



Application for Licence Amendment

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

Licence Number	L8461/2010/2
Licence Holder	Cleanaway Daniels Services Pty Ltd
ACN	093 315 014
File Number	2010/004171-2
Premises	Cleanaway Daniels Bibra Lake 19 Coolibah Way BIBRA LAKE WA 6163 Legal description – Lot 164 on Deposited Plan 17339
Date of Report	13 June 2022
Decision	Revised licence granted

**MANAGER WASTE INDUSTRIES
REGULATORY SERVICES**

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

Table of Contents

1. Decision summary	1
2. Scope of assessment	1
2.1 Regulatory framework	1
2.2 Amendment summary	1
2.3 Other approvals	1
3. Risk assessment	2
3.1 Source-pathways and receptors	2
3.1.1 Emissions and controls	2
3.1.2 Receptors	2
3.2 Risk ratings	3
4. Consultation	5
5. Conclusion	5
5.1 Summary of amendments	5
References	7
Appendix 1: Summary of Licence Holder comments on risk assessment and draft conditions	8
Appendix 2: Application validation summary	10
Table 1: Licence Holder controls	2
Table 2: Sensitive human and environmental receptors and distance from prescribed activity	3
Table 3: Risk assessment of potential emissions and discharges from the Premises during operation	4
Table 4: Consultation	5
Table 5: Summary of licence amendments	5
Table 6: Consolidation of licence conditions in this amendment	6

1. Decision summary

Licence L8461/2020/1 is held by Cleanaway Daniels Services Pty Ltd (Licence Holder) for the Cleanaway Daniels Bibra Lake (the Premises), located at 19 Coolibah Way, Bibra Lake within Lot 164 on Deposited Plan 17339.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the Premises as a result of the proposed amendment.

As a result of this assessment, Revised Licence L8461/2010/2 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises. The Revised Licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, 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 Amendment summary

On 2 December 2021, the Works Approval Holder submitted an application to the department to amend Licence L8461/2010/2 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- amend the storage requirements for Clinical waste, where that waste is processed via sterilisation prior to removal offsite for landfilling, by replacing 'sea container' with 'container' in Condition 1.2.3, Table 1.2.2 of the Existing licence.

The amendment is being sought on the justification that existing primary clinical waste containment (Sharpsmart or Clinismart containers) and secondary transport containers are fit for purpose and additional storage in a 'sea container' is not required. The storage is for clinical waste within and outside of buildings.

In addition, in response to observations made during a compliance inspection in December 2020, the department initiated amendments with regard to the following:

- administrative amendments to specifications within conditions for certain waste types to provide more consistent, effective and transparent regulatory requirements; and
- updates to align with the current regulatory approach, including definitions.

2.3 Other approvals

Under the *Planning and Development Act 2005*, the City of Cockburn granted Development Approval DA13/0621 on dated 8 August 2013 that includes conditions that requires:

- *all stormwater being contained and disposed of on-site to the satisfaction of the City;* and
- provisions for the drainage of the external waste enclosure to be connected to sewer.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

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.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in Table 1 below. Table 1 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 1: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls
Litter and debris	Containment loss from storage and handling of clinical waste	Discharge to land/ surface water and potential seepage to groundwater	Primary containers (Sharpsmart or Clinismart): <ul style="list-style-type: none"> meet design specifications for drop, impact, leak and puncture resistance; and are airtight and leakproof when the four-lock system is engaged.
Contaminated stormwater	Interaction of clinical waste with stormwater		<p>Secondary transport containers are lockable, fully enclosed, weatherproof, and sealed when closed.</p> <p>All waste storage areas are sealed, equivalent to a hardstand as defined in the licence.</p> <p>Clinical waste processing only occurs within an enclosed building.</p> <p>Transport containers are to be stored in designated store areas as depicted in premises plan.</p> <p>Spill kits and the spill response process will be used when required.</p>

3.1.2 Receptors

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

Table 2 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental siting* (DWER 2020)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Residential premises	Yangebup residential area 450 m south-east of the premises.
Commercial/industrial premises	Commercial/industrial properties of the Bibra Lake industrial precinct immediately to the west, south, east and north of the premises.
Environmental receptors	Distance from prescribed activity
Underlying groundwater	<p>Based on the Perth Groundwater Map, the depth to groundwater in the superficial aquifer is about 23 m below ground level at the premises and the regional groundwater flow direction in the superficial aquifer is to the west.</p> <p>The premises is within the Cockburn Groundwater Area which is a proclaimed area under the <i>Rights in Water Irrigation Act 1914</i>.</p> <p>Based on the surrounding land uses, the main beneficial use of groundwater in the superficial aquifer in the vicinity and immediately down hydraulic gradient of the premises is likely to be non-potable use for irrigation and industrial purposes.</p> <p>Authorised abstraction of groundwater is identified within 175 to 270 m down hydraulic gradient of the premises.</p>

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

The Revised Licence L8641/2010/2 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises activities.

The conditions in the Revised Licence have been determined in accordance with *Guidance statement: Setting conditions* (DER 2015).

Table 3. Risk assessment of potential emissions and discharges from the Premises during operation

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Operation								
Storage and handling of clinical waste: <ul style="list-style-type: none"> Containment loss Interaction of clinical waste with stormwater 	Litter and debris	Air/ windborne pathway or overland runoff from the premises, potentially leading impacts to human health and amenity	Workers on adjacent industrial premises and/ or General public on the road reserve	Refer to Section 3.1.1, Table 1	C = Major L = Rare Medium Risk	Y	Condition 1 (Table 1 - Clinical waste containment infrastructure) and Condition 4(d)	None specified, when effectively implemented the Licence Holder's controls are considered sufficient to control the risk.
	Contaminated stormwater	Contamination of stormwater that enters soak wells at the premises and potentially impacts groundwater quality	Down-gradient groundwater users	Refer to Section 3.1.1, Table 1	C = Moderate L = Rare Medium Risk			

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk assessments* (DWER 2020).

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Local Government Authority advised of proposal (16/03/2022)	None received	
Department of Health (DoH) advised of proposal (16/03/2022)	DoH replied on 24 March 2022 with no objections to the proposal.	Noted.
Licence Holder was provided with draft amendment on 5/05/2022	See Appendix 1	See Appendix 1

5. Conclusion

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

5.1 Summary of amendments

Table 5 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 5: Summary of licence amendments

Condition no.	Proposed amendments
1	Addition of clinical waste containment infrastructure, for clinical waste that will be sterilised prior to removal offsite for landfilling, consistent with the Licence Holder's controls set out in to Section 3.1.1, Table 1
2 and 5	Administrative amendments to: <ul style="list-style-type: none">remove the duplication of 'General waste' under Category 61A that is accepted under Category 62 activities; andreword the waste acceptance specifications to simplify the language and remove repetition, providing more transparent and effective conditions.
4(d)	New condition consistent with the License Holder's controls
8	New condition consistent with the current regulatory approach and licensing format.
Definitions	Administrative amendments
Schedule 1, Figure 2	New plan of the premises added, replacing older version

Table 6 provides a summary of the conversion of condition numbering and format from the exiting licence to the Revised Licence. The intent of the conditions have not been amended in the conversion process.

Table 6: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section, Definitions and Table 8	Redundant condition. Revised to current licensing format.
1.1.3 1.1.4	Reference to Australian or other standard and code of practice	N/A Interpretation section, Definitions and Table 8	Redundant condition. Revised to current licensing format.
1.2.1	Premises operation – waste acceptance Table 1.2.1	Condition 2, Table 2	Revised to current licensing format.
1.2.2	Premises operation – waste acceptance (not meeting acceptance criteria)	Condition 3	Revised to current licensing format
1.2.3	Premises operation – waste processing, Table 1.2.2	Condition 5, Table 3 and Condition 4(b)	Revised to current licensing format and consistent with Table 5 in this Amendment report; including bringing the common process specifications into a row applying to all waste types under Category 62 activities.
1.2.4	Premises operation – Autoclave malfunction specifications	Condition 5, Table 3	Revised to current licensing format
1.2.5 – 1.2.8	Premises operation – Autoclave treatment, and operational specifications	Condition 1, Table 1 – Autoclave requirements (a), (b) and (c)	Revised to current licensing format
1.2.9	Premises operation – Waste segregation (contamination)	Condition 4(a)	Revised to current licensing format
1.2.10	Premises operation – Waste segregation (mixing)	Condition 4(b)	Revised to current licensing format
2.1.1	Record and investigate exceedances of limits	N/A	Redundant condition. Deleted from licence.
2.2.1	Emissions – Point source emissions to air	Condition 6, Table 4	Revised to current licensing format
2.2.2	Blow down vessel controls (emissions)	Condition 7	Revised to current licensing format
2.2.3	Blow down vessel controls (maintenance)	Condition 1, Table 1 – Autoclave requirement (d)	Revised to current licensing format
3.1.1	Monitoring – air emissions	Condition 10, Table 5	Revised to current licensing format

Existing condition	Condition summary	Revised licence condition	Conversion notes
3.1.2	Autoclave requirements under Section 7 - AS 4187	Condition 11	Revised to current licensing format
3.1.3	Autoclave requirements monitoring frequency	Condition 12	Revised to current licensing format
3.1.4	Monitoring – air emissions NATA accreditation	Condition 9	Revised to current licensing format
3.2.1	Monitoring – inputs and outputs	Condition 13	Revised to current licensing format
4.1.2	Records – Records management	Conditions 15 and 16	Revised to current licensing format
4.1.3	Records – Annual Audit Compliance Report	Condition 17	Revised to current licensing format
4.1.4	Records – Complaints management	Condition 14	Revised to current licensing format
4.2.1	Reporting – Annual environmental report	Condition 18	Revised to current licensing format
Schedule 1	Premises, emission and storage maps	Schedule 1, Figure 1 Schedule 1, Figure 2	Updated premises map (Figure 1) Updated premises plan (Figure 2) Amalgamation of premises plan and emission point map
Schedule 2	Form N1 Notification	N/A	Redundant attachment. Deleted from Licence Forms accessed at www.dwer.wa.gov.au
Schedule 3	Bunded hardstand design specifications	Schedule 1, Figure 3	Revised to current licensing format

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Summary of Licence Holder comments on risk assessment and draft conditions

Condition	Summary of Licence Holder's comment	Department's response
Condition 2 Table 2	<p>Request to amend the volume of waste for:</p> <ul style="list-style-type: none"> • 'Putrescible (paper) waste (for storage onsite prior to removal off-site for secure shredding)' from 60 to 100 tonnes per annual period. • 'General waste (for storage prior to removal off-site for treatment/disposal) from 40 to 60 tonnes per annual period. <p>Noted that there is no impact to storage capacities for either waste type.</p>	<p>The matters are outside the scope of the application.</p> <p>The volumes have been amended on the Licence Holders statement that the existing infrastructure can manage the waste and subsequent finding that there is no change to the risk of pollution or environmental harm as a result of the increased throughput.</p> <p>The Delegated Officer notes that an assessment for the risks from fire events at the premises has not been completed at this time. This assessment would be based on the Licence Holders capacity to prevent, detect and mitigate fires with regard to the types and volumes of waste accepted and storage at the premises.</p>
Condition 5 Table 3	<p>Request to amend Table 3, process specification d) for Category 61A 'Clinical waste (for sterilisation prior to removal offsite for landfilling)' to read:</p> <p><i>'In the event of a malfunction of the autoclave the Licence holder will divert waste (clinical for sterilisation) to an alternative Licensed facility'</i></p> <p>Noted that specifications d)i) and d)ii) are not considered options to manage the issue.</p>	<p>Further to clarification with the Licence Holders representative on 9 June 2022, no changes were made with the understanding that:</p> <ul style="list-style-type: none"> • the option to divert waste to an alternative authorised facility was identified as an operational decision that did not require authorisation under the licence; and • the option to manage the waste type for up to 30 days with refrigeration, while not generally practical at the premises at this time, remain and appropriate and viable control.
Condition 5 Table 3	<p>Questioned what is 'wet' with regard to defining 'Wet pharmaceutical waste'.</p>	<p>The matter is outside the scope of the application.</p> <p>In the context of the process specifications for the waste type, the licence holder should consider 'wet' with regard to any waste that contains free liquid and/ or that could generate leachate under normal conditions.</p> <p>The additional process specification for 'Wet Pharmaceutical waste' of a 'bundled concrete hardstand area' is noted.</p>

Condition	Summary of Licence Holder's comment	Department's response
Condition 5 Table 3	<p>Request to amend Table 3, process specification:</p> <ul style="list-style-type: none"> • d) for Category 62 'Clinical waste (including anatomical waste) ... [et al]' to add: '<i>depicted in S1 of Fig 2 Schedule 1</i>' • e) for Category 62 'Clinical waste (including anatomical waste) ... [et al]' to delete: e)iii) as Figure 3 relates to S1 and the waste types is stored in a sea container with a sealed base preventing liquids from discharging. • c) for Category 62 'GMO waste' to add: '<i>or repaired in the same period</i>' 	<p>For the respective process specifications:</p> <ul style="list-style-type: none"> • Specification d) is now c) and the reference to the figure is not considered necessary for the condition to be effective. • Specification e) is now d), element iii) has been deleted and element ii) amended to require the retention of liquids. • Specification c) has been amended to only require the removal of the waste type is the refrigeration unit is not repaired.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L8461/2010/2	
		Relevant works approval number:		N/A
Date application received		2 December 2021		
Applicant and Premises details				
Applicant name/s (full legal name/s)		Cleanaway Daniels Services Pty Ltd		
Premises name		Cleanaway Daniels Bibra Lake – change from current premises name 'Daniels Health Services Pty Ltd'		
Premises location		Lot 164 on Deposited Plan 17339		
Local Government Authority		City of Cockburn		
Application documents				
HPCM file reference number:		DWERDT534119		
Key application documents (additional to application form):		Lease extension Images of transport containers Letter to DWER Compliance Branch dated 3 November 2021		
Scope of application/assessment				
Summary of proposed activities or changes to existing operations.		<p>Licence amendment:</p> <p>Change in the type of container used to receive and store clinical waste (for sterilisation prior to removal off-site for landfilling) specified in condition 1.2.3 and Table 1.2.2 of the existing licence, from 'sea container' to 'container'.</p> <p>This change will allow the Licence Holder to use transport containers to store clinical waste awaiting sterilisation, which the Licence Holder considers will perform the same function as sea containers were intended to provide.</p>		
Category number/s (activities that cause the premises to become prescribed premises)				
Table 1: Prescribed premises categories				
Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)		
Category 61A	5,000 tpa	No change		
Category 62	1,000 tpa	No change		

Legislative context and other approvals		
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	General lease - expiry: 31 December 2022
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	The Licence holder has not provided a reason provided in the application
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Cockburn Groundwater Area Note: No planned discharges, accidental discharge possible in the event of a spill or loss of containment
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any other Acts or subsidiary regulations	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Including: <i>Dangerous Goods Safety Act 2004 (DG Act)</i> – Premises receives Division 6.1 toxic substances and Division 6.2 infectious substances. Note; the application primarily relates to storage requirements for Division 6.2 infectious substances that are not considered a dangerous goods for the purposes of the DG Act. <i>Environmental Protection (Controlled Waste) Regulations 2004</i>
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	N/A