



Decision Report

Licence Number	L8765/2013/1
Licence Holder	Veolia Environmental Services (Australia) Pty Ltd
ACN	051316584
File Number:	2013/003439-1
Premises	NWWA Waste Handling and Transfer Station Lot 2864, Pyramid Road, Karratha Industrial Estate KARRATHA WA 6714
Date of Report	11/12/2019

1. Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
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
Decision Report	refers to this document
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
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 Review
Licence Holder	Veolia Environmental Services (Australia) Pty Ltd
m ³	cubic metres
Minister	the Minister responsible for the EP Act and associated regulations
NEPM	National Environmental Protection Measure

Term	Definition
Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report.
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Decision Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>

2. Amendment Description

Veolia Environmental Services (Australia) Pty Ltd (Veolia) applied to amend Licence L8765/2013/1. The amendment relates to an increase to the maximum quantities set out in Schedule 2, Table 1 of the Existing licence, as Condition 1.3.2 of L8765/2013/1 provides:

“The Licensee shall only allow was to be accepted at the Premises if:

- a) It is of a type listed in Table 1.3.1;*
- b) The quantity accepted is below any limit listed in Table 1.3.a; and*
- c) It meets any specification listed in Table 1.3.1 and listed in Schedule 2.”*

The following guidance statements have informed the assessment and decision outlined in this Decision Report.

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*

2.1. Purpose and scope of assessment

The amendment application was submitted in response to the findings of the 2018-2019 Annual Audit and Compliance Report (AACR) prepared for the Premise in accordance with Condition 5.2.1 of the Existing Licence. The AACR revealed non-compliance with Condition 1.3.2, with exceedances of the maximum quantity (tonnes per annual period) for several of the Material Types set out in Schedule 2, Table 1. The proposed amendment seeks to increase the quantity limits for these material types in order to eliminate future non-compliance with Licence conditions.

Table 2 below outlines the proposed changes to the Licence.

Table 2: Proposed throughput capacity changes

Category	Current throughput capacity	Proposed throughput capacity	Description of proposed amendment
61	20,000 tonnes per annual period	20, 000 tonnes per annual period	<ul style="list-style-type: none"> • Firefighting foam – increase current 10 tonne maximum to 25 tonnes per annual period.
61A	13, 000 tonnes per annual period	13, 000 tonnes per annual period	<ul style="list-style-type: none"> • Batteries (nickel-cadmium and nickel-metal hydride) – increase current 3 tonne maximum to 20 tonnes per annual period; and • Fire extinguishers – increase current 0.7 tonnes maximum to 15 tonnes per annual period

2.2. Consolidation of Licence

As part of this amendment package DWER has consolidated the licence by incorporating changes made under the following Amendment Notices:

- *Amendment Notice 1, granted 1 May 2017 – receipt of additional waste types.*

The obligations of the Licence Holder have not changed in consolidating the licence. DWER 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;*
- *deleted the redundant AACR form set out in schedule 1 of the previous licence and advise the Licensee to obtain the form from the Department's website;*
- *revised licence condition's numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and*
- *corrected clerical mistakes and unintentional errors.*

Previously issued Amendment Notices will remain on the DWER website for future reference and will act a record of DWER's decision making.

3. Other approvals

The Licence Holder has provided the following information relating to other approvals as outlined in Table 3.

Table 3: Relevant approvals

Legislation	Number	Approval
<i>Shire of Roebourne Town Planning Scheme No. 8 [TPS8]</i>	<i>Planning Approval P3329</i>	<i>Waste Management and Transfer Station</i>

4. Amendment history

Table 4 provides the amendment history for L8765/2013/1.

Table 4: Licence Amendments

Instrument	Issued	Amendment
<i>L8765/2013/1</i>	<i>01/05/2017</i>	<i>Amendment Notice 1</i>
<i>Notice of amendment and schedule of licences with amended expiry dates</i>	<i>29/04/2016</i>	<i>Amendment of expiry date as shown on licence document</i>
<i>L8765/2013/1</i>	<i>11/12/2019</i>	<i>This Amendment</i>

5. Location and receptors

The Premises is located on the corner of Pyramid and Anderson Roads, within the Karratha Industrial Estate and is currently zoned 'Industry' by the City of Karratha. The Premises is bounded by similar industrial sites to the north, west and south. An area of Unallocated Crown Land (UCL) separating the eastern and western sections of the estate and containing a dry creek line is located on the eastern side of Anderson Road. The UCL has been zoned 'Conservation, Recreation and Natural Landscapes'.

Table 5 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 5: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises
<i>Private residence, 1968 Anderson Road, Karratha Industrial Estate.</i>	<i>140m south of Premises boundary</i>
<i>Karratha Cart Club, Anderson Road, Karratha Industrial Estate.</i>	<i>240m southeast of Premises boundary</i>
<i>Kingway Motel, 1069 King Way, Karratha Industrial Estate</i>	<i>1,265m northwest of Premises boundary</i>
<i>Karratha Village/Karratha Lodge, 1062 Mooligunn Road, Karratha Industrial Estate</i>	<i>1,274m northwest of Premises boundary</i>
<i>Cherratta Lodge, King Village and Velocity Village, Cherratta Road, Karratha Industrial Estate</i>	<i>1,293m northwest of Premises boundary</i>
<i>Karratha Caravan Park, 1060 Mooligunn Road, Karratha Industrial Estate</i>	<i>1,352m northwest of premises boundary</i>
<i>Private extraction wells (GWL173314(1)), 2498-2495 Pemberton Way, Karratha Industrial Estate</i>	<i>536m northeast of Premises boundary (Drawing from Pilbara fractured rock aquifer). Groundwater located 6.5 metres below ground level (mbgl)</i>

Table 6 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 6: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises
<i>Gwen Creek, tributary of the Nickol River (Surface water line) which flows into Nickol Bay</i>	<i>170m northeast of premises boundary</i>

6. Risk assessment

Table 7 below describes the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. The table identifies whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

Table 7: Risk assessment for proposed amendments during operation

Risk Event; Source/Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls	Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Category 61 Liquid waste facility; Receipt, handling and storage prior	Waste: Unauthorised or accidental discharge of firefighting foam	Private groundwater bores and Gwen Creek via infiltration to groundwater or overland flows/runoff from premises with potential negative impacts on fauna or downstream human receptors.	Liquid waste is transported by licenced carriers in appropriate containers or licensed tanks Waste decanting undertaken on bunded hardstand	Minor	Possible	Moderate	Appropriate packaging and handling combined with containment requirements sufficient to mitigate risk of emissions.	Licence condition 2 requires maintenance and monitoring of pollution control and monitoring equipment. Licence condition 5 imposes a requirement to contain and treat or appropriately dispose of runoff from the Premises.

<p>Category 61 A Solid waste facility; Receipt, handling and storage prior to disposal</p>	<p>Smoke and firefighting wash waters: spontaneous fire from the receipt of comingled batteries from waste holders</p>	<p>Airborne smoke and fumes from uncontrolled fire to human receptors within the industrial estate (workers, permanent and short-term residents), short term nuisance or health impacts.</p> <p>Overland runoff or percolation of wash waters into soil and groundwater.</p>	<p>Packaged controlled waste is appropriately packaged and transported by licenced carriers.</p> <p>Handling and storage of hazardous materials in accordance with the Code of Practice for the Storage and handling of dangerous goods.</p> <p>Stored in bunded area.</p>	<p>Moderate</p>	<p>Possible</p>	<p>Moderate</p>	<p>Appropriate handling and storage sufficient and containment infrastructure sufficient to mitigate potential impacts in eth event of a fire.</p>	<p>Licence condition 3 requires that environmentally hazardous materials are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.</p> <p>Licence condition 5 imposes a requirement to contain and treat or appropriately dispose of runoff from the Premises.</p>
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<p>Category 61A Solid waste facility; Receipt, handling and storage prior to disposal</p>	<p>Dust: associated with accidental discharge of extinguishers</p>	<p>Airborne monoammonium phosphate or sodium bicarbonate dust from accidental extinguisher discharge to nearby human receptors within the industrial estate (workers, and visitors), short term nuisance or health impacts (mild irritation of airways resulting on coughing, wheezing or shortness of breath as well as eye irritation)</p>	<p>Fire extinguishers will be degassed into plastic 44 gallon drums. Openings to the drums will be covered with black plastic prior to discharge. The fire extinguishers are then drilled through the bottom and sent for disposal to metal recyclers. The dry powder will be consolidated into plastic 44 gallon drums through a small 2 inch opening on top of the drum. On completion, the drum will be sealed with the screw in bung. It will then be transported to a waste disposal site</p>	<p>Insignificant</p>	<p>Unlikely</p>	<p>Low</p>	<p>The premises is bounded by similar industrial sites to the north, west and south.</p> <p>The nearest sensitive receptor to the Premises is a private residence located 140m south of Premises boundary</p> <p>Separation from receptors means receptors will not be adversely impacted.</p>	<p>Conditions 12 and 13 impose requirements to ensure dust emissions do not impact receptors.</p>
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<p>Category 61A Solid waste facility; Receipt, handling and storage prior to disposal</p>	<p>Waste gas emissions: Discharge of firefighting gas into the atmosphere</p>	<p>Dissipated airborne gases</p>	<p>Fire extinguishers will be degassed into plastic 44 gallon drums. Openings to the drums will be covered with black plastic prior to discharge. The fire extinguishers are then drilled through the bottom and sent for disposal to metal recyclers. The dry powder will be consolidated into plastic 44 gallon drums through a small 2 inch opening on top of the drum. On completion, the drum will be sealed with the screw in bung. It will then be transported to a waste disposal site</p>	<p>Insignificant</p>	<p>Almost certain</p>	<p>Moderate</p>	<p>The premises is bounded by similar industrial sites to the north, west and south</p> <p>The nearest sensitive receptor to the Premises is a private residence located 140m south of Premises boundary</p> <p>Propellant gases consist of compressed nitrogen or carbon dioxide (atmospheric gases).</p>	<p>Condition 1 restricts unreasonable emissions.</p>
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Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Department's Guidance Statement: Risk Assessments (February 2017)

7. Consultation

The Licence Holder was afforded the opportunity to provide comment on the draft Revised Licence and associated Decision Report. The details of this consultation are provided in Table 9 and detailed in Appendix 2.

Due to the minor nature of the Licence amendment, no external consultation or stakeholder referral was undertaken.

Table 9: Summary of consultation

Method	Comments received	DWER response
Applicant referred draft documents (15/11/2019)	N/A	N/A

8. Conclusion

Based on the assessment in this Decision 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.

8.1. Summary of amendments

Table 10 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 10: Licence amendments

Condition No.	Proposed amendments
6 – Table 1	<i>Changes to waste acceptance table to include controlled waste types which correspond with Schedule 2, Table 1 as well as tracking codes</i>
8 – Table 2	<i>Significant changes to Table 2, including insertion of new waste information and updated document references.</i>
<i>Schedule 2, Table 1</i>	<i>Amalgamation of previous amendment and current amendment request.</i>

Table 11: Licence conversion map for new licence format

Existing licence condition	Condition Summary	Revised licence condition	Conversion notes
1.2.1	Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to: (a) pollution; (b) unreasonable emission;	1	No change

	(c) discharge of waste in circumstances likely to cause pollution; or (d) being contrary to any written law.		
1.2.2	The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.	2	Licensee to Licence Holder
1.2.3	The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.	3	Licensee to Licence Holder, s1.3 amended to Table 1.
1.2.4	The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.	4	Licensee to Licence Holder
1.2.5	The Licensee shall: (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises. ¹ Note1: The Environmental Protection (Unauthorised Discharges) Regulations 2004 make it an offence to discharge certain materials into the environment	5	Licensee to Licence Holder
1.3.1	The Licensee shall only accept waste on to the Premises if: (a) it is of a type listed in Table 1.3.1; (b) the quantity accepted is below any quantity limit listed in Table 1.3.1; and (c) it meets any specification listed in Table 1.3.1.	6	Licensee to Licence Holder, Table 1.3.1 to Table 1 (significant changes to waste acceptance table)
1.3.2	The Licensee shall ensure that where waste does not meet the waste acceptance criteria set out in condition 1.3.1 it is removed from the Premises by the delivery vehicle or, where that is not possible, stored in a quarantined storage area or container and removed to an appropriately authorised facility as soon as practicable.	7	Licensee to Licence Holder, reference to condition 1.3.12 now condition 6.
1.3.3	The Licensee shall ensure that wastes accepted onto the Premises are only subjected to the process(es) set out in Table 1.3.2 and in accordance with any process limits described in that Table.	8	Licensee to Licence Holder, Table 1.3.2 now Table 2. Significant changes to Table 2, including insertion of new waste information. Updated document reference.
1.3.4	The Licensee shall implement the following security measures at the site: (a) erect and maintain suitable fencing to prevent unauthorised access to the site;	9	Licensee to Licence Holder

	(b) ensure that any entrance gates to the premises are securely locked when the premises are unattended; and (c) undertake regular inspections of all security measures and repair damage as soon as practicable.		
1.3.5	The Licensee shall implement control measures to prevent infestations of pests, flies and vermin at the Premises.	10	Licensee to Licence Holder
1.3.6	The Licensee shall take all reasonable and practical measures to ensure that no windblown waste escapes from the Premises.	11	Licensee to Licence Holder
2.1.1	The Licensee shall record and investigate the exceedance of any descriptive or numerical limit, and/or target in this section.	12	Licensee to Licence Holder
2.6.1	The Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.	13	Licensee to Licence Holder
2.6.2	The Licensee shall ensure that no visible dust generated by the activities on the Premises crosses the boundary of the Premises.	14	Licensee to Licence Holder
2.7.1	The Licensee shall ensure that odour emitted from the Premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the Premises.	15	Licensee to Licence Holder
3.1.1	The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications, and the requirements of the Licence.	16	Licensee to Licence Holder
3.1.2	The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the Director accompanied with a report comprising details of any modifications to the methods.	17	Licensee to Licence Holder, Director to CEO
3.6.1	The Licensee shall undertake the monitoring in Table 3.6.1 according to the specifications in that table.	18	Licensee to Licence Holder, Table 3.6.1 now Table 3
5.1.1	All information and records required by the Licence shall: (a) be legible; (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval; (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:	19	Reference to condition 5.1.1(d) changed to condition 19(d).

	(i) off-site environmental effects; or (ii) matters which affect the condition of the land or waters.		
5.1.2	The Licence Holder shall ensure that: a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.	20	Licensee to Licence Holder
5.1.3	The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.	21	Licensee to Licence Holder
5.1.4	The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.	22	Licensee to Licence Holder
5.2.1	The Licensee shall submit to the Director an Annual Environmental Report within 28 calendar days after the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.	23	Licensee to Licence Holder, Table 5.2.1 now Table 4.
5.3.1	The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the Director in accordance with the notification requirements of the table.		Licensee to Licence Holder, Director to CEO. Table 5.3.1 now Table 5.

Stephen Checker
MANAGER WASTE INDUSTRIES
REGULATORY SERVICES

An officer delegated by the CEO under section 20 of the EP Act

Appendix 1: Key documents

	Document title	Availability
1	Licence L8765/2013/1 - NWWA Waste Handling and Transfer Station	Accessed online at www.dwer.wa.gov.au
2	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	
3	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	
4	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	
5	DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	
6	DWER, June 2019. <i>Guideline: Decision Making</i> . Department of Water and Environmental Regulation, Perth.	
7	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environmental Regulation, Perth.	

Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Decision Report on 15/11/2019 for review and comment.

No comments were submitted on the draft Decision Report.