



# *Government Gazette*

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# PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) REGULATION 2022

## Order granting exemption under section 150

### Discharge of per-and poly-fluoroalkyl substances (PFAS) firefighting foams

#### Background

A previous exemption granted under Section 150 of the *Protection of the Environment Operations (General) Regulation 2022 (Regulation)* is due to expire on 26 September 2024.

#### Introduction

This current exemption revokes and replaces the exemption made under Section 150 of the Regulation (Gazette Reference no2023-1746) published 21 September 2023.

This exemption:

- 1.1. is issued by the Environment Protection Authority (EPA) under section 150 of the *Protection of the Environment Operations (General) Regulation 2022 (Regulation)*,
- 1.2. exempts, subject to the conditions of this Order, the persons listed in Column 1 of the table in Schedule 1 to this Order from the prohibition under section 148 of the Regulation on the discharge of prescribed long-chain PFAS firefighting foam at the premises listed in Column 2 of the table in Schedule 1 to this Order, but only to prevent, extinguish or attempt to extinguish a fire that is:
  - a) a catastrophic fire, or
  - b) a fire that has the potential to be a catastrophic fire.

#### 2. Conditions

- 2.1. This exemption applies to the discharge of prescribed long-chain PFAS firefighting foam to prevent, extinguish or attempt to extinguish a catastrophic fire or a fire that has the potential to be a catastrophic fire.
- 2.2. The persons to which this Order applies must provide the EPA with a plan to phase out the use of prescribed long-chain PFAS firefighting foam at the person's premises.
- 2.3. The persons listed in this Order must demonstrate, to the satisfaction of the EPA, the implementation of their plan to phase out the use of prescribed long-chain PFAS firefighting foam.
- 2.4. This order has effect from 26 September 2024 until 30 June 2025 unless otherwise varied or revoked by the EPA.

#### Definitions

Terms in this Order have the same meaning as in the Regulation.

**GREG SHEEHY**

**Acting Executive Director**

**NSW Environment Protection Authority (EPA)**

(by delegation)

**Date 24/9/2024**

**Schedule 1**

<b>Column 1</b>	<b>Column 2</b>
<b>Persons to which the exemption applies</b>	<b>Premises to which this exemption applies</b>
<b>AMPOL Australia Petroleum Pty Ltd ACN 000 032 128</b>	<b>AMPOL Banksmeadow Fuel Terminal Penrhyn Road, Banksmeadow NSW Lot 26 and 28 DP1126332, Lot 1 DP1050144, Lot 1 DP874710</b>
<b>Ampol Refineries (NSW) Pty Ltd ACN 000 108 725</b>	<b>Ampol Kurnell Fuel Terminal 2 Solander Street, Kurnell NSW Lots 56, 57 and 62 DP 908, Part Lot 11, Part Lot 12, Lots 189 and 190 DP 7632, Lots 43, 44, 45 and 46, Part Lot 77, Lots 78 and 79, Part Lot 122, Part Lot 123, Part Lot 124, Part Lot 125 DP 8135, Lot 48, 77, 78 and 81 DP 9564, Part Lot 1, Part Lot 2 DP 215818, Lot 1 DP 215819, Lot D, Part Lot F, Lot G DP 361103, Lots H, J, K DP 362655, Lot 570 DP 752064, Lot 1 DP 1044690, Lot 283 DP752064, Lot B DP 338897, Lot 24 and 25 DP 776328, Lot 1 DP 132055</b>
<b>Port Botany Operations Pty Ltd ACN 161 204 342</b>  <b>Person(s) operating under a licence issued under the <i>Protection of the Environment Operations Act 1997</i> at the premises nominated in Column 2.</b>	<b>Port Botany Operations Pty Ltd Fishburn Road &amp; Charlotte Road, Port Botany NSW Lot 3 DP 1165618</b>

<b>Stolthaven Australia Pty Ltd</b> <b>ACN 075 030 992</b>	Mayfield North, 103 Selwyn Street. Mayfield North, NSW Lot 2, DP 1177466 & Lot 39, DP 1191723
<b>Sydney Metropolitan Pipeline Pty Ltd</b> <b>ACN 001 351 793</b>	Sydney Metropolitan Pipeline Pty Ltd Cnr Holkington and Newington Road, Silverwater, NSW Lot 23 DP876995
<b>Terminals Pty Ltd</b> <b>ACN 000 348 407</b>	Site A, Gate B38, 45 Friendship Road, Port Botany, NSW. 2036 Lots 16,17 and 18, DP 1126332 and Lot 102, DP 1182871  Site C, Gate B32, 51 Friendship Road, Port Botany, NSW. 2036 Lot 104, DP 1182871
<b>Viva Energy Australia Pty Ltd</b> <b>ACN 004 610 459</b>	Viva Energy Australia Pty Ltd Clyde Terminal Gate 4, Durham St, Rosehill, NSW Lot 1, DP 383675 Lot 101, DP809340 Lot 2, DP 1271927  Gore Bay Port Facility (Gore Bay Terminal) Cnr Manns Avenue and Greenwich Road, Greenwich, NSW Lot 1, DP 229766  Parramatta Terminal Gate 4 Durham Street, Rosehill, NSW Lot 2, DP 1271927