



Government of **Western Australia**
Department of **Environment Regulation**

Your ref: L7034/1997/10
Our ref: 2010/002801
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Mr Edward Culloton
Humpty Doo Farm Bringgo
PO Box 5
MOONYOONOOKA WA 6532

Dear Mr Culloton

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED

Premises

Humpty Doo Farm Bringgo
2182 Geraldton-Mount Magnet Road
BRINGO WA 6532

Licence Number: L7034/1997/10

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment Regulation will advertise the issuing of this licence in the public notices section of *The West Australian* newspaper.

The licence includes attached conditions. Under section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1)(c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal contact the Office of the Appeals Convenor on 6467 5190 or by email at admin@appealsconvenor.wa.gov.au.

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date.

If you have any queries regarding the above information, please contact Steve Checker on 9964 0901.

Yours sincerely

Kerry Laszig
Officer delegated under section 20
of the *Environmental Protection Act 1986*

12 June 2014

The Atrium, 168 St Georges Terrace, Perth WA 6000
Phone (08) 6467 5000 Fax (08) 6467 5562
Postal Address: Locked Bag 33, Cloisters Square, Perth WA 6850
www.der.wa.gov.au



Licence

Environmental Protection Act 1986, Part V

Licensee: Edward John Culloton

Licence: L7034/1997/10

Registered office: 6802 Mullewa-Mt Magnet Road
GERALDTON WA 6532

Premises address: Humpty Doo Farm Bringo (Geraldton)
2182 Geraldton-Mount Magnet Road
BRINGO WA 6532
Being Lot 138 on Plan 302154 as depicted in Schedule 1.

Issue date: Thursday, 12 June 2014

Commencement date: Wednesday, 19 June 2014

Expiry date: Tuesday, 18 June 2019

Prescribed premises category
Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
63	Class I inert landfill site: premises on which waste (as determined by reference to the waste types set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the CEO and as amended from time to time) is accepted for burial.	500 tonnes or more per year	1000 tonnes per annual period

Conditions

The Licence is subject to the conditions set out in the attached pages.

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Officer delegated under section 20
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained within the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link: <http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.



You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non-payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

Humpty Doo Farm is an inert landfill premises, located approximately 20km north-east of Geraldton. Used tyres are the only waste that can be accepted and landfilled at the premises which is licensed for a throughput of not more than 1000 tonnes per annual period. The nearest residence is located approximately 20m from the south west corner of the premises.

The main potential emissions from the site are fugitive emissions in the form of dust. The landfilling activities on the premises are only undertaken when there is minimal wind, and water is used for dust suppression if needed.

The licence is the result of an amendment sought by DER to convert the existing licence to a new format REFIRE licence. The amendment does not alter any emissions or discharges from the premises.

The licences and works approvals issued for the Premises since 13/06/2000 are:

Instrument log		
Instrument	Issued	Description
L7034/1997/4	13/06/2000	Licence re-issue
L7034/1997/5	24/07/2001	Licence re-issue
L7034/1997/6	19/06/2002	Licence re-issue
L7034/1997/7	28/07/2003	Licence re-issue
L7034/1997/8	14/06/2004	Licence re-issue
L7034/1997/9	07/05/2009	Licence re-issue
L7034/1997/10	12/06/2014	Licence re-issue - REFIRE format

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

'**100 car tyre equivalents**' means 2 cubic metres of shredded, broken or pieces of used tyres or any multiple of 2 cubic metres of shredded, broken or pieces of used tyres;

'**Act**' means the *Environmental Protection Act 1986*;

'**annual period**' means the inclusive period from 1 January until 31 December in the same year;

'**CEO**' means Chief Executive Officer of the Department of Environment Regulation;

'**CEO**' for the purpose of correspondence means;

Manager Licensing (Midwest)
Department of Environment Regulation
PO Box 72
GERALDTON WA 6531
Telephone: (08) 9964 0901
Facsimile: (08) 9921 5713
Email: GeraldtonIR@der.wa.gov.au;

'**code of practice for the storage and handling of dangerous goods**' means document titled "Storage and handling of dangerous goods: Code of Practice" published by the Department of Mines and Petroleum, as amended from time to time;

'**controlled waste**' has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

'**dangerous goods**' has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

'**environmentally hazardous material**' means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

'**fugitive emissions**' means all emissions not arising from point sources;

'**Inert Waste Type 2**' has the meaning defined in *Landfill Definitions*;

'**Landfill Definitions**' means the document titled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer of the Department of Environment as amended from time to time.



'Licence' means this Licence numbered L7034/1997/10 and issued under the *Environmental Protection Act 1986*;

'Licensee' means the person or organisation named as Licensee on page 1 of the Licence;

'Premises' means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

'quarantined storage area or container' means a hardstand storage area or sealed-bottom container that is separate and isolated from authorised waste disposal areas and is capable of containing all non-conforming waste and its constituents, these areas must be clearly marked and their access restricted to authorised personnel;

'rehabilitation' means the completion of the engineering of a landfill cell and includes capping and/or final cover;

'Schedule 1' means Schedule 1 of this Licence unless otherwise stated;

'Schedule 2' means Schedule 2 of this Licence unless otherwise stated;

'usual working day' means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia;

'windrows' means parallel rows where each row of tyres is no more than 3 metres high and no more than 4 metres wide and separated by a minimum of 3 metres of clear ground from any other row.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the current version of the guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.2 General conditions

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.

1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.5 The Licensee shall:

- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and



- (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.¹

Note 1: The *Environmental Protection (Unauthorised Discharges) Regulations 2004* make it an offence to discharge certain materials into the environment.

1.3 Premises operation

1.3.1 The Licensee shall only accept waste on to the Premises if:

- (a) it is of a type listed in Table 1.3.1; and
(b) the quantity accepted is below any quantity limit listed in Table 1.3.1; and
(c) it meets any specification listed in Table 1.3.1.

Table 1.3.1: Waste acceptance

Waste type	Quantity limit tonnes/ annual period	Specification ¹
Inert Waste Type 2	1000	Limited to tyres

Note 1: Additional requirements for the acceptance of controlled waste (including asbestos and tyres) are set out in the *Environmental Protection (Controlled Waste) Regulations 2004*.

1.3.2 The Licensee shall ensure that where waste does not meet the waste acceptance criteria set out in condition 1.3.1 it is removed from the Premises by the delivery vehicle or, where that is not possible, stored in a quarantined storage area or container and removed to an appropriately authorised facility as soon as practicable.

1.3.3 The Licensee shall ensure that wastes accepted onto the Premises are only subjected to the process(es) set out in Table 1.3.2 and in accordance with any process limits described in that Table.

Table 1.3.2: Waste processing

Waste type	Process(es)	Process limits ¹
Inert Waste Type 2	Receipt, handling, associated storage and disposal of waste by landfilling	<ul style="list-style-type: none"> No waste shall be temporarily stored or landfilled within 35 metres from the boundary of the premises. The separation distance between the base of the landfill and the highest groundwater level shall not be less than 2m. Less than 100 car tyre equivalents may be stored at the premises at any one time. Used tyres stored in the open shall be arranged in windrows to allow access by fire fighting equipment and the windrows are at least 1 to 1.5 metres in distance. Tyres shall not be burnt on the premises.

Note 1: Requirements for landfilling tyres are set out in Part 6 of the *Environmental Protection Regulations 1987*.

1.3.4 The Licensee shall manage the landfilling activities to ensure:

- (a) waste is levelled and compacted as soon as practicable after it is discharged; and
(b) waste is placed and compacted to ensure all faces are stable and capable of retaining rehabilitation material; and
(c) rehabilitation of a cell or phase takes place within 6 months after disposal in that cell or phase has been completed.



1.3.5 The Licensee shall ensure that cover is applied and maintained on landfilled wastes in accordance with Table 1.3.3 and that sufficient stockpiles of cover are maintained on site at all times.

Waste Type	Material	Depth	Timescales
Inert Waste Type 2	Type 1 Inert waste or soil	100mm	At regular intervals such that no more than 1000 tyres are left exposed at any one time.

Note 1: Additional requirements for final cover of tyres are set out in Part 6 of the *Environmental Protection Regulations 1987*.

1.3.6 The Licensee shall implement the following security measures at the site:

- (a) erect and maintain suitable fencing to prevent unauthorised access to the site; and
- (b) ensure that any entrance gates to the premises are securely locked when the premises are unattended; and
- (c) undertake regular inspections of all security measures and repair damage as soon as practicable.

1.3.7 The Licensee shall ensure that fire-fighting equipment stored on the premises is capable of controlling and extinguishing a tyre fire.

1.3.8 The Licensee shall take immediate steps to extinguish any fire at the premises.

2 Emissions

2.1 General

2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit or target specified in any part of section 2 of this Licence.

2.2-2.4 Point source emissions to air, surface water and groundwater

There are no specified conditions relating to point source emissions to air, surface water or groundwater in these sections.

2.5 Emissions to land

There are no specified conditions relating to emissions to land in this section.

2.6 Fugitive emissions

2.6.1 The Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.

2.6.2 The Licensee shall ensure that no visible dust generated by the activities of the Premises crosses the boundary of the Premises.

2.7-2.8 Odour and noise

There are no specified conditions relating to odour or noise in this section.



3 Monitoring

3.1 General monitoring

There are no specified conditions relating to general monitoring in this section.

3.2-3.4 Monitoring of point source emissions to air, surface water and groundwater

There are no specified conditions relating to monitoring of point source emissions to air, surface water or groundwater in these sections.

3.5 Emissions to land

There are no specified conditions relating to monitoring of emissions to land in this section.

3.6 Monitoring of inputs and outputs

3.6.1 The Licensee shall undertake the monitoring in Table 3.6.1 according to the specifications in that table.

Table 3.6.1: Monitoring of inputs and outputs				
Input/Output	Parameter	Units	Averaging period	Frequency
Waste Inputs	Inert Waste Type 2	Number and type of tyres	N/A	Each load arriving at the Premises
Waste Outputs	Waste type as defined in the Landfill Definitions	<u>Tyres</u> Number and type of tyres <u>Other waste types</u> m ³	N/A	Each load leaving or rejected from the Premises

3.7 Process monitoring

There are no specified conditions relating to process monitoring in this section.

3.8-3.9 Ambient environmental quality and meteorological monitoring

There are no specified conditions relating to ambient environmental quality and meteorological monitoring in this section.



Improvements

4.1 Improvement program

3.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date of completion in Table 4.1.1.

3.1.2 The Licensee, for improvements not specifically requiring a written submission, shall write to the CEO stating whether and how the Licensee is compliant with the improvement within one week of the completion date specified in Table 4.1.1.

Table 4.1.1: Improvement program		
Improvement reference	Improvement	Date of completion
IR1	The Licensee shall install permanent markers along the boundary of the landfill area within the premises so it can be identified on the ground.	01 November 2014

5 Information

5.1 Records

5.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.

5.1.2 The Licensee shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.

5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.

5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

5.2 Reporting

5.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 90 calendar days after the end of the annual period (i.e. 30 March in a leap year; 31 March in a non-leap year). The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.



Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
Table 3.6.1	Summary of inputs and outputs	
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified
-	Measures taken to suppress dust	

Note 1: Forms are in Schedule 2

5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day. Part B: As soon as practicable	N1
-	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution		

Note 1: Notification requirements in the licence shall not negate the requirement to comply with s72 of the Act

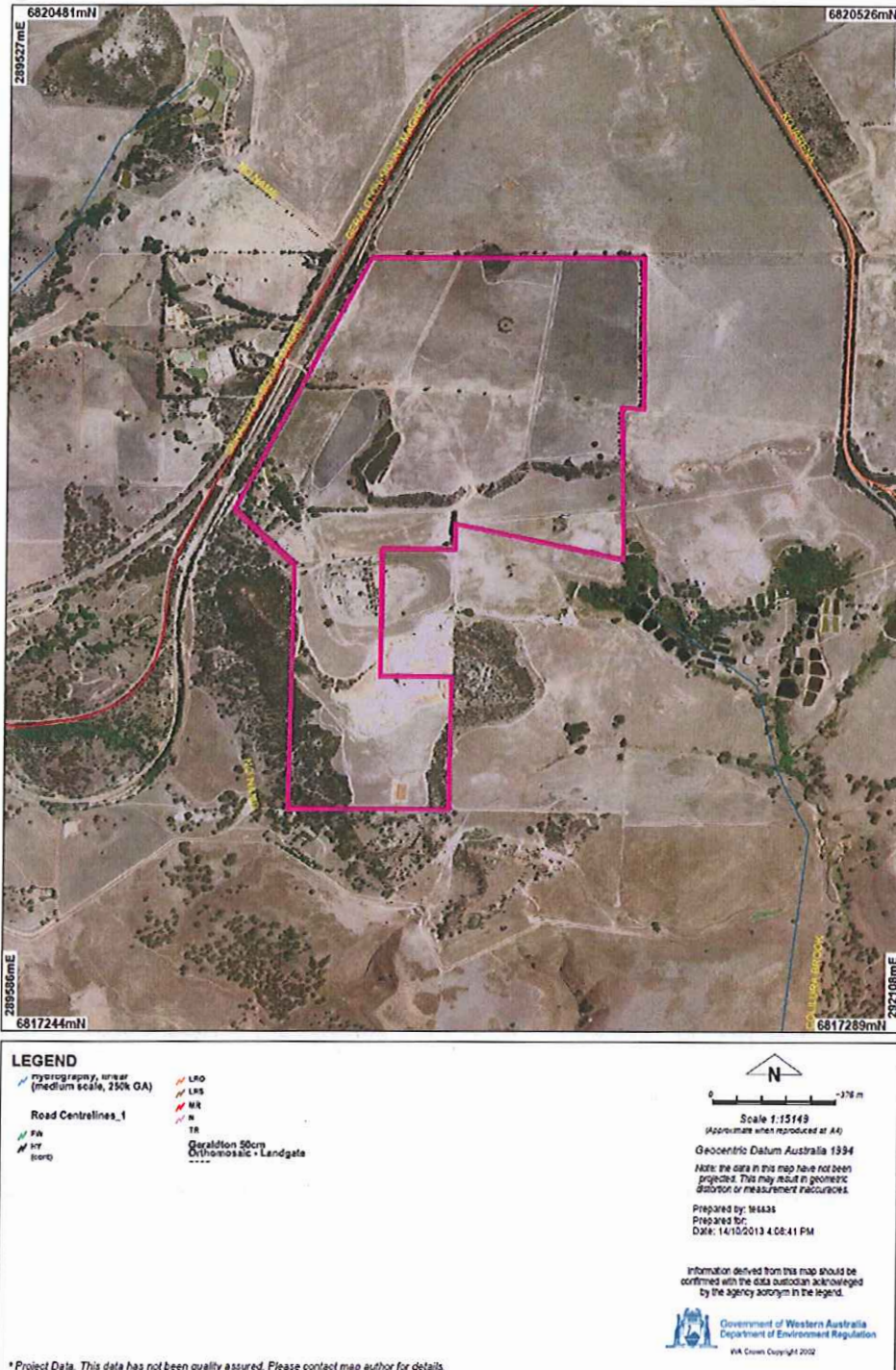
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary.





Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name: Trading as:	ABN:
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes Please proceed to Section C

No Please proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



SECTION C

SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) may only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME:
(printed) _____

NAME:
(printed) _____

POSITION: _____

POSITION: _____

DATE: ____/____/____

DATE: ____/____/____

SEAL (if signing under seal)



Licence: L7034/1997/10
Form: N1

Licensee: Edward Culloton
Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Edward Culloton	
Date	