



Application for Licence

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

Licence Number	L9268/2020/1
Applicant	Cleanaway Co Pty Ltd
ACN	127 853 561
File Number	DER2020/000545
Premises	Cleanaway Port Hedland Resource Recovery Centre 20 Schillaman Street WEDGEFIELD WA 6725 Legal description - Lot 5857 on Deposited Plan 191016 As defined by the coordinates in Schedule 2 of the Licence
Date of Report	19 January 2021
Decision	Licence granted

Stephen Checker
Manager, Waste Industries

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

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1. Purpose and scope of assessment

1.1 Regulatory framework

In completing the assessment documented in this Decision Report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://www.der.wa.gov.au>.

1.2 Application summary

On 10 November 2020 Cleanaway Co Pty Ltd submitted an application for a replacement licence for the Cleanaway Port Hedland Resource Recovery Centre. This site was previously licensed under L6789/1194/16 until it ceased in accordance with Section 5DA(5) of the *Environmental Protection Regulations 1987* (EP Regulations) due to the non-payment of an annual licence fee. The applicant has confirmed that there has not been any material changes made to the premises; infrastructure within the premises; and/or activities undertaken at the premises.

As part of this licence replacement the Licence Holder's name has been updated to Cleanaway Co Pty Ltd, from Tox Free Australia Pty Ltd. This is to recognise a formal name change that occurred on 4 October 2007. The premises name has subsequently been changed to Cleanaway Port Hedland Resource Recovery.

Due to the administrative nature of this application, no additional risk assessment has been conducted for this premises. A copy of the Decision Document completed for the premises on 31 July 2014 is attached as Appendix 1 of this Decision Report for reference.

1.3 Consolidation of Licence

As part of this replacement Licence, DWER has updated the Licence by incorporating the following changes:

- updated the format and appearance of the Licence;
- revised licence condition numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The obligations of the Licence Holder have not changed in updating the licence. DWER has not undertaken any additional risk assessment of the Premises as a part of this process.

2. Overview of Premises

Cleanaway Co Pty Ltd operates the Cleanaway Port Hedland Resource Recovery Centre in Wedgefield that provides a service to industry through the treatment and destruction of organic based waste material. Services carried out on the site include:

- Operation of a liquid and solid waste treatment plant for the processing of solid and liquid waste described within Schedule 1 of the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- Recycling of used lubricating oil.

This Licence is the successor to Licence L6789/1994/16. Table 1 provides the history for L6789/1994/16. Table 2 provides the prescribed premises category for the replacement licence: L9268/2020/1.

Table 1: Licence history

Instrument	Issued	Description
L6310/1991/1	29/10/1997	Licence issued
L6311/1991/1	06/09/2000	Amendment
L6789/1994/5	29/01/2001	Licence reissue.
L6789/1994/6	06/02/2002	Licence reissue.
L6789/1994/7	17/02/2003	Licence reissue.
L6789/1994/8	5/02/2004	Licence reissue.
L6789/1994/9	07/02/2005	Licence reissue.
L6789/1994/10	08/02/2007	Licence reissue.
L6789/1994/11	07/02/2008	Licence reissue.
L6789/1994/12	06/02/2009	The Licence was reissued with global changes only following email confirmation that there were no significant changes to the site.
L6789/1994/13	09/02/2012	The Licence was reissued and included notification to DER prior to quarterly stack testing. The Licence was also changed to an annual duration due to its reclassification as a high priority site.
L6789/1994/14	08/02/2013	<p>The Licence was reissued with the following changes:</p> <ul style="list-style-type: none"> • Updated to include the appeal outcomes; • Chlorine and fluorine input further reduced on the licence to zero input; • Additional metals requiring sampling for in the waste material (manganese, chromium and copper); • Additional definitions added as per advice from Industry Regulation Licensing Branch; • Definitions for polycyclic aromatic hydrocarbons (PAH) added (as per appeal outcome); • A target of 0.1 ng/m³ added for dioxins and furans in the interim until an appropriate limit could be established (this required further data, modelling and Stack testing results for various waste streams); • Include dioxins, furans, PAH and Polychlorinated biphenyl (PCB) testing during all quarterly stack testing; and • Stack testing results to be provided to DER within 3 months (and a report should the target be exceeded, which detailed the amount emitted, the time and what was being incinerated, as well as measures taken to prevent this reoccurring), rather than annually.
L6789/1994/15	08/08/2013	New format licence reissue for categories 39 and 61. Removal of

Licence: L9268/2020/1

Instrument	Issued	Description
		category 60.
L6789/1994/15	22/05/2014	Licence transferred from Oil Energy Corporation Pty Ltd to Tox Free Australia Pty Ltd.
L6789/1994/16	31/07/2014	Licence reissued.
L6789/1994/16	08/01/2015	Licence amendment to remove the previous IR2, change the completion dates for IR1 and IR2 for the Improvement program and inclusion of waste codes.
L9268/2020/1	19/01/2021	Replacement licence issued for L6789/1994/16

Table 2: Prescribed Premises Category in the Existing Licence

Category	Description	Approved Premises production or design capacity or throughput
39	Chemical or oil recycling: Premises on which waste liquid hydrocarbons or chemicals are refined, purified, reformed, separated or processed.	10,000 tonnes per annual period
61	Liquid waste facility: Premises on which liquid waste produced on other Premises (other than sewage waste) is stored, reprocessed, treated or irrigated.	30,000 tonnes per annual period
61A	Solid waste facility: Premises (other than Premises within category 67A) on which solid waste produced on other Premises is stored, reprocessed, treated, or discharges onto land	20,000 tonnes per annual period

3. Consultation

Table 3 provides a summary of the consultation undertaken by the department.

Table 3: Consultation

Consultation method	Comments received	Department response
Applicant was provided with draft documents on 8/12/2020	On 16 December 2020 an email was received from Cleanaway requesting a number of changes to the licence.	In a return email the department advised that as this was an administrative process to replace a ceased licence addition changes could not be made. Cleanaway were advised to apply for an amendment to apply for the proposed changes.
	On 24 December 2020 an email was received from Cleanaway requesting that the licence amendment be progressed to issue.	The department progressed to issue the licence.

4. Conclusion

The Delegated Officer has determined that the replacement of the licence with no material changes made to the premises; infrastructure within the premises; and/or activities undertaken at the premises is an administrative function which does not alter the risk profile of the premises. Operations shall be undertaken in accordance with the conditions of licence, and there is to be no change in the potential emissions associated with the operation of the facility.

4.1 Summary of changes

Table 4 provides a summary of the proposed changes to the revised licence and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the replacement of licence process.

Table 4: Licence conversion map for new licence format

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
N/A	Premises name	N/A	
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section, Definitions in Table 11	Redundant condition. Revised to current licensing format.
1.1.3	Australian or other standard	N/A Interpretation section	Redundant condition. Revised to current licensing format.
1.1.4	Guideline or code of practice	N/A	Redundant condition. Revised to current licensing format.
1.2.1	Emissions	N/A	Redundant condition removed from the licence as it relates to general advice and is not a valid or enforceable condition. The Delegated Officer considers that impacts from emissions can be sufficiently regulated under section 49 of the <i>Environmental Protection Act 1986</i> (is an offence to cause pollution and unreasonable emissions).
1.2.2	Pollution control and monitoring equipment	N/A	Redundant condition removed from licence. The Delegated Officer considers that this condition is not enforceable as the specific equipment or internal management system endorsed is not clearly designated.

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
1.2.3	Storage of environmentally hazardous materials	4	<p>Reference to the storage of environmentally hazardous material in accordance with the code of practice for the storage and handling of dangerous goods has been removed as it related to a code of practice which is not administered by DWER. The storage of dangerous goods is regulated by the Department of Mines Industry Regulation and Safety.</p> <p>The condition has been amended to require environmentally hazardous materials to be stored on an impervious hardstand.</p>
1.2.4	Recovery and removal of spills	17	New numbering
1.2.5	Prevention of contamination and containment of contaminated stormwater	16	New numbering
1.3.1	Investigation of exceedances	N/A	Deleted. Condition 34 of the Revised Licence requires the Licence Holder to notify the CEO if any limit is breached and Form N1 requires details of the exceedance to be provided.
1.3.2	Labelling of waste containers	7	New numbering
1.3.3	Maintain certain records	25	New numbering
1.3.4	Records available to CEO upon request	26	New numbering
1.3.5	Storage of waste in a labeled/demarcated area	3	New numbering
1.3.6	Visual checks	8	New numbering

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
1.3.7	Record of plants condition	9	New numbering
1.3.8 Table 1.3.1	Waste acceptance	1 Table 1	New numbering
1.3.9	Removal of non-conforming wastes	2	New numbering
1.3.10 Table 1.3.2	Waste processing	5 Table 2	New numbering
1.3.11 Table 1.3.3	Containment infrastructure	6 Table 3	New numbering
1.3.12	Management of ponds	10	New numbering
1.3.13	Washdown water/wastewater	11	New numbering
1.3.14	Security	12	New numbering
1.3.15	Signage	13	New numbering
2.1.1	Exceedances	N/A	Removed as there were no descriptive or numerical limits or targets to report on in Section 2 of the Existing Licence.
2.2-2.4	Point source emissions	N/A	Deleted. No specific conditions to carry over onto Revised Licence
2.5	Emission to land	N/A	Deleted. No specific conditions to carry over onto Revised Licence
2.6.1	Dust emissions	14	New numbering
2.6.2	Dust emissions – no visible dust to cross premises boundary	N/A	Deleted as it contradicted condition 2.6.1.
2.7.1	Odour emissions	15	New numbering

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
2.8	Noise emissions	N/A	Deleted. No specific conditions to carry over onto Revised Licence
3.1.1	Water samples	18	New numbering
3.1.2	Timing of monitoring	19	New numbering
3.1.3	Calibration of monitoring equipment	20	New numbering
3.1.4	Calibration discrepancies	21	New numbering
3.2-3.4	Monitoring of point source emissions to air, surface water and groundwater	N/A	Deleted. No specific conditions to carry over onto Revised Licence
3.5	Monitoring of emissions to land	N/A	Deleted. No specific conditions to carry over onto Revised Licence
3.6.1 Table 3.6.1	Monitoring of inputs and outputs	22 Table 4	New numbering
3.7.1 Table 3.7.1	Process monitoring	23 Table 5	New numbering
3.8.1 Table 3.8.1	Monitoring of ambient groundwater quality	24 Table 6	New numbering
3.9	Meteorological monitoring	N/A	Deleted. No specific conditions to carry over onto Revised Licence
4.1.1	Improvements	35	It is acknowledged that the investigation report was submitted by the date specified, however DWER has decided to retain these conditions on the licence as an assessment of the data would be required to determine if additional conditions need to be added to the licence. Due to the administrative nature of this licence replacement no additional assessment has been conducted. These conditions will be reviewed at a
4.1.2 Table 4.1.1	Improvement programme	36	

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
			later date in conjunction with a licence amendment/review.
5.1.1	Requirements of records	27	New numbering
5.1.2	Knowledge of licence	28	New numbering
5.1.3	Complete AACR	29	Condition updated to current format.
5.1.4	Complaints management system	30	Condition updated to reflect current wording used by the department.
5.2.1 Table 5.2.1	AER	31 Table 7	New numbering. Reference to Forms ET1/PR1 and ET1/GR1 have been removed from the licence as these forms are no longer in use. AACR reporting requirement removed from this condition as it has been incorporated into condition 29. AACR reporting form can be obtained from the departments website.
5.2.2	AER assessment of information	32	New numbering
5.2.3 Table 5.2.2	Non-annual reporting requirements	33 Table 8	New numbering
5.3.1 Table 5.3.1	Notification requirements	34 Table 9	New numbering
Schedule 1	Premises Map	Schedule 1	Figure 1 has been updated to a clearer aerial image. Figure 4 has been added to provide a clearer image of the site layout.
N/A	N/A	Schedule 2	Addition of coordinates of Premises boundary
Form N1	Reporting and notifications	Form N1	Form has been updated to current format

References

1. DER July 2015. Guidance Statement: Regulatory principles. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
2. DER, October 2015. Guidance Statement: Setting conditions. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
3. DER, August 2016. Guidance Statement: Licence duration. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
4. DER, February 2017. Guidance Statement: Risk Assessments. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
5. DWER, June 2019. Guideline: Decision Making. Department of Water and Environmental Regulation, Perth. Accessed at www.dwer.wa.gov.au

Appendix 1: Decision Document – L6789/1914/16 - 31 July 2014