



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-263

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Yes
5. Fees	N/A
6. Processing time (in working days)	13
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [EPSDFOI](#)  
**To:** [CMTEDD FOI](#); [EPSDFOI](#)  
**Subject:** RE: FOI 21/78852 - Holt Petrol Station Leak Mk 2  
**Date:** Wednesday, 29 September 2021 3:38:56 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

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OFFICIAL

Hi Suzanne,

Thank you for your response. Can you please confirm acceptance of partial transfer of this application?

Kind regards,

**Jedda Kelly** | Assistant Director | Information Governance

**Environment, Planning and Sustainable Development Directorate | ACT Government**

Phone: 02 6207 2689 | Email: [jedda.kelly@act.gov.au](mailto:jedda.kelly@act.gov.au)

*Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.*



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**From:** Locke, Suzanne <[Suzanne.Locke@act.gov.au](mailto:Suzanne.Locke@act.gov.au)> **On Behalf Of** CMTEDD FOI

**Sent:** Tuesday, 28 September 2021 12:38 PM

**To:** URen, Rachel <[Rachel.Uren@act.gov.au](mailto:Rachel.Uren@act.gov.au)>; EPSDFOI <[EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)>

**Cc:** Kelly, Jedda <[Jedda.Kelly@act.gov.au](mailto:Jedda.Kelly@act.gov.au)>

**Subject:** RE: FOI 21/78852 - Holt Petrol Station Leak Mk 2

OFFICIAL

Hi Rachel and EPSDD team

CMTEDDFOI accepted a partial transfer of a request in June 2021. There was no response from us to the applicant as the original request was withdrawn and even though there were discussions (which I was not involved in) around the request being resubmitted, CMTEDD FOI did not receive any such request, that I know of.

I do believe there are documents held by EPA.

Thanks

**Sue Locke** | Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 5583 | Email: [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

**Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [act.gov.au](http://act.gov.au)

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**From:** URen, Rachel <[Rachel.Uren@act.gov.au](mailto:Rachel.Uren@act.gov.au)>

**Sent:** Sunday, 26 September 2021 5:57 PM

**To:** CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)>

**Cc:** Kelly, Jedda <[Jedda.Kelly@act.gov.au](mailto:Jedda.Kelly@act.gov.au)>

**Subject:** FW: FOI 21/78852 - Holt Petrol Station Leak Mk 2

OFFICIAL

Hi CMTEDD team –

This request is currently being processed by EPSDD. One of our business units has indicated that there may be documents held by EPA.

This request is the same as one we received in July 2021, but it was withdrawn because there was a deliberative process underway. The earlier request was partially transferred to CMTEDD. It

is possible that you have already responded to the earlier application.

Thanks,

Rachel

**Rachel U'Ren** (she/her) | Information Governance Officer

**Phone:** (02) 6207 2543 | **Email:** [epsdfoi@act.gov.au](mailto:epsdfoi@act.gov.au)

**Information Governance** | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 5, Scarlet Robin, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601

[www.environment.act.gov.au](http://www.environment.act.gov.au) | [www.planning.act.gov.au](http://www.planning.act.gov.au)

Working days: Monday, Tuesday, Thursday, Friday

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**From:** [REDACTED]

**Sent:** Tuesday, 24 August 2021 12:37 PM

**To:** EPSDFOI <[EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)>

**Cc:** [REDACTED]

**Subject:** FREEDOM OF INFORMATION REQUEST – HOLT PETROL STATION LEAK

**OFFICIAL**

Good afternoon,

**RE: FREEDOM OF INFORMATION REQUEST – HOLT PETROL STATION LEAK**

I write to request under the *Freedom of Information Act 2016* documents in relation to the Holt petrol station leak. This request includes, but is not limited to, Ministerial or Directors-General briefs, site and environmental assessments, advice to or from ACT Government relating to remediation or compensation, and any timelines or advice as to when the ACT Government was first informed of the leak and how it was managed.

The leak was referred to in the Canberra Times [online](#) on 2 June 2021.

I ask that my request be transferred to other entities that may hold relevant documents. Duplicate documents may be excluded.

Should you require any further information or clarification about my request, please contact [REDACTED] [REDACTED]

Kind regards,

[REDACTED]



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-263



## **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 19 October 2021, in which you sought access to:

- Documents in relation to the Holt petrol station leak. This request includes, but is not limited to, Ministerial or Directors-General briefs, site and environmental assessments, advice to or from ACT Government relating to remediation or compensation, and any timelines or advice as to when the ACT Government was first informed of the leak and how it was managed.

A notice of intention to refuse was sent to your office under s43(1)(a) and s44(1) on 12 October 2021. This letter afforded you ten working days to respond as per s46(1).

Your office responded on 14 October 2021 with an amended scope of:

- Any readily available documentation within the scope of the request.

Following a telephone conversation with your staff, the scope of the request was further amended on 19 October 2021 to:

- Briefs to or from ministers or directors-general in relation to the Holt Petrol Station leak.

## **Authority**

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

## **Timeframes**

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 16 November 2021.

## **Decision on access**

Searches were completed for relevant documents and one document was identified that falls within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the document that falls within the scope of your request and the access decision for that document.

I have decided to grant full access to all relevant documents. The document released to you is provided as **Attachment B** to this letter.

### **Charges**

Processing charges are not applicable for this request because the number of pages being released to you is less than the charging threshold of 50.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

**Contact**

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Stuart'.

Katharine Stuart  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

16 November 2021



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Briefs to or from ministers or directors-general in relation to the Holt Petrol Station leak.	CMTEDDFOI 2021-269

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-5	Brief		Full release	N/A	Yes
Total No of Docs						
1						

**Chief Minister, Treasury and Economic Development Directorate****To:** Minister for the Environment and Heritage

Tracking No.: Obj 20/59881

**Date:** 28/08/2020**From:** Narelle Sargent, Environment Protection Authority**CC:** Deputy Director General, Access Canberra.**Subject:** Order Issued on Caltex Service Station, Holt**Critical Date:** 31 August 2020**Critical Reason:** N/A**Recommendations**

That you:

1. Note the information contained in this brief.

**Noted / Please Discuss**

Mick Gentleman MLA .....



28/8/20

**Minister's Office Feedback**

Please share this brief with the Minister for Business and Regulatory Services and the Deputy Chief Minister.

Please also consult the South Australian EPA regarding best practice when dealing with suspected soil vapour intrusion.

Keep me updated about the findings of the investigations.



## Background

1. Caltex Petroleum Pty Ltd (Caltex) holds Environmental Authorisation No. 0749 for the operation of a facility designed to store more than 50m<sup>3</sup> of petroleum products located at 1 Hardwick Crescent, Holt (Kippax).
2. This service station is operated by a Caltex franchise.
3. The Environment Protection Authority (Authority) has previously verbally briefed you on this matter on 26 March 2020 and 22 July 2020.

## Issues

4. On 14 February 2020, the Office of the Environment Protection Authority ('the Authority') was advised by Caltex of a loss of approximately 80,000 litres of Vortex 98 (petroleum product) from their underground fuel storage tank which had entered the environment.
5. Caltex advised that an internal investigation into the extent of the problem was underway and would provide an update when available.
6. This matter is an alleged breach of the Section 138(3) of the *Environment Protection Act 1997*, which states: "A person must not pollute the environment causing material environmental harm or likely material environmental harm".
7. On 3 March 2020, the Authority issued an Order on Caltex requiring the operator to remove any residual product from the affected tank, cease using the tank and to remove product from the environment.
8. The investigation into the cause of the leak is ongoing. This investigation will establish the entity responsible for the pollution incident (Caltex or the franchise operator), and therefore who is responsible of the on-site and off-site remediation.

## Progress of remediation

9. The off-site soil vapour assessment works completed to date include the installation of six soil vapour bores around the site, within the immediately adjacent roadways (to north, east, and south) and on the vacant parcel of land to the west.
10. Soil vapour measurements were conducted on 24 July and 3 August 2020. Based on the measured concentrations, the conclusions are that:
  - the likelihood of an unacceptable vapour intrusion risk to the Raiders Belconnen club building is very low;
  - the likelihood of an unacceptable vapour intrusion risk to the Scott Chambers (commercial building) is considered to be low; and
  - additional indoor testing is required at the ground floor units at Zara Gardens to ensure no vapour impacts at these units.

### Community Engagement

11. The *Contaminated Sites Environment Protection Policy December 2017*, Schedule B8 of the National Environment Protection Council, *National Environment Protection (Assessment of Site Contamination) Measure 1999* and legislation requires the entity responsible for the pollution incident to undertake engagement activities with owner/occupiers of offsite properties that are potentially affected as a result of the incident.
12. The Authority was advised that engagement by Caltex commenced on 14 July 2020 and is ongoing (Attachment A: Caltex Service Station – Community Consultation Locations).
13. WSP, the consultants engaged by Caltex to undertake the stakeholder and community engagement, have contacted stakeholders at the following properties:
  - a. Zara Gardens Residential Apartments, (Units 1 – 20) 11 Flack Street, Holt, ACT;
  - b. Scott Chambers, (Units 1 – 10) 12-16 Hardwick Crescent, Holt, ACT; and
  - c. Raiders Belconnen, 155 Hardwick Crescent, Holt, ACT.
14. This consultation is to seek approval to conduct the soil vapour investigations for off-site impacts. Investigations will include off-site areas including surrounding roadways, public spaces and residential and commercial properties. These investigations are required to determine the nature and extent of contamination beyond the service station site, assess potential risks, and identify the requirements for any further remediation activities.
15. The assessment and community engagement are ongoing.

### **Financial Implications**

16. Nil.

### **Consultation**

#### Internal

17. Discussions were held with Mr Rodney Dix, Manager Environment Protection, Mr David Power, Manager Environmental Quality and Mr Mark Heckenberg, Manager Contaminated Sites on the appropriate course of action to manage this incident.

#### Cross Directorate

18. On 17 February 2020, Ms Lisa Bopping, Dangerous Substances Licensing, WorkSafe ACT was notified of the incident.

### **Work Health and Safety**

19. N/A

**Benefits/Sensitivities**

20. Potential impacts on adjoining leaseholders could result in concerns being raised directly with Government. The Authority continues to engage with the consultant in relation to managing the risks associated with the environmental impacts on adjoining properties.

**Communications, media and engagement implications**

21. At this stage this matter is not anticipated to attract media attention. Media and talking points can be provided upon request.

Signatory Name:

Narelle Sargent

Phone:

75787

Action Officer:

Narelle Sargent

Phone:

75787

**Attachments**

Attachment	Title
Attachment A	Caltex Service Station – Community Consultation Locations







**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-263



## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 19 October 2021, in which you sought access to:

- Briefs to or from ministers or directors-general in relation to the Holt Petrol Station leak.

On 16 November 2021, I made a decision, in respect to your request that one relevant document was held by CMTEDD.

A subsequent document search was conducted with eight additional documents being found within the scope of your request.

On 29 November 2021 I wrote to inform you that additional documents had been found that fall within the scope of your request and that third-party consultation had been initiated.

### Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD. This decision is made pursuant to section 36 of the Act.

### Decision on access

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the documents that fall within the scope of your request and the access decision for each document.

I have decided to grant access in full to four documents and partial access to four documents as I consider them to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act,
- the content of the documents that fall within the scope of your request,
- the *Human Rights Act 2004*.

### **Exemption claimed**

My reasons for deciding not to grant full access to the identified documents are as follows:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

#### Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

#### Factors favouring disclosure in the public interest:

*(a) disclosure of the information could reasonably be expected to do any of the following:*

- (i) promote open discussion of public affairs and enhance the government's accountability.*
- ii) contribute to positive and informed debate on important issues or matters of public interest.*

I consider that disclosing the contents of the information sought would significantly contribute to open discussion and informed debate on the matters contained in the documents including measures to public health. I am satisfied there is a public interest in the processes involving the communication of this information to the public.

The release of this information would help to create positive and informed debate on issues of importance to the public.

I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing transparency and accountability, I afford them significant weight.

I also note the Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the Act and as such I have considered this overarching concept in making my decision in relation to access.

Factors favouring nondisclosure in the public interest:

*(a) disclosure of the information could reasonably be expected to do any of the following:*

*(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government. I have considered this information and in my opinion the protection of these individuals' personal details (such as names and working arrangements which are not publicly available) outweighs the benefit which may be derived from releasing them. I consider that these individuals are entitled to expect that the personal information they have supplied as part of this process to the ACT Government will be dealt with in a manner that protects their privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the document is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

### **Charges**

Processing charges are not applicable for this request because the number of pages to be released to you is below the charging threshold of 50 pages.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

## **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

## **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Katharine Stuart  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

12 January 2022





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Briefs to or from ministers or directors-general in relation to the Holt Petrol Station leak Section 36 release.	CMTEDDFOI 2021-269

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-5	Brief	9 June 2021	Partial release	Schedule 2 s2.2(a)(ii)	Yes
2	6	Site map as attachment A to above brief		Full release	N/A	Yes
3	7-13	Environmental Undertaking as attachment B to above brief		Full release	N/A	Yes
4	14	Talking points as attachment C to above brief		Full release	N/A	Yes
5	15-19	Brief	17 Sep 2020	Partial release	Schedule 2 s2.2(a)(ii)	Yes
6	20	Timeline as attachment A to above brief		Full release	N/A	Yes
7	21	Letter as attachment B to above brief		Partial release	Schedule 2 s2.2(a)(ii)	Yes
8	22	Media Statement as attachment C to above brief		Partial release	Schedule 2 s2.2(a)(ii)	Yes
Total No of Docs						
8						

**Chief Minister, Treasury and Economic Development Directorate****To:** Minister for Business and Regulatory Services

Tracking No.: 21/45591

**Date:** 9/06/2021**From:** Deputy Director-General, Access Canberra**Subject:** Fuel Leak at Caltex Service Station, Holt**Critical Date:** 10/06/2021**Critical Reason:** Minister Vassarotti requested a briefing on this date

- DDG      .../.../...
- COO      .../.../...

**Recommendations**

That you:

1. **Note** the information contained in this brief.

Tara Cheyne MLA

**Noted / Please Discuss**

14/6/21

Minister's Office Feedback

## Background

1. Caltex Petroleum Pty Ltd (Caltex) holds Environmental Authorisation (EA) No. 0749 for the operation of a facility designed to store more than 50m<sup>3</sup> (or 50,000 litres) of petroleum products located at 1 Hardwick Crescent, Holt (Kippax).
2. An EA is a form of licence granted under section 49 of the *Environment Protection Act 1997* ('the Act'). It sets out the conditions under which activities with a significant potential to cause environmental harm may be conducted.
3. All service station sites in the ACT with a storage capacity of more than 50,000 litres hold an EA under the Act. Monitoring is a standard requirement of each EA to minimise the risk of potential leaks and impacts to groundwater.
4. This Brief provides information on the Enforceable Undertaking for this incident.
5. Minister Vassarotti, as Minister for the Environment, requested a briefing from officials on the enforceable undertaking. This briefing is scheduled to occur by agreement with your office on Tuesday, 10 June 2021.

## Issues

6. On 14 February 2020, the Environment Protection Authority (EPA) was advised by Caltex that approximately 80,000 litres of Vortex 98 petrol had been lost from an underground fuel storage tank at their site in Kippax and had entered the environment. The amount of petrol lost equates to about the volume of a standard residential swimming pool.
7. Caltex immediately emptied the tank and it was taken out of use. Caltex also undertook extensive work to pump-out and recover leaked petrol.
8. On 3 March 2020, the EPA issued an Environment Protection order (Order) under section 125 on Caltex to remove any residual product from the affected tank, cease using the tank, remove petrol product from the environment and assess the risk to human health of the occupants and visitors of the site.
9. On 13 March 2020, the EPA issued a 'Requirement for Environmental Audit' notice on Caltex under section 76(2) of the Act. The notice required Caltex to engage an EPA approved contaminated site auditor to independently review all assessment and remedial works into the nature and extent of contamination from the loss of petrol. The notice also required an assessment of the risk the contamination posed to human health and the environment both on and off-site, including any risks to occupants nearby residences and businesses.
10. This matter is an alleged breach of section 138(3) of the Act, which states: "*A person must not pollute the environment causing material environmental harm or likely material environmental harm*". The maximum penalty for this section is 500 penalty units.

11. Following the incident, Caltex approached the EPA about an Enforceable Undertaking, which is a voluntary and legally binding agreement between the EPA and the party alleged to have breached environmental legislation. Generally, an enforceable undertaking includes commitments by the party in response to an alleged breach, that are designed to achieve improved environmental outcomes and is in lieu of other enforcement actions, for example a prosecution. The making of an enforceable undertaking is provided under section 136F of the Act. Under this section, an enforceable undertaking must:
  - a. state that, on acceptance of the EPA, it is an enforceable undertaking under the Act; and
  - b. acknowledge that the EPA alleges that the person has committed an offence against a stated provision of the Act; and
  - c. identify the facts and circumstances of the alleged offence; and
  - d. include 1 or more undertakings in relation to the alleged offence.
12. An enforceable undertaking is an alternative to prosecution and includes commitments by the company or individual, in response to an alleged breach, that are designed to improve environmental outcomes and prevent similar incidents occurring in the future.
13. On 14 January 2021, the EPA received a draft enforceable undertaking from Caltex (as advised in Question Time Brief (QTB) dated 26 March 2021).
14. On 3 March 2021, the EPA advised that it agreed in principle to progress an enforceable undertaking (as advised in the QTB dated 26 March 2021) because in this instance the EPA considers it was the appropriate regulatory response.
15. On 13 May 2021, the Enforceable Undertaking was executed ([Attachment B](#)).
16. Under this enforceable undertaking, Ampol Petroleum Pty Ltd (formerly known as Caltex Petroleum Pty Ltd) has agreed to pay \$150,000 to the Ginninderra Conservation Trust and \$50,000 to the Ginninderra Catchment Group which manages projects to improve the health of the Ginninderra Catchment and the Murrumbidgee River. The funds will be used for environmental works in the catchment.
17. The enforceable undertaking also provides that:
  - a. If Ampol contravenes the enforceable undertaking the EPA may exercise its powers to compel performance of the undertaking in accordance with section 136K of the Act
  - b. The enforceable undertaking may only be withdrawn from or amended with the EPA's written agreement in accordance with section 136H of the Act and may only be ended by the EPA in accordance with section 136I of the Act.

- c. Ampol acknowledges and agrees that the EPA may issue a media release about the enforceable undertaking referring to its terms and may from time to time publicly refer to the enforceable undertaking.

### Financial Implications

18. Ampol Petroleum Pty Ltd is responsible for all remediation costs, in addition to the Enforceable Undertaking.

### Consultation

19. The EPA continues to engage with Caltex and their environmental consultants in relation to their actions, monitoring compliance with the requirements of the Order.
20. On 24 May 2021, Mrs Narelle Sargent (the statutory office holder) met virtually with Schedule 2.2(a)(ii), National Environmental Manager Ampol Petroleum Pty Ltd, Schedule 2.2(a)(ii), Program Director Conservation Corridor and Schedule 2.2(a)(ii), Acting Chair Ginninderra Catchment Group, to advise that the Enforceable Undertaking had been executed and that there may be media attention.

### Work Health and Safety

21. Nil.

### Benefits/Sensitivities

22. This matter received media attention in mid-September 2020. The EPA continues to work with Caltex, as required, to undertake their stakeholder and community engagement.

### Communications, media and engagement implications

23. On-going engagement around further testing and any remediation required is the responsibility of Caltex. The EPA has no engagement planned on this matter.
24. Mrs Narelle Sargent will take the lead on all media approaches to the Government as the statutory office holder.
25. Talking points/quotes are provided at (Attachment C).

Signatory Name:	Nick Lhuede	Phone:	78606
	Executive Branch Manager		
Action Officer:	Narelle Sargent	Phone:	75787
	Environment Protection Authority		

**Attachments**

<b>Attachment</b>	<b>Title</b>
Attachment A	Site Map
Attachment B	Environmental undertaking to the ACT EPA by Ampol Petroleum Pty Ltd (formerly known as Caltex Petroleum Pty Ltd) (executed by both parties)
Attachment C	Talking points/quotes

## Attachment A: Site Map



**Environmental undertaking to the Australian  
Capital Territory Environment Protection  
Authority**

**by Ampol Petroleum Pty Ltd (formerly  
known as Caltex Petroleum Pty Ltd)**

**Given under section 136F of the *Environment Protection Act 1997***



# Background

## Introduction

- 1 Ampol Petroleum Pty Ltd (formerly known as Caltex Petroleum Pty Limited) (**Ampol**) is the holder of Environmental Authorisation No. 0749, granted under the *Environment Protection Act 1997* (ACT) (**EP Act**), which relates to the operation of a service station known as Kippax Holt, located at 1 Hardwick Crescent, Holt in the Australian Capital Territory (**Site**).
- 2 Between 18 December 2019 and 14 February 2020 (a period of 57 days) an estimated 79,900 litres of Vortex 98 gasoline product was released below ground from one of the underground storage tanks at the Site known as Tank 4 (**Incident**). The Incident caused contamination of soil and groundwater surrounding the Site.
- 3 The Environment Protection Authority (**EPA**) alleges that Ampol committed an environmental offence against section 138(3) of the EP Act by its conduct in relation to the Incident. This document is an environmental undertaking given by Ampol to the EPA under section 136F of the EP Act in relation to that alleged offence.
- 4 This environmental undertaking, if and when accepted by the EPA under section 136G of the EP Act by written notice given to Ampol, will be an enforceable undertaking under that Act.

## The Incident

- 5 The Site comprises a service station with retail shop and mechanic workshop. The Site has four underground petroleum storage tanks (including Tank 4), plus an underground waste oil tank and aboveground LPG vessel. The Site is operated by a franchisee.
- 6 Tank 4 is a single-walled steel tank. The tank is not fitted with cathodic protection, automatic tank gauging or electronic line leak detection. The tank is thought to be around 45 years old. It has a capacity of 20,600 litres.
- 7 On 12 February 2020, Ampol's processes identified a discrepancy in the volume of Vortex 98 gasoline being stored in Tank 4 at the Site. Testing was subsequently carried out to determine the cause of the discrepancy. All deliveries to, and dispensing from, the tank were suspended. On 14 February 2020, a variance of approximately 2,000 litres was reported for the static tank, confirming loss of product to the environment was occurring. It was later confirmed that an estimated 79,900 litres of product had been released below ground from Tank 4 between 18 December 2019 and 14 February 2020 (a period of 57 days).
- 8 Ampol subsequently found that the failure of Tank 4 was caused by corrosion on the floor of the tank. The identified corrosion mechanisms were typical of a single-walled steel underground storage tank of the age of Tank 4 without cathodic protection. Ampol also found that a number of its risk management controls had failed to prevent the failure of Tank 4, and to detect and action the loss, including the following:
  - (1) the daily wet stock reconciliation workflow procedures performed by Site's operator in order to reconcile variances in the stock at the Site and monitor inventory and environmental controls;

- (2) the monthly Statistical Inventory Reconciliation Analysis (**SIRA**) procedures performed by Ampol's SIRA service provider in order to analyse and reconcile the Site's inventory, delivery, and dispensing data; and
- (3) the monthly review and management of the SIRA findings by Ampol and its SIRA service provider.

## Response to the Incident

- 9 Ampol initiated immediate action in response to the Incident. A qualified environmental consultant and a specialist remediation contractor were engaged and responded within 24 hours. On 14 February 2020, around 5,900 litres were recovered from Tank 4 in order to empty it. Tank 4 was temporarily taken out of service in accordance with Australian Standard AS 4976 - 2008.
- 10 The presence of hydrocarbon product was detected in four out of five of the existing on-site groundwater monitoring wells installed at the Site. The recovery of contaminated groundwater and product from those wells commenced on 15 February 2020 and remains ongoing as at the date of this document. As of 31 July 2020, 23,551 litres of product and 143,993 litres of water had been recovered.
- 11 On 14 February 2020, Ampol verbally notified the EPA of the confirmed loss of product from Tank 4. An email summarising the initial response actions followed on 17 February 2020. Further notification was provided to the EPA via a completed contaminated land notification form on 21 February 2020.
- 12 On 3 March 2020, the EPA issued an environment protection order to Ampol in relation to the Incident pursuant to section 125 of the EP Act, namely Environment Protection Order No. 50048 (**EPO**). The EPO directed Ampol to meet several requirements including undertaking an on-site assessment of the risk to human health to demonstrate that the Site is suitable to continue operation as a service station. The EPO also required Ampol to prepare a report detailing the cause of the failure of Tank 4 that led to the Incident. Ampol met all requirements of the EPO by 30 April 2020.
- 13 Separately, on 13 March 2020, the EPA issued a notice pursuant to section 76(2) of the EP Act requiring Ampol to engage an independent environmental auditor to provide the EPA with an indication of the extent of contamination both on and off-site and determine the appropriateness of all investigations and remedial actions that have taken place. The audit also required Ampol to determine whether all areas impacted by the Incident remain suitable for their current permissible land uses with respect to the ACT Territory Plan. The Site Audit Report and Site Audit Statement was submitted to the EPA on 11 December 2020 in accordance with EPA's requirements.
- 14 The Site Audit Report and the Site Audit Statement have confirmed that:
  - (1) the Site is suitable for continued use as a service station and automotive mechanical workshop; and
  - (2) the areas surrounding the Site are suitable for continued existing uses.
- 15 It is also noted that:
  - (1) An on-site vapour assessment conducted in accordance with the EPO concluded that there was no evidence of unacceptable human health risk to the occupants of,



or visitors to, the Site with respect to the soil vapours and the Site is suitable to continue operating as a service station; and

- (2) An assessment of potential off-site human health risks has also been completed, which has determined that the vapour concentrations within nearby residential and commercial properties are low and do not present an unacceptable risk to occupants of those off-site receptors. Ampol has prepared and continues to implement a communications strategy to keep relevant stakeholders, including nearby residents and commercial workers, informed about the investigation works and their outcomes.
- 16 A long-term remediation strategy has been prepared for the management of contamination caused by the Incident. Ampol has prepared a remediation action plan for that purpose, which has been endorsed by the independent environmental auditor.
  - 17 Ampol has been in regular contact with the EPA since the Incident and has at all times cooperated with the EPA's investigation into the Incident.

### **The alleged offence**

- 18 Ampol acknowledges that the EPA alleges that Ampol has committed an offence against section 138(3) of the EP Act by polluting the environment causing material environmental harm or likely material environmental harm.

### **Statement of regret**

- 19 Ampol regrets the occurrence of the Incident and acknowledges the EPA's legitimate concerns in relation to the Incident.

### **Preventative actions**

- 20 Ampol has carried out, or is carrying out, a number of actions to prevent the occurrence of similar incidents, or incidents with similar causes, in the future. These include:
  - (1) developing and implementing a risk assessment and management plan for remaining tanks at the Site that will include replacement of the entire underground petroleum storage system);
  - (2) implementing improved monitoring and reporting for all Ampol underground petroleum storage systems;
  - (3) conducting a review of the performance of the Ampol business platform used for performing the daily wet stock reconciliation procedures (known as StarBOS), including by developing and implementing improvements to reduce false daily variances from occurring;
  - (4) providing training to all Ampol store managers on the improved daily wet stock reconciliation procedures;
  - (5) developing improved procedures for investigations triggered by anomalous SIRA data results, including by introducing a maximum time allowance for an

investigation to be completed and prioritising sites for investigation based on cumulative variance;

- (6) providing training to Ampol Business Managers, Regional Managers and other staff on the use of the SIRA service provider's web portal (known as Yellowfin) and relevant SIRA procedures, including the improved investigation procedures;
- (7) improving monthly SIRA reporting to provide key headlines to Ampol Management for investigation; and
- (8) reviewing the monthly SIRA governance structure to ensure objectives, attendance, roles and responsibilities and agenda are appropriate.

## Undertakings

### Contribution to Ginninderry Conservation Trust and Ginninderra Catchment Group

- 21 Ampol undertakes to pay a total sum of \$200,000, of which \$150,000 is to be allocated to the Ginninderry Conservation Trust and \$50,000 is to be allocated to the Ginninderra Catchment Group.

- 22 The amount of \$150,000 to the Ginninderry Conservation Trust is to be allocated to the following two projects:

Project name	Ampol contribution	Duration
Riparian Education and Training Program	\$120,000	2 years - \$60,000 per annum
Farm Dam Restoration	\$30,000 (3 dams at \$10,000 per dam)	12 months to complete restoration
<b>Total: \$150,000</b>		

- 23 The amount of \$50,000 to the Ginninderra Catchment Group is to be allocated to the following project:

Project name	Ampol contribution	Duration
Building a Healthy Ginninderra Catchment (Community Engagement)	\$50,000	2 years - \$25,000 per annum
<b>Total: \$50,000</b>		

- 24 The carrying out and completion of the relevant projects set out above in paragraphs 22 and 23 will be the sole responsibility of the Ginninderry Conservation Trust and Ginninderra Catchment Group respectively.
- 25 Ampol undertakes to pay the amounts set out in paragraph 21 above within 28 days of the execution of this document by both parties.

## Acknowledgements

- 26 Ampol acknowledges that this environmental undertaking, if and when accepted by the EPA under section 136G of the EP Act by written notice given to Ampol, will be an enforceable undertaking under that Act.
- 27 Ampol acknowledges that it is able to comply with the terms of this environmental undertaking.
- 28 Ampol acknowledges that the enforceable undertaking is a legally binding agreement and that if Ampol contravenes the enforceable undertaking the EPA may exercise its powers to compel performance of the undertaking in accordance with section 136K of the EP Act.
- 29 Ampol acknowledges that the enforceable undertaking may only be withdrawn from or amended with the EPA's written agreement in accordance with section 136H of the EP Act and may only be ended by the EPA in accordance with section 136I of the EP Act.
- 30 Ampol acknowledges that the enforceable undertaking has the effect provided for in section 136L of the EP Act but does not otherwise affect any rights or remedies available to the EPA or any other person or entity under the EP Act, or Ampol's statutory obligations under the EP Act.
- 31 Ampol acknowledges that the enforceable undertaking does not affect the EPA's powers to investigate a contravention of the EP Act arising from future conduct, or to pursue a criminal prosecution or exercise any other regulatory powers under the EP Act in respect of future conduct.
- 32 Ampol acknowledges and agrees that the EPA may issue a media release about the enforceable undertaking referring to its terms and may from time to time publicly refer to the enforceable undertaking.

Executed on 13 May 2021

**For and on behalf of Ampol Petroleum Pty Limited ACN 000 007 876** in accordance with section 127 of the *Corporations Act 2001* (Cth):



Signature of Director

JOANNE TAYLOR

Name of Director

Date: 13 MAY 2021



Signature of ~~Director~~/Company Secretary  
Virginia Papaluca

Name of ~~Director~~/Company Secretary

Date: 13 May 2021

**Accepted** by the **Environment Protection Authority** pursuant to section 136G of the *Environment Protection Act 1997* (ACT) by its duly authorised delegate:



Signature of authorised delegate

Narelle Sargent

Name of authorised delegate

Date: 12 May 2021



## **Attachment C: Talking points/quotes**

### **Quotes from Minister for Business and Better Regulation, Tara Cheyne MLA:**

Despite the spill and negative environmental impacts, this is a good result which will see Ampol contributing a significant amount of funding to projects directly benefiting the local catchment and community.

The Ginninderry Conservation Trust and the Ginninderra Catchment Group will be able to activate appropriate remediation works and enhance the catchment through many activities including education and training and dam restoration works.

This outcome should also serve as a reminder to industry that environmental incidents such as this can come at a significant cost, and preventing such incidents makes good business sense.

The community can report environmental incidents to the Environment Protection Authority by calling Access Canberra on 13 22 81 when the incident is occurring.

### **Quotes from Narelle Sargent, Environment Protection Authority:**

Ampol Petroleum Pty Ltd has entered into an Enforceable Undertaking with the ACT Environment Protection Authority (EPA) to pay \$150,000 to the Ginninderra Conservation Trust and \$50,000 to the Ginninderra Catchment Group which manages projects to improve the health of the Ginninderra Catchment and the Murrumbidgee River.

The Enforceable Undertaking is in response to a pollution incident that occurred in February 2020, where about 79,900 litres of fuel leaked from an underground storage tank into the soil and groundwater within the Ginninderra Catchment.

Enforceable Undertakings are a legally binding regulatory response that the EPA can use where it is concerned there has been a breach of environmental legislation.

An Enforceable Undertaking is an alternative to prosecution which requires actions that will directly benefit the environment and community. In this instance the EPA considers it is the appropriate regulatory response.

Enforceable Undertakings are just one of a number of tools the EPA can use to achieve environmental compliance, including formal warnings, licence conditions, orders, infringements and prosecutions.

The EPA must also take a range of factors into account before delivering a proportionate regulatory response, including the degree of environmental harm, whether or not there are any real or potential health impacts, if the action of the offender was deliberate, compliance history, public interest and best environmental outcomes.

The ACT EPA has accepted the resulting Environmental Undertaking and Ampol will pay a sum total of \$200,000 to the Ginninderry Conservation Trust and the Ginninderra Catchment Group for environmental works in the catchment.

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**Chief Minister, Treasury and Economic Development Directorate**

<b>To:</b>	Minister for the Environment and Heritage	Tracking No.:
<b>Date:</b>	17/09/2020	
<b>From:</b>	Narelle Sargent, Environment Protection Authority	
<b>CC:</b>	Deputy Director General, Access Canberra.	
<b>Subject:</b>	Factual update – Environmental incident Caltex Service Station, Holt	
<b>Critical Date:</b>	17 September 2020	
<b>Critical Reason:</b>	N/A	

- DDG      .../.../...
- EGM      .../.../...
- EMB      .../.../...

**Recommendations**

That you:

1. Note the information contained in this brief.

**Noted / Please Discuss**

Mick Gentleman MLA ...../...../.....

Minister's Office Feedback



## Background

1. Caltex Petroleum Pty Ltd (Caltex) holds Environmental Authorisation No. 0749 for the operation of a facility designed to store more than 50m<sup>3</sup> of petroleum products located at 1 Hardwick Crescent, Holt (Kippax).
2. This service station is operated by a Caltex franchise.
3. On 28 August 2020 you were formally briefed (20/59881) on the environmental incident and sought to be kept updated about the findings of the investigation.
4. This brief provides you with an update in relation to the current relevant facts of this matter.

## Issues

5. As you are aware, on 14 February 2020, the Office of the Environment Protection Authority ('the EPA') was advised by Caltex of a loss of approximately 80,000 litres, about the size of a standard residential swimming pool, of Vortex 98 (petroleum product) from their underground fuel storage tank which had entered the environment.
6. The tank that leaked has been emptied and is not in use. Caltex undertook extensive work to pump-out and recover petrol from the leak.
7. A timeline of relevant events is at 'Attachment A' to this brief.
8. This matter is an alleged breach of the Section 138(3) of the *Environment Protection Act 1997*, which states: "A person must not pollute the environment causing material environmental harm or likely material environmental harm".
9. As you are aware, on 3 March 2020, the EPA issued an Order on Caltex requiring the operator to remove any residual product from the affected tank, cease using the tank and to remove product from the environment.
10. The investigation by the EPA is ongoing.
11. Caltex continue to assess the nature and extent of contamination both on and off-site, including potential risks as required under the order issued by the EPA.
12. Where impacts are identified that have the potential to impact on human health, ACT Health will be advised. To date, no impacts have been identified.

## Update – progress of remediation

13. On 16 September, Caltex provided the EPA with an update on the vapour risk assessment works being conducted at Zara Gardens (residential complex) and the Scott Chambers (commercial building) as follows:
  - Resampling of Unit 1 has been now completed and there is no unacceptable risk to the residents of Unit 1
  - The results of the indoor air testing in Units 6 and 9 should be available early next week.

- Results of sampling in the second shop of the Scott Chambers building has shown low and acceptable indoor air concentrations with no unacceptable vapour intrusion risks.
  - The first round of sampling of the first shop of the Scott Chambers building did not indicate any significant vapour presence. The second round of testing of the first shop are not available.
14. Caltex will continue to keep the EPA updated as the further results become available.
15. Caltex expect to have the results of the investigation into the extent of the groundwater contamination next week.

#### Groundwater impacts

16. Due to the nature of these types of environmental incidents, groundwater is highly likely to be impacted. The EPA can confirm that in this matter there is groundwater contamination, however, the level of contamination and assessment of risk are still subject to investigation by Caltex in accordance with the requirements under the order issued by the EPA. The works being undertaken by Caltex, including sampling, will determine the nature and extent of contamination beyond the service station site, assess potential risks and will identify the requirements for any further remediation activities.
17. Groundwater in the ACT urban area is used for small scale irrigation and commercial uses. There are two licenced groundwater bores for irrigation purposes in that region. One bore is located at the Magpies Golf Course in Holt and is 2 kilometres from the Caltex Service station. Another bore is located in Macgregor and is 1.6 kilometres from the Caltex Service Station. Neither bore is down gradient of the groundwater flow path from the Caltex Service station and will not be affected by any plume.

#### Process

18. As previously advised, the National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM) provides a national risk-based framework for the assessment of site contamination in Australia. The legislation ensures there is adequate protection of human health and the environment, where site contamination is found to exist.
19. The ASC NEMP provides the formal methods for determining the nature, extent and levels of existing contamination and the actual or potential risk to human health or the environment on or off-site resulting from that contamination.
20. Caltex has engaged **Schedule 2.2(a)(ii)** of GHD Pty Ltd as the independent Contaminated Site Auditor.

### Community Engagement

21. Now that most of the testing has been completed, the EPA has been advised that Caltex will be undertaking further engagement with the adjacent owners/occupiers. In relation to the residential complex, the letter at 'Attachment B' and additional unit specific information will be provided by Caltex to all residents commencing from 18 September 2020. The letter notes that the results confirm that vapour concentrations within the units along Hardwick Crescent are low and typical of normal concentrations found inside homes and are therefore not of concern.
22. The Office of the EPA will continue to engage with Caltex and when testing is completed within the next week, will determine the extent of engagement by the EPA with the potentially affected owners/occupiers. This may include direct engagement as part of the EPA's ongoing investigation.

### **Financial Implications**

23. Nil.

### **Consultation**

24. The Office of the EPA continues to engage with Caltex and their environmental consultants in relation to their actions, monitoring compliance with the requirements of the order.
25. There has been no further consultation in relation to the matters raised in this brief.

### **Benefits/Sensitivities**

26. This matter has received media attention and there appears to be a level of uncertainty around the impacts on adjoining owners/occupiers. As noted above, as the investigation by Caltex draws to a close, the officer of the EPA will work with Caltex to provide further information to potentially affected owners/occupiers. The EPA understands that Caltex will be engaging with the residents of the residential complex, the Raiders Club and the commercial building owner/occupiers commencing on 18 September 2020, advising of the contaminated site auditor's findings to date.

### **Communications, media and engagement implications**

27. The matter is now the subject of Media attention.
28. On 17 September 2020, Caltex issued a media statement. A copy of the statement is at 'Attachment C'.
29. The EPA as a statutory office will take the lead on all media approaches to the Government.

OFFICIAL

Signatory Name:  
Narelle Sargent

Phone:  
75787

Action Officer:  
Narelle Sargent

Phone:  
75787

**Attachments**

Attachment	Title
Attachment A	Timeline of actions and events
Attachment B	Caltex Letter to Residents of Zara Gardens
Attachment C	Caltex Media Statement

## Attachment A

## Timeline of actions and events

Date	Action/Event
14 February 2020	EPA advised of the environmental incident
17 February 2020	Dangerous Substances Licensing, WorkSafe ACT notified of the incident.
21 February 2020	EPA received completed contaminated land notification from Caltex
3 March 2020	EPA issues order to Caltex requiring they remove any residual product from the affected tank, cease using the tank and to remove product from the environment
24 July 2020	Soil vapour measurements were conducted
28 July 2020	EPA provided report on progress of Community Consultation process
3 August 2020	Soil vapour measurements were conducted
16 September 2020	Caltex provides EPA with update on the vapour risk assessment works being conducted at Zara Gardens and the Scott Chambers building
17 September 2020	<p>Caltex advise EPA of the following:</p> <ul style="list-style-type: none"> <li>• Results to date indicate there are no unacceptable health risks at the site or to occupants of adjacent properties.</li> <li>• Remediation works on the site continues</li> <li>• Buildings in the surrounding area will not need to be demolished.</li> <li>• Vapour concentrations within the units at Zara Gardens are low and typical of normal concentrations found inside homes. They are not of concern.</li> <li>• Further vapour testing at Zara Gardens may be undertaken in early 2021 as a precautionary measure.</li> </ul>

17 September 2020

The Residents  
Zara Gardens  
51 Flack Street  
HOLT ACT

Dear Sir/Madam

**Results of Environmental Testing at Zara Gardens**

I am writing on behalf of Caltex Australia Petroleum Pty Limited (Caltex) to advise that environmental testing of the common areas of Zara Gardens driveway and some indoor air in the ground floor units along Hardwick Crescent is now complete, and to advise you of the results of these tests.

As you know, Caltex's environmental consultant, WSP Australia Pty Limited (WSP), has been investigating the environmental impacts of a petrol leak from one of the underground fuel storage tanks at the service station on Hardwick Crescent.

Initial groundwater testing undertaken by WSP indicated the fuel contamination had seeped under Hardwick Crescent. Further testing within Zara Gardens was therefore required to determine the nature and extent of contamination and provide assurances about the health and safety of unit occupants, other residents and the broader community.

WSP's vapour measurements in the ground floor units tested the presence of a wide range of compounds, typically found in fuel, to see if they had permeated through the floor from the soil beneath and were present in the air within the units. I can advise that the results confirm vapour concentrations within those units at Zara Gardens are low and typical of normal concentrations found inside homes and therefore are not of concern.

While the results were low, as a precautionary measure, we may wish to conduct further testing, possibly in early 2021, to confirm that the conditions remain unchanged in a warmer season.

On behalf of Caltex and WSP, I thank you for allowing us to undertake this testing which has enabled us to confirm the health and safety of the occupants within Zara Gardens.

If you would like more information about the results of our investigations, have any further questions or would like to provide additional feedback, please contact myself on [Schedule 2.2\(a\)\(ii\)](#) or [Schedule 2.2\(a\)\(ii\)](#) [@caltex.com.au](mailto:Schedule 2.2(a)(ii)@caltex.com.au), or the following WSP representatives:

- [Schedule 2.2\(a\)\(ii\)](#) [@wsp.com](mailto:Schedule 2.2(a)(ii)@wsp.com)
- [Schedule 2.2\(a\)\(ii\)](#) [@wsp.com](mailto:Schedule 2.2(a)(ii)@wsp.com)

Yours faithfully

[Schedule 2.2\(a\)\(ii\)](#)

National Environmental Manager  
Caltex Australia Petroleum Pty Ltd

cc: WSP Australia Pty Limited - [Schedule 2.2\(a\)\(ii\)](#)  
WSP Australia Pty Limited - [Schedule 2.2\(a\)\(ii\)](#)

**MEDIA STATEMENT – CALTEX HOLT  
ISSUED 9.15PM, 16 SEPTEMBER 2020**

**General statement**

“In February 2020 Caltex notified the EPA of an underground release of petroleum product at our franchise store in Holt, ACT. The pumps involved were immediately shut down, remaining product in the impacted tank was removed and impact mitigation commenced. Since February we have worked with the EPA, an independent environmental auditor and local stakeholders to further investigate the extent of contamination to ensure there are no risks to human health and the environment.

Recent work has included several rounds of comprehensive vapour investigations at the site, on the adjoining roadways and at nearby commercial and residential properties. These works have been delivered with the consent of occupants and owners. Results to date have shown that there are no unacceptable health risks at the site or to occupants of the neighbouring commercial and residential properties.

Caltex is extremely disappointed that this has happened. We are undertaking the remediation work as thoroughly and expediently as possible and will continue to update the EPA as work progresses. As soon as the works are complete, a report will be submitted to the EPA and outcomes will be made available to occupants and owners of the neighbouring properties.”

**Specific Q&A**

If you know there is no risk to human health why have you not yet communicated with residents?

“Vapour investigation has only recently been completed and updates will be issued over the next week. A project contact number has been provided to residents in our initial engagement with residents to answer ongoing questions about the works being delivered.”

Is there a chance Caltex will need to demolish buildings?

“Buildings in the surrounding area will not need to be demolished.”

Schedule 2.2(a)(ii)

**Head of Corporate Affairs**

**Ampol Limited**

2 Market St, Sydney NSW 2000

M +61 Schedule 2.2(a)(ii)