

UPSS LEAK NOTIFICATION

In accordance with Part 5.7 of the *Protection of the Environment Operations Act 1997 (POEO Act)*, the relevant authority (Council) must be notified of a pollution incident by the person responsible for the underground petroleum storage system (UPSS) site. Where the notification is verbal, a written notification using a [leak notification form](#)²¹ should be submitted within 7 days.

Council officers may receive incident notification for the following types of incidents on a UPSS site:

- A leak or spill has occurred and/or has been verified with loss monitoring.
- There is evidence of free-phase hydrocarbons in surface water or groundwater.
- Offsite migration of hydrocarbons has occurred, or there is evidence of it occurring.

ENVIRONMENTAL COMPLIANCE AND INSPECTION ROLE

When reviewing documentation associated with environmental compliance monitoring and inspection, Council should be aware of the following.

Table 11: Checklist for UPSS leak notification form

Leak notification form sections (Part 5.7 of the POEO Act)	What exactly? (Requirements/guidance of the UPSS Regulation or the NSW EPA fact sheet and Australian Standards, where available)	Included (Y/N)	Adequate (Yes/No)	Comments and remedy (why 'no'? how is compliance reached?)
Reason for submitting the notification	<p>Has a reason for notification been provided?</p> <ul style="list-style-type: none"> • There is a leak from the UPSS, verified by loss detection or incident management procedures, which is causing or threatens material harm to human health and the environment. • There is evidence on the site of free-phase hydrocarbons in surface water and/or in groundwater. • There is evidence that offsite migration of hydrocarbons could occur, is occurring or has occurred. 			
UPSS site details	<p>Are the following details included in the notification form?</p> <ul style="list-style-type: none"> • site name and address • nature of activity at the site • local Council • SafeWork NSW hazardous chemicals on premises (formerly dangerous goods) licence or notification details, environment protection licence details (if applicable) 			
Site characteristics	<p>Are the following details about site characteristics provided?</p> <ul style="list-style-type: none"> • lithology (type of soil) • depth to groundwater • direction of groundwater 			

²¹<https://www.environment.nsw.gov.au/resources/clm/09309upssleaknotify.pdf>

UPSS LEAK NOTIFICATION

Table 11 (Cont.): Checklist for UPSS leak notification form

Leak notification form sections (Part 5.7 of the POEO Act)	What exactly? (Requirements/guidance of the UPSS Regulation or the NSW EPA fact sheet and Australian Standards, where available)	Included (Y/N)	Adequate (Yes/No)	Comments and remedy (why 'no'? how is compliance reached?)
Details of the incident	<p>Are the following details of incident provided?</p> <ul style="list-style-type: none"> • nature of incident (leak or spill) • date of incident occurrence or leak identification • location of leak • duration of leak • cause of leak (if known) • location where pollution has occurred or is occurring • nature of any pollutants involved (for example, petrol, diesel, oil, kerosene) • approximate volume of pollutant released 			
Receptors	<p>Are the details about receptors included?</p> <ul style="list-style-type: none"> • aspects of the environment affected by the leak (that is, soil, groundwater, air, surface water, stormwater, sediments) • evidence of offsite migration 			
Actions taken or proposed to deal with the leak	<p>Are the details of actions taken or proposed included in the form?</p> <ul style="list-style-type: none"> • description of actions taken or proposed actions 			
Details of the person responsible for UPSS site	<ul style="list-style-type: none"> • Name of person responsible for UPSS site • Name of person onsite during the time of the incident • Contact details 			

Note: POEO Act = Protection of the Environment Operations Act 1997; UPSS Regulation = Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019; UPSS = underground petroleum storage system.