



Application for Licence Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L6831/1997/12
Licence Holder	Shire of Collie
File Number	DER2017/000540-1
Premises	Gibbs Road Putrescible Landfill Gibbs Road COLLIE WA 6225 Legal description – Part of Lot 500 on Deposited Plan 76826 As defined by the Premises map attached to the Revised Licence
Date of Report	07 April 2022
Decision	Revised licence granted

**MANAGER WASTE INDUSTRIES
REGULATORY SERVICES**

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

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1. Decision summary

The Delegated Officer has determined to make amendments to Licence L6831/1997/12. The amendments are administrative in nature and do not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The decision report for the existing licence will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In amending the licence, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary

Licence L6831/1997/12 is held by the Shire of Collie (Licence Holder) for the Gibbs Road Putrescible Landfill (the premises), located at Lot 500 on Deposited Plan 76826, Collie.

The premises relates to the categories and the assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in the existing licence.

On 2 December 2021, the Licence Holder submitted an application to the department to amend licence L6831/1997/12 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is limited only to excising a portion of the premises from the existing premises boundary. The purpose of this change is to allow another party to occupy and have exclusive use of the excised area to operate a separate prescribed premises.

Renergi Pty Ltd (Renergi) proposes to construct a small-scale, trial pyrolysis plant on a portion of the premises proposed to be excised from the existing boundary (Figure 1). Renergi proposes to use this plant to convert forestry wastes, green waste and municipal solid waste (MSW) into commercial products including char, oil and a limited amount of wood vinegar. Renergi's proposal is the subject of a separate works approval (W6620/2021/1) which was granted by DWER on 18 March 2022 under Part V of the EP Act. The works approval authorises the construction of a Category 37 char manufacturing, Category 61A solid waste facility and Category 62 solid waste depot prescribed premises.

The licence amendment application did not propose changes to the authorised design capacities and waste acceptance rates for category 62 and category 64 under the existing licence or the waste processing requirements specified in condition 5 of the existing licence.

Establishment of the Renergi premises is expected to reduce the amount of waste received by the Licence Holder for the purpose of landfilling but it is unclear how it will affect the amount of waste received by the Licence Holder for storage. The licence amendment application indicates that wastes to be processed by Renergi will be delivered to the receival facility within the Renergi premises on a daily basis. The Licence Holder has indicated that MSW from kerbside collections will be delivered directly to the Renergi premises or sent to the landfill for disposal, for example during pyrolysis plant breakdowns or when the plant's capacity is reached.

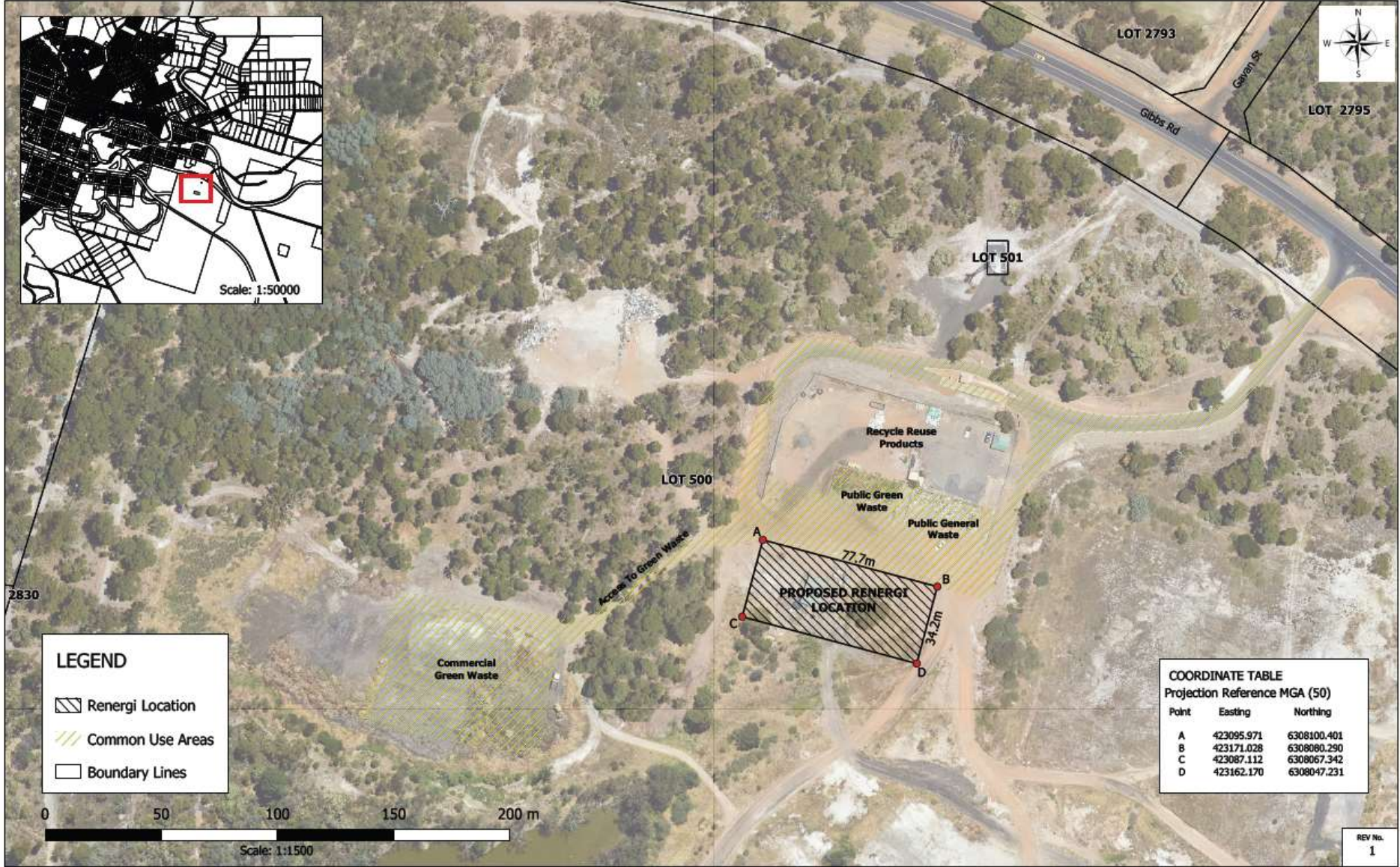


Figure 1: Location of proposed Renergi premises and areas shared by Renergi and Licence Holder

L6831/1997/12

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2.3 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the department excludes employees, visitors and contractors of the Licence Holder from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

The proposed premises boundary change has the potential to alter the risk profile for the premises by introducing a new receptor in close proximity to the existing waste management activities at the premises. During construction and ongoing operation of the Renergi premises, there is the potential for the employees, visitors and contractors of Renergi to be affected by emissions from the Shire premises. Protection of these parties has not been considered in the department's previous assessments or in its determination of regulatory controls on the existing licence.

The proposed Renergi premises boundary is directly south of the waste transfer station, 80 m north-east of the green waste storage area, 85 m north-west of the active Class II putrescible landfill area and in close proximity to historically landfilled areas. Activities at the Shire premises have the potential to generate emissions including asbestos fibres, leachate, dust, noise, odour, litter/windblown waste, contaminated stormwater, landfill gas and smoke and contribute to other adverse effects from fire and vermin/vectors.

The licence amendment application included a letter co-signed by the Licence Holder and the CEO of Renergi that states:

“Both the Shire and Renergi accept that their operations in the landfill site are considered as commercial/industrial/utility activities. They mutually waive their rights to require the other party to meet the requirements at their mutual boundaries in terms of the emissions of pollutants, dust, odour and noise by the other party into their prescribed premises. They also request DWER not to set these requirements at premise boundaries as the conditions for Renergi’s Works Approval and Licence and Shire’s Licence. Instead, Renergi and Shire will work in partnership to develop a Site Management Plan to resolve any possible issues between the parties to ensure that their legal obligations (e.g. workplace safety) are met.”

The Delegated Officer accepts the Licence Holder and Renergi's joint request to exclude Renergi as a receptor in the assessment of this licence amendment application. The Delegated Officer has determined to not impose conditions under licence L6831/1997/12 to mitigate potential impacts from the Shire's premises to the employees, visitors and contractors of Renergi. The Licence Holder and Renergi are responsible for implementing appropriate controls and procedures to protect the health, safety and amenity of these parties, including in relation to potential emissions from the Shire premises.

2.4 Proposed premises boundary

The Gibbs Road putrescible landfill was operated as an unmanned landfill facility from the early 1970s; during this time uncontrolled waste disposal occurred into a former quarry void on the site. The activities undertaken at the premises prior to it being licensed in 1997 were largely undocumented and the dimensions of the initial quarry void and waste disposal area are unknown.

The proposed Renergi premises is outside of the active landfilling area authorised on the existing licence and coincides with an existing vehicle storage shed and disused vehicle washdown bay. The application indicates that the Licence Holder will make alternative arrangements for the facilities currently located in the proposed Renergi premises.

There is some uncertainty about the extent of the historical landfilling area in relation to the proposed Renergi premises. Maps of the premises depicting the extent of the landfill area

suggest that most of the Renergi premises is outside of the inactive landfill area (IW Projects 2012; ASK Waste Management 2019). However, the Delegated Officer is uncertain how accurately these maps depict the historical landfilling area at the premises and notes that the landfill area depicted in one of these maps (ASK Waste Management 2019) coincides with a small portion of the south-eastern corner of the proposed Renergi premises.

Following the premises boundary change, Renergi and the Licence Holder will have shared use of some portions of the Shire premises (Figure 1). These shared areas will be used by Renergi to store biomass feedstocks and for vehicle access to the Renergi premises. The areas proposed for shared use comprise:

- part of the green waste storage area;
- the green waste drop off area;
- the putrescible drop off area; and
- access roads around the transfer station and to the green waste storage area.

The Licence Holder intends to retain the shared areas within the existing premises boundary. The Licence Holder will therefore be responsible for activities in these shared areas and ensuring they comply with the relevant conditions of the licence and the broader provisions of the EP Act.

3. Consultation

The Licence Holder was provided with the draft Amendment Report on 4 March 2022. Comments received from the Licence Holder on 28 March 2022 have been considered by the Delegated Officer as detailed in Appendix 1.

4. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

In accordance with section 53 of the EP Act, relocation of infrastructure currently within the Renergi premises area, such as the vehicle washdown bay, to another part of the Shire premises may require authorisation under a works approval or licence amendment. The Licence Holder should seek advice from the department about regulatory approvals for potential changes at the premises before commencing such works.

As discussed in Section 2.4, there is uncertainty about the extent of the historical landfilling area in relation to the proposed Renergi premises. The Delegated Officer therefore recommends that Renergi and the Licence Holder consider the potential for waste to be buried beneath the Renergi premises in their planning and implementation of occupational health and safety measures during construction and operation of the pyrolysis plant and associated infrastructure and equipment.

The whole of Lot 500 on Deposited Plan 76826 is classified under the *Contaminated Sites Act 2003* (CS Act) as possibly contaminated – investigation required. The Delegated Officer notes that the change in the premises boundary under L6831/1997/12 does not affect this classification or the Licence Holder's obligations under the CS Act, including in relation to the portion of Lot 500 excised from the premises boundary.

4.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 1: Summary of licence amendments

Condition no.	Proposed amendments
Commencement date	Typographical error corrected to show the licence commencement date as 27/5/2015 rather than 21/5/2015.
Cover page	Legal description amended to 'Part of Lot 500 on Deposited Plan 76826; As defined by the premises map in Schedule 1'
Condition 4, Table 2 – Infrastructure and equipment	Vehicle washdown bay and related requirements removed as this infrastructure is within the portion of Lot 500 to be excised.
Condition 5, Table 3 – Waste processing	<p>Amendment of the waste processing specification (a) for putrescible waste to clarify that this requirement applies to wastes stored at the transfer station before removal from the premises for reuse or recycling.</p> <p>Addition of waste processing specification (c) to specify that municipal solid waste (MSW) from kerbside collections that is intended to be processed at the off-site pyrolysis plant is not stored on the premises. This control is consistent with confirmation from the licence holder indicating that this waste stream will not be stored at the premises before pyrolysis. If the pyrolysis plant cannot receive deliveries of MSW from kerbside collections because it is at capacity or malfunctioning, the licence holder intends to direct this waste stream to the landfill for disposal.</p> <p>Amendment to the authorised processes for green waste to include removal from the premises.</p>
Condition 8 – Fire management	Typographical error in condition referenced in part (g) 1) corrected.
Condition 12 – Dust emissions	Removal of the reference to the boundary of the premises to instead require that no visible dust crosses the yellow line designated in Figure 1. This amendment means that the Licence Holder will not be required to ensure that no visible dust from their premises enters the Renergii premises.
Condition 20 – Waste monitoring	Minor wording change to the description of waste types to be removed from the premises for clarity.
Condition 25, Table 6 – Specified actions	Typographical error corrected under item 4(a)(ii) to clarify the reference to a 1 in 100 (1%) AEP 72 <u>hour</u> storm event.
Definitions	<p>Definition for ACM updated in accordance with a recent revision to the Department of Health <i>Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia</i>.</p> <p>Definition of Assessment and management of contaminated sites updated in accordance with a recent revision to this guideline.</p>

Condition no.	Proposed amendments
Premises map – Figure 1	<p>Updated to show the portion of Lot 500 that is excised from the premises area, including the coordinates of this area.</p> <p>Updated to show the yellow line that depicts the exterior boundary of Lot 500, as referenced in condition 12.</p>
Operations and infrastructure map – Figure 2	Updated to show the portion of Lot 500 that is excluded from the premises area and remove the vehicle washdown bay.
Monitoring locations map – Figure 3	Updated to show the portion of Lot 500 that is excluded from the premises area.

References

1. ASK Waste Management 2019, *Waste Management Plan, Gibbs Road Waste Management Facility*, June 2019. (DWER reference A1865708)
2. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
3. IW Projects 2012, *Shire of Collie – Gibbs Road Landfill, Leachate Prevention and Management Plan*, August 2012. (DWER reference A1338922)

Appendix 1: Summary of Licence Holder's comments on draft amendment

Item	Summary of Licence Holder's comment	Department's response
<p>Section 2.2 – Application summary</p> <p>Condition 5, Table 3 – Waste processing</p>	<p><i>In response to DWER's request for the Licence Holder to confirm whether kerbside collections of municipal solid waste (MSW) (i.e. red bin rubbish truck collections) will be delivered directly to the Renergi premises or deposited at the transfer station for temporary storage, the Licence Holder responded:</i></p> <p>Kerbside Collection of MSW will be delivered direct to the Renergi premises. There may be times when plant experiences breakdowns or at capacity that some loads may need to be diverted to landfill as per current operations.</p>	<p>Based on the Licence Holder's confirmation that kerbside collections of MSW intended to be processed at the Renergi pyrolysis plant will not be stored on the premises, the Delegated Officer determined to change the waste processing requirements specified in condition 5 of the amended licence.</p> <p>The draft licence specified that putrescible waste received for storage prior to removal from the premises for pyrolysis be placed at the putrescible waste drop off area and be removed from this area on a daily basis. Given that the Licence Holder does not intend to store this waste stream on their own premises, and it will be transported directly to the Renergi premises, the Delegated Officer changed this part of the condition to instead say that MSW from kerbside collections that is intended to be processed at the off-site pyrolysis plant is not stored on the premises.</p>
<p>2.4 – Proposed premises boundary</p>	<p><i>In response to DWER's request for the Licence Holder to confirm whether:</i></p> <ul style="list-style-type: none"> a) <i>the proposed Renergi premises is outside of the historical landfilling area; and</i> b) <i>there is evidence available to support this conclusion, if so please include this evidence in the response.</i> <p><i>the Licence Holder responded:</i></p> <ul style="list-style-type: none"> a) Unknown and inconclusive; b) Reference to previous documents Shire Waste Reports IW Projects 2012 and Ask Waste Management 2019. 	<p>The Licence Holder's response confirms that there is uncertainty about the extent of the historical landfilling area in relation to the proposed Renergi premises. The Delegated Officer has considered this uncertainty in their determination of the outcome of the amendment application.</p>