



# Amendment Notice 3

**Licence Number** L6917/1997/8

**Licence Holder** Town of Port Hedland

**File Number:** DER2014/000670

**Premises** South Hedland Landfill  
Reserve 41342 North Circular Road  
SOUTH HEDLAND WA 6721  
  
Being Lot 5813 on Plan 189435

**Date of Amendment** 19 October 2018

## Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act) 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.

**Stephen Checker**

**MANAGER WASTE INDUSTRIES**

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

## Definitions and interpretation

### Definitions

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

**Table 1: Definitions**

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
Amendment Notice	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
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 <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
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
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Noise Regs	<i>Environmental Protection (Noise) Regulations 1997</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act being L8991/2016/1.
HDPE	High-density polyethylene

Term	Definition
Licence Holder	Town of Port Hedland
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
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.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
SBR	Sequencing Batch Reactor
WWTP	Wastewater Treatment Plant

## 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.

This notice is limited only to the clarification of types of waste the Premises is Licensed to accept in accordance with DWER Controlled Waste Category List (as amended in April 2015) and the addition of a Controlled waste category type (Waste code L150) to complement the existing L100 waste code accepted under the Existing Licence; there will be no changes to the Existing Licence Category 57, 61 and 64. There will be no changes to the Premises Production and design capacity or Infrastructure. No changes to the aspects of the original Licence relating to Category 57, 61 and 64 have been requested by the Licence Holder.

The following guidance statements have informed the decision made on this amendment

- *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: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

## Amendment description

The Licence Holder has applied for a licence amendment to clarify types of waste the Premises is licensed to accept in accordance with DWER Controlled Waste Category List (as amended in April 2015) and the addition of a Controlled waste category type (Waste code L150). The additional waste type is L150 'Industrial wash waters contaminated with a controlled waste' will complement the existing controlled waste types:

- Acidic solutions or acids in solid form (B100);
- Lead and lead compounds (D220);
- Used lead acid batteries (D221);
- Containers or drums contaminated with residues of a controlled waste (N100);
- Encapsulated, chemically fixed, solidified or polymerised controlled wastes (N160);
- Used oil filters (J170);
- Car and truck wash waters (L100);
- Industrial waste treatment plant residues (N205);
- Ceramic based fibres with physico-chemical characteristics similar to asbestos (N220);
- Clinical and related wastes (R100);
- Waste pharmaceuticals, drugs and medicines (R120);
- Waste from production or preparation of pharmaceutical products (R140);
- Waste from grease traps(K110); and
- Septage waste (K210)

All L100 and L150 waste not generated at the Premises will report to the dedicated receiving ponds 1 or 2. The liquid waste waters will undergo settling within the ponds before being gravity fed into the HDPE lined oxidation pond for aeration. From there waste water is delivered to the SBR WWTP for treatment. Treated waste water will then be used for dust suppression activities at the Premises. All L100 wash waters generated at the Premises wash down bay in the south west corner of the premises will continue to be processed through the existing evaporation pond.

There will be no additional changes to existing Licence Category 61 Production and design capacity or Infrastructure; the production and design capacity will remain at 32,850 tonnes per annual period. The Licence Holder proposes to accept a total of 2,500 tonnes of L150 waste per annual period and this additional waste will not affect the Category 61 production and design capacity of 32,850 tonnes per annual period; the previous 2016 and 2017 tonnage was 16,751 and 13,347 tonnes per annual period respectively.

## Amendment history

Table 1 provides the amendment history for L8991/2016/1.

**Table 1:** Licence amendments

Instrument	Issued	Amendment
L6917/1997/8	28/09/2016	Amendment to install SBR
L6917/1997/8	04/07/2018	Amendment Notice 1 – amendment to buffer between active cell and boundary fence to enable burial of tyres
L6917/1997/8	03/09/2018	Amendment Notice 2 – administrative amendment to incorporate comments
L6917/1997/8	19/10/2018	Amendment Notice 3 – amendment to incorporate additional Controlled waste type and clarify waste types accepted at the Premises

## Risk assessment

Tables 2 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

**Table 2: Risk assessment for proposed amendments during operation**

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning	
Source/Activities	Potential Emissions	Potential Receptors	Potential Pathway	Potential Adverse Impacts					
<p><b>Category 61</b> – Liquid waste facility</p>	<p>Operation of the facility</p>	<p><b>Dust:</b> associated with operation of the facility.</p>	<p><b>Residential sensitive receptors:</b> The closest sensitive residential receptor is approximately 700m west.</p>	<p><b>Air/ Wind:</b> Dust generated by light and heavy vehicles at the Premises</p>	<p>Elevated particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) can impact health and amenity of sensitive receptors</p>	<p>Slight</p>	<p>Unlikely</p>	<p>Low</p>	<p>Fugitive dust emissions are not expected to significantly impact sensitive premises from additional light and heavy vehicle movement on-site associated with the additional operation of the facility. The nearest sensitive residential receptor is approximately 700 m west of the primary activity.</p> <p>The Delegated Officer considers the separation distance between the source and receptors as adequate to inform the risk of dust emissions and does not consider additional regulatory controls are required given the licence amendment application risk assessment as additional dust emissions are not foreseeable and that Dust can be adequately regulated by section 49 of the EP Act.</p>

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning	
Source/Activities	Potential Emissions	Potential Receptors	Potential Pathway	Potential Adverse Impacts					
		<p><b>Noise:</b> associated with operation of the facility.</p>	<p><b>Residential sensitive</b> The closest sensitive residential receptor is approximately 700m west.</p>	<p><b>Air/ Wind:</b> Noise generated by light vehicles at the Premises</p>	<p>Amenity to nearby noise sensitive receptors</p>	Slight	Unlikely	Low	<p>Noise emissions are not expected to significantly impact sensitive premises from additional light and heavy vehicle movement associated with the additional operation activities. The nearest sensitive residential receptor approximately 700 m west of the primary activity. The Premises is small and therefore restricts the speed of vehicles.</p> <p>The Delegated Officer considers the separation distance between the source and receptors as adequate to inform the risk of noise emissions and that the additional waste stream will not produce additional foreseeable noise emissions.</p> <p>Noise can be adequately regulated by the EP Noise Regs.</p>
		<p><b>Odour:</b> associated with the storage and transfer of liquid waste</p>	<p><b>Residential sensitive receptors:</b> The closest sensitive residential receptor is approximately 700m west.</p>	<p><b>Air/ Wind:</b> generated by acceptance and burial of inert waste at the Premises</p>	<p>Amenity to nearby sensitive receptors</p>	Slight	Possible	Low	<p>Odour emissions are not expected to significantly impact sensitive premises from storage or transfer of the additional 2500 tonnes liquid waste. The nearest sensitive residential receptor is approximately 700 m west of the primary activity.</p> <p>Liquid waste is only temporarily stored on-site prior to treatment and disposal on-site for dust suppression activities.</p>

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning
Source/Activities	Potential Emissions	Potential Receptors	Potential Pathway	Potential Adverse Impacts				
								<p>The Delegated Officer does not consider additional regulatory controls are required on the licence to regulate odour emissions given the licence amendment application risk assessment as the additional waste stream will not produce an increase in foreseeable odour.</p> <p>Odour can be adequately regulated by section 49 of the EP Act (<i>Causing pollution and unreasonable emissions</i>).</p>
	<p><b>Leachate:</b> Spills and Infiltration from the operation of the facility</p>	<p><b>Groundwater</b> <b>Local soils within the Premises</b></p>	<p><b>Land and groundwater</b> – direct infiltration into soil and groundwater.</p>	<p>Alteration to soil and /or vegetation.</p> <p>Alteration to groundwater that has the potential to disrupt ecological processes of groundwater with excess metals, heavy metals, hydrocarbons and nutrients</p>	Slight	Unlikely	Low	<p>There are no changes required to existing Infrastructure at the Premises as a result of the Amendment Application. The two receiving ponds are concrete lined and the aeration pond is HDPE lined and the SBR WWTP sits on a concrete hardstand.</p> <p>Depth to groundwater ranges from 4 - 17m below ground level.</p> <p>Existing Licence condition 1.3.16 Table 1.3.4 regulates Containment Infrastructure and condition 1.3.17 regulates management of the wastewater ponds. Condition 1.3.18 stipulates that only treated water can be used for dust suppression. The Delegated Officer does not consider additional regulatory controls are required given the licence amendment application risk assessment as there are no foreseeable potential emissions.</p>



## Decision

The Delegated Officer has determined that an amendment be made to the Existing Licence and that conditions be amended to allow acceptance of the additional controlled waste type on the Licence.

The Delegated Officer considers the amended condition as appropriate and in line with other premises as assessed across the State, and in accordance with DWER's regulatory approach.

Licence condition 1.3.1 has been amended to include the additional waste type (L150) and clarification of wastes types accepted as requested by the Licence Holder in the amendment application. The Delegated Officer considers that the controlled waste code 'L150 industrial wash waters contaminated with a controlled waste' would potentially enable the acceptance of wash waters containing the full range of controlled waste including highly toxic wastes. Restrictions have therefore been placed on this waste type to permit only the acceptance of wash waters contaminated with already permitted waste types and hydrocarbons.

Licence condition 1.3.3 has been amended to include the additional waste type (L150) and clarification of wastes types accepted as requested by the Licence Holder in the amendment application.

The Delegated Officer has updated waste type names/descriptions in Table 1.3.1 and 1.3.2 to match the wording in the current *Controlled waste category list* (May 2018) as published on DWER's website as requested by the Licence Holder:

- [https://www.der.wa.gov.au/images/documents/our-work/controlled-waste/updated\\_controlled\\_waste\\_category\\_list/20180511\\_Controlled\\_Waste\\_Category\\_list.pdf](https://www.der.wa.gov.au/images/documents/our-work/controlled-waste/updated_controlled_waste_category_list/20180511_Controlled_Waste_Category_list.pdf).

The Delegated Officer has considered DWER's Guidance Statement: Regulatory Principles, Guidance Statement: Setting Conditions and Guidance Statement: Risk Assessment in granting this amendment, and does not consider that this amendment will impact the risk profile of the premises, which is currently considered as Low.

## Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 15 October 2018. The Licence Holder submitted comments on 16 October 2018 indicating that a few typographical errors required changing and requested the amendment be issued. All these changes have occurred.

## Amendment

1. Condition 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:

1.3.1 The Licensee shall only accept waste on to the Premises if:

- (a) it is of a type listed in Table 1.3.1; and
- (b) the quantity accepted is below any quantity limit listed in Table 1.3.1; and
- (c) it meets any specification listed in Table 1.3.1

<b>Table 1.3.1: Waste acceptance</b>				
<b>Waste</b>	<b>Waste Code</b>	<b>Quantity Limit</b>	<b>Specification <sup>1</sup></b>	
Clean Fill	N/A	Combined total limit of 100 000 tonnes per annual period	None specified	
Contaminated Solid Waste	N/A		Must meet the acceptance criteria for Class II landfill	
Inert Waste Type 1	N/A		None specified	
Inert Waste Type 2	T140 (used tyres)		Tyres and plastic only.	
Putrescible Waste (including green waste)	N/A		None specified	
<del>Solid Hazardous Waste</del> <u>Acidic solutions or acids in solid form.</u>	B100		Combined total limit of 100 000 tonnes per annual period	Limit to acidic solutions, lead and lead compounds, used lead acid batteries, engine oil filters, aerosol cans and empty drums
<u>Lead and lead compounds.</u>	D220			
<u>Used lead acid batteries.</u>	D221			
<u>Containers or drums contaminated with residues of controlled waste.</u>	N100			
<u>Encapsulated, chemically fixed, solidified or polymerised controlled wastes</u>	N160			
<del>Liquid Hazardous Waste</del> <u>Used oil filters.</u>	J170 <del>K110,</del>	Limited to waste oil, oily wastes (e.g. from oil filters), industrial wash waters contaminated only with K110, K210, L100, J100, J120, J130 and/or J180 controlled wastes.		
<u>Car and truck wash waters.</u>	L100			
<u>Industrial wash waters contaminated with a controlled waste.</u>	<u>L150</u>			

<u>Industrial waste treatment plant residues.</u>	N205		
Special Waste Type 1 ( <u>Asbestos</u> )	N220		Cement bonded asbestos only. No fibrous asbestos shall be accepted
Special Waste Type 2			Biomedical / clinical waste
<u>Clinical and related waste.</u>	R100		
<u>Waste pharmaceuticals, drugs and medicines.</u>	R120		
<u>Waste from production or preparation of pharmaceutical products</u>	R140		
<del>Liquid waste (Septage waste, waste from grease traps)</del>		Combined total limit of 32 850 tonnes per annual period	Biological waste (septage and grease trap waste only)  Tankered into the premises and discharged in one of the receiving ponds
<u>Waste from grease traps.</u>	K110		
<u>Septage wastes</u>	K210		

2. Condition 1.3.3 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:

1.3.3 The Licensee shall ensure that the wastes accepted onto the Premises [or] landfill are only subjected to the process(es) set out in Table 1.3.2 and in accordance with any process limits described in that table.

<b>Table 1.3.2: Waste processing</b>		
<b>Waste type(s)</b>	<b>Process</b>	<b>Process limits <sup>1,2</sup></b>
All	Disposal of waste by landfilling	<ul style="list-style-type: none"> <li>• Shall only take place within designated landfill trenches or cells;</li> <li>• No waste shall be temporarily stored or landfilled within 35m from the boundary of the premises; and</li> <li>• The separation distance between the base of the landfill and the highest groundwater level shall not be less than 3m</li> </ul>
Clean Fill	Receipt, handling and disposal by landfilling	None specified
Contaminated Solid Waste		<ul style="list-style-type: none"> <li>• None Specified</li> </ul>
<del>Liquid and Solid Hazardous Wastes</del> <u>Acidic solutions or acids in solid form, Lead and lead compounds, Used lead acid batteries, Containers or drums contaminated with residues of controlled waste, Encapsulated, chemically fixed, solidified or polymerised controlled wastes, Used oil filters, Car and truck wash waters, Industrial wash wasters contaminated with a controlled waste, Industrial waste treatment plant residues.</u>		<ul style="list-style-type: none"> <li>• DrumMuster products must be triple rinsed prior to acceptance on the premises; and</li> <li>• Waste oil, paint, vehicle batteries must be stored in a fully enclosed bunded area/container.</li> </ul>

Inert Waste Type1		None specified
Inert Waste Type 2 - Tyres	Receipt, handling, storage prior to re-use or disposal by landfilling	Refer to conditions 1.3.12 – 1.3.15
Putrescible Waste	Receipt, handling and storage prior to disposal	None specified
	Disposal by Burning	<p>Only greenwaste is to be burnt on site. Greenwaste shall only be burnt if;</p> <ul style="list-style-type: none"> <li>• It has been dried and seasoned for at least 2 months before burning;</li> <li>• it takes place in a designated burning area at least 25m from the boundary of any active disposal areas;</li> <li>• it takes place in trenches or windrows;</li> <li>• it takes place only when an adequate supply of water is available to effectively manage the burning process; and</li> <li>• it is free of any contaminant</li> </ul>
Special Waste Type 1 (asbestos waste)	Receipt, handling and disposal by landfilling	<ul style="list-style-type: none"> <li>• Only to be disposed of into a designated asbestos disposal area within the landfill;</li> <li>• Not to be deposited within 2m of the final tipping surface of the landfill; and</li> <li>• No works shall be carried out on the landfill that could lead to a release of asbestos fibres</li> </ul>
Special Waste Type 2 (Biomedical and Clinical Waste)		<ul style="list-style-type: none"> <li>• Only to be disposed of into a designated biomedical waste disposal area within the landfill;</li> <li>• Not to be deposited within 2m of the final tipping surface of the landfill; and</li> <li>• No works shall be carried out on the landfill that could lead to biomedical wastes being excavated or uncovered</li> </ul>
<u>Liquid waste</u> <u>Septage waste and waste from grease traps</u>  <u>Car and truck wash water and Industrial wash waters contaminated with a controlled waste</u>	Physical, biological and chemical treatment	To be disposed of into either Pond 1 or Pond 2

## Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L6917/1997/8 South Hedland Landfill	L6917/1997/8	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
2	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
3	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
4	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016a	
5	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017a	
6	DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2017b	