



## Greenwich Community Association Inc

PO Box 5057, Greenwich, NSW 2065

For current committee contact details see [www.greenwich.org.au](http://www.greenwich.org.au)

8 August 2018

Ms Anissa Levy  
Acting Chair and Chief Executive Officer  
NSW Environment Protection Authority  
EPA Head Office  
PO Box A290  
SYDNEY SOUTH NSW 1232

Dear Ms Levy,

### **Gore Bay Terminal**

We are writing to you concerning a longstanding unresolved issue at the Gore Bay Terminal in Greenwich in respect of which no progress at all has been made since 2012 when we first started writing to the EPA.

Concern about the EPA's failure to address this issue is reflected in the following resolution passed at a general meeting of the Greenwich Community Association attended by over 40 people on 20 June 2018:-

- *the community notes that NSW Health has received from the EPA minimal data in respect of the emissions from the Gore Bay Terminal;*
- *the GCA registers its concern that the EPA has in place in its licence for Gore Bay Terminal no mechanism for collecting, on an ongoing basis, data in respect of the emissions from the Gore Bay Terminal; and*
- *the GCA calls upon the EPA to implement measures to allow NSW Health to provide to the community its unequivocal assurance that the operations at Gore Bay Terminal pose no risk to human health, including in relation to both short term and long term exposure.*

The Gore Bay Terminal is a terminal which operates to receive both petrol and other fuels on a seven day a week operational basis throughout the year.

It is situated right in the heart of the residential community of Greenwich. Obviously, it is very unlikely that such an operation would be approved with the modern regard to environmental issues and health and safety risks. The terminal is a legacy issue, having first started operating in the early 1900s.

As such, it should be receiving the close attention of the EPA. In fact, the reverse has been the position.

We are writing this letter to you because, in the discharge of your functions at the EPA, we ask you to look at the way this issue has been handled in recent times, particularly in regard to the renewal of EPA Licence 661 which is a key function of the EPA.

### **Legislative background**

In writing this letter to you we are conscious that two of the key objectives of the EPA are:

- 1 to protect the quality of the environment in New South Wales; and
- 2 to reduce the risk to human health and prevent the degradation of the environment.

In particular, in relation to the EPA licence which gives to the operator the right to operate the Gore Bay Terminal, the EPA is required to ensure that best practice standards are implemented. Section 78(4A) of the Protection of the Environment Operations Act 1997 requires the EPA to ensure licence conditions reflect best practice. No monitoring at all is no practice at all – and way short of best practice.

### **The Recommendations of Health - Not Actioned**

Back in 2012, the operator foreshadowed significant changes in its operations at Gore Bay. NSW Health was contacted by the Department of Planning and Environment to detail its requirements in terms of an Environmental Impact Statement to support the development application for proposed works. NSW Health clearly regarded the potential health impacts of the operation to be significant enough to warrant an assessment of the risks of over 150 compounds derived from the activities conducted at the terminal. The proposed development application was withdrawn and the valuable information that would have been disclosed in the health assessment was not finalised or made available on a public register.

In July 2015, in response to the EPA's request for input into a revision of its licence for Gore Bay, NSW Health provided its recommendations, including boundary monitoring, as a real and transparent mechanism for allowing measurement of emissions from the site and thus a basis for objective assessment of the health risks. Whilst NSW Health has consistently said that it cannot compel the collection of data and that this is the responsibility of the EPA, it has been quite explicit in terms of the need for ongoing boundary monitoring of emissions.

NSW Health's response to the EPA was as follows:

*"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 measurement. This ongoing monitoring should occur at consistent locations on the site boundary and measure odour and ambient air levels of polycyclic aromatic hydrocarbons".*

The problem that has developed since that time is that the EPA has not required Viva, the operator of the Gore Bay Terminal, to have any means or measures in place to assess boundary emissions. The recommendations of NSW Health have not been acted upon by the EPA.

### **Inadequate Licence Review**

The EPA took almost a year to finalise its 2015 review of Licence 661. When the reviewed licence was released on 17 August 2016, it appeared that the EPA had made an attempt to take on board NSW Health's recommendations with the inclusion of a very loosely worded condition U2 requiring a feasibility study of boundary monitoring as a precursor to establishing such monitoring.

However, no boundary monitoring has been established. Instead, with no prior notice or explanation to the community, this condition was removed just two months later.

### **Comparison to White Bay Conditions**

The White Bay Passenger Terminal is a very short distance across the harbour from the Gore Bay Terminal and is also in a residential area.

NSW Ports in consultation with the EPA has required a close monitoring regime at White Bay Passenger Terminal. This terminal is used regularly but not constantly. No equivalent regime has been imposed at the Gore Bay Terminal despite the 24/7 operation at this terminal and the existence, also, of a residential community in very close proximity.

The EPA has completely failed to implement a boundary monitoring and reporting regime in order to reduce the risk to human health in our neighbourhood.

There is ongoing cause for concern as residents are regularly complaining of, and reporting, detectable odours coming from the Gore Bay Terminal. These concerns were increased by the oil spill which occurred on 30 December 2016 which has now led to a prosecution in the Land & Environment Court. The operator has pleaded guilty to two offences. We believe that the extent of water contamination from the Terminal is self-monitored on a prescribed basis, but there is no monitoring of land contamination in place.

### **No Data Given to Health**

Dr Michael Staff, Director, Northern Sydney Public Health Unit has confirmed in June 2018 that NSW Health has not been in receipt of any data (with the exception of 6 readings) on which to base an assessment of the health impacts of the emissions from the terminal and associated marine operations. There is simply no visibility at all on what data is being collected by the EPA, or how this is being done. Relying on data supplied by Viva is obviously not best practice.

### **Action Requested**

The EPA has failed to monitor or assess the risk to human health of the communities adjacent to the Gore Bay Terminal, despite having received clear advice from NSW Health as to the need to implement a monitoring and reporting scheme in respect of emissions at the boundary.

We ask you to take charge of this situation in order to provide to the community ongoing information as to the emissions from the terminal and to allow NSW Health to fully assess the risks to public health.

As mentioned above, we are particularly concerned about the differing approaches taken in respect of White Bay and Gore Bay terminals. Frequency of marine operation - both tanker discharge and separate bunkering - as well as the onshore petroleum product handling at Gore Bay represents an inarguable case for monitoring when compared to White Bay.

We ask for your attention to this matter which is a past legacy issue for which responsibility has now passed to you. We would therefore welcome the opportunity to meet with you.

Yours faithfully



Merri Southwood  
President  
Greenwich Community Association  
[southwood@bigpond.com](mailto:southwood@bigpond.com)  
0412 361331