



Amendment Notice #2

Licence Holder	Malatesta Investments Pty Ltd
ACN	009 052 608
Licence Number	L6561/1995/11
File Number:	DER2015/002207
Premises	Malatesta Road Paving and Hot Mix and Green Organic Recycling Contractors South Western Highway DAVENPORT WA 6230 Being Lot 2 on Plan 17617
Date of amendment	3 May 2017

Amendment

The Chief Executive Officer (CEO) of the Department of Environment Regulation (DER) has amended the above licence in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act and follows.

Date signed: 3 May 2017

Caron Goodbourn

/MANAGER LICENSING – INDUSTRY REGULATION (PROCESS INDUSTRIES)

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

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

The following DER Guidance Statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles* (July 2015)
- *Guidance Statement: Setting Conditions* (October 2015)
- *Guidance Statement: Decision Making* (November 2016)
- *Guidance Statement: Risk Assessments* (November 2016)

Amendment Description

DER has received six odour complaints during January and February 2017 with five of the complaints being substantiated as Malatesta Road Paving and Hot Mix and Green Organic Recycling Contractors being the source of the odour. As a result of these odour complaints, DER is amending the licence, L6561/1995/11, to specify types of waste that can be accepted at the premises and include a broader wind direction area for when certain composting activities cannot occur.

Decision

Waste types accepted at the premises

Waste types currently able to be accepted at the premises include green waste and organic waste. Green waste is not currently defined in the licence. Organic waste is defined in the licence to mean all solid food and food processing wastes, paper wastes and manures. Due to the number of odour complaints received, the Delegated Officer has determined that waste types accepted at the premises will be specifically identified on the licence. This is to ensure that only acceptable waste types, with minimal risk of odour, are processed at the premises. The Licence Holder has advised DER that they accept green waste, and paunch waste from three local abattoirs. Green waste is waste that originates from flora and which does not contain or has not been treated or coated with preserving agents, biocides, fire retardants, paint, adhesives or binders. Paunch waste is the stomach contents (usually partially digested feed/grass) of animals slaughtered during abattoir operations, but does not include part of the gut or any other animal part. The Delegated Officer has determined that condition 1.3.1 will be amended to specify that green waste and paunch content waste only can be accepted for composting at the premises. The broad term organic waste will be removed from condition 1.3.1. Green waste and paunch waste will be added to and the term organic waste removed from the interpretation section (condition 1.1.2) of the licence.

Current conditions 3.3.1 and 5.2.1 of the licence require the Licence Holder to monitor and report the total weight of each waste type accepted at the premises for composting. No changes to these conditions are required.

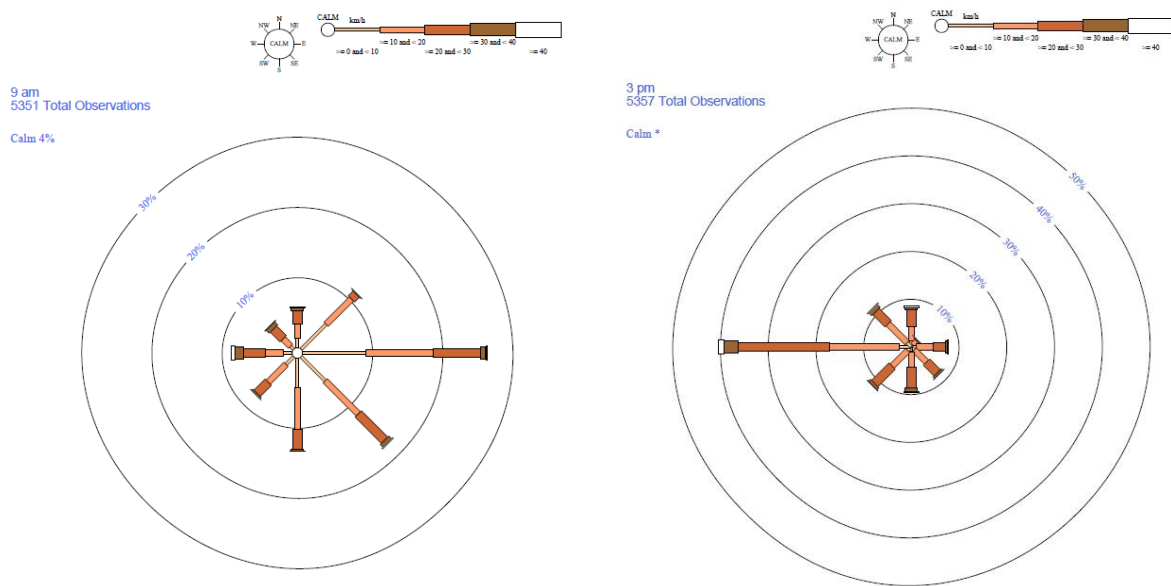
To be able to accept any other wastes for composting, the Licence Holder will need to apply for a licence amendment to have the feedstocks assessed.

Wind direction for composting operations

Condition 1.3.7 of the licence currently requires the Licence Holder to not operate the tub grinder, mix organic wastes, or turn compost windrows when the wind is blowing from the quadrant – east south-east to south south-east (112.5 degrees to 167.5 degrees). The licence contains an administrative error as the degrees for south south-east should read 157.5 instead

of 167.5. Wind direction is monitored at the premises through the use of a wind sock.

The Bureau of Meteorology provides the following wind roses, shown in Figure 1, for wind direction versus wind speed (9am and 3pm – 1995 to 2010) for the Bunbury Station.



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Figure 1: Wind Rose, Bunbury based on 22 November 1995 to 30 September 2010 annual average

It is important to note that these wind roses show historical wind speed and wind direction data for Bunbury weather station and should not be used to predict future data.

Adjacent industrial receptors are located from north north-west through to south-west of the composting operations on the premises. There are no residential or industrial receptors located immediately east of the premises.

Taking into consideration the location of adjacent industrial receptors, and due to the complaints recently received, the delegated officer has determined that condition 1.3.7 will be amended to include when wind is blowing from the quadrant – east north-east to south south-east which is 67.5 degrees to 157.5 degrees respectively.

Amendment History

Table 1 provides the amendment history for L6561/1995/11.

Table 1: Licence amendments

Instrument	Issued	Amendment
L6561/1995/11	04/02/2016	Amendment to merge licences L7401/1998/9 (composting) and L6561/1995/11 (asphalt manufacturing)
L6561/1995/11	29/04/2016	Amendment to extend expiry date of licence
L6561/1995/11	09/02/2016	Amendment by notice 1 Remove completed improvement condition

L6561/1995/11	03/05/2017	Amendment by notice 2 DER initiated amendment to specify waste types received at the premises and include a broader wind direction area for when composting activities cannot occur.
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Licence Holder's Comments

The Licence Holder was provided with the draft Amendment Notice on 22 March 2017. No comments were received from the Licence Holder on the draft Amendment Notice.

Amendment

- Condition 1.1.2 of the licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below.

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

'green waste' means waste that originates from flora and which does not include manure or contain or has been treated or coated with preserving agents, biocides, fire retardants, paint, adhesives or binders;

'paunch waste' means the stomach contents (usually partially digested feed/grass) but does not include manure or contain any gut or other carcass parts of animals slaughtered during abattoir operations;

- Table 1.3.1 of the licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below.

Table 1.3.1: Waste acceptance		
Waste type (feedstock)	Quantity limit tonnes / annual period	Specification
Green waste	Combined total of 50 000	Solid waste only
Organic waste		
<u>Paunch waste</u>		

- Condition 1.3.7 of the licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below.

The Licensee shall (except in the case of a fire), not operate the tub grinder, mix ~~organic~~ wastes, or turn compost windrows when the wind is blowing from the quadrant –east south-east north-east to south south-east (112.5 67.5 degrees to 167.5 157.5 degrees).

Appendix 1: Key Documents

	Document Title	In text ref	Availability
1	Licence L6561/1995/11 – Malatesta Road Paving and Hot Mix and Green Organic Recycling Contractors	L6561/1995/11	accessed at http://www.der.wa.gov.au
2	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.		accessed at http://www.der.wa.gov.au
3	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.		
4	DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.		
5	DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.		