



Application for Licence Amendment

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

Licence Number	L6561/1995/11
Licence Holder	Malatesta Investments Pty Ltd
ACN	009 052 608
File Number	DER2015/002207-1
Premises	Malatesta Road Paving and Hot Mix and Green Organic Recycling Contractors South Western Highway DAVENPORT WA 6230 Legal description – Lot 2 on Plan 17617
Date of Report	11 April 2023
Decision	Revised licence granted

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

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1. Decision summary

Licence L6561/1995/11 is held by Malatesta Investments Pty Ltd (Malatesta) (licence holder) for Malatesta Road Paving and Hot Mix and Green Organic Recycling Contractors (the premises), located at Lot 2 South Western Highway, Davenport.

This amendment report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the premises. As a result of this assessment, revised licence L6561/1995/11 has been granted.

The revised licence issued as a result of this amendment consolidates and supersedes the existing licence previously granted in relation to the premises. The revised licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this amendment report, the department 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>.

The department published the *Guideline: Better practice organics recycling* (the Guideline) in December 2022. As the Guideline was published after the licence amendment application for L6561/1995/11 was received, the department has not conducted a formal assessment against the environmental performance objectives set out in the Guideline as part of this application. However, the department has considered the benchmark controls set out in the Guideline in determining appropriate regulatory controls based on the outcome of the risk assessment. Further information about implementation of the Guideline is available at: <https://www.wa.gov.au/service/building-utilities-and-essential-services/waste-management/implementation-strategy-the-guideline-better-practice-organics-recycling>

2.2 Amendment summary

On 11 November 2022, the licence holder submitted an application to the department to amend licence L6561/1995/11 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The amendment being sought is to include dewatered pond sludge as a feedstock accepted onto the premises for composting. The licence holder advises that pond sludge will be sourced from V&V Walsh Abattoir (L6001/1989/15). Waste is proposed to be carted on site and deposited alongside the current mulching area. Dewatered pond sludge will be incorporated into the production of composted garden products. The expected input is approximately 5,000 tonnes per annual period, however, this will not increase the overall approved input of organic feedstocks accepted onto premises (50,000 tonnes per annual period).

This amendment is limited only to changes to Category 67A activities under the existing licence. No changes to the aspects of the existing licence relating to Category 35 have been requested by the licence holder.

2.3 Consolidation of Licence

As part of this amendment package the department has consolidated the licence by incorporating changes made under the previous amendment notices.

The obligations of the licence holder have not changed in consolidating the licence. The

department has not undertaken any additional risk assessment of the premises related to previous amendment notices.

In consolidating the licence, the CEO has:

- updated the format and appearance of the Licence;
- updated the Environmental Report reporting date to biennial in accordance with the Notice of Amendment of Licence Reporting Requirements (2022).
- revised licence condition's numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The full consolidation of licence conditions as they relate to this revised licence are detailed in Section 5.1. Previously issued amendment notices will remain on the department's website for future reference and will act as a record of the department's decision making.

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 Amendment Report are detailed in Table 1 below. Table 1 also details the proposed control measures the licence holder has proposed to assist in controlling these emissions, where necessary.

Table 1: Licence holder controls

Emission	Sources	Potential pathways	Proposed controls
Odour	Acceptance, storage and processing of dewatered pond sludge for composting and soil blending	Air/windborne pathway	<ul style="list-style-type: none"> Waste to be accepted as a solid. <p>Existing licence controls:</p> <ul style="list-style-type: none"> Windrows are turned regularly or aerated to ensure aerobic conditions are maintained.
Dust (including bioaerosols)	Acceptance, storage and processing of dewatered pond sludge for composting and soil blending	Air/windborne pathway	<p>None proposed</p> <p>Existing licence controls:</p> <ul style="list-style-type: none"> Windrow composting stockpiles do not three metres in height.
Leachate	Acceptance, storage and processing of dewatered pond sludge for composting and soil blending	Seepage to soils and groundwater	<ul style="list-style-type: none"> Waste to be accepted as a solid; Waste to be stored on a hardstand area; and Hardstand area is graded toward a concrete drain which runs into a lined pond. <p>Existing licence controls:</p> <ul style="list-style-type: none"> Waste and compost storage and composting area hardstand; Waste and compost storage and composting area drains all contaminated stormwater and leachate from storage area into the retention pond; and Retention pond is HDPE lined.
Release of chemical and / or biological contamination	Product quality	Direct contact of products by consumers and the receiving environment	<ul style="list-style-type: none"> Applicant is proposing to only accept dewatered pond sludge from the neighbouring V&V Walsh abattoir (L6001/1989/15). <p>Existing licence controls:</p> <ul style="list-style-type: none"> The core temperature of the composting pile is maintained above 55°C for a period of at least 15 days.

3.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the delegated officer has excluded employees, visitors and contractors of the licence holder's 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
Industrial premises	Immediately surrounding the premises on all sides
Residential premises	Approximately 780 m north-east and 1 km north of premises
Educational Institute (School)	Approximately 950 m and 1 km north of the premises
Environmental receptors	Distance from prescribed activity
Threatened and Priority Ecological Communities – Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region	Adjacent to the premises
Underlying groundwater – Bunbury Groundwater Area - <i>Proclaimed area under the Rights in Water and Irrigation Act 1914</i>	Monitoring bores located approximately 770 m to 1.2 km south-east of the premises shows that the depth to groundwater ranges from 0.7 metres below ground level (mbgl) in winter to 2.9 mbgl in summer.
Preston River – major watercourse, perennial, registered Aboriginal Site (mythological)	Approximately 230 m north of the premises
Multiple use geomorphic wetland – unknown basin/sumpland	Approximately 175 m east of premises



Figure 1: Prescribed premises receptor map showing average annual prevailing wind (wind roses source: BoM Station 009965)

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Where the licence holder has proposed mitigation measures/controls in addition to the existing licence conditions (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the licence holder'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 licence holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

The revised licence L6561/1995/11 that accompanies this amendment report authorises emissions associated with the operation of the Premises.

The conditions in the revised licence 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 Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls and existing licence conditions sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Operation								
Acceptance, storage and processing of dewatered pond sludge for composting and soil blending	Odour	Air/windborne pathway causing impacts to health and amenity	Industrial area immediately surrounding the premises Residential premises 780 m north-east and 1 km north Schools 950 m and 1 km north	Refer to Section 3.1	C = Moderate L = Likely High Risk			See detailed risk assessment Section 3.3
	Dust, including bioaerosols	Air/windborne pathway causing impacts to health and amenity	Industrial area immediately surrounding the premises	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	Condition 1, 3, 8,10 & 28	The delegated officer considers dust emissions are effectively regulated by existing dust management on the premises and by the general provisions of the EP Act.
	Leachate	Seepage through soil and to groundwater causing	TEC adjacent to the premises Underlying	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk			See detailed risk assessment Section 3.4

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Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls and existing licence conditions sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
		contamination and impacting water quality	groundwater 0.7 – 3 mbgl Preston River 230 m north Geomorphic wetland 175 m east					
Product quality (fit-for-purpose compost)	Release of chemical and / or biological contamination	Direct contact of products by consumers and the receiving environment, adversely impacting amenity, the environment and human health	Product users and the environment receiving the product	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	N	Condition 3 <u>Condition 5, 8, 9, 11, 16, 17, 20, 21, 22, 23 & 30</u>	The licence holder has not specified what standards or specifications the compost products generated at the premises are currently achieving. The delegated officer considers that additional controls are required to ensure contaminants in feedstocks are treated effectively and compost products are fit-for-purpose, in accordance with the environmental performance objective for product quality in the Guideline. The delegated officer has assumed that compost products generated at the premises are Category A products, as set out in the Guideline, and has therefore determined to add product quality controls to the licence that align with the benchmark controls for Category A products containing high-risk feedstocks.

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

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

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3.3 Detailed risk assessment for odour

3.3.1 Description of emissions risk event

The licence holder has applied to accept a new feedstock onto the premises to include within the current composting process. The proposed feedstock is dewatered pond sludge sourced from the neighboring abattoir, V & V Walsh Abattoir (L6001/1989/15). The dewatered pond sludge is derived from abattoir effluent which is considered a high-risk feedstock in the Guideline. The expected intake of dewatered sludge is approximately 5,000 tonnes annually.

The premises is located immediately adjacent to an industrial area on its western boundary. The prevailing wind direction is east to south-east in the morning and south-west to north-west in the afternoon.

Acceptance, storage and processing of dewatered pond sludge has the potential to generate odour emissions at the premises which may impact the health and amenity of nearby human receptors.

3.3.2 Identification and general characterisation of emission

The abattoir where the dewatered pond sludge is to be sourced from has a series of wastewater treatment ponds to treat wastewaters generated from the abattoir, rendering plant, biofilter and lairages. Sludge from the pond is periodically removed, dried in bays and removed off-site for treatment/disposal. As the sludge is derived from animal wastes, it is considered to be a highly odorous feedstock.

Chemical analysis of the dewatered pond sludge from February 2021 and January 2022 submitted to support the application indicated:

- Some samples recorded concentrations of metals (arsenic, cadmium, chromium, copper, selenium, zinc) above the upper contaminant limits for Category A products specified in Table 9 of the Guideline.
- Samples generally recorded low concentrations of pathogen indicators such as E. coli, thermotolerant coliforms and somatic coliphages, but elevated concentrations of some pathogen indicators were reported in a small number of samples.
- Samples did not record any concentrations of pesticides (e.g. dieldrin and chlordane) or PCBs above the limit of reporting.

The premises already accepts, mulches and composts paunch waste, green waste and untreated timber.

Paunch waste is a highly odorous feedstock. Several complaints have been received in relation to odour emissions from the premises relating to the paunch waste. The compliance history of the premises since the last licence amendment is as follows.

Compliance history

A search of the department's Incident and Complaints Management System (ICMS) was conducted and has identified that the department's Pollution Watch function has received a number of complaints in the vicinity of the premises. Complaints have all been regarding odour and its impacts to human health and amenity. Based on the close proximity of the premises to the neighbouring abattoir, there is the potential for both of these premises to have contributed to odour emissions in the local area.

Between 1 January 2023 and 28 February 2023, five odour complaints were received by the department. There were no complaints in 2022, 1 complaint in 2021, 5 complaints 2020 and 3 complaints in 2019. Recent and historical complaints suggest that odour issues associated with the premises are ongoing. Odour complaints occur most commonly during south-easterly

winds.

The department attended the premises on three occasions in January 2023 in response to odour complaints. Investigations have attributed an unreasonable emittance of odour from the premises to the acceptance, storage and processing of paunch waste on the premises. An Environmental Field Report (EFR) was issued on 24 January 2023 and again on 30 January 2023 in relation to mixing organic wastes during south-easterly winds in breach of Condition 9 of the licence.

3.3.3 Description of potential adverse impacts from the emission

Exposure to nuisance odour may affect general quality of life and wellbeing (amenity) leading to disturbance of normal day to day work activities in the surrounding industrial area. Complaints have also indicated that odour may have impacts on health with reports of headaches, sore throats and lost time from work due to offensive odours emitting from the premises.

There is the potential that the addition of a new highly odorous feedstock, the dewatered pond sludge, could have additive effects and exacerbate the current issues with nuisance odours emitting from the premises.

3.3.4 Licence holder's controls

The only control for odour proposed by the licence holder within the application package is that the dewatered pond sludge is to be accepted as a solid.

As part of the site inspection conducted by the department on 17 January 2023, the following potential controls were proposed by the Inspecting Officer to mitigate existing odour emissions at the premises:

- Covering the paunch pile with mulch;
- Building a three sided barrier taller than the paunch pile;
- Improving the condition of leachate drainage; and
- Moving the paunch unloading and storage to the far eastern side of the Waste and Compost Storage and Composting Area.

A second inspection was conducted by the department on 18 January 2023 to observe if a mulch covering over a freshly delivered stockpile of paunch waste would mitigate some of the odour. The attending DWER Officer noted that the odour mitigation method was somewhat effective.

Additionally, it is highlighted that some of the Guidelines benchmark controls for odour include:

- Composting high-risk feedstocks within 1 km of receptors inside an enclosed structure with air extraction, negative pressure and a built-in odour-treatment system; and
- adding high-risk feedstocks to composting windrows on same day they're received, or storing them in a manner that mitigates odour emissions.

3.3.5 Key findings

The delegated officer has reviewed the information regarding odour and has found:

1. Dewatered pond sludge is derived from waste that is considered a high-risk feedstock and it has the potential to be highly odorous.
2. The application does not include adequate controls for odour or consider potential cumulative odour impacts from the paunch waste and dewatered

pond sludge.

3. There are significant departures between the benchmark controls listed in the *Guideline: Better practice organics recycling* and the proposed controls.
4. The current management of odour in relation to the receipt, storage, handling and processing of paunch waste is not considered sufficient to prevent unreasonable emissions of odour from the premises.

3.3.6 Risk Assessment

The delegated officer has:

- considered that the consequence to receptors (namely workers at the adjacent industrial premises) exposed to odour emissions from the premises could have **moderate** impacts to human health and amenity;
- considered that the likelihood of impacts to receptors is **likely** based on the controls proposed by the licence holder, the licence holder's compliance history and the premises' complaint history; and
- determined that the overall rating for the risk of impacts from odour emissions, based on a consequence of moderate and a likelihood of likely, is **high**.

3.3.7 Additional regulatory controls

In considering the findings of the risk assessment for odour, the delegated officer considers the additional regulatory controls listed in Table 4 as necessary to address the current management issues in relation to odour emissions and address the uncertainty and risks identified in this assessment regarding the introduction of a new, potentially highly odorous feedstock onto the premises.

Table 4: Summary of additional regulatory controls for odour

Condition number	Justification for additional regulatory control
Condition 3 Table 2	Dewatered pond sludge has only been authorised to be accepted for a period of 18 months. The delegated officer is not confident that the controls currently in place are sufficient to mitigate odour impacts given the recent complaints, and the significant deviations of the premises' current practices compared to the benchmark controls outlined in the Guideline. The delegated officer has conditioned a number of specified actions to be completed within this 18 month period. After this 18 month period, the licence holder should apply for an amendment with the outcomes of the specified actions and the delegated officer shall reassess the risk.
Condition 6 Table 3	Receipt, handling and storage of paunch waste and dewatered pond sludge should occur as far away from receptors as possible. Currently, paunch waste is unloaded, handled, and stored on the western edge of the Waste and Compost Storage and Composting Area, approximately 20 m from the nearest industrial premises. The delegated officer considers a more appropriate location for this activity to be the eastern side of the Waste and Compost Storage and Composting Area, which would be approximately 200 m away from the nearest industrial premises with stockpiles of mulch and mature compost between the stockpiles and receptors. The delegated officer considers that a larger separation distance and the compost and barriers should mitigate some of the odour impacts. Covering paunch waste on arrival at site with a layer of mulch demonstrated to the Inspecting Officer some reduction of odour. The delegated officer considers this to be an appropriate management practice continuing forward

	<p>to mitigate odour impacts.</p> <p>Leachate pooling on the hardstand next to the paunch waste stockpile was identified as one of the sources of odour. Visible pooling of leachate on the hardstand surface should be prevented to decrease odour impacts.</p>
<p>Condition 6 (Table 3) Condition 20 & 21</p>	<p>Overwatering of stockpiles has been identified as contributing to the generation of odour emissions on the premises in the past. In accordance with the Guideline, moisture content parameters (Condition 6 Table 3) and monitoring (Condition 20 & 21) have been included to control moisture levels within stockpiles and prevent excess leachate and mitigate odour impacts.</p>
<p>Conditions 38 to 42</p>	<p>A detailed odour analysis was not submitted as part of the application package. The delegated officer considers it necessary for a detailed odour assessment, including two odour field assessments, to be conducted to assess the operational odour impacts with the inclusion of the new feedstock (dewatered pond sludge). Given the deviations from the Guideline's benchmark controls, and recent complaints from offsite receptors, a detailed odour assessment is required to address uncertainties relating to odour impacts and odour source.</p>

The Guideline specifies a benchmark control for odour emissions is that storage and aerobic composting of high-risk feedstocks within 1 km of sensitive receptors is carried out inside an enclosed structure with air extraction, negative pressure and a built-in odour-treatment system. If the additional odour controls implemented as part of this licence amendment are not effective in reducing odour emissions from the premises, site improvements to enclose feedstock storage and composting activities may be required to reduce odour emissions from the premises. The licence holder may identify the need for such improvements or alternative controls as a result of the work completed for the odour assessment specified action. The findings of the odour assessment report can also be used to inform any self-assessment process required as part of the department's implementation of the Guideline.

3.4 Detailed risk assessment for leachate

3.4.1 Description of emissions risk event

The licence holder has applied to accept a new feedstock (dewatered pond sludge) onto the premises to include within the current composting process. The storage and composting of dewatered pond sludge has the potential to generate leachate either through residual liquids in the feedstock upon acceptance, through rainwater runoff or through water applied during the composting process. All leachate generated from the Waste and Compost Storage and Composting Area is collected on the hardstand area which is graded towards a sloped drain. The Sloped Drain carries the leachate into a HPDE lined Retention Pond for evaporation.

Leachate has the potential to seep to groundwater if the Retention Pond overtops, or if the Retention Pond liner, the hardstand or the Sloped Drain is damaged. Spraying leachate onto pasteurised compost and/or mulch as dust suppressant could also have the potential to re-introduce contaminants such as pathogens and viable plant propagules into the compost product.

The licence holder previously re-used leachate collected in the Retention Pond as dust suppressant on the composting windrows but, as a result of a compliance inspection, was advised by the department to stop this due to cross-contamination concerns. The licence holder requested that they be allowed to continue to re-use leachate from the Retention Pond for dust suppressant purposes on composting windrows as a water saving measure.

3.4.2 Identification and general characterisation of emission

Chemical analysis of the dewatered pond sludge from February 2021 and January 2022 indicated that the dewatered pond sludge contained elevated levels of metals and pathogens.

The premises already accepts, mulches and composts paunch waste, green waste and untreated timber. Leachate from these feedstocks has the potential to contain elevated levels of nutrients, pesticides, pathogens, viable plant propagules, metals and salts.

No active treatment of leachates in the Retention Ponds is proposed, leachate may only be altered by evaporation (concentration) and passive biodegradation.

3.4.3 Description of potential adverse impacts from the emission

Receptors that may be affected by leachate emissions include beneficial users of groundwater. Groundwater may become contaminated by leachate infiltrating through the soil and into groundwater. Contaminants dissolved in groundwater may become highly mobile and be carried down the hydraulic gradient to receptors.

There are no groundwater monitoring bores on the premises. Regional groundwater data indicates that depth to groundwater is between 0.7 and 1 m below ground level. The direction of groundwater flow is unknown, however, it is inferred that regionally groundwater flows to the west toward the Indian Ocean. Locally, groundwater may migrate north towards the Preston River located approximately 230 m north of the premises or to east toward a multiple use geomorphic wetland located approximately 175 m to the east of the premises.

A range of human and ecological receptors exist downgradient to the premises. Human and ecological health may be impacted by coming into contact with contaminated groundwater.

The reuse of leachate as dust suppressant on composting windrows may introduce contaminants such as pathogens and viable plant propagules into composting products. Products that are not fit for end use may impact human and ecological health through contact with pathogens and the spread of weed seeds.

3.4.4 Licence holder's controls

The licence holder proposes that dewatered pond sludge is to be accepted as a solid, minimising leachate. Dewatered pond sludge will also be stored and composted on the Waste and Compost Storage and Composting Area which is graded toward a Sloped Drain and Retention Pond to collect leachate.

The licence holder did not propose any controls associated with the re-use of leachate as dust suppressant on the compost windrows.

During a site inspection conducted on 17 January 2023 it was identified that the leachate collection system required maintenance. It was noted that the Retention Pond had not been desludged, or the integrity of the pond's liner below water level been assessed since the pond was commissioned 25 years ago. The Sloped Drains that convey leachate to the Retention Pond were also noted to be full of sediment.

Additionally, it is highlighted that some of the Guidelines benchmark controls for leachate include:

- Ensure leachate storage infrastructure has sufficient capacity to contain the runoff from the leachate containment system that would result from a one in 20 (5 per cent) annual exceedance probability (AEP) 24-hour rainfall event and maintain a minimum top-of-embankment of 500 mm during operation;
- Regularly inspect the entire leachate containment system and conduct periodic

integrity testing of infrastructure (i.e. hardstand surfaces, bunding, ponds) for the storage of high-risk or non-standard feedstocks; and

- Monitor the groundwater at least every six months while the premises are operational for potential contaminants associated with the feedstocks received and processed at the premises.

3.4.5 Key findings

The delegated officer has reviewed the information regarding leachate and has found:

1. Dewatered pond sludge may leach contaminants such as metals and pathogens into the leachate collection system.
2. The current leachate collection system requires maintenance to ensure its efficacy. The integrity of the current leachate collection system is uncertain.
3. Beneficial human and ecological users of groundwater could be impacted from the degradation of water quality.
4. Products that are not fit for end use may present a human health risk through the spread of pathogens and a risk to receiving environments through the spread of weeds.
5. There are departures between the benchmark controls listed in the *Guideline: Better practice organics recycling* and the proposed controls.

3.4.6 Risk Assessment

The delegated officer has:

- considered that the consequence to receptors (beneficial human and ecological users of groundwater) through the degradation of groundwater water quality due to leachate emissions from the premises could have **moderate** impacts to human and ecological health;
- considered that the likelihood of impacts to receptors is **possible** due to uncertainty regarding the integrity of the leachate collection system; and
- determined that the overall rating for the risk of impacts from leachate emissions, based on a consequence of moderate and a likelihood of possible, is **medium**.

3.4.7 Additional regulatory controls

The delegated officer considers that maintenance on the leachate containment system is required to ensure the efficacy of the system for ongoing use and effective containment. The delegated officer also considers it necessary to check the integrity of the leachate collection system given the current uncertainties regarding the systems integrity. Conditions 35, 36 and 37 have been added to require the licence holder to undertake specified actions and related reporting to improve the condition of the leachate containment system and address uncertainties. Additional requirements have been included in condition 1 and condition 2 has been added to ensure the ongoing maintenance of the Retention Pond and Sloped Drain. Dewatered pond sludge has only been authorised to be accepted onto the premises for storage and composting for a period of 18 months. The licence holder should apply for an amendment at the end of the 18 month period and the delegated officer shall reassess the risk based on the outcomes of the specified actions conditioned as part of this licence amendment.

The delegated officer considers that to avoid cross contamination, leachate can only be used for dust suppression on stockpiles or windrows of feedstocks before the pasteurisation phase

commences. Conditions 9 and 11 have been included for the re-use of leachate as dust suppressant while preventing cross-contamination of recycled organic products.

4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

Table 5: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website (20 December 2022)	None received	N/A
Local Government Authority advised of proposal (14 December 2022)	The City of Bunbury provided an email response on 20 December 2022. The City confirmed that the current proposals are consistent with the existing land use and no further approvals are required. The City did not have any further comments or concerns.	Noted.
Licence holder was provided with draft amendment on 16 March 2023	The licence holder provided an email response on 27 March 2023. The licence holder provided clarification on uncertainty regarding a possible second retention pond at the end of the sloped drain. The licence holder commented that this section was still a part of the sloped drain and that water often became backed up in the drain.	Information on sloped drain updated in the infrastructure table and reference to a second retention pond removed.

5. Conclusion

Based on the assessment in this amendment report, the delegated officer has determined that a revised licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

The delegated officer notes that this amendment has only authorised the acceptance, storage and processing of dewatered pond sludge for a period of 18 months, in which time specified actions relating to addressing data gaps associated with odour from the premises may be addressed. Pending the results of the odour assessment, the licence holder may apply for an amendment to accept dewatered pond sludge on an ongoing basis.

5.1 Summary of amendments

Table 6 provides a summary of the proposed amendments and will act as record of implemented changes. Table 7 provides a summary of the consolidation of licence conditions made as part of the revised licence. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 6: Summary of licence amendments

Condition no.	Proposed amendments
1	Inclusion of conditions for maintaining the integrity of the Retention Pond and operational requirements for the Sloped Drain. Inclusion of sprinkler system and mobile equipment to table.
2	Inclusion of condition to ensure appropriate leachate collection system is in place and maintained.
3	Inclusion of dewatered pond sludge and untreated timber as waste types authorised to be accepted onto the premises. Untreated timber is already accepted at the premises. The addition of this waste type into the waste acceptable table clarifies that this is considered a separate waste type to 'green waste'. Green waste specifications also amended to clarify condition.
4, 5	Added as standard waste rejection conditions.
6	Changes to compost processing requirements in accordance with the benchmark controls in the Guideline for Category A products containing high-risk feedstocks.
7	Added limitations to stockpile sizes and separation distances.
8	Added to ensure storage and composting of organics can only occur within the Waste and Compost Storage Area and Composting Area.
9	Inclusion of limitations to the reuse of leachate from the Retention Pond to avoid cross-contamination of partially or completely pasteurised products.
11	Authorise and condition the reuse of stormwater/leachate
12	Updated no burning of waste authorised on premises to include feedstocks and recycled organic products.
13	Updated wording to make condition more clear.
15	Added to ensure odour emissions do not unreasonably interfere with the health and amenity of persons not on the premises.
16 & 17	Inclusion of recycled organic product quality conditions in accordance with the benchmark controls in the Guideline for Category A products containing high-risk feedstocks.
18	Inclusion of untreated timber and dewatered pond sludge into waste acceptance monitoring.
19	Inclusion of rejected loads, waste outputs and product output monitoring.
20, 21, 22 & 23	Inclusion of process and recycled organic product quality monitoring conditions in accordance with the benchmark controls in the Guideline for Category A products containing high-risk feedstocks.
30	Added product quality monitoring reporting requirements to the Environmental Report.
31	Amended to require records to confirm that recycled organic products are pasteurized and the results of composting process and product quality monitoring programmes.
35, 36 & 37	Inclusion of specified actions to desludge, perform maintenance and assess the integrity of the Retention Pond and Sloped Drain.
38, 39, 40, 41 & 42	Inclusion of specified actions to address uncertainties regarding odour emissions from the premises.

Table 7: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Conversion notes
N/A	Prescribed Premises	Prescribed Premises Category table	Revised to current licensing format. Added table and assessed production / design capacity limits.
N/A	Licence History	Licence History	Revised to current licensing format. Added licence history table.
N/A	Interpretation and definitions	N/A Interpretation section and Definitions	Redundant condition. Revised to current licensing format. Definitions added: Annual Audit Compliance Report (AACR), appropriately authorised facility, AS 4454, CFU, compost, composting, feedstock, Landfill Definitions, MPN, pasteurisation, quarantined storage area, recycled organic product and solid. Redundant definitions removed: green waste, Implementation Agreement or Decision, Material Environmental Harm, paunch waste, Pollution, Primary Activities, Serious Environmental Harm, solid waste and Unreasonable Emission
1 Table 1	Emissions	N/A	Redundant condition
2 Table 3	Infrastructure and equipment controls and table	Condition 1 Table 1	Revised to current licensing format. Infrastructure location column added.
3 Table 4	Waste acceptance table	Condition 3 Table 2	Updated numbering
4 Table 5	Waste accepted onto the premise monitoring	Condition 18 Table 6	Moved to monitoring section of revised licence
5 Table 6	Waste processing	Condition 6 Table 3	New numbering
6	N/A	N/A	Typo removed
7	No burning of green waste or compost	Condition 12	New numbering
8	Fire management	Condition 13	New numbering
9	No operation of composting equipment during an easterly wind direction	Condition 10	New numbering

Existing condition	Condition summary	Revised licence condition	Conversion notes
10 Table 7	Product output monitoring	Condition 19 Table 7	New numbering
11 Table 8	Stack emissions monitoring	Condition 24 Table 10	New numbering and updated to current wording format
12	Stack emissions monitoring Australian Standard	Condition 25	New numbering
13	Stack emissions monitoring NATA accreditation	Condition 26	New numbering
14	Stack emissions monitoring timeframes	Condition 27	New numbering
15	Records	Condition 31 & 32	New numbering and update to current wording format
16	Complaints	Condition 27	New numbering and update to current wording format
17	Annual Audit Compliance Report	Condition 29	New numbering and update to current wording format
18 Table 9	Annual Environmental Report	Condition 30 Table 11	Updated to biennial reporting in accordance with Notice of amendment and schedule of licences with amended reporting conditions.
19 Table 10	Notification requirements	Condition 33 Table 12	New numbering
20	Comply with request	Condition 34	New numbering
Schedule 1: Maps	Premises map	Schedule 1: Maps	New naming convention, no change to map
Schedule 2: Primary Activities	Primary Activities	N/A	Redundant attachment. Deleted from licence

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 20220, *Guideline: Better Practice Organics Recycling*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
4. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input type="checkbox"/>	Relevant works approval number:		None <input 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 checked="" type="checkbox"/>	Current licence number:	L6561/1995/11	
		Relevant works approval number:		N/A <input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:		None <input type="checkbox"/>
Date application received		20/11/2022		
Applicant and Premises details				
Applicant name/s (full legal name/s)		Malatesta Group Holdings Pty Ltd		
Premises name		Malatesta Road Paving and Hot Mix		
Premises location		Lot 2 on Plan 17617 South Western Highway DAVENPORT WA 6230		
Local Government Authority		City of Bunbury		
Application documents				
HPCM file reference number:		DER2015/002207-1~3		
Key application documents (additional to application form):		1A – Land Title 1B – ASIC Company Extract 2 – DWER Site Map 8A / 8B– Biosolids (sludge) analysis		
Scope of application/assessment				
Summary of proposed activities or changes to existing operations.		Amendment to accept and use dewatered pond sludge in compost manufacturing process.		

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

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 67A: Compost manufacturing and soil blending	≤50,000 tonnes per annual period	50,000 tonnes per annual period (5,000 tonnes per annual period of pond sludge. No capacity change proposed)

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 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"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: 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: N/A Expiry date: N/A If N/A explain why? Planning approval still valid.
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Application reference No: N/A Licence/permit No: GWL60385

<p>Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Type: Proclaimed Groundwater Area (Bunbury Groundwater Area) Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office: South Coast</p>
<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>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"/></p>
<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 type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>N/A</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 type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Classification: N/A Date of classification: N/A</p>