



Licence

Environmental Protection Act 1986, Part V

Licensee: Malatesta Investments Pty Ltd

Licence: L6561/1995/11

Registered Office: Lot 2, South Western Highway
DAVENPORT WA 6230

ACN: 009 052 608

Premises Address: Malatesta Road Paving and Hot Mix and Green Organic Recycling Contractors
South Western Highway
DAVENPORT WA 6230
Being Lot 2 on Plan 17617 as depicted in Schedule 1

Issue Date: Thursday, 6 March 2014

Commencement Date: Wednesday, 19 March 2014

Expiry Date: Saturday, 18 March 2017

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
35	Asphalt manufacturing: premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at a place or premises other than those premises.	Not applicable	48 000 tonnes per annual period
67A	Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils.	1 000 tonnes or more per year	50 000 tonnes per annual period

Conditions of Licence

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

Date signed 4 February 2016

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Jonathan Bailes
Manager Licensing (Process Industries)
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 regulates 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

Malatesta Investments Pty Ltd has been operating the Malatesta Road Paving and Hot Mix asphalt manufacturing plant since 1995 on the southern section of Lot 2 on Plan 17617 and has been operating the Malatesta Green Organic Recycling Contractors composting facility on the northern section of the same lot for the past 15 years.

The main operations associated with the asphalt manufacturing plant that occur onsite include:

- Storage of aggregate;
- Storage of asphalt/ bitumen/hydrocarbons; and
- Hot mixing plant and storage/transfer bin.

Asphalt manufacturing is a continuous process operating six hours a day, five days a week with the occasional Saturday work. The plant operates a total of 200 days a year. Opening hours vary from day to day but production normally starts between 6 am and midday.

Exhaust gases from the drum mixer are passed through a wet scrubber prior to release through a stack. Discharge from the wet scrubber is put into two lined sedimentation ponds. The waste water is recycled back through a silt removal unit and returned to the system.

The main operations associated with the composting facility that occur onsite include:

- Storage of organic waste (windrows);
- Compost and vermicompost windrows;
- Compost maturation windrows; and
- Runoff and leachate collection and storage.

The composting facility accepts domestic green waste but also accepts other solid organic wastes. These include tree trunks up to a diameter of 300 mm, which they mulch and compost and deliver the end product to customers.

The main emissions of concern from the composting facility are run-off leachate from the compost windrow's and odour. Composting occurs on a hotmix/bitumen area and waste storage on a compacted soil area. This is managed by directing run-off containing leachate to a plastic lined retention pond (no water balance has been undertaken for the capacity of the pond). This is then re-circulated back to the windrows to aid in the composting process.

Previously the composting facility has been operated under Licence L7401/1998/9 and the asphalt manufacturing facility under Licence L6561/1995/11. As these facilities are both located on Lot 2 on Plan 17617 South Western Highway, Davenport, and operated by the same Licensee, Malatesta Investments Pty Ltd, the conditions from the composting licence are being transferred to the asphalt manufacturing licence so that both facilities will operate under one licence.



The licences and works approvals issued for the Premises since 15/03/2011 are:

Instrument log		
Instrument	Issued	Description
L6561/1995/10	15/03/2011	License reissue
L6561/1995/10	26/7/2013	Licence amendment to convert licence into new licence template
L6561/1995/11	06/03/2014	Licence reissue
L6561/1995/11	04/02/2016	Licence amendment to transfer the conditions of the composting licence L7401/1998/9 onto this licence.

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:

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

'annual period' means the inclusive period from 1 July until 30 June in the following year;

'AS 4323.1' means the Australian Standard AS4323.1 *Stationary Source Emissions Method 1: Selection of sampling positions*;

'averaging period' means the time over which a limit is measured or a monitoring result is obtained;

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

'CEO' for the purpose of correspondence means:

Chief Executive Officer
Department Administering the Environmental Protection Act 1986
Locked Bag 33
CLOISTERS SQUARE WA 6850
Email: info@der.wa.gov.au;

'clean water' means water that prior to being used as scrubber feed is either fresh potable water or recirculated water that has passed through at least two stages of settling;

'feedstock' means the solid organic material used in the composting process and listed in Table 1.3.1;



'freeboard' means the distance between the maximum water surface elevations and the top of retaining banks or structures at their lowest point;

'leachate' means liquid released by or water that has percolated through waste and which contains some of its constituents;

'Licence' means this Licence numbered L6561/1995/11 and issued under the Act;

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

'organic waste' means all solid food and food processing wastes, paper wastes and manures;

'NATA' means the National Association of Testing Authorities, Australia;

'NATA accredited' means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;

'normal operating conditions' means any operation of a particular process (including abatement equipment) excluding start-up, shut-down and upset conditions, in relation to stack sampling or monitoring;

'PM' means total particulate matter including both solid fragments of material and minuscule droplets of liquid;

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

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

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

'shut-down' means the period when plant or equipment is brought from normal operating conditions to inactivity;

'solid waste' means waste that is spadeable;

'stack test' means a discrete set of samples taken over a representative period at normal operating conditions;

'start-up' means the period when plant or equipment is brought from inactivity to normal operating conditions;

'STP dry' means standard temperature and pressure (0°Celsius and 101.325 kilopascals respectively), dry;

'USEPA' means United States (of America) Environmental Protection Agency; and

'USEPA Method 5' means the promulgated Test Method 5 – Determination of Particulate Matter Emissions from Stationary Sources;

'USEPA Method 6' means the promulgated Test Method 6 – Determination of Sulfur Dioxide Emissions from Stationary Sources;

'USEPA Method 6C' means the promulgated Test Method 6C – Determination of Sulfur Dioxide Emissions from Stationary Sources (Instrumental Analyzer Procedure);

'USEPA Method 7D' means the promulgated Test Method 7D - Determination of Nitrogen Oxide Emissions From Stationary Sources (Alkaline-Permanganate/Ion Chromatographic Method);



'USEPA Method 7E' means the promulgated Test Method 7E - Determination of Nitrogen Oxides Emissions From Stationary Sources (Instrumental Analyzer Procedure);

'USEPA Method 10' means the promulgated Test Method 10 – Determination of Carbon Monoxide Emissions from Stationary Sources (Instrumental Analyzer Procedure);

'USEPA Method 17' means the promulgated Test Method 17 – Determination of Particulate Matter Emissions from Stationary Sources; and

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

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 version of that 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.

1.1.5 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 General conditions

1.2.1 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.

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

1.2.3 The Licensee shall ensure that uncontaminated stormwater is kept separate from contaminated or potentially contaminated stormwater. Where stormwater has come into contact with a possible source of contamination, it shall be treated as contaminated.

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;
- (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 (feedstock)	Quantity limit tonnes/ annual period	Specification¹
Green waste	Combined total of 50 000	Solid waste only
Organic waste		

Note 1: Additional requirements for the acceptance of controlled waste (including animal residues; and vegetable and food processing waste) are set out in the *Environmental Protection (Controlled Waste) Regulations 2004*.

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



Table 1.3.2: Processing of materials		
Waste type	Process	Process requirements
As detailed in Table 1.3.1 (feedstock)	Receipt, handling and storage prior to composting	The Licensee shall ensure: (a) A minimum of five-metre firebreak is maintained around the waste storage area. (b) All compost feedstocks are stored in the waste storage area prior to composting.
	Treatment by composting and pasteurisation	The Licensee shall ensure: (a) Windrows are turned regularly or aerated to ensure aerobic conditions are maintained. (b) Composting leachate is collected and returned to the composting process. (c) Windrow composting stockpiles do not exceed 500 cubic metres or three metres in height. (d) A minimum of five-metre firebreak is maintained around the compost area. (e) All composting occurs within the composting area. (f) The core temperature of the composting pile is maintained above 55 °C for a period of at least 15 days. (g) No more than 50 000 tonnes of compost or blended soils is produced per annual period.

1.3.3 The Licensee shall ensure that waste is stored and/or contained within infrastructure in accordance with Table 1.3.3 and that the integrity of the containment infrastructure is maintained.

Table 1.3.3: Containment infrastructure		
Containment area/infrastructure	Material	Infrastructure requirements
Waste and compost storage area	Waste types as detailed in Table 1.3.1 (feedstock)	Compacted soil area. Drains all water from the storage area into the retention pond.
Composting area		Bitumen covered area. Drains all water from the composting area into the retention pond.
Retention pond	Contaminated stormwater and leachate	Plastic lined. A minimum top of embankment freeboard of 300 mm is maintained.
Storage pond	Stormwater	In-situ soil.

1.3.4 The Licensee shall implement the following security measures at the site:
 (a) Erect and maintain suitable fencing to prevent unauthorised access to the site;
 (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.

1.3.5 The Licensee shall not burn or allow the burning of green waste or compost on the premises.

1.3.6 The Licensee shall extinguish any fire that may occur within the green waste or compost areas at the Premises within eight hours of becoming aware of the fire.

1.3.7 The Licensee shall (except in the case of a fire), not operate the tub grinder, mix organic wastes, or turn compost windrows when the wind is blowing from the quadrant – east south-east to south south-east (112.5 degrees to 167.5 degrees).



- 1.3.8 The licensee shall ensure that automatic safeguards are incorporated within the asphalt manufacturing process to prevent the ignition of bitumen within the drum.
- 1.3.9 The Licensee shall ensure that the asphalt manufacturing scrubber is:
 - (a) only fed with clean water; and
 - (b) operational prior to start-up of the dryer and operates continuously whilst the dryer is operating.

2 Emissions

2.1 General

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

2.2 Point source emissions to air

- 2.2.1 The Licensee shall ensure that where waste is emitted to air from the emission points in Table 2.2.1 and identified on the premises map in Schedule 1 it is done so in accordance with the conditions of this licence.

Table 2.2.1: Emission points to air

Emission point reference	Emission point	Emission point height (m)	Source, including any abatement
A1	Stack receiving scrubbed gases from drum dryer	12 m above ground level.	Drum dryer via wet scrubber

- 2.2.2 The Licensee shall not cause or allow point source emissions to air greater than the limits listed in Table 2.2.2.

Table 2.2.2: Point source emission limits to air

Emission point Reference	Parameter	Limit (including units) ^{1,2}	Averaging period
A1	PM	250 mg/m ³	Stack test (60 minute average)

Note 1: All units are referenced to STP dry.

Note 2: The addition of diluent gases shall not be used to achieve compliance with the emission limits

3 Monitoring

3.1 General monitoring

- 3.1.1 The licensee shall ensure that all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured.
- 3.1.2 The Licensee shall ensure that:
 - (a) monthly monitoring is undertaken at least 15 days apart; and
 - (b) annual monitoring is undertaken at least 9 months apart.
- 3.1.3 The Licensee shall record production or throughput data and any other process parameters relevant to any monitoring undertaken.



3.1.4 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications and any relevant Australian standard.

3.1.5 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

3.2 Monitoring of point source emissions to air

3.2.1 The Licensee shall undertake the monitoring in Table 3.2.1 according to the specifications in that table.

Table 3.2.1: Monitoring of point source emissions to air

Emission point reference	Parameter	Units ¹	Averaging period	Frequency ²	Method
A1	PM	mg/m ³ g/s	Stack test (60 minutes)	Annually	USEPA Method 5 or 17
	Sulfur dioxide	mg/m ³ g/s	Stack test (30 minutes)	Annually	USEPA Method 6 or 6C
	Nitrogen oxides	mg/m ³ g/s	Stack test (30 minutes)	Annually	USEPA Method 7E or 7D
	Carbon monoxide	mg/m ³ g/s	Stack test (30 minutes)	Annually	USEPA Method 10

Note 1: All units are referenced to STP dry

Note 2: Monitoring shall be undertaken to reflect normal operating conditions and any limits or conditions on inputs or production.

3.2.2 The Licensee shall ensure that sampling required under Condition 3.2.1 of the Licence is undertaken at sampling locations in accordance with the AS 4323.1.

3.2.3 The Licensee shall ensure that all non-continuous sampling and analysis undertaken pursuant to condition 3.2.1 is undertaken by a holder of NATA accreditation for the relevant methods of sampling and analysis.

3.3 Monitoring of inputs and outputs

3.3.1 The Licensee shall undertake the monitoring in Table 3.3.1 according to the specifications in that table.

Table 3.3.1: Monitoring of inputs and outputs

Input/output	Parameter	Units	Averaging period	Frequency
All waste types accepted for composting	Total weight of each waste type	Tonnes	Annual period	Each batch arriving at premises
Compost leaving site	Total weight of compost leaving site		Monthly	Each batch leaving the premises



4 Improvements

4.1 Improvement program

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

Table 4.1.1: Improvement program		
Improvement reference	Improvement	Date of completion
IR1	The Licensee shall submit a Dust and Odour Management Plan to the CEO which includes, but is not limited to: (a) identification of potential sources of fugitive dust and odour emissions; (b) receptor locations; (c) identification of ambient factors affecting dust and odour emissions; (d) proactive management measures and/or procedures implemented to minimise potential dust and odour emissions from the identified sources; (e) dust and odour monitoring procedures; (f) reactive procedures implemented including assessment and implementation of corrective actions; and (g) procedure for review and update of the management plan.	30/04/2016

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 31 calendar days after of the end of the annual period. 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 or any environmental incidents that have occurred during the annual period and any action taken	None specified
3.3.1	Inputs of waste and compost leaving the site for the annual period	None specified
Table 3.2.1	Monitoring data for point source emissions to air	AR1
5.1.3	Compliance	AACR
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

5.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:

- any relevant process, production or operational data recorded under condition 3.1.3; and
- an assessment of the information contained within the report against previous monitoring results and Licence limits.

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
1.3.1, 1.3.2, 1.3.3, 1.3.7 and 2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5 pm of the next usual working day. Part B: As soon as practicable	N1
3.1.4	Calibration report	As soon as practicable.	None specified
-	Removal of sludge from retention pond	7 days prior to commencement of de-sludging operations	

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

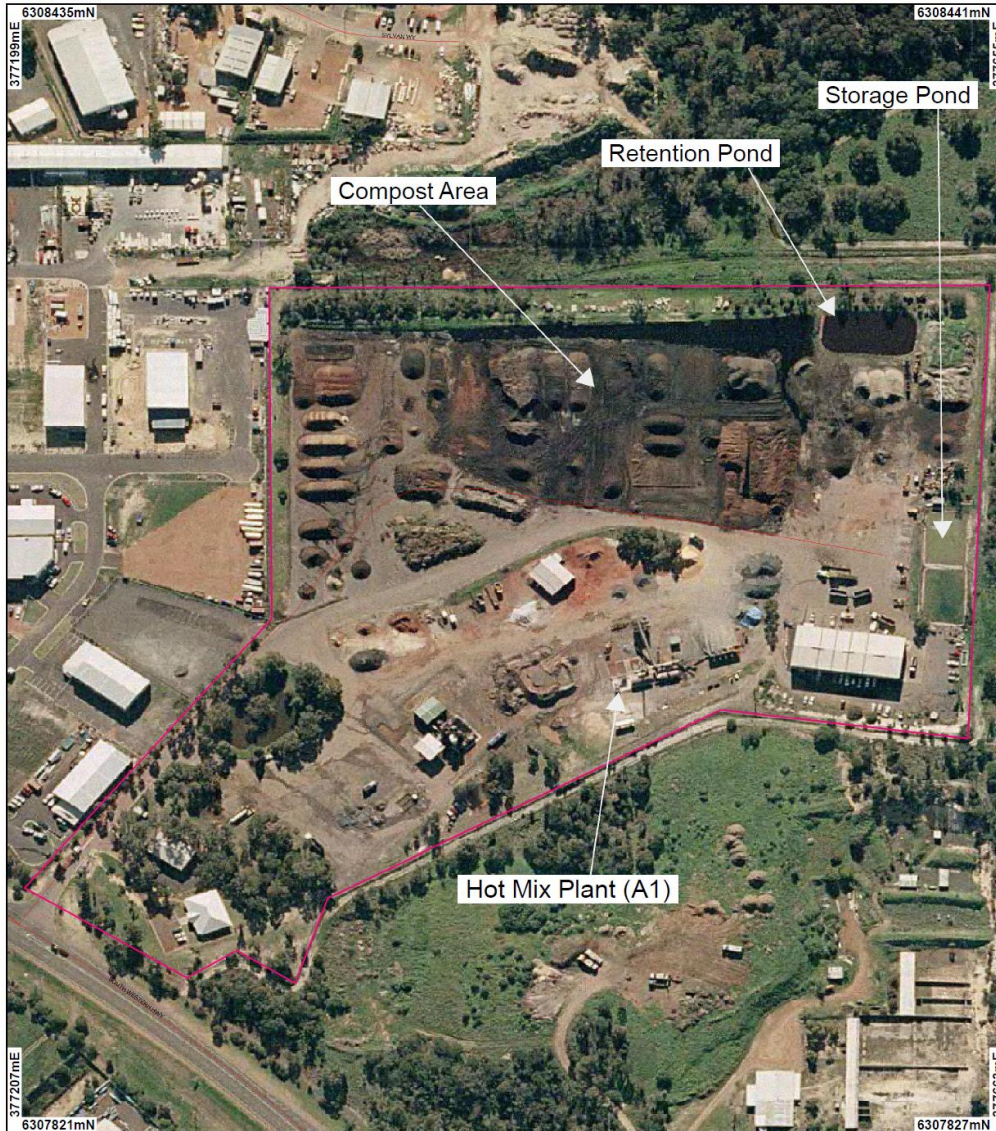
Note 2: Forms are in Schedule 2



Schedule 1: Maps

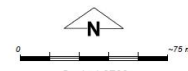
Premises map

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



LEGEND

- Road Controlines
- Bunbury 50cm Orthomosaic - Landgate 2008



Scale 1:2700
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Prepared by: DER
Prepared for:
Date: 23/11/2015 3:35:23 PM

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



WA Crown Copyright 2002

* Project Data. This data has not been quality assured. Please contact map author for details.



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:	ABN:
Trading as:	
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 B

DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?:	
e) Summary of particulars of the non compliance, and what was the environmental impact:	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram):	
g) Cause of non compliance:	
h) Action taken, or that will be taken to mitigate any adverse effects of the non compliance:	
i) Action taken or that will be taken to prevent recurrence of the non compliance:	

Each page must be initialled by the person(s) who signs Section C of this 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"/> <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: L6561/1995/11
Form: AR1
Name: Monitoring of point source emissions to air

Licensee: Malatesta Investments Pty Ltd
Period :

Form AR1: Monitoring of point source emissions to air							
Emission point	Parameter	Limit	Result ¹	Result ¹	Averaging period	Method	Sample date & times
A1	PM	250 mg/m ³	mg/m ³	g/s	Stack test (60 minutes)	USEPA Method 5 or USEPA Method 17	
	Sulfur dioxide		mg/m ³	g/s	Stack test (30 minutes)	USEPA Method 6 or 6C	
	Nitrogen oxides		mg/m ³	g/s		USEPA Method 7E or 7D	
	Carbon monoxide		mg/m ³	g/s		USEPA Method 10	

Note 1: All units are referenced to STP dry

Signed on behalf of Malatesta Investments Pty Ltd: Date:



Licence: L6561/1995/11
 Form: N1

Licensee: Malatesta Investments Pty Ltd
 Date of breach:

Notification of detection of the breach of a limit

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	

Part B - to be submitted as soon as practicable

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 unauthorised emissions from the installation in the preceding 24 months.	

Name	
Post	
Signature on behalf of Malatesta Investments Pty Ltd	
Date	



Decision Document

Environmental Protection Act 1986, Part V

Proponent: Malatesta Investments Pty Ltd

Licence: L6561/1995/11

Registered Office: Lot 2, South Western Highway
DAVENPORT WA 6230

ACN: 009 052 608

Premises Address: Malatesta Road Paving and Hot Mix and Green Organic Recycling
Contractors
South Western Highway
DAVENPORT WA 6230
Being Lot 2 on Plan 17617

Issue Date: Thursday, 6 March 2014

Commencement Date: Wednesday, 19 March 2014

Expiry Date: Saturday, 18 March 2017

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (the DER) has decided to issue an amended licence. The DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by: Elizabeth Whisson
Licensing Officer

Decision Document authorised by: Jonathan Bailes
Delegated Officer



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1 Purpose of this Document

This decision document explains how the DER has assessed and determined the application and provides a record of the DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to the DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	35: Asphalt manufacturing	48 000 tonnes per year
	67A: Compost manufacturing and soil blending	50 000 tonnes per year
Application verified	Date: 03/11/2015	
Application fee paid	Date: N/A	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome		
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	



3 Executive summary of proposal and assessment

Malatesta Investments Pty Ltd has been operating a road paving and hot-mix asphalt manufacturing plant since 1995 on the southern section of Lot 2 on Plan 17617 and a composting facility on the northern section of the same lot for the past 15 years. The site is located in an industrial area and the nearest sensitive receptor, a residential area, is located approximately 800 m north-west of the premises boundary.

The main operations associated with the asphalt manufacturing plant that occur onsite include:

- Storage of aggregate;
- Storage of asphalt/ bitumen/hydrocarbons; and
- Hot mixing plant and storage/transfer bin.

Asphalt manufacturing is a continuous process operating six hours a day, five days a week with the occasional Saturday work. The plant operates a total of 200 days a year. Opening hours vary from day to day but production normally starts between 6 am and midday.

Exhaust gases from the drum mixer are passed through a wet scrubber prior to release through a stack. Discharge from the wet scrubber is put into two lined sedimentation ponds. The waste water is recycled back through a silt removal unit and returned to the system.

The main operations associated with the composting facility that occur onsite include:

- Storage of organic waste (windrows);
- Compost and vermicompost windrows;
- Compost maturation windrows; and
- Runoff and leachate collection and storage.

The composting facility accepts domestic green waste but also accepts other solid organic wastes.

The main emissions of concern from the composting facility are run-off leachate from the compost windrow's dust and odour. Composting occurs on a hot-mix/bitumen area and waste storage on a compacted soil area. This is managed by directing run-off containing leachate to a plastic lined retention pond. This is then re-circulated back to the windrows to aid in the composting process. Odour can be generated from the storage of compost feedstock (manures and food waste), the composting process, and when stockpiles are moved, mixed or turned.

Previously the composting facility has been operated under Licence L7401/1998/9 and the asphalt manufacturing facility under Licence L6561/1995/11. These facilities are both located on Lot 2 on Plan 17617 South Western Highway, Davenport, and are operated by the same Licensee - Malatesta Investments Pty Ltd.

This amendment is to transfer the conditions from the composting licence (L7401/1998/9) to the asphalt manufacturing licence (L6561/1995/11) as multiple licences should not be held for the same lot operated by the same company.

Other administrative changes have been made to conditions consistent with the current DER licence template. These changes have been described where required in this decision document. As part of this licence amendment, DER has considered if the risk profile of either activity has changed since the last licences were issued. No significant changes have occurred and, therefore, DER has not reassessed the acceptability or impacts of emissions and discharges from the premises or revisited any existing emission control levels with the exception of fugitive and odour emissions.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and the DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L1.2.1 – L1.2.5	Condition 1.2.3 has been removed as it is the Licensee's responsibility to ensure that they comply with the relevant legislative requirements for secondary activities such as the storage and handling of environmentally hazardous materials. Unauthorised discharges of environmentally hazardous materials are also subject to the provisions of the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> .	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>
Premises operation	L1.3.1 – 1.3.7	Conditions L1.3.1 to 1.3.7 relate to composting operations and have been transferred unaltered from Licence L7401/1998/9. Condition 1.3.3 has been added to help address the risk to land and/or groundwater from contaminated stormwater or storage of feedstock, compost or final product.	Application supporting documentation Licence L7401/1998/9
Fugitive emissions	Previous L2.6.1 - 2.7.1 L4.1.1 L1.3.7	<u>Emission Description</u> <i>Emission:</i> Potential for dust emissions from the asphalt manufacturing process, and composting activities, including storage of raw materials, transfer of raw materials and vehicle movements onsite. <i>Impact:</i> Potential impact on human health and surrounding vegetation. The premises is surrounded by bushland and an industrial area with the nearest industry located adjacent to the premises, separated by a 50 m wide buffer of trees/shrubs along the premises boundary. The nearest residential area is located approximately 800 m north-west of the premises boundary. <i>Controls:</i> Stockpiles of asphalt raw materials are kept moist through the use of a water truck on site. Prior to loading raw materials into the cold feed bins, the stockpiles are dampened to minimise dust during loading. The raw materials travel	Application supporting documentation <i>Environmental Protection Act 1986.</i>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p>from the cold feed bins to the hot-mix drum via a conveyor fitted with windshields to minimise dust. The water truck is also used to wet down vehicle movement areas if required. Green waste stockpiles are kept moist through the use of a water truck and sprinklers onsite. Wind direction is monitored onsite using a wind sock. The composting operation ceases with a wind direction from ESE to SSE (specified in condition L1.3.7). No complaints relating to fugitive dust emissions from the asphalt manufacturing have been received in the last three years. There have been four complaints regarding dust from the composting operations on site in the last 12 months.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> In accordance with administrative changes implemented within DER, generic fugitive conditions (L2.6.1 and L2.6.2) have been removed. Due to the number of complaints in the last 12 months from the composting operation, a new improvement condition (IR1) has been added to the Licence to require the Licensee to develop a dust and odour management plan for the premises. If deemed necessary, controls from the management plan can be implemented as conditions in the licence. Additionally, fugitive emissions of dust can be regulated under the general provisions of the <i>Environmental Protection Act 1986</i>.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p>	



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Odour	L1.3.7 L4.1.1 L5.3.1	<p><u>Emission Description</u> <i>Emission:</i> Potential for odour emissions from the asphalt manufacturing process particularly from the potentially odorous organic fraction from the bitumen. Potential for odour emissions from the storage of food wastes and manures and from the composting process. The removal of sludge and sediment from the retention pond also has the potential to generate odour emissions. <i>Impact:</i> Potential amenity impact on surrounding industrial and residential areas. The premises is surrounded by bushland and an industrial area with the nearest industry located adjacent to the premises, separated by a 50m wide buffer of trees/shrubs along the premises boundary. The nearest residential area is located approximately 800m north-west of the premises boundary. <i>Controls:</i> Bitumen is heated with the raw materials in the hot-mix drum with exhaust gases, including volatile organic compounds (VOCs), being directed to a wet scrubber before exiting through a 12 m high stack to the atmosphere. VOC emissions reported in the 2014-2015 Annual Environmental Report were low at less than 8 mg/m³. Wind direction is monitored onsite using a wind sock. Composting operations cease with a wind direction from ESE to SSE (specified in condition L1.3.7). No complaints relating to odour emissions from the asphalt manufacturing plant have been received in the last three years. Two complaints regarding odour from the composting operations have been received in the last 12 months.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> In accordance with administrative changes implemented within DER, generic odour emissions conditions (L2.7.1) have been removed. However, due to a number of complaints in the last 12 months, a new improvement condition (IR1) has been added to the Licence to require the Licensee to develop an odour (and dust)</p>	<p>Application supporting documentation</p> <p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p>Compliance inspection report dated 3 January 2014</p>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p>management plan for the premises. Condition L5.3.1 requires the prior notification to DER to sludge removal from the retention pond. Additionally, odour emissions can be regulated under the general provisions of the <i>Environmental Protection Act 1986</i>.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p>	
Monitoring of inputs and outputs	L3.2.1	Condition 3.2.1 has been included in the licence for the monitoring of volumes of wastes received on the premises and final products leaving the site. This condition will allow DER to check that the site is operating within the limits of the approved production capacity and that it has not increased or changed in contravention with section 53 of the Act.	<i>Environmental Protection Act 1986</i>
Improvements	L4.1.1	An additional monitoring port was installed on the dryer stack to ensure compliance with Australian Standard 4323.1 approximately 18 months ago. Therefore, the existing improvement condition to install the additional monitoring port has been removed from the licence. A new improvement condition IR1 has been added to the licence as described in the risk assessment of fugitive dust and odour emissions.	E-mail correspondence from the Licensee to DER with subject <i>Malatesta Improvement Notice – Monitoring Port</i> and dated 8 December 2015, including one attachment
Information	L5.2.1	The requirement to report on the volumes of waste received for composting and the volumes of compost produced have been added as a result of the composting operations being transferred to this licence.	N/A
Licence Duration	N/A	The licence expiry date has not been changed as a result of this amendment. The expiry date of the composting licence (L7401/1998/9) was 5 January 2019.	N/A



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
29/12/2015	Proponent sent a copy of draft instrument	No comments received.	N/A

6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High