoff coming from areas outside a plant site must not be allowed to flow across areas of the plant site contaminated by fly ash, hot bitumen or hot asphalt.
- (G13) Any tanks used for containing liquid fuel or oil must be enclosed by bund walls so that the capacity of each bunded compound is not less than 100% of the capacity of the tank or tanks it encloses. All filling pipes must be located within the bunded area.
- (G14) Waste asphalt and other solid wastes must not be discharged to waters.
- (G15) Land areas used for settling pits at each plant site must be restored with solid fill before the plant is moved to another site

Agency Interest: Self Monitoring and Reporting

Complaint Recording

- (H1) All complaints received by the holder of this development approval relating to releases of contaminants from operations at the approved places must be recorded and kept in a log book with the following details:
- (i) time, date and nature of complaint;
 - (ii) type of communication (telephone, letter, personal etc.);
 - (iii) name, contact address and contact telephone number of complainant (Note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
 - (iv) response and investigation undertaken as a result of the complaint;
 - (v) name of person responsible for investigating complaint; and
 - (vi) action taken as a result of the complaint investigation and signature of responsible person.

Incident Recording

- (H2) A record must be maintained of the time, date and duration of pollution control equipment failure or malfunction where such failure or malfunction may result in environmental contamination.

Notification of Emergencies and Incidents

- (H3) As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of this development approval must notify the administering authority of the release by telephone or facsimile.
- (H4) The notification of emergencies or incidents as required by condition number H3 must include, but is not limited to, the following:
- (i) the name of the holder of the development approval;
 - (ii) the location of the emergency or incident;
 - (iii) the number of the development approval;
 - (iv) the name and telephone number of the designated contact person;
 - (v) the time of the release;
 - (vi) the time the holder of the development approval became aware of the release;
 - (vii) the suspected cause of the release;
 - (viii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
 - (ix) actions taken to prevent further any release and mitigate any environmental harm and or environmental nuisance caused by the release.
- (H5) Not more than fourteen (14) days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition number H4 in addition to:
- (i) proposed actions to prevent a recurrence of the emergency or incident;
 - (ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
 - (iii) the results of any environmental monitoring performed.

Exception Reporting

- (H6) The holder of this development approval must notify the administering authority in writing of any monitoring result which indicates an exceedance of any licence limit within twenty eight (28) days of the completion of analysis.
- (H7) The written notification required by condition number H6 above must include:
 - (i) the full analysis results; and
 - (ii) details of investigation or corrective actions taken; and
 - (iii) any subsequent analysis.

Noise Monitoring

- (H8) The holder of this development approval must monitor and record the noise levels to check compliance with the conditions of this authority not less frequently than on receipt of a written request by the administering authority to perform such monitoring.
- (H9) The method of measurement and reporting of noise levels must comply with the Environmental Protection Agency Noise Measurement Manual, third edition, 1 March 2000, or more recent additions or supplements to that document as become available.
- (H10) The measurement and reporting of noise levels must be undertaken by a person or body possessing appropriate experience and qualifications to perform the required measurements.

END OF CONDITIONS

DEFINITIONS

Words and phrases used throughout this permit¹ are defined below. Where a definition for a term used in this permit¹ is sought and the term is not defined within this permit¹ the definitions provided in the relevant legislation shall be used.

"administering authority" means the Department of Environment and Resource Management or its successor.

"annual return" means the return required by the annual notice (under section 316 of the *Environmental Protection Act 1994*) for the section 73F registration certificate that applies to the development approval.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the *Integrated Planning Act 1997*.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes –

- an artificial channel that is formed because the land has been reclaimed from tidal water and is intended to allow boating access to allotments on subdivided land;
- other artificial channels subject to the ebb and flow of the tide; and
- any additions or alterations to an artificial waterway.

"authorised place" means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

"canal" means an artificial waterway surrendered to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water; and from which boating access to the tidal water is not hindered by a lock, weir or similar structure.

"clinical waste" means waste that has the potential to cause disease including, for example, the following:

- animal waste;
- discarded sharps;
- human tissue waste;
- laboratory waste.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

"commercial place" means a place used as an office or for business or commercial purposes.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"dwelling" means any of the following structures or vehicles that is principally used as a residence –

- a house, unit, motel, nursing home or other building or part of a building;
- a caravan, mobile home or other vehicle or structure on land;
- a water craft in a marina.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the *Coastal Protection and Management Act 1995* or the *Environmental Protection Act 1994*.

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the *Coastal Protection and Management Act 1995*.

"high water mark" means the ordinary high water mark at spring tides.

"infectious waste" means waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

"intrusive noise" means noise that, because of its frequency, duration, level, tonal characteristics, impulsiveness or vibration –

- is clearly audible to, or can be felt by, an individual; and
- annoys the individual.
- In determining whether a noise annoys an individual and is unreasonably intrusive, regard must be given to Australian Standard 1055.2 – 1997 Acoustics – Description and Measurement of Environmental Noise Part 2 – Application to Specific Situations.

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice of decision to accept an environmental report for an environmental investigation

This notice is issued by the administering authority pursuant to section 326G(4) of the Environmental Protection Act 1994 to advise you that the administering authority has decided to accept an environmental report for an environmental investigation.

Boral Asphalt Queensland
PO Box 227
Hamilton Central Qld 4007

Attention: Mr Robert McGuire
General Manager – Asphalt

Your reference:

Our Reference: IPDE01330709

16 September 2014

Take notice: that under the *Environmental Protection Act 1994* (the Act), a notice of decision to accept an environmental report for an environmental investigation is issued to Boral Asphalt Queensland (you) by the administering authority. The administering authority is the Chief Executive of Department of Environment and Heritage Protection (the department).

The notice of decision to accept an environmental report for an environmental investigation is issued in respect to the activities by Boral Asphalt Queensland Pty Ltd at Vision Street, CHARLTON QLD 4350 on land described as Lot 16 on RP24267 situated at Vision Street, CHARLTON QLD 4350 (the premises).

The decision

The decision to accept an environmental report about a stated matter is based on the following grounds:

- A notice to conduct or commission an environmental investigation was given to you by the department on 7 July 2014.
- An environmental report was submitted to the department by you on 29 August 2014.
- The department is satisfied the report adequately addresses the relevant matters for the environmental investigation to which the report relates.

Notice of decision to accept an environmental report for an environmental investigation

Reasons

The facts and circumstances forming the basis of these grounds and the reason for the decision are:

- The department has reviewed the air emissions data contained in the Katestone Environmental report received on 29 August 2014 and has determined the following:
 - Pacific Environment Pty Ltd conducted bitumen tanks emissions monitoring on 14 August 2014. The monitoring was conducted when the Tank 3 and Tank 4 were refilled. Tank 1 and Tank 2 are internally connected to Tank 3 and Tank 4. The samples were collected at the inlet (pre-condenser) and outlet for each condensers. There are two condensers serving Tanks 1 and 4 and Tanks 2 and 3. The samples were analysed for odour, total VOC and individual/speciated VOC.
 - Samples were also collected when tanks are heated for normal operation. During the heating process, no measurable emission was observed to occur from the condenser vents.
 - The VOC emissions during the refilling were 24 mgNm³ (Tank 3) and 90 mg/Mn³ (Tank 4) and mass emission rates were less than 1 mg/sec.
 - The odour emissions during the refilling were 1,433 ou (Tank 3) and 1,136 ou (Tank 4) and odour mass emission rates were 15 ou.m³/sec (Tank 3) and 7.2 ou.m³/sec (Tank 4).
 - The monitoring results demonstrate that odour may not be an issue at the sensitive receptors. The control efficiency of condensers were in the range of 98% to 84% for VOC and 95% to 97% for odour. These values can be considered reasonable.
 - The monitoring program satisfied the Environmental Evaluation requirements.
 - During the site inspection, Boral identified that significant odour emissions could occur from the bitumen storage tanks due to poor management and awareness regarding the operation of inspection hatch. The bitumen tank driver opens this hatch to check the bitumen level in the tanks. During this process concentrated VOCs are released from the hatch opening, instead of discharging through the condensers. Boral is proposing to minimise these emissions by implementing a “one point learning” toolbox talk for delivery drivers. This is to ensure that the hatch are allowed to open for a few seconds and must not be left open for the duration of deliveries.
 - Boral is also proposing to implement a condenser maintenance training program for the site. This includes: (a) weekly removal of condensate, (b) six monthly replacement of activated carbon and (c) training both delivery drivers and site staff for the awareness of odour related issues.
 - This satisfied the Environmental Evaluation requirements for the identification of issues and the implementation of measures to prevent offensive odours and VOC releases. By implementing the condensers maintenance program and delivery drivers training program the odour and VOC emissions will be minimised.

Notice of decision to accept an environmental report for an environmental investigation

Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person, who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).

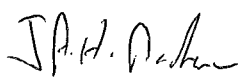
Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

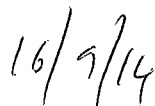
A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (EM1866). You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to this notice, please contact Shari Griinke of the department on telephone number 074699432.



Signature



Date

James Mackenzie

Manager

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

153 Hume Street, Toowoomba Qld 4350

PO Box 731, Toowoomba Qld 4350

Ph: (07) 46994321

Email: southwest.es@ehp.qld.gov.au

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to 326B of the Environmental Protection Act 1994.

Boral Asphalt Queensland
PO Box 227
Hamilton Central Qld 4007

Attention: Mr Robert McGuire
General Manager – Asphalt

Our reference: IPDE01330709

7 July 2014

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is served on you by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of Boral Asphalt Pty Ltd on land described as Lot 16 on RP24627 situated at Vision Street, WELLCAMP (the premises).

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

An activity or proposed activity is causing, or is likely to cause environmental harm .

The facts and circumstances forming the basis for these grounds are:

- An inspection of the site was undertaken on 27 August 2013 by authorised officers of the department in response to complaints relating to odour from the premises;
- Officers observed offensive odours at the premises, specifically in the area relating to the condenser units on the bitumen tanks;
- The department subsequently issued correspondence dated 2 September 2013 requesting Boral Asphalt Pty Ltd provide information relating to potential fugitive emission levels from the bitumen tanks and determine compliance with levels contained within Schedule 1 of the *Environmental Protection Policy (Air) 2008*.
- To date, no information has been supplied by Boral Asphalt Pty Ltd that satisfies the department that the activity is being undertaken in a manner that complies with the Environmental Protection Policy (Air) 2008, nor have Boral Asphalt Pty Ltd been able to provide quantifiable emissions data upon request.

Notice to conduct or commission an environmental evaluation

- A site inspection undertaken by departmental officers on 16 April 2014 established that the emission criteria that best represents the passive venting systems on the bitumen tanks is VOC (as n-propane) 10 mg/s rather than 40 mg/Nm³ (as n-propane).

B. Requirements

The report on the environmental investigation must address the following relevant matters:

Determine odour, speciated volatile organic compounds (VOC) and total VOC (as n-propane equivalent) released from the bitumen storage tanks (scrubber vent) when operating at maximum temperature and when the tank is being filled; and addressing at least the following matters:-

- Determine the levels of emissions in terms of concentration and mass emission rates based on actual measurements on samples taken from the facility; and
- Odour sampling and measurement must be based on the Australian and New Zealand Standard, namely: AS/NZS 4323.3:2001, Stationary source emissions - Determination of odour concentration by dynamic olfactometry and VOC sampling and measurement must be based on the Department of Environment and Heritage Protection (EHP) Air Quality Sampling Manual. If monitoring requirements are not described in the EHP's Air Quality Sampling Manual, monitoring protocols must be in accordance with a method as approved by New South Wales DECCW/EPA or United States EPA.
- Determine effectiveness of VOC and odour control equipment currently utilised in achieving VOC emissions (as n-propane equivalent) less than 10 mg/s from the bitumen tanks.
- Based on the above investigation, identify appropriate measures to prevent offensive odours and VOC releases, addressing at least the following matters:
- A description of reasonable equipment, practices and procedures that will be employed to minimise the risk of environmental harm resulting from emissions of air, including but not limited to:
 - the installation of appropriate odour minimising/eliminating devices and air pollution control equipment at the release locations;
 - maintenance of currently adopted devices; and
 - training initiatives for staff to improve the management of odour sources at the said premises;
- For planned capital works and other improvements to be carried out for the prevention or minimisation of odours and VOC releases, include a timetable for completion of these works.
- The final environmental audit report detailing the methodology and finding of the environmental investigation into the source(s), cause and extent of the resultant harm must address all matters stated above; including:
 - Discuss the results of odour and VOC monitoring program and measurement methods;
 - Recommended appropriate short-term and long term measures to prevent offensive odour and VOC releases from the site; and
 - Details of any capital works and/or other improvements to be carried out for the prevention and/or minimisation of releases from the sources, including a timetable for the completion of these works.

Notice to conduct or commission an environmental evaluation

The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined as:

suitably qualified person, for performing a regulatory function, means a person who—

- (a) has qualifications and experience relevant to performing the function; and
- (b) if a regulation prescribes an organisation for this paragraph—is a member of the organisation.

The environmental report must be submitted to the department on or before:

- **5pm on 29 August 2014.**

As the recipient of this notice, you are also required to provide a statutory declaration to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to accompany the environmental report submitted to the department.

You can view an electronic version of the statutory declaration for a recipient using the following search term (EM494).¹

An electronic version of the statutory declaration for a suitably qualified person form is available using the search term (EM471).

Take notice:

- the requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
- this notice remains in force until further notice from the department; and
- you are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by the department.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

Notice to conduct or commission an environmental evaluation

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the:

- [Information sheet - internal review and appeal to the Planning and Environment Court \(EM1866\).](#)
- [Information sheet - internal review and appeal to the Land Court \(EM1157\).](#)

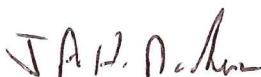
You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling \$33,000.
- The maximum penalty for a corporation is 1500 penalty units, totalling \$165,000.

Should you have any queries in relation to this notice, please contact Mrs Shari Griinke of the department on telephone number 07-46994321.



Signature

James Mackenzie

Manager

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994



Date

Enquiries:

Shari Griinke

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