



Amendment Notice 1

Licence Number	L8782/2013/1
Licence Holder	Shire of Derby/West Kimberley
File Number:	2013/003902
Premises	Fitzroy Crossing Waste Management Facility Lot 451 on Plan 766785 FITZROY CROSSING WA 6765
Date of Amendment	2 May 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.

Date signed: 2 May 2018

Steve Checker

MANAGER LICENSING (WASTE 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 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

On 14 November 2017 the Shire of Derby/West Kimberley (Licensee) submitted an application to amend the existing Licence to enable the use of bioremediated soil meeting the description of Class I inert waste as cover material.

Amendment history

Table 2 provides the amendment history for L8782/2013/1

Table 1: Licence amendments

Instrument	Issued	Amendment
W4968/2011/1	5/8/2013	Works approval to allow construction of Fitzroy Crossing Category 64 Putrescible Landfill
L8782/2013/1	27/2/2013	New licence to allow operation of Fitzroy Crossing Category 64 Putrescible Landfill
L8782/2013/1	30/10/2014	Licence amendment to remove condition 1.3.1
L8782/2013/1	26/03/2015	Licence amendment to extend L4.1.1 IR submission date
L8782/2013/1	30/03/2016	Licence amendment to extend L3.1.1. IR2 submission date, new format
L8782/2013/1	29/04/2016	Administrative amendment to extend the duration of the licence expiry date.
L8782/2013/1	14/07/2016	Licence amendment to increase Category 64 approved capacity, add Category 61A, and reduce the buffer distance between the fence and buried waste to 20m.
L8782/2013/1	2/05/2018	Amendment Notice 1 to enable the use of bioremediated soil as cover material.

Decision

The Delegated Officer has reviewed the applicant's supporting information which shows that contaminated soils have been bioremediated to meet Class I inert waste standards. Class I inert waste is commonly permitted to be used as cover material at landfills around WA as it is considered to be of low enough contaminant concentration to present a negligible risk of environmental impacts from leachate. The Delegated Officer does not consider that the use of bioremediated soils meeting Class I inert waste standards as cover material will alter the risk profile of the premises and no detailed risk assessment is required.

This determination on the risks associated with the use of Class I waste as cover material has been undertaken with due consideration of a number of the documents and policies specified in this Amendment Notice 2 (summarised in Appendix 1).

Based on this assessment, the Delegated Officer has determined that the Amendment Notice will be granted subject to conditions to authorise the use of bioremediated soil as cover material where contaminant concentrations meet Class I criteria, and the use of bioremediated soil for disposal by landfilling onsite where contaminant concentrations meet Class II criteria.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 19 February 2018 for review and comment. The Licence Holder advised on 12 March 2018 they had no comments regarding the amendment.

Amendment

1. Definitions of the Licence are amended by deletion of the text shown in strikethrough and insertion of the red text shown in underline below:

'Class I criteria' means the leachable concentrations and concentration limits applicable to Class I waste, as specified in Landfill Waste Classification and Waste Definitions 1996 (as amended December 2009), published by the CEO and as amended from time to time;

'Class II criteria' means the leachable concentrations and concentration limits applicable to Class II waste, as specified in Landfill Waste Classification and Waste Definitions 1996 (as amended December 2009), published by the CEO and as amended from time to time;

2. Table 1.3.2 of condition 1.3.4 of the Licence is amended by deletion of the text shown in strikethrough below and insertion of the red text shown in underline below:

Waste type	Processes	Process Limits ^{1,2}
All	Disposal of waste by landfilling	<ul style="list-style-type: none">• Shall only take place within the premises area shown on the Map in Schedule 1;• No waste shall be temporarily stored or landfilled within 20m from the boundary of the premises;• Place waste within a defined trench or within an area enclosed by earthen or other bunds;• Restrict the tipping area to a maximum linear length of 30m;• The separation distance between the base of the landfill and the highest groundwater level shall not be

		<p>less than 3m; and</p> <ul style="list-style-type: none"> • Maintain a minimum horizontal distance of at least 100m between the tipping area and any surface water body.
Clean fill	Receipt, handling and disposal by landfilling	None specified.
Inert Waste Type 1	Receipt, handling, storage prior to re-use or disposal by landfilling	
Inert Waste Type 2 - Tyres	Receipt, handling, storage prior to re-use or disposal by landfilling	Less than 100 units to be stored at the premises.
Special Waste Type 1 (material containing asbestos)	Receipt, handling, storage prior to re-use or disposal by landfilling	<ul style="list-style-type: none"> • Only to be disposed of into a designated asbestos disposal area within the premises; • Not to be deposited within 2m of the final tipping surface of the landfill; and • No works shall be carried out on the premises that could lead to a release of asbestos fibres.
Special Waste Type 2 (Biomedical waste)	Receipt, handling and disposal by landfilling	<ul style="list-style-type: none"> • Only to be disposed of into a designated biomedical waste disposal area within the premises; • Not to be deposited within 2m of the final tipping surface of the landfill; and • No works shall be carried out on the premises that could lead to biomedical wastes being excavated or uncovered.
Vehicle batteries	Receipt, handling, storage prior to re-use or disposal by landfilling	Stored on a hardstand area delineated for recycling.
Waste Oil	Receipt, handling, storage prior to re-use	Stored in an oil receptacle within a low permeability bunded area delineated for recycling.
Scrap metal and other recyclables	Receipt, handling, storage prior to re-use or disposal by landfilling	Stored in an area delineated for recycling.
DrumMuster products	Receipt, handling, storage prior to re-use or disposal by landfilling	Stored in a compound specifically constructed for DrumMuster products.
Solid Waste Facility	Bioremediation	<ul style="list-style-type: none"> • Be contained upon a low permeability liner; • Maintain a minimum horizontal distance of at least 100m between the disposal area and any surface water body; • Stockpiles for the soil staging area and windrows to be less than or equal to 3m in height; and • Windrows to be separated by at least 2m. • <u>For the purposes of onsite disposal, soil to be bioremediated to concentration levels meeting Class</u>

		<p><u>II criteria prior to disposal</u> to be disposed of into a designated solid waste facility disposal area within the premises;</p> <ul style="list-style-type: none"> • <u>For the purposes of reuse as cover material within the premises only, soil to be bioremediated to concentration levels meeting Class I criteria prior to reuse.</u>
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3. Condition 1.3.6 of the Licence is amended by insertion of the red text shown in underline below:

1.3.6 The Licensee shall ensure that cover material is applied and maintained on landfilled wastes in accordance with Table 1.3.3 and that sufficient stockpiles of cover material are maintained on site at all times.

Table 1.3.3: Cover requirements

Waste Type	Material	Depth	Timescales
Special Waste Type 1 (Asbestos)	Clean fill; <u>or bioremediated soil meeting Class I contaminant criteria.</u>	1,000mm	As soon as practicable after deposit and prior to any compaction of the waste
Special Waste Type 2 (Biomedical waste)		1,000mm	Immediately
All other wastes		150mm	Once in every third day

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L8782/2013/1 – Fitzroy Crossing Waste Management Facility	L4432/1989/14	accessed at www.dwer.wa.gov.au
2	DER, July 2015. <i>Guidance Statement: Regulatory Principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
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, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2016b	
6	DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2016c	