



Application for Licence

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

Licence Number	L9323/2022/1
Applicant	Australian Western Railroad Pty Ltd
ACN	094 792 275
File number	DER2022/000061
Premises	Aurizon Kalgoorlie Rail Depot West Kalgoorlie Road WEST KALGOORLIE WA 6430 Legal description - Part of Lot 500 on Deposited Plan 58897 Certificate of Title Volume LR3161 Folio 909 As defined by the coordinates attached to the issued licence
Date of report	10 May 2022
Decision	Licence granted

Abbie Crawford
A/Manager, Waste Industries

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9323/2022/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) 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 Application summary and overview of premises

On 6 December 2021, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence to temporarily store packaged and bulk controlled waste at the premises. The applicant intends to transport controlled waste by rail from their Kwinana depot to their Kalgoorlie depot before disposal at an appropriately licenced facility. Due to occasional train delays and reasonably foreseeable logistical issue, controlled waste may have to be temporarily stored on the premises. Due to the nature of the works, it is difficult to predict what types of waste is to be stored and at what quantity. The premises has authorisation to transport wastes listed under the *Environmental Protection (Controlled Waste) Regulations 2004* and is an authorised dangerous goods sites (licence number DGS021247). The premises is located within the City of Kalgoorlie-Boulder.

The premises relates to the categories and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9323/2022/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9323/2022/1.

Aurizon is a major national rail freight transport operator that provides bulk freight services to mining and agricultural industries and to the general bulk freight market in Australia.

Aurizon has two main bulk freight depot facilities in Kwinana and Kalgoorlie. Aurizon has an Environmental Management Plan (EMP) that applies to its bulk operations in Western Australia and applies to all instances of environmental management in Aurizon's Western Australian Operations.

The EMP provides details for Aurizon to meet its environmental obligations, community expectations and general environmental duty consistent with the Aurizon Environmental Management Principles. The EMP contains requirements for operation areas that shall be complied with. These include the required elements of the AS/NZ EMS Standard 14001 and certain other broad operational requirements such as contractor management.

In addition, the Kalgoorlie and Kwinana sites both have a site specific Fire and Emergency Services Emergency Response Guide (FES-ERG).

Each FES-ERG. is site specific and includes site information on:

- the operator
- layout
- construction of any structures
- the dangerous goods present
- equipment and resources to detect or deal with a fire or other dangerous situation.

The guide is also used as an inspection tool by local Department of Fire and Emergency Services fire stations and regional offices for risk management purposes.

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 decision report are detailed in Table 1 below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dangerous or hazardous waste materials	Leaks and spills of waste from damaged and broken packaging during the storage and handling of controlled waste.	Seepage into underlying soil Infiltration into groundwater	<ul style="list-style-type: none"> • All waste to be packaged in closed sealed containers and tanks; • All waste to be stored on hardstand; • Spill response containers located strategically around the premises; • Collapsible spill bunds to be available in the event of a spill / leak; • Heavy duty drain covers to be available in the event of a spill / leak; • Stormwater runoff reports to grated drains built into the hardstand. They flow to the onsite emergency spill bunker. The water is tested prior to be released to the local stormwater system; • Trained and experienced personnel;

Emission	Sources	Potential pathways	Proposed controls
			<ul style="list-style-type: none"> • Site Emergency Response Plan in place; • Delay loads arriving to the yard or returning them to the waste generator for storage where storage at the premises is perceived to exceed 72 hours; • Where storage is perceived to be greater than 72 hours, product may be stored on rail wagons; • Controlled waste types to only be stored on the premises in a way which maintains safe separation distances of non-compatible materials; and • Controlled wastes to be stored with materials of the corresponding waste type, where waste types don't match, a risk assessment will be performed in consultation with the senior environmental manager and dangerous goods specialist to determine the most suitable location.
Contaminated stormwater	Stormwater contaminated after coming into contact with waste material on site. Firewater.	Overland runoff / migration into stormwater Seepage into underlying soil Infiltration into groundwater	<ul style="list-style-type: none"> • All waste to be packaged in closed sealed containers and tanks; • All waste to be stored on hardstand; • Spill response containers located strategically around the premises; • Collapsible spill bunds to be available; • Trained and experienced personnel; • Heavy duty drain covers to be available; and • Stormwater runoff reports to grated drains built into the hardstand. They flow to the onsite emergency spill bunker. The water is tested prior to be released to the local stormwater system.
Toxic gases / smoke (fire)	Fire on premises	Air/windborne pathway	<ul style="list-style-type: none"> • Fire and Emergency, Safety Response Plan in place; • Controlled waste types to only be stored on the premises in a way which maintains safe separation distances of non-compatible materials; and • Controlled wastes to be stored with materials of the corresponding waste type, where waste types don't match, a risk assessment will be performed in

Emission	Sources	Potential pathways	Proposed controls
			consultation with the senior environmental manager and dangerous goods specialist to determine the most suitable location.

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors 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 Premise	Approximately 420 m north west of premises and 470 m north east of premises
Industrial Area	Immediately adjacent on all sides of the premises
Environmental receptors	Distance from prescribed activity
Underlying groundwater	Unknown
Goldfields Groundwater Area – <i>Rights in Water and Irrigation Act 1914</i> (RIWI Act)	Within proclaimed area

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source 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 applicant 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 applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9323/2022/1 that accompanies this decision report authorises emissions associated with the operation of the premises.

The conditions in the issued licence, as outlined in Table 3 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 events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Potential spills and/or leakage of waste during storage and handling	Dangerous or hazardous waste materials	Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality Localised contamination of soils Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance	Industrial area adjacent to the premises Underlying groundwater RIWI Act proclaimed area	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	Conditions 1, 8, 9, 12, 13 & 14 <u>Conditions 2, 3, 4, 5, 6, 7 & 10</u>	Additional control measures have been added to the licence to limit the amount of waste that can be stored on the premises at any one time, outline specific processing and storage criteria required for some controlled waste types and the duration that waste can be stored on site. These controls are considered necessary to prevent and/or limit the scale of a potential spill and therefore potential impacts to groundwater and nearby industrial areas.

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Asbestos or other hazardous fibres	Air/windborne pathway causing impacts to human health	Industrial area adjacent to the premises	Refer to Section 3.1	C = Severe L = Unlikely High Risk	N	<u>Condition 1, 2, 4, 5, 6, 7 & 9</u>	<p>No controls for asbestos or other hazardous fibres were proposed. Acceptance criteria for the acceptance and storage of asbestos and / or ceramic fibres have been added to the licence to prevent fibres from becoming air borne during the storage and handling of fibrous wastes.</p> <p>It is unlikely that the Licence Holder will need to store asbestos / hazardous fibrous waste on the premises and any containers received should be appropriately packaged for transport. If the storage of hazardous fibrous waste becomes a regular occurrence, then the Delegated Officer may wish to reassess the likelihood of risk.</p>

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Stormwater contaminated after coming into contact with waste material on site.	Contaminated stormwater	Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality Localised contamination of soils Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance	Industrial area adjacent to the premises Underlying groundwater RIWI Act proclaimed area	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	Conditions 1, 8, 9, 12, 13 & 14 <u>Conditions 2, 3, 4, 5, 6, 7 & 10</u>	Additional control measures have been added to the licence to limit the amount of waste that can be stored on the premises at any one time, outline specific processing and storage criteria required for some controlled waste types and the duration that waste can be stored on site. Control measures for the maintenance of stormwater infrastructure have also been added. These controls are considered necessary to prevent stormwater coming into contact with waste materials on the premises.
Fire on premises	Toxic gases / smoke (fire)	Air/windborne pathway causing impacts to human health and amenity.	Residential premises 420 m north west and 70 m north east of the premises Industrial area adjacent to the premises	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	<u>Conditions 16 & 17</u>	Conditions 16 and 17 have been added as standard conditions.

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Fire-fighting water	Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality Localised contamination of soils Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance	Industrial area adjacent to the premises Underlying groundwater RIWI Act proclaimed area	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	<u>Conditions 16 & 17</u>	Conditions 16 and 17 have been added as standard conditions. The Delegated Officer considers the Licence Holder's Site Emergency Response Plan adequate for managing risk to the environment in the unlikely incidence of an emergency event.

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

Note 2: Proposed applicant 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
Application advertised on the department's website on 3 March 2022	None received	N/A
Local Government Authority advised of proposal on 3 March 2022	None received	N/A
Applicant was provided with draft documents on 27 April 2022	An email was received from Aurizon on 28 April 2022 requesting to waive the comment period.	Noted.

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements. It is up to the Licence Holder to ensure all other necessary licences are in place before commencing operations at the site.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Fire and Emergency Services 2020, *Guidance Note: GN02 Bulk Storage of Rubber Tyres Including Shredded and Crumbed Tyres*, Perth, Western Australia
3. Department of Health (DoH) 2021, *Code of Practice for Clinical and Related Waste Management*, Perth, Western Australia
4. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
5. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
6. Heads of EPAs Australia and New Zealand (HEPA) 2020, *PFAS National Environment Management Plan Version 2.0*

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input checked="" type="checkbox"/>	Relevant works approval number:		None <input checked="" type="checkbox"/>
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date report received:		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input type="checkbox"/>	Current licence number:		
		Relevant works approval number:	N/A	<input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received	6 December 2021			
Applicant and premises details				
Applicant name/s (full legal name/s)	Australian Western Railroad Pty Ltd			
Premises name	Aurizon Kalgoorlie Rail Depot			
Premises location	Part of Lot 500 on Deposited Plan 58897			
Local Government Authority	City of Kalgoorlie Boulder			
Application documents				
HPCM file reference number:	DER2018/001042-6~73			
Key application documents (additional to application form):	Site Emergency Response Plan Licence fee calculations Additional Information Proposed Activities Premises boundary Fire and Emergency, Safety Response Plans Site plan Other Approvals ASIC DG licence CoT			

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

Power of Attorney

Scope of application/assessment

Summary of proposed activities or changes to existing operations. Temporary storage of various categories of controlled waste packages. Controlled waste intends to be loaded directly from the trains onto trucks for transportation to an appropriately licensed disposal facility, however, occasionally due to logistical issues, waste will need to remain on site at the train depot for up to 72 hours.

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Proposed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 61: Liquid waste facility: premises on which liquid waste produced on other premises (other than sewage waste) is stored, reprocessed, treated or irrigated	More than 100 but no more than 10,000 tonnes per year	N/A
Category 62: Solid waste depot: premises on which waste is stored or sorted, pending final disposal or re-use	More than 5,000 tonnes per year	

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"/>	Referral decision No: N/A Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: N/A EPA Report No: N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No: N/A
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> plus letter from the PTA General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry:

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

		Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why? No planning approvals are required for the activity as it falls within the boundaries of existing rail freight operations consistent with operations within a railway reserve.
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"/>	CPS No: N/A No clearing is proposed.
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"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
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"/>	Application reference No: N/A Licence/permit No: N/A Licence / permit not required.
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"/>	Name: N/A Type: N/A Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office: N/A
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

<p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p><i>Dangerous Goods Safety Act 2004 Environmental Protection (Controlled Waste) Regulations 2004</i></p>
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>N/A</p>
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>N/A</p>
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Classification: possibly contaminated – investigation required (PC–IR) Date of classification: 01/02/2008 Reason for classification: As, Co, Cr, Cu, Mg and Ni concentrations have been found in the soil above EILs. As in soil also exceeded HILs. No GW investigations have been carried out.</p>