



Licence Number	L9083/2017/1
Licence Holder	4Farmers Australia Pty Ltd
ACN	160 092 428
Registered business address	403 Jackitup North Road JACKITUP WA 6335
File Number	DER2017/001306
Duration	19/09/2017 to 18/09/2037
Date of issue	19/09/2017
Prescribed Premises	Category 61
Premises	4Farmers 403 Jackitup North Road Jackitup WA 6335 Part of Lot 4997 on Deposited Plan 121175 Certificate of Title Volume 2060 Folio 931

This Licence is granted to the Licence Holder, subject to the following conditions, on 19/09/2017, by:

Date signed: 19 September 2017

Stephen Checker

MANAGER LICENSING (WASTE INDUSTRIES)

an officer delegated under section 20 of the *Environmental Protection Act 1986 (WA)*

Explanatory notes

These explanatory notes do not form part of this Licence.

Defined terms

Definition of terms used in this Licence can be found at the start of this Licence. Terms which are defined have the first letter of each word capitalised throughout this Licence.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986 (WA)* (EP Act). The Department also monitors and audits compliance with licences, takes enforcement action and develops and implements licensing and industry regulation policy.

Licence

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased, or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered, or permitted to be altered, from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987 (WA)* (EP Regulations).

This Licence does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The Licence Holder must comply with the Licence. Contravening a Licence Condition is an offence under s.58 of the EP Act.

Responsibilities of a Licence Holder

Separate to the requirements of this Licence, general obligations of Licence Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Licence Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under section 61; and
- 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 (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Licence Holder has a duty to report to DWER all discharges of waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences, including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Licence Holder commits an offence if Emissions are caused, or altered from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a Closure Notice or an Environmental Protection Notice.

Defences to certain offences may be available to a Licence Holder and these are set out in the EP Act. Section 74A(b)(iv) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Licence Holder can prove that an Emission or Discharge occurred in accordance with a Licence.

This Licence specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of Specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The Specified and General Emissions and Discharges from Primary Activities conducted on the Prescribed Premises are authorised to be conducted in accordance with the Conditions of this Licence.

Emissions and Discharges caused from other activities not related to the Primary Activities at the Premises have not been Conditioned in this Licence. Emissions and Discharges from other activities at the Premises are subject to the general provisions of the EP Act.

Amendment of licence

The Licence Holder can apply to amend the Conditions of this Licence under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Licence at any time on the initiative of the

CEO without an application being made.

Amendment Notices constitute written notice of the amendment in accordance with s.59B(9) of the EP Act.

Duration of Licence

The Licence will remain in force for the duration set out on the first page of this Licence or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

Suspension or revocation

The CEO may suspend or revoke this Licence in accordance with s.59A of the EP Act.

Fees

The Licence Holder must pay an annual licence fee. Late payment of annual licence fees may result in the licence ceasing to have effect. A licence that has ceased to have effect due to non-payment of annual licence fees continues to exist; however, it ceases to provide a defence to an offence under s.74A of the EP Act.

Late fees are a component of annual licence fees and should a Licence Holder fail to pay late fees within the time specified the licence will similarly cease to have effect.

Definitions and interpretation

Definitions

In this Licence, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Annual Period	means a 12 month period commencing from 1 January until 31 December.
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
Books	has the same meaning given to that term under the EP Act.
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info-der@dwer.wa.gov.au
Compliance Report	means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO (guidelines and templates may be available on the Department's website).
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
Department Request	means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Licence Holder in writing and sent to the Licence Holder's address for notifications, as described at the front of this Licence, in relation to: <ul style="list-style-type: none">(a) compliance with the EP Act or this Licence;(b) the Books or other sources of information maintained in accordance with this Licence; or(c) the Books or other sources of information relating to Emissions from the Premises.
Discharge	has the same meaning given to that term under the EP Act.
DWER	Department of Water and Environmental Regulation.

Emission	has the same meaning given to that term under the EP Act.
Environmental Harm	has the same meaning given to that term under the EP Act.
EP Act	means the <i>Environmental Protection Act 1986 (WA)</i> .
EP Regulations	means the <i>Environmental Protection Regulations 1987 (WA)</i> .
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
ICB	Intermediate Bulk Container (1000 litre)
Licence	refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions.
Licence Holder	refers to the occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Pollution	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Primary Activities	refers to the Prescribed Premises activities listed on the front of this Licence as described in Schedule 2, at the locations shown in Schedule 1.
Serious Environmental Harm	has the same meaning given to that term under the EP Act.
Unreasonable Emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.

Interpretation

In this Licence:

- (a) the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) any reference to an Australian or other standard, guideline or code of practice in this Licence means the version of the standard, guideline or code of practice in force at the time of granting of this Licence and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Licence; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Emissions

1. The Licence Holder must not cause any Emissions from the Primary Activities on the Premises except for specified Emissions and general Emissions described in Column 1 of Table 2 subject to the exclusions, limitations or requirements specified in Column 2 of Table 2.

Table 2: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Specified Emissions	
Liquid waste	Subject to compliance with Conditions 2 to 4
General Emissions (excluding Specified Emissions)	
Emissions which: <ul style="list-style-type: none"> • arise from the Primary Activities set out in Schedule 2; or 	Emissions excluded from General Emissions are: <ul style="list-style-type: none"> • Unreasonable Emissions; or • Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or • Discharges of Waste in circumstances likely to cause Pollution; or • Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or • Emissions or Discharges which do not comply with an Approved Policy; or • Emissions or Discharges which do not comply with a prescribed standard; or • Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or • Emissions or Discharges the subject of offences under regulations

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
	prescribed under the EP Act, including materials discharged under the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> .

Acceptance and Management

2. The License Holder shall only accept waste on to the Premises if:
- it is of a type listed in Table 3;
 - the quantity accepted is below any quantity limit listed in Table 3; and
 - it meets any specification listed in Table 3.

Table 3: Waste acceptance

Waste type	Waste Code	Quantity Limit	Specification ¹
Liquid waste	H100 (waste from the production, formulation or use of biocides and phytopharmaceuticals)	300 tonnes per annual period	Accepted in impervious, sealed 1000 L containers. Limited to pesticides at dilutions at or below manufacturer's specifications. Containers holding insecticide washout water are to be clearly marked.

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*.

3. The Licence Holder shall ensure that where waste does not meet the waste acceptance criteria set out in condition 2 it is removed from the Premises as soon as possible.
4. The Licence Holder shall ensure that wastes accepted onto the Premises are only subjected to the process(es) set out in Table 4 and in accordance with any process limits described in that Table.

Table 4: Waste processing

Waste type	Process	Process limits
Liquid waste	Storage prior to use off-site in accordance with manufacturer's specifications.	<ul style="list-style-type: none"> Stored onsite in impervious, sealed 1000 L containers. Not more than 50,000 L of H100 waste to be stored on the premises at any one time. No processing of waste is permitted onsite.

Record-keeping

5. The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:
 - (a) the calculation of fees payable in respect of this Licence; and
 - (b) complaints received under Condition 6 of this Licence.In addition, the Books must:
 - (c) be legible;
 - (d) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
 - (e) be retained for at least 3 years from the date the Books were made; and
 - (f) be available to be produced to an Inspector or the CEO.

6. The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:
 - (a) an accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
 - (b) the name and contact details of the complainant, if provided by the complainant;
 - (c) the date of the complaint; and
 - (d) the details and dates of the actions taken by the Licence Holder in response to the complaints.

7. The Licence Holder must submit to the CEO, no later than 31 January, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.

8. The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

Schedule 1: Maps

Premises map

The Premises are shown in the map below. The red line depicts the Premises boundary.



Schedule 2: Primary Activities

At the time of assessment, Emissions and Discharges from the following Primary Activities were considered in the determination of the risk and related Conditions for the Premises.

The Primary Activities are listed in Table 5:

Table 3: Primary Activities

Primary Activity	Premises production or design capacity
Category 61 - Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	300 tonnes per annual period

Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is listed in Table 6.

Table 4: Infrastructure and equipment

Infrastructure and equipment	Plan reference
Waste Water Storage Shed	Schedule 1 Premises Map

Site layout

The Primary Activity infrastructure and equipment is set out on the Premises in accordance with the site layout specified on the Premises map in Schedule 1.



Application for Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L9083/2017/1
Applicant	4Farmers Australia Pty Ltd
ACN	160 092 428
File Number	DER2017/001306
Premises	4Farmers 403 Jackitup North Road Jackitup WA 6335 Part of Lot 4997 on Deposited Plan 121175 Certificate of Title Volume 2060 Folio 931
Date of Report	19/09/2017
Status of Report	Final

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1. Definitions of terms and acronyms

In this Decision Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
Applicant	4 Farmers Australia Pty Ltd
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CS Act	<i>Contaminated Sites Act 2003 (WA)</i>
Decision Report	refers to this document.
Delegated Officer	an officer under section 20 of the EP Act.
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
CWR	<i>Environmental Protection (Controlled Waste) Regulations 2004 (WA)</i>
Licence Holder	4 Farmers Australia Pty Ltd
Minister	the Minister responsible for the EP Act and associated regulations

Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report
Primary Activities	as defined in Schedule 2 of the Licence
Risk Event	As described in <i>Guidance Statement: Risk Assessment</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>

2. Purpose and scope of assessment

This Licence Application was submitted by the Applicant to operate a Category 61 Liquid waste facility at Part of Lot 4997 on Plan 131175, 403 Jackitup North Road Jackitup WA 6335. The Applicants core business is manufacturing, importing and distributing direct to farmers a range of agricultural chemicals; products include herbicides, insecticides, seed dressings, fungicides and other products. The Applicant retails their product from its Perth (Welshpool) premises to farms typically in 1000L Intermediate Bulk Containers (ICBs) or 110L drums (Drums). The Applicant collects empty ICBs and Drums from farmers it sells product to in Western Australia, returning the empty ICBs and Drums to the Welshpool premises which are then washed out prior to reuse for product containment and retailing.

The Applicant also owns a number of farming properties in the Gnowangerup area of Western Australia and, within the scope of normal agricultural business, uses herbicides and insecticides on the property and maintain fire breaks. The Applicant proposes to operate a liquid waste facility to store a maximum of 300,000L (300 tonnes) per annual period of wash-out product at the Premises prior to use on their own farmland (over 11,000 ha) at concentrations and application frequency below manufacturer's specifications.

The wash-out water destined for use at the farming properties is collected in ICBs and transported to a shed at the Premises for storage prior to use in standard agriculture practice. The majority of the product used at the farming properties constitutes the herbicides Glyphosate and Paraquat (75%); the remaining 25% of product is a mixture of approximately 20 other herbicide and insecticide products produced by the Applicant.

The transport of the Wash-out water also triggers the legislative requirements under the CWR. This assessment only relates to the application for licence for the storage of 300 tonnes per annual period of wash-out water liquid waste at the Premises.

2.1 Application details

This Licence Application was submitted by the Applicant to operate a Category 61 Liquid waste facility at Part of Lot 4997 on Plan 131175, 403 Jackitup North Road, Jackitup WA 6335.

Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assessment process

Document/information description	Date received
Application	31 July 2017
Background to Application	31 July 2017; 3 and 15 August 2017

3. Background

The Applicant has applied for a Category 61 Liquid waste facility on Part of Lot 4997 on Plan 131175, 403 Jackitup North Road, Jackitup WA 6335.

Table 3 lists the prescribed premises categories that have been applied for.

Table 3: Prescribed Premises Categories in the Existing Licence

Classification of Premises	Description	Approved Premises production or design capacity or throughput
Category 61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	300 tonnes per annual period.

4. Overview of Premises

4.1 Operational aspects

Agricultural pesticide wash-out water resulting from the recycling of agricultural product produced by the Applicant will be stored at the Premises prior to use in normal agricultural practice and in maintaining fire breaks. The Applicant will store the wash-out water in a dedicated waste water storage shed at the Premises. The Applicant has applied for a Category 61 licence with a production and design capacity of 300,000L or 300 tonnes per annual period but the Applicant will only store a maximum of 50,000L (50 tonnes) at any one time of wash-out water in the shed prior to use in agriculture. Wash-out water will be stored in individual IBCs, and at a volume of 1000L, a maximum of 50 IBCs only will be stored in the shed at any one time. The shed is fully enclosed and sits on a 2m gravel base. Individual IBCs will be transferred from the Shed to the water tank 50m west of the shed by forklift and then transferred into a tractor boom spray tank for use in spraying operations on farm.

The wash-out water constitutes heavily diluted herbicides (and a small proportion of separate insecticide washings) that are ordinarily used in agriculture practice. The Applicant collects its own product containers (ICBs and Drums) and returns them to the Welshpool premises where the individual containers are washed out for re-use. The wash-out water constitutes approximately 500ml chemical to 50L water and are cumulatively collected and stored in IBCs. Each IBC destined for storage at the Premises prior to use in agriculture contains approximately 1% pesticide concentration. Given the low chemical concentration in each IBC the collective use of the chemical at any farm property is not above Manufacturer recommendation. For example, wash-out water containing Glyphosate will be applied at 1L/ha on farm while the Applicant's own Glyphosate 450 chemical product sold to farmers maximum label rate is 4.8L/ha, and has no limit to the number of spray application per season. Chemical sprayed for firebreak maintenance will be slight higher as typically more applications are required. Similarly, a small proportion of washouts from insecticide will be accepted in marked IBCs and will be used for insect control purposes on the applicant's farms

The application of pesticide diluted below manufacturer's specifications is not proposed to be regulated under this licence as it is consistent with standard agricultural practices. The application of pesticide in connection with a commercial enterprise is regulated by the *Environmental Protection (Unauthorised Discharges) Regulations 2004*, which prohibit the discharge of pesticides to the environment at concentrations exceeding manufacturer's specifications.

The Delegated Officer is satisfied that the Applicant has sufficient land available to enable sustainable use of the wash-water.

The 300 tonnes of wash-water (assuming herbicide), applied at a rate of 100L/ha (below manufacturer's specifications) would cover 3000 ha. In accordance with normal agricultural practices in the area, most paddocks would be sprayed up to 2-3 in a summer season and firebreaks would be sprayed more regularly at much higher rates.

Therefore the area required to use this amount of waste water would be in the order of 1500 ha. The Applicant's farm housing the Premises is over 1600 ha in area and they hold a further 11, 000 ha of farmland in the vicinity which could be utilised if required.

4.2 Infrastructure

The Category 61 liquid waste facility infrastructure is detailed in Table 4 and with reference to the Site Plan (Attachment 1).

Table 4 lists infrastructure associated with each prescribed premises category.

Table 4: 4Farmers facility Category 61 infrastructure

	Infrastructure	Site Plan Reference
	Prescribed Activity Category 61	
Storage of wash-out water		
1	Waste Water Storage Shed	Attachment 1 Site Plan

4.3 Exclusions to the Premises

The water tank and Chemical shed depicted in Attachment 1 Site Plan are not captured by this assessment. The agricultural practice of spraying the wash-out chemical is not captured by this assessment. The spraying of agricultural chemical is not a prescribed activity and constitutes ordinary farm practice.

Key Finding:

1. Herbicide or horticultural chemical discharged into the environment are required to comply with regulation 3 (2) (b) of the UDR.

5. Legislative context

5.1 Contaminated sites

The Premises is not classified as a Contaminated Site under the CS Act.

5.2 Other relevant approvals

5.2.1 Planning approvals

Shire of Gnowangerup provided written advice to the Applicant on 26 July 2017 that planning approval is not required as the activity is considered a normal rural operation.

5.3 Part V of the EP Act

5.3.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations.

The guidance statements which inform this assessment are:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Publication of Annual Audit Compliance Reports (May 2016)*
- *Guidance Statement: Decision Making (November 2016)*
- *Guidance Statement: Risk Assessments (November 2016)*
- *Guidance Statement: Environmental Siting (November 2016)*

5.3.2 Works approval and licence history

Table 5 summarises the works approval and licence history for the premises.

Table 5: Works approval and licence history

Instrument	Issued	Nature and extent of works approval, licence or amendment
L9083/2017/1	draft	Category 61 licence to store wash-out water

6. Consultation

A copy of the Application was provided to Shire of Gnowangerup on 28 August 2017. DWER received a letter from the Shire of Gnowangerup on 4 September 2017 advising that the Shire has no objections to the proposal. No public submissions were received in relation to the Application.

7. Location and siting

7.1 Siting context

7.2 Residential and sensitive Premises

The distances to residential and sensitive receptors are detailed in Table 6.

Table 7: Receptors and distance from activity boundary

Sensitive Land Uses	Distance from Prescribed Activity
Residential Premises	2.6km north west, 3km south east, 3km north west, 4 km south west, from Waste Water Storage Shed

7.3 Specified ecosystems

Specified ecosystems are areas of high conservation value and special significance that may be impacted as a result of activities at or Emissions and Discharges from the Premises. The distances to specified ecosystems are shown in Table 7. Table 7 also identifies the distances to other relevant ecosystem values which do not fit the definition of a specified ecosystem.

The table has also been modified to align with the *Guidance Statement: Environmental Siting*.

Table 7: Environmental values

Specified ecosystems	Distance from the Premises
Geomorphic Wetlands Wheatbelt	2.4km north east

7.4 Groundwater and water sources

The distances to groundwater and water sources are shown in Table 8.

Table 8: Groundwater and water sources

Groundwater and water sources	Distance from Premises	Environmental value
Unnamed minor non-perennial watercourses	150m south and 190m west	agriculture
Groundwater	No bores located within 1km of Premises (based on available GIS dataset –WIN Groundwater Sites).	none

8. Risk assessment

8.1 Determination of emission, pathway and receptor

In undertaking its risk assessment, DWER will identify all potential emissions pathways and potential receptors to establish whether there is a Risk Event which requires detailed risk assessment.

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission. Where there is no actual or likely pathway and/or no receptor, the emission will be screened out and will not be considered as a Risk Event. In addition, where an emission has an actual or likely pathway and a receptor which may be adversely impacted, but that emission is regulated through other mechanisms such as Part IV of the EP Act, that emission will not be risk assessed further and will be screened out through Table 9.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Tables 9 below.

Table 9. Identification of emissions, pathway and receptors during operation

Risk Events					Continue to detailed risk assessment	Reasoning
Sources/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
Waste Water Storage Shed	Unloading and Storage of wash-out material	Noise: movement of delivery / transfer vehicles (forklift)	Residential premises located 2.6km north west	Air / wind dispersion	Amenity impacts causing nuisance	No No receptor present. The Delegated Officer has considered the separation distance between the source and receptors as a guide to inform the risk of noise emissions. Noise can be adequately regulated by the Noise Regulations.
		Dust: movement of delivery / transfer vehicles (forklift)	Residences premises located 2.6km north west in proximity, vegetation including riparian vegetation	Air / wind dispersion	Health and amenity impacts - Potential suppression of photosynthetic and respiratory functions	No No emission or receptor present. ICBs are stored within a closed shed. The Delegated Officer has considered the separation distance between the

			adjacent to premises				source and receptors as a guide to inform the risk of dust emissions. Dust can be adequately regulated under section 49 of the EP Act.
		Odour: storage of wash-out water	Residential premises located 2.6km north west	Air / wind dispersion	Amenity impacts causing nuisance (human)	No	No emission or receptor present. The wash-out water is stored within a sealed ICB within a closed shed and the low concentration levels of chemical greatly reduce odour potential as the liquid waste is predominantly (99%) water. The Delegated Officer has considered the separation distance between the source and receptors as a guide to inform the risk of noise emissions. Odour can be adequately regulated under section 49 of the EP Act.
	Seepage	Chemical seepage from ICB	Groundwater	Direct discharge into soil and groundwater	Soil and groundwater contamination inhibiting vegetation growth and impacts to groundwater dependant ecosystems	No	No emission or pathway. The shed sits on top of 2m gravel base. The wash-out water contains 99% water and chemical concentrations below those routinely applied to land. Any seepage of chemical will be extremely small in volume. The Delegated Officer has considered the separation distance between the source and receptors as a guide to inform the risk of seepage emissions.
	Spills	Chemical spills from ICB	Surface water 150m south and 190m west	Direct discharge into surface water	Soil and groundwater contamination inhibiting vegetation	No	No emission or pathway. The shed sits on top of 2m gravel base and all liquid waste is contained within IBCs which has a maximum volume of

					growth and impacts to groundwater dependant ecosystems		<p>1000L. Individual IBCs will be stored and transferred from the Shed so the maximum volume spilled at any one time will be 1000L. Spillage will be contained within the Shed.</p> <p>The wash-out water contains 99% water and chemical concentrations below those routinely applied to land. Any seepage of chemical will be extremely small in volume.</p> <p>The Delegated Officer has considered the separation distance between the source and receptors as a guide to inform the risk of spill emissions.</p>
	Stormwater	Stormwater contaminated with hydrocarbons / organics	Surface water 150m south and 190m west	Direct discharge from overland flow	Soil contamination inhibiting vegetation growth and impacts to groundwater dependant ecosystems	No	<p>No receptor.</p> <p>The shed sits on top of 2m gravel base and all liquid waste is contained within sealed IBCs which has a maximum volume of 1000L. All IBCs will be stored within the Shed which is closed and prevents the ingress of stormwater and rain.</p> <p>The wash-out water contains 99% water and chemical concentrations below those routinely applied to land. Any seepage of chemical will be extremely small in volume.</p> <p>The Delegated Officer has considered the separation distance between the source and receptors as a guide to inform the risk of spill emissions.</p>

8.2 Consequence and likelihood of risk events

A risk rating will be determined for risk events in accordance with the risk rating matrix set out in Table 10 below.

Table 10: Risk rating matrix

Likelihood	Consequence				
	Slight	Minor	Moderate	Major	Severe
Almost certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	High	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Medium	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

DWER will undertake an assessment of the consequence and likelihood of the Risk Event in accordance with Table 11 below.

Table 5: Risk criteria table

Likelihood		Consequence		
The following criteria has been used to determine the likelihood of the Risk Event occurring.		The following criteria has been used to determine the consequences of a Risk Event occurring:		
			Environment	Public health* and amenity (such as air and water quality, noise, and odour)
Almost Certain	The risk event is expected to occur in most circumstances	Severe	<ul style="list-style-type: none"> onsite impacts: catastrophic offsite impacts local scale: high level or above offsite impacts wider scale: mid-level or above Mid to long-term or permanent impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are significantly exceeded 	<ul style="list-style-type: none"> Loss of life Adverse health effects: high level or ongoing medical treatment Specific Consequence Criteria (for public health) are significantly exceeded Local scale impacts: permanent loss of amenity
Likely	The risk event will probably occur in most circumstances	Major	<ul style="list-style-type: none"> onsite impacts: high level offsite impacts local scale: mid-level offsite impacts wider scale: low level Short-term impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are exceeded 	<ul style="list-style-type: none"> Adverse health effects: mid-level or frequent medical treatment Specific Consequence Criteria (for public health) are exceeded Local scale impacts: high level impact to amenity
Possible	The risk event could occur at some time	Moderate	<ul style="list-style-type: none"> onsite impacts: mid-level offsite impacts local scale: low level offsite impacts wider scale: minimal Specific Consequence Criteria (for environment) are at risk of not being met 	<ul style="list-style-type: none"> Adverse health effects: low level or occasional medical treatment Specific Consequence Criteria (for public health) are at risk of not being met Local scale impacts: mid-level impact to amenity
Unlikely	The risk event will probably not occur in most circumstances	Minor	<ul style="list-style-type: none"> onsite impacts: low level offsite impacts local scale: minimal offsite impacts wider scale: not detectable Specific Consequence Criteria (for environment) likely to be met 	<ul style="list-style-type: none"> Specific Consequence Criteria (for public health) are likely to be met Local scale impacts: low level impact to amenity
Rare	The risk event may only occur in exceptional circumstances	Slight	<ul style="list-style-type: none"> onsite impact: minimal Specific Consequence Criteria (for environment) met 	<ul style="list-style-type: none"> Local scale: minimal to amenity Specific Consequence Criteria (for public health) met

[^] Determination of areas of high conservation value or special significance should be informed by the *Guidance Statement: Environmental Siting*.

* In applying public health criteria, DWER may have regard to the Department of Health's *Health Risk Assessment (Scoping) Guidelines*.

"onsite" means within the Prescribed Premises boundary.

8.3 Acceptability and treatment of Risk Event

DWER will determine the acceptability and treatment of Risk Events in accordance with the Risk treatment table 12 below:

Table 12: Risk treatment table

Rating of Risk Event	Acceptability	Treatment
Extreme	Unacceptable.	Risk Event will not be tolerated. DWER may refuse application.
High	May be acceptable. Subject to multiple regulatory controls.	Risk Event may be tolerated and may be subject to multiple regulatory controls. This may include both outcome-based and management conditions.
Medium	Acceptable, generally subject to regulatory controls.	Risk Event is tolerable and is likely to be subject to some regulatory controls. A preference for outcome-based conditions where practical and appropriate will be applied.
Low	Acceptable, generally not controlled.	Risk Event is acceptable and will generally not be subject to regulatory controls.

9. Regulatory controls

A summary of regulatory controls determined to be appropriate for the Risk Event is set out in Table 13. DWER will determine controls having regard to the adequacy of controls proposed by the Applicant. The conditions of the Licence will be set to give effect to the determined regulatory controls.

Table 13: Summary of regulatory controls to be applied

Risk Items (see risk analysis in section 8)	1. Operation of Waste Water Shed	Controls (references are to sections below, setting out details of controls)	
		9.1.1 Acceptance and Management	9.1.2 Reports
		●	●

9.1 Licence controls

9.1.1 Acceptance and Management

Licence condition 2 on the Issued Licence only allows controlled waste liquid waste H100 (wash-out water) to be accepted onto the premises with specific acceptance limits for the waste. Licence condition 3 requires all non-conforming waste to be removed from the premises. Licence condition 4 stipulates waste management / process activities at the Premises for the waste.

9.1.2 Reports

Licence condition 8 requires the Licence Holder of the Issued Licence to submit an annual audit compliance report which identifies waste throughputs accepted at the Premises and any compliance matters.

10. Determination of Licence conditions

The conditions in the issued Licence have been determined in accordance with the *Guidance Statement: Setting Conditions*.

The *Guidance Statement: Licence Duration* has been applied and the issued licence expires in 20 years from date of issue.

Table 14 provides a summary of the conditions to be applied to this Licence.

Table14: Summary of conditions to be applied

Condition Ref	Grounds
Emissions 1	This condition is valid, risk-based and consistent with the EP Act.
Acceptance and Management 2, 3 and 4	These conditions are valid, risk-based and contain appropriate controls.
Information 5, 6, 7 and 8	These conditions are valid and are necessary administration and reporting requirements to ensure compliance.

DWER notes that it may review the appropriateness and adequacy of controls at any time and that, following a review, DWER may initiate amendments to the Licence under the EP Act.

11. Applicant's comments

The Draft Decision Report and Licence were provided to the Applicant for comment on 14 September 2017. The Applicant responded to DWER on 18 September 2017 advising they had no comment and requested the licence be issued as soon as possible.

12. Conclusion

This assessment of the risks of activities on the Premises has been undertaken with due consideration of a number of factors, including the documents and policies specified in this Decision Report Appendix 1.

Based on this assessment, it has been determined that the Issued Licence will be granted subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Stephen Checker

MANAGER WASTE INDUSTRIES

Delegated Officer

under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	In text ref	Availability
1.	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
2.	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
3.	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016a	
4.	DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2016b	
5.	DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2016c	

Attachment 1: Site Plan

