



## Application for Licence Amendment

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

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<b>Licence Number</b>	L7059/1997/12
<b>Licence Holder</b>	Shire of East Pilbara
<b>File Number</b>	DER2014/000669
<b>Premises</b>	Newman Refuse Site Corner Kalgan & Newman Drives NEWMAN WA 6753  Legal description – Lot 129 on Plan 218264 As depicted in Schedule 1
<b>Date of Report</b>	23 September 2020
<b>Proposed Decision</b>	Revised licence granted

#### **MANAGER WASTE INDUSTRIES**

#### **REGULATORY SERVICES**

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

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## 1. Decision summary

Licence L7059/1997/10 is held by Shire of East Pilbara (Licence Holder) for the Newman Refuse Site (the Premises), located at Lot 129 on Plan 218264, Newman.

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 L7059/1997/10 has been granted.

## 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>.

### 2.2 Application summary

On 21 August 2020 the Licence Holder submitted an application to the department to amend Licence L7059/1997/10 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The amendments being sought relate to new waste acceptance and processing to allow for the container deposit scheme (CDS) to operate at the Premises. The Licence Holder is intending to carry out CDS activities in an existing shed and therefore no construction of infrastructure is required.

In accordance with section 53 of the EP Act, alterations to a prescribed premises must be done so in accordance with a works approval, licence, closure notice or environmental protection notice (or amendments thereof). In accordance with DWER's *Industry Regulation Guide to Licensing* (June 2019), the Delegated Officer has determined that alterations to the premises to permit CDS operations are appropriately facilitated via a licence amendment (which is the subject of this amendment report).

The Licence Holder intends to accept CDS materials within the throughput capacities currently authorised by the licence. Should the Licence Holder identify that a high throughput is required to process the CDS material, a new licence amendment should be applied for.

Table 1 below outlines the proposed changes to the existing Licence.

**Table 1: Proposed throughput capacity changes**

Category	Current throughput capacity	Proposed throughput capacity	Description of proposed amendment
61A	32,000 tonnes per annual period	32,000 tonnes per annual period	No change
62	12,000 tonnes per annual period	12,000 tonnes per annual period	No change
64	50,000 tonnes per annual period	50,000 tonnes per annual period	No change

As part of this amendment package the department has updated the format of the licence including condition numbering, and amalgamated the amendments from Amendment Notice 1,

however the wording and intent of the original conditions has not changed. The obligations of the Licence Holder have not changed in updating the licence. The department has not undertaken any additional risk assessment of the Premises related to previously approved activities.

The original licence and Amendment Notice 1 contain conditions that are required to be completed by a specified date. DWER has not reviewed compliance with these conditions as part of this amendment, and they remain on the updated licence.

### 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 *Guidance Statement: Risk Assessments* (DER 2017).

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(s) during premises operation which have been considered in this Amendment Report are detailed in Table 2 below. Table 2 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary as well as the current operational controls at the premises.

**Table 2: Licence Holder controls**

Emission	Sources	Potential pathways/impact	Proposed controls
Dust	Vehicle movements	Air/windborne pathway causing impacts to health and amenity	None specified.
Noise	Unloading, loading and storage of waste	Air/windborne pathway causing impacts to health and amenity	Acceptance and sorting will occur inside of an existing shed.
Odour	Unloading, loading and storage of waste	Air/windborne pathway causing impacts to health and amenity	Acceptance and sorting will occur inside of an existing shed.
Residual liquids, contaminated stormwater.	Unloading, loading and storage of waste	Overland runoff and infiltration potentially causing soil and groundwater contamination	Acceptance and sorting will occur inside of an existing shed.  Under the CDS scheme only empty, approved containers are to be accepted at the premises.

Emission	Sources	Potential pathways/impact	Proposed controls
Smoke	Upset conditions (Fire)	Air/windborne pathway causing impacts to health and amenity	None specified.
Fire wash waters	Firefighting activities	Overland runoff and infiltration potentially causing soil and water contamination	None specified.

### 3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), 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 3 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 (*Guidance Statement: Environmental Siting* (DER 2016)).

**Table 3: Sensitive human and environmental receptors and distance from prescribed activity**

Human receptors	Distance from prescribed activity
The nearest town of Newman	Is approximately 1.3 km north of Premises.
Residential Premises	Approximately 1.5 km north
Environmental receptors	Distance from prescribed activity
Underlying Groundwater	6.1 m to 11.5 m below ground level.
Designated Area – RIWI 1914 Surface Water areas and Irrigation District 'Pilbara Surface Water Area'	Within Premises Boundary
Designated Area- RIWI 1914 Groundwater Area 'Pilbara Groundwater Area'	Within Premises Boundary
Specified Ecosystem – Threatened Ecological Community – Endangered 'Ethel Gorge aquifer stygobiont community'	Within Premises Boundary
Designated Area – PDWSA – Newman Water Reserve	Overlapping a small portion of the north-west and north east corners of premises boundary

## 3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) 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 in-complete they have not been considered further in the risk assessment.

Where the Licence Holder 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 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 4.

The Revised Licence L9055/2017/1 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. increased throughput and container deposit scheme activities.

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

**Table 4. Risk assessment of potential emissions and discharges from the Premises during operation.**

Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Vehicle movements on gravel road	Noise	Air/windborne pathway causing impacts to health and amenity	Residential Premises approximately 1.5 km north	Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	4	N/A
Unloading, loading, sorting and storage of CDS waste.	Dust			Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	4	N/A
Unloading, loading, sorting and storage of CDS waste.	Odour	Air/windborne pathway causing impacts to health and amenity	Residential Premises approximately 1.5 km north	Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	4	N/A
	Liquid waste residues and contaminated stormwater	Overland runoff and infiltration potentially causing soil and groundwater contamination	Underlying groundwater approx. 6.1 – 11.5 metres below ground level (mbgl)	Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	4, 13, 14	As a portion of the premises is within a PDWSA, Condition 4 requires CDS materials to be stored within the dedicated CDS refund point shed only, which is located outside of the PDWSA.
Upset conditions (Fire)	Smoke	Air/windborne pathway causing impacts to health and amenity	Residential Premises approximately 1.5 km north	Refer to Section 3.1	C= Minor L = Unlikely <b>Medium Risk</b>	N	<b>15</b>	The Licence Holder has not specified how potential smoke emissions will be controlled. Condition specifies actions to be taken to mitigate this risk.
	Firefighting washwater	Overland runoff and infiltration potentially causing soil and groundwater contamination	Underlying groundwater approx. 6.1 – 11.5 (mbgl)	Refer to Section 3.1	C= Minor L = Unlikely <b>Medium Risk</b>	N	<b>15</b>	The Licence Holder has not specified how firefighting washwater would be managed to prevent discharge to the environment. Condition 17 specifies actions to be taken to mitigate this risk.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

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



## 4. Consultation

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

**Table 5: Consultation**

Consultation method	Comments received	Department response
Licence Holder provided draft documents on 2 September 2020	No comments received and remainder of 21-day period waived on 17 September 2020	Not required.

## 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.

### 5.1 Summary of amendments and updates

Table 6 provides a summary of the proposed amendments as well as formatting changes.

**Table 6: Updated licence conditions in this amendment**

Existing condition	Summary	Revised licence condition	Conversion notes
N/A	Introduction	N/A	Removed as per current licence formatting and replaced with Interpretation section. Instrument log retained.
All	Reference to licensee	All	Replaced with 'Licence Holder'
1.1.1-1.1.4	Interpretation and definitions	Definitions section/Interpretation	Specifications in these conditions have been replicated in the Definitions or Interpretation sections. New definitions relevant to the amendment added.
1.2.1	Stormwater management	1	Change of condition number
1.2.2 and Table 1.2.1	Waste acceptance	2 and Table 1	Change of condition number and inclusion of CDS material acceptance. Inclusion of throughput limit for Category 62 in line with licence categories.
1.2.3	Non-conforming waste	3	Change of condition number
1.2.4 and Table 1.2.2	Waste processing	4 and Table 2	Change of condition number and inclusion of CDS material acceptance
1.2.5	Landfilling activities	5	Change of condition number
1.2.6 and Table 1.2.3	Cover requirements	6 and Table 3	Change of condition number

Existing condition	Summary	Revised licence condition	Conversion notes
1.2.7 and Table 1.2.4	Containment infrastructure	7 and Table 4	Change of condition number
1.2.8	Wastewater treatment ponds	8	Change of condition number
1.2.9	Security measures	9	Change of condition number
1.2.10	Prevention of vermin	10	Change of condition number
1.2.11	Windblown waste	11	Change of condition number
1.2.12	Collection of washed or blown waste	12	Change of condition number
N/A	Recover and dispose of spills	13	New condition as per risk assessment.
N/A	Containment of liquids prior to disposal	14	New condition as per risk assessment.
1.2.13 and 1.2.14	Extinguishing unauthorised fires, and appropriate procedures	15	Requirements of these conditions are replicated in condition 15.
N/A	Firefighting requirements	15	Condition specifying fire fighting requirements as per risk assessment.
1.2.15	Signage	16	Change of condition number
1.2.16 and Table 1.2.5 (Amendment Notice 1)	Infrastructure and equipment table	17 and Table 5	Change of condition number
1.2.17 (Amendment Notice 1)	Departing from specifications	18	Change of condition number
1.2.18 (Amendment Notice 1)	Engineering certification	19	Change of condition number with reference to table "below" removed for clarity.
1.2.19 (Amendment Notice 1)	Departures	20	Change of condition number
2.1.1 and Table 2.1.1	Emissions to land	21 and Table 6	Change of condition number and correction of a formatting error.
3.1.1	General Monitoring	22	Change of condition number and correction of a formatting error.
3.1.2	General Monitoring	23	Change of condition number
3.1.3	Calibration of monitoring equipment	24	Change of condition number

Existing condition	Summary	Revised licence condition	Conversion notes
3.1.4	Calibration of monitoring equipment	25	Change of condition number
3.2.1 and Table 3.2.1	Monitoring emissions to land	26 and Table 7	Change of condition number
3.3.1 and Table 3.3.1	Monitoring of inputs and outputs	27 and Table 8	Change of condition number, change waste Input parameter to read "as specified in Table 1" for ease of reading and to capture new CDS waste type.
3.4.1 and Table 3.4.1	Ambient groundwater quality monitoring	28 and Table 9	Change of condition number
4.1.1, 4.1.2 and Table 4.1.1	Improvement conditions	29, 30 and Table 10	Change of condition number
5.1.1	Records	31	Change of condition number
5.1.2	Records	N/A	Condition removed as it is considered redundant.
5.1.3-5.1.5	Records	32 - 34	Change of condition number
5.2.1-5.2.3, Tables 5.2.1 and 5.2.2	Reporting	35 – 37 and Table 11 and 12	Change of condition number, Note in table amended to refer to DWER website instead of Schedule 2.
5.3.1 and Table 5.3.1	Notification	38 and Table 12	Change of condition number, Note 2 removed and format or forms changed to 'none specified' in line with current licensing format.
Schedule 1	Maps	Schedule 1	No changes
Schedule 2	Reporting & Notification Forms	N/A	Forms removed and are available on DWERs website or are no longer specified.

## Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY				
<b>Application type</b>				
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L7059/1997/10	
		Relevant works approval number:	N/A	<input type="checkbox"/>
Date application received	21 August 2020			
<b>Applicant and Premises details</b>				
Applicant name/s (full legal name)	Shire of East Pilbara			
Premises name	Newman Refuse Site			
Premises location	Lot 129 on Plan 218264 Crown Reserve 44272 NEWMAN WA 6753			
Local Government Authority	Shire of East Pilbara			
<b>Application documents</b>				
HPCM file reference number:	DER2014/000669			
Key application documents (additional to application form):	<ol style="list-style-type: none"> <li>Attachment 2 – Site plan</li> <li>Attachment 3B – Proposed Activities</li> </ol>			
<b>Scope of application/assessment</b>				
Summary of proposed activities or changes to existing operations.	<p>Licence amendment to include CDS Refund and Aggregation Point.</p> <p>Already licenced for 62 so increase throughput for cat 62 by 1 million containers per year</p> <p>Existing shed will be used for a refund point. It is Self sorting and drop off point, everything has to be cleaned before arriving. If residual liquid, bins on site will go into the leachate liquid waste facility (not stormwater basin).</p> <p>No recycling on site currently CDS material going to landfill, so total site throughput not anticipated to change total, as now will be CDS.</p> <p>LH unable to estimate actual tonnage of 1 million containers. I have assumed 500 tonnes per annum and recommend that they report their actual throughput to us so we can adjust in the future if required,</p>			
<b>Category number/s (activities that cause the premises to become prescribed premises)</b>				
<b>Table 1: Prescribed premises categories</b>				
<b>Prescribed premises category and description</b>		<b>Proposed production or design capacity</b>		
Category 62: Solid Waste Depot (Already prescribed for this category so only additional throughput)		1 million containers per year No change to current design capacity		
<b>Legislative context and other approvals</b>				

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: 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: EPA Report No: GIS shows that the area is within the s45 ministerial statement boundary for BHP Billiton iron ore. The MS boundary is not part of the project description.
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval: Expiry date:
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
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: Licence/permit No: 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: Type: Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office:
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Name Priority: <b>P1</b> Are the proposed activities/ landuse compatible with the PDWSA (refer to <u>WQPN 25</u> )?

		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Note: the active waste storage area is not within the Water Reserve catchment, the Reserve boundary overlaps the cadastral (crown reserve) boundary.
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i> , <i>Environmental Protection (Controlled Waste) Regulations 2004</i> , <i>State Agreement Act xxxx</i> )	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Controlled Waste Regs Noise Regs
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	