

ANNUAL PERFORMANCE STATEMENT

VIVA ENERGY AUSTRALIA PTY LTD

HOLDER OF LICENCE: 3674
ACN: 004 610 459
REGISTERED ADDRESS: LEVEL 16 720 BOURKE ST
DOCKLANDS VIC 3008
PREMISES ADDRESS: 39-81 BURLEIGH ST
SPOTSWOOD VIC 3015

STATEMENT SUMMARY

Statement Period: 01-Jul-2019 To 30-Jun-2020

Total Number of Conditions on Licence: 11
Number of Conditions - Complied: 8
Number of Conditions - Non-Complied: 3

DECLARATION

I, Scott Wyatt declare that the information in this Annual Performance Statement is true and correct. I have made all necessary enquiries, and no matters of significance have been withheld from the EPA

Name: Scott Wyatt Position: CEO

Signed:  Date: 25 November 2020

The most senior Australian-based officer of your organisation for this licence must sign this statement and it must be scanned and uploaded along with this completed APS form via the EPA web portal by 30 November 2020.

In the event this is not possible, the signed statement must be faxed to (03) 8677 9063 by 30 November 2020. In both instances the statement must also be e-certified on the web portal by 30 November 2020.

1. Under Section 31D(5) of the Environment Protection Act 1970, it is an offence to provide false or misleading information in an Annual Performance Statement or conceal any relevant information or document from the Authority. Contravention of subsection (5) is an indictable offence that carries a penalty of 2400 penalty units or imprisonment for two years, or both.

STATEMENT OF COMPLIANCE

Premises Address: 39-81 BURLEIGH ST, SPOTSWOOD VIC 3015

Licensed Activities: The licence holder operates a bulk storage and distribution facility for petroleum hydrocarbon products. This licence allows for discharges to air.

Scheduled Categories: G04 Bulk Storage

Analysis of performance against environmental Performance Conditions

Condition Area	Condition Reference	Condition Description	Condition Complied with?
General	LI_G1	You must ensure that waste is not discharged, emitted or deposited beyond the boundaries of the premises except in accordance with this licence or under the Act.	No
General	LI_G2	You must immediately notify EPA of non-compliance with any condition of this licence by calling 1300 EPA VIC (1300 372 842), sending an email to contact@epa.vic.gov.au , or using the EPA Interaction Portal.	No
General	LI_G3	By 30 September each year you must submit an annual performance statement to EPA for the previous financial year in accordance with the Annual Performance Statement Guidelines (EPA Publication 1320.3, released June 2011).	Yes
General	LI_G4	Documents and monitoring records used for preparation of the annual performance statement must be retained at the premises for five years from the date of each statement, and be able to be immediately produced upon request by an officer of the Authority.	Yes
General	LI_G5	You must establish and implement a risk based monitoring program that enables you and EPA to determine compliance with each condition of this licence. The monitoring program must comply with the requirements of the monitoring guidelines (EPA document 1321.2, released June 2011).	Yes
General	LI_G6	You must provide EPA with a financial assurance determined by the EPA, and maintain such assurance (including any part of such assurance) so that it can be claimed on, utilised or realised as and when required.	Yes
Amenity	LI_A1	You must ensure that odours offensive to the senses of human beings are not discharged, emitted or released beyond the boundaries of the premises.	Yes
Air	LI_DA1	Discharge of waste to air must be in accordance with the 'Discharge to Air' Table.	Yes
Air	LI_DA1.12	Air emissions from the vapour recovery unit (VRU) must not exceed 0.1 grams per minute of benzene.	Yes
Water	LI_DW1	You must ensure that surface water discharged from the premises is not contaminated with waste.	No
Land	LI_DL1	You must not contaminate land or groundwater.	Yes

NON-COMPLIANCE DETAIL

Premises Address: 39-81 BURLEIGH ST, SPOTSWOOD VIC 3015

DETAILS OF NON COMPLIANCE WITH LICENCE CONDITION

Condition: LI_G1 You must ensure that waste is not discharged, emitted or deposited beyond the boundaries of the premises except in accordance with this licence or under the Act.

a) Date(s) when the non-compliance occurred (if applicable)

01/07/2019

b) Summary of particulars of non-compliance

- The breach relates to the presence of PFAS in surface water which runs off from the Newport site.
- This discharge is not authorised under Licence 3674.
- This was first detected and reported to EPA following investigations into PFAS in surface water on the site in 2019.
- Viva Energy notified EPA through submission of reports on the discharge and other PFAS related matters during 2019 and 2020.

c) What is your assessment of environmental impact as a result of non-compliance

- Consultant risk assessment has been completed that indicates no increase in risk posed by PFAS compounds to receiving waters from discharges from the site.

d) Cause of non-compliance

- This is a legacy issue due to historical use of fire-fighting foams containing PFOS at the Premises due to its status as a Major Hazard Facility.
- This is not as a result of new contamination or a pollution event.

e) Action taken or that will be taken to mitigate any adverse effects of the non-compliance

- Works completed to reduce the volume or concentration of PFAS in discharge waters are as follows:
 - o Extension weir installed on wetlands discharge;
 - o Closed the valve on the drain that allows surface water runoff from the fire training ground into the outfall pond;
 - o Cleaned the outfall pond;
 - o Reviewing options for closing the sluice gate on the outfall pond and whether it can be used, given its current function relates specifically to our Emergency response in the event of a spill;
 - o Commenced monthly sampling of bund drainage pits to determine which part of the compound exceeds 1ug/L consistently;
 - o Discharge sampling is conducted monthly where there is a flow;
 - o continuing to improve our process for better logging and communications between our operations team and laboratory technicians to match up release of waters from bunds, which is the main source of water discharging into the wetlands, and sampling activities;
- CONTINUED BELOW

f) Action taken or that will be taken to prevent reoccurrence of the non-compliance

- e) CONTINUED
 - o reviewing the effectiveness of the data logger and have requested a quote for upgraded equipment with telemetry; and
 - o assessing locations for installing reliable inflow measurements and improving the reliability of our discharge estimates.
 - Viva Energy briefed consultants to assess the impacts of the PFAS in surface water on the receiving environment and this is documented in a risk assessment prepared by ERM. A copy of that risk assessment has been provided to EPA
- f)
 - Viva Energy has been working with its technical advisors and EPA to plan how Viva Energy can address this legacy issue and stop stormwater discharges contaminated with PFAS from entering the Yarra River catchment.
 - This program is the subject of a Pollution Abatement Notice (#90011323) which was issued by EPA on 5 August 2020, and amended by VCAT by Order dated 6 November 2020 ('PAN').
 - Works are underway and monthly update reports are being provided to EPA in accordance with the PAN.

Premises Address: 39-81 BURLEIGH ST, SPOTSWOOD VIC 3015

DETAILS OF NON COMPLIANCE WITH LICENCE CONDITION

Condition: LI_G2 You must immediately notify EPA of non-compliance with any condition of this licence by calling 1300 EPA VIC (1300 372 842), sending an email to contact@epa.vic.gov.au, or using the EPA Interaction Portal.

a) Date(s) when the non-compliance occurred (if applicable)

01/07/2019

b) Summary of particulars of non-compliance

The breach relates to the notification of the presence of PFAS in surface water which runs off from the Newport site. This discharge is not authorised under Licence 3674.
First detected and reported to EPA following investigations into PFAS in surface water on the site in 2019. Release of PFAS does not relate to a specific incident. Due to the nature of the release and reporting process this was considered as "notification", however does not strictly meet the definition of "immediate", accordingly this is considered a non-compliance.
The reason for this approach is that EPA is aware of the ongoing legacy issue of PFAS on the Newport Terminal site and the potential for migration into the Yarra River during high rainfall events, as highlighted by the consultant conceptual site model. Viva Energy notified EPA through submission of reports on the discharge and other PFAS related matters during 2019 and 2020.
CONTINUED BELOW

c) What is your assessment of environmental impact as a result of non-compliance

b) CONTINUED
EPA has responded to those circumstances by issuing Viva Energy with a PAN (#90011323) on 5 August 2020, as amended by VCAT by Order dated 6 November 2020 ('PAN'). The PAN requires remedial actions and plans to be undertaken and prepared to cease the discharge of PFAS in surface water from site into the Yarra River.

c)

- Consultant risk assessment has been completed that indicates no increase in risk posed by PFAS compounds to receiving waters from discharges from the site.
- A copy of this ERM risk assessment has been provided to EPA.

d) Cause of non-compliance

- This is a legacy issue due to historical use of fire-fighting foams containing PFOS at the Newport Terminal given its status as a Major Hazard Facility.
- This is not as a result of new contamination or a pollution event.

e) Action taken or that will be taken to mitigate any adverse effects of the non-compliance

- This matter is being managed by EPA under a PAN (#90011323).
- That PAN requires the production of a Plan by 30 June 2021 and interim monthly reports around the status of that plan and reasonably practicable measures that can be implemented in the interim in order to reduce the discharge of PFAS in stormwater leaving the Premises.

f) Action taken or that will be taken to prevent reoccurrence of the non-compliance

- This matter will be ongoing while it is being managed under a PAN (#90011323) as noted above.
- Viva Energy has been working with its technical advisors and EPA to plan how Viva Energy can address this legacy issue and stop stormwater discharges contaminated with PFAS from entering the Yarra River catchment.
- Works are underway and monthly reports will be provided to the EPA in accordance with the PAN.

Premises Address: 39-81 BURLEIGH ST, SPOTSWOOD VIC 3015

DETAILS OF NON COMPLIANCE WITH LICENCE CONDITION

Condition: LI_DW1 You must ensure that surface water discharged from the premises is not contaminated with waste.

a) Date(s) when the non-compliance occurred (if applicable)

01/07/2019

b) Summary of particulars of non-compliance

Details as per non-compliance for condition LI_G1

c) What is your assessment of environmental impact as a result of non-compliance

as above

d) Cause of non-compliance

as above

e) Action taken or that will be taken to mitigate any adverse effects of the non-compliance

as above

f) Action taken or that will be taken to prevent reoccurrence of the non-compliance

as above

AIR ADDITIONAL INFORMATION

Premises Address: 39-81 BURLEIGH ST, SPOTSWOOD VIC 3015

AIR - MONITORING METHODS

Indicator	Monitoring Method	Number of Samples								NATA Accredited
		Q1 (Jul-Sep)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)	Total	% Downtime			
Benzene	Stack test	1	0	1	0	2		YES		
Total volatile organic compounds	Stack test	1	0	1	0	2		YES		
Benzene	Emissions estimations	0	0	0	1	1		NO		
Total volatile organic compounds	Emissions estimations	0	0	0	1	1		NO		

AIR - RECORDED VALUES

Discharge Point Number	Indicator	Units	Licence Limit	Maximum Recorded Value	90th Percentile Value	Primary Proxy Indicator	Secondary Proxy Indicator
*ALL	Benzene	to/year	0.600	> 0.082			
*ALL	Total volatile organic compounds	to/year	111	> 45.900			

* Indicates a bubble limit