



Amendment Report

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| Licence Number | L6993/1997/12 |
| Licence Holder | Shire of Capel |
| File Number: | 2011/005690-1 |
| Premises | Capel Transfer Station Range Road CAPEL WA 6271 Being Lot 500 on Plan 66147 |
| Date of Report | 22 August 2019 |

Definitions and interpretation

Definitions

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

Table 1: Definitions

| Term | Definition |
|-------------------------------|---|
| 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 10 JOONDALUP DC WA 6919 info@dwer.wa.gov.au |
| 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 Regulations | <i>Environmental Protection Regulations 1987 (WA)</i> |
| Existing Licence | The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this amendment |
| Licence Holder | Shire of Capel |
| Prescribed Premises | has the same meaning given to that term under the EP Act. |
| Premises | refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report. |

Amendment Description

The Licence Holder submitted an application to amend the Licence L6993/1997/12 to DWER on 17 July 2019. The application is in response to damaged monitoring bore 1 (MB1), the Licence Holder wishes to substitute MB1 in the licence monitoring conditions with nearby monitoring bore 11 (MB11) see Figure 1.

Consultation with DWER's Contaminated Sites branch (Appendix 3) has confirmed the suitability of MB11 as a replacement for the out-of-service bore MB1. MB11 is located on the northern boundary approximately 100 meters west of MB1, which is also located on the northern boundary. MB 11 is screened at 6 to 9m bTOC compared to 12 to 18m bTOC screen depth of MB1. A review of the monitoring data indicates that screen depth of the replacement bore is suitable for recording the landfill impacts. Figure 1 indicates the location of MB1 and MB11.

On the 19 August 2019, the Licence Holder also requested a reduction in Condition 2.3.1, the ambient environmental quality monitoring from six monthly to annually to align with current monitoring occurring for Contaminated Sites. The Department's Contaminated Sites branch has confirmed this request amendment request acceptable and the Delegated Officer has considered it as part of this Amendment Report assessment.

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: Decision Making* (February 2017)

Figure 1 existing monitoring bores MB1 and MB11.



Amendment history

Table 2 provides the amendment history for L6993/1997/12.

Table 2: Licence amendments

| Instrument | Issued | Amendment |
|-------------------|---------------|---|
| L6993/1997/12 | 17/05/2014 | Licence re-issue and amendment to change from Category 64 to 62. |
| L6993/1997/12 | 17/09/2015 | Licence amendment to change conditions on waste acceptance and processing, and storage of putrescible waste. |
| L6993/1997/12 | 22/08/2019 | Licence Amendment to substitute damaged water monitoring bore 1 with nearby monitoring bore 11. The Licence amendment also includes a reduction in the frequency of ambient environmental quality monitoring requirements. |

Decision

The Delegated Officer has considered DWER's Contaminated Sites recommendation that MB11 is an adequate substitute for MB1, and has the ability to provide suitable records of any landfill impacts to groundwater. The Delegated Officer has determined that a detailed risk assessment is not required and has granted the amendment to replace MB1 with MB11 within the Licence.

The Delegated Officer considers the reduction of monitoring frequency for Condition 2.3.1, ambient environmental quality monitoring from bi-annually (six monthly) to annually to align with Contaminated Sites monitoring requirements as acceptable and has had this confirmed by the Departments Contaminated Sites branch. The Delegated Officer has amended Condition 2.3.1 Table 2.3.1 monitoring frequency from six monthly to annually.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment on 15 August 2019. Comments received from the Licence Holder have been considered by the Delegated Officer as shown in Appendix 2.

Appendix 1: Key documents

| | Document title | In text ref | Availability |
|---|---|---------------|--|
| 1 | Licence L6993/1997/12 – Capel Transfer Station | L6993/1997/12 | 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, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth. | DER 2016c | |

Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amended Licence and Amendment Report on 15 August 2019 for review and comment. The Licence Holder responded on 18 August 2019. The following comments were received on the draft Amended Licence and Amendment Report.

| Condition | Summary of Licence Holder comment | DWER response |
|-----------|---|--|
| 2.3.1 | The Licence Holder was of the understanding that they had applied to amend the monitoring frequency conditioned by Condition 2.3.1, Table 2.3.1 from six monthly to Annually. | DWER has not been able to find a reference to the request to alter monitoring frequency in the amendment application. However, the Delegated Officer has consulted with Contaminated Sites and has decided to amend Condition 2.3.1, Table 2.3.1 from six monthly monitoring requirements to annually. |