



15 November 2019

Deputy Secretary
EPA Tasmania
Department of Primary Industries, Parks, Water and Environment
GPO Box 1550
Hobart Tas 7001

By email: enquiries@epa.tas.gov.au

Dear Sir/Madam,

Draft Environmental Management and Pollution Control (UPSS) Regulations 2020

Referring to email correspondence 23rd October 2019 inviting industry stakeholders to provide comment on the draft *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2020*

In principle Bennetts Petroleum Supplies Pty Ltd supports regulation governing the way in which our industry operates to mitigate petroleum entering the environment uncontrolled. All businesses should be taking reasonable preventions and to this I would highlight our industry is well regulated.

Bennetts have shown a large commitment in meeting EPA Tasmania regulations through self-reporting and implementing actions required to investigate and remediate. This carries a huge financial burden to this local Tasmanian company that employs over 220 people across the state.

Operating 11 Retail Outlets, 9 Unmanned location along with supplying over 40 independent service stations we are well placed to comment on the operational impact of the regulation to local business.

Specific comment of the Draft Regulations

Operationally the draft regulation has a large impact on the financial viability of these service stations and whilst being a regulator on environment only the regulations proposed need considering on how these rules will be interrupted and implemented on a commodity requiring distribution for the foreseeable future.

DRAFT Page 8 Point 3 - equipment integrity test EIT, (b) capable, at a minimum of detecting a leak occurring at a rate of 0.38 litres per hour with at least a 95% probability of detection and a 5% or less probability of false detection;

It is our understanding this is a proposal taken from NSW EPA regulations seen earlier in 2019. Bennetts would highlight this can be done in several ways when referencing a statistical inventory investigation.

More frequently than not the initial starting point will be with the meter calibration once other bookkeeping and physical checks have been made. To complete this check does EPA Tasmania consider this to be an EIT? As the governing body National Measurement Institute - NMI has strict rulings on how these measurement devices can be checked and re calibrated. To our understanding your reference of 0.38LPH can not be achieved using these prescribed methods.

Secondly the next step in this type of investigation would then be pressure testing the entire system, the simplified explanation of capping off the many outlets, loading the system with air and confirming the pressure is maintain for a period. Again, this doesn't involve to Bennetts understanding a method that meets the loss rate desired by the regulations.

Our suggestion would be to reference the industry practice used to confirm the integrity of the infrastructure. As the customer employing the contractor to complete these tasks, we are accountable for the results submitted and required to take action accordingly, operating under a measure that is clear and reflective of how the system is tested is what this regulation should be achieving.

Page 10, 3 loss monitoring procedure (a) capable at a minimum, of detecting a leak occurring at a rate of 0.76 litres per hour with at least a 95% probability of detection and a 5% or less probability of false detection

The Summary Paper nominates a loss detection rate of 0.38 litres per hour, or half the existing rate. Which does the EPA intend on implementing 0.38lph or 0.76lph? and how did this number get developed for implementation?

Bennetts understanding is that this is a figure derived from US EPA regulators then implemented across all of Australia. The figure can be met with the operational variables presented to the industry.

This level of variation will lead to many false FAIL results and as example Bennetts has 67 tanks monitored on a weekly basis through EMS Australia, we would move from 0 tanks under investigation to 19.

Speed of action and prevention as much as practical is sort by both industry and regulator, Bennetts would propose the regulator looks to nominate weekly monitoring with 3 FAIL months notified to the Director. This level of monitoring will ensure the business has ample time and data to investigate and implement a solution.

The solution in many instances is meter calibration or operational variables, these can be corrected. Then further data collected confirming the "fix" has resolved the investigation. EPA in our opinion will be inundated with these false FAIL results that will lead to a diminished importance of both parties having when faced with the situation

Page 11, 3, mandatory equipment means equipment that consists of all of the following: (c) a dispenser sump

Page 11, 3, mandatory equipment means equipment that consists of all of the following: (e) overfill protection equipment:

Page 11, 3, mandatory equipment means equipment that consists of all of the following: (b) (d) (f)

It is understood that there is nothing new under these three points and doesn't form part of the review, however being part of the draft Bennetts position would be to nominate this applies to installations post 2010.

Page 26 r10 (b) an equipment integrity test has been conducted after all installation work, including concreting and sealing, has been completed. REPEATED Page 29 r11 (5) (a) (7) (b)

Pre & Post burial pressure testing or EIT is standard practice, but generally not once the concrete and sealing has occurred. Should a fault be found in the test this can be rectified prior to sealing the area with concrete. The area is already compacted by the fill material covering the infrastructure.

An alternative could be*including backfill material in preparation of concreting and sealing*

Page 37 r17 (6) For the purposes of sub regulation (5)(b), a report in relation to a loss investigation is a report that contains – (a) the name and qualification of the person carrying out the loss investigation

What qualifications are required to complete the investigation? And who would you envisage complete the investigation? Currently this would be conducted by either the business owner or an employee. Qualified persons would be those conducting the statistical analysis, EIT or meter calibrations.

Should this regulation potentially be nominating a Certified Practitioner to conduct a loss investigation it will be at considerable expense when not required

Page 48 r25 Installation of ground water wells in ground water protection zones

The requirement for wells severely impacts the property values, which businesses maybe operating through the current equity they hold.

The Director should nominate those areas deemed to be within the protected zones and those considered to be into the future to enable potential purchasers be fully informed of operational expenses.

Should new zones be established many small community businesses already struggling may not be able to meet this regulation, what assistance will Tasmanian Government provide that ensures small and remote communities can service those around them and potentially the local tourism sector.

Page 53 (d) (ii) Scrutiny, sampling and analysis of wells in groundwater protection zone

(ii) sampled and analysed at least every 12 months for contamination by petroleum

For sites with multiple wells, how many will meet the EPA demand? This is relevant as there is a commercial reality to this regulation that should not enable the Certified Practitioners to interrupt requirements for commercial gain

GENERAL COMMENT

Will the EPA have all assessment on reports and demand for works scope conducted and authorised by an independent certified practitioner, ideally an authorised third-party auditor, like most other states of Australia? If not, why not?

Many other states consider this to be best practice and ensures that the work conducted by a paid contractor, completing works such as ESAs, GWM sampling etc do have a level of independent assessment and scrutiny.

We sincerely thank EPA Tasmania for the opportunity to comment of these draft regulations

Should there be clarification required on the points mentioned within this submission please contact me directly

Regards,

David Kamprad

Chief Operations Officer

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