



Application for Licence Renewal

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L8974/2016/2
Licence Holder	Eclipse Soils Pty Ltd
File Number:	DER2016/000832-1
Premises	Abercrombie Road Resource Recovery Centre Lot 115 on Plan 48295 (Volume 2601, Folio 976) and Lot 2 on Plan 29392 (Volume 2219, Folio 775) Abercrombie Road POSTANS WA 6167
Date of Report	30/06/2020
Decision	GRANTED

1. Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
Decision Report	refers to this document
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Department Administering the Environmental Protection Act 1986 Locked Bag 10 JOONDALUP DC WA 6027 Telephone: (08) 6367 7000 Facsimile: (08) 6367 7001 Email: 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>
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	Water Corporation
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
Renewed Licence	the renewed Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Decision Report.

2. Decision summary

The Delegated Officer has determined to Renew Licence L897/2016/2. The renewal is administrative in nature and therefore a risk assessment of the emissions and discharges associated with the Premises has not been undertaken.

This Decision Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

3. Scope of assessment

3.1 Regulatory framework

In renewing the licence, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://www.der.wa.gov.au>.

3.2 Renewal application summary

Eclipse Soils Pty Ltd (the Licence Holder) currently operates the Abercrombie Road Resource Recovery Centre (ARRRC) on Lot 115 and Lot 2 Abercrombie Road in Postans WA and holds an existing licence (L8974/2016/1) to operate this facility. On 24 April 2020 the Licence Holder submitted an application to DWER to renew licence L8974/2016/1 as it expires on 27 July 2020.

The ARRC remediates a range of contaminated materials, which are then sold as soils, fill material and other associated products. The premises is licenced for category 61A (solid waste facility) for up to 200,000 tonnes per year and category 67A (compost manufacturing and soil blending facility) for up to 50,000 tonnes per year. The site is owned by Bayardo Pty Ltd (owner) and the Licence Holder and owner have a legal agreement to allow the Licence Holder to occupy the site for activities relevant to Categories 61A and 67A. It is estimated that the premises will be operated for the next 20-50 years.

The Premises accepts the following waste materials for further processing, treatment and/or storage:

- clean fill for soil blending and offsite sales,
- green waste for processing into composted products,
- contaminated soils (including hydrocarbon, acid sulfate soils (ASS) and certain pesticide contaminated soils) for treatment (bioremediation) and soil blending; and
- acid sulfate soils for treatment and soil blending.
- asbestos contaminated soil for treatment (screening), soil blending and offsite sales.

The premises also mines, screens and sells limestone and sand however these activities are not regulated under the *Environmental Protection Act 1986* (EP Act). Screening of this excavated material is not covered under this licence as the throughput screened does not exceed 50 000 tonnes per year (trigger for Category 12).

The following processes are carried out on the Premises;

- sorting, handling and stockpiling of accepted material, products and waste;
- remediation of acidic soils and peats by neutralizing the acidity with lime mined and processed from the site for that purpose;
- bioremediation of soils contaminated with hydrocarbons (I.e petrol / diesel)
- remediation (principally using a biological process) of certain pesticide contaminated soils;

- pasteurization and composting of greenwaste into ingredients for soils and mulch products (fines as carbon rich soil ingredient and coarse material for mulch use to minimize evaporation and weed growth);
- screening of asbestos chip contaminated soils to remove asbestos pieces.

All products produced from these processes are subject to testing and/or external validation to ensure environmental and geo-technical standards are met.

The land where the Premises is situated is zoned 'Rural B' under the City of Kwinana (City) Town Planning Scheme No. 2 and 'Rural' under the Metropolitan Region Scheme. The premises has been granted planning approval until 27 July 2020. A new planning approval application was submitted to the City in May 2020, which is currently undergoing assessment.

An Agricultural Research Station owned and operated by the Department of Agriculture and Food WA is located south of Lot 115 and includes a caretaker's residence. This residence is located approximately 375m from the southern boundary of Lot 115, 600m from the western boundary of Lot 2 and is the closest neighbour to the ARRC. It is understood that the caretaker's residence has been vacant for some time. The closest residential area is that of Orelia, located approximately 750m from the southernmost extent of Eclipse's ARRC.

The nearest surface water body is an unnamed lake approximately 785m north/northwest and the Spectacles wetland located approximately 1.8km east of site. No surface water bodies or drainage lines exist on site.

As identified through DWER's software system *Perth Groundwater Atlas* (PGA), groundwater on the premises ranges from 11.5 to 20.5 metres below ground level (mbgl) in Lot 115 and from 20.5 to 26.5 mbgl, with these differences attributed to the varying contours of the premises topography. PGA also states that groundwater is considered marginal (total dissolved solids between 500 – 1000 mg/L).

Water is extracted from two high production bores used for dust suppression purposes. The Licence Holder has a groundwater licence (GWL 109942(7)) to extract 150,000kL per annum of water. A water reticulation main runs along the northern, eastern and southern boundaries of Lot 115 and extended into Lot 2. The reticulation main is used to provide water for dust suppression, compost manufacturing and soil blending, bioremediation and assist in the revegetation of the site.

A Threatened Ecological Community (TEC) buffer area exists to the north of the ARRC. The buffer is in relation to 1.79ha of endangered *Melaleuca huegeli* – *Melaleuca acerosa* shrublands which is located 190m north of the Premises boundary. A large portion of Lot 115 and part of Lot 2 are located within the buffer area to this TEC. TEC buffers are important to assist in preventing impacts from weeds or dust emissions and can be susceptible to impacts when there are groundwater and surface water discharges that are within the vicinity of the buffer area.

The potential emissions arising from the proposed activities include:

- dust and noise emissions from vehicular movement and machinery use on-site;
- asbestos fibre emissions from the screening of asbestos contaminated soil;
- leaching of nutrients and other contaminants to the soil subsurface and underlying groundwater from composting and soil treatment activities; and
- odour emissions from composting and soil treatment activities.

There are no direct (point source) emissions or discharges to air, surface water or groundwater associated with the proposed activities.

Licence L8974/2016/2 held by Eclipse Soils Pty Ltd will be renewed for a period of 20 years resulting in the expiry date of the licence to be extended to 28 March 2040. The expiry date has been modified to match the annual fee end date.

4. Licence history

Table 2 provides the licence and amendment history for L8974/2016/2.

Table 2: Licence history

Instrument	Issued	Licence Holder	Description
L7766/2001/1	17/04/2002	Eclipse Resources Pty Ltd	New application
L7766/2001/2	05/05/2003	Eclipse Resources Pty Ltd	Licence re-issue
L7766/2001/3	28/04/2004	Eclipse Resources Pty Ltd	Licence re-issue
L7766/2001/4	28/04/2005	Eclipse Resources Pty Ltd	Licence re-issue
L7766/2001/5	28/04/2010	Eclipse Resources Pty Ltd	Licence re-issue
L7766/2001/5	07/07/2011	Eclipse Resources Pty Ltd	Amendment
L7766/2001/5	11/08/2011	Eclipse Resources Pty Ltd	Amendment
L8974/2016/1	28/03/2017	Eclipse Soils Pty Ltd	New Licence
L8974/2016/1	13/11/2018	Eclipse Soils Pty Ltd	Amendment following Appeal.
L8974/2016/1	13/05/2019	Eclipse Soils Pty Ltd	Amendment to increase Cat 61A throughput and include the acceptance of hydrocarbon and pesticide contaminated soils meeting Class IV contaminant criteria, and soil material meeting Class I contaminant criteria.
L8974/2016/1	10/06/2020	Eclipse Soils Pty Ltd	Amendment to include the acceptance of soil contaminated with asbestos containing material (ACM) chips and the screening of this soil.

5. Consultation

A summary of the consultation undertaken as part of this amendment process is outlined below in Table 3.

Table 3: Summary of consultation

Method	Comments received	DWER response
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<p>The City of Kwinana was invited to comment on application on 5/6/2020.</p>	<p>Response received on 25/06/2020.</p> <p>Lot 115 and Lot 2 (the site) are zoned 'Rural B' under the City's Local Planning Scheme No.2. The proponent submitted a Development Application to the City on 8 April 2020, for an Extractive Industry land use. The application is currently being processed by City Officers. As part of the process, the application was referred to DWER with a response being received from the Kwinana Peel Region Office on 21 May 2020. Once the application is finalised and a determination is made, it will be forwarded to the Western Australian Planning Commission (WAPC) for a determination under the Metropolitan Region Scheme (MRS).</p> <p>The development application is primarily for an Extractive Industry land use, which includes incidental uses of the land such as the processing of resources such as sand or soil. The proposal is to renew the existing temporary approval for Extractive Industry that is due to expire this year. In this context, a significant condition that is being considered for this application is in relation to remediating and rehabilitating the subject site following extraction and fill.</p> <p>The subject license was referred internally to the City's Environmental Health Department with no further concerns or comments being noted.</p>	<p>Noted.</p>
<p>Application advertised on DWER website 4/6/2020.</p>	<p>None received.</p>	<p>N/A.</p>
<p>Applicant referred draft documents 29/06/2020 Comments received 29/06/2020.</p>	<p>Eclipse wishes to waive the consultation period and have the licence issued as soon as possible.</p>	<p>Noted.</p>

6. Conclusion

The Delegated Officer has determined that a licence L8974/2016/1 will be renewed and the expiry date extended until 28 March 2040 in accordance with *Guideline: Licence Duration (August 2016)* and *DWER Work Instruction: Regulatory Services, Industry Regulation COVID-19 licensing position (22 April 2020)*. This Licence renewal is an administrative renewal, DWER has not undertaken a risk assessment of the emissions and discharges associated with the Premises at this time.

The obligations of the Licence Holder have not changed in renewing the licence. DWER may undertake a review of the licence at any time to reassess the emissions and discharges associated with the Premises if deemed necessary.

6.1 Summary of amendments

Table 4 below provides a summary of the proposed amendments as a result of renewing this licence and reformatting into the current licence template. The table will act as a record of implemented changes. All proposed changes have been incorporated into the Renewed Licence as part of the renewal process.

Table 4: Summary of licence amendments as part of this renewal.

Existing condition	Condition summary	Revised licence condition	Conversion notes
N/A	Expiry Date: 27 July 2020	Expiry Date: 28 March 2040	Extended in accordance with <i>DWER Guideline: Licence Duration (August 2016)</i> . Expiry date modified to match the annual fee end date.
N/A	Front page	N/A	Revised to current licensing format.
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section, Definitions	Redundant condition. Revised to current licensing format. Definitions now at back of licence, Table 13.
1.1.3	Australian or other standard	N/A Interpretation section, Definitions	Redundant condition. Revised to current licensing format.
1.1.4	Reference to code of practice	N/A Interpretation section, Definitions	Redundant condition. Revised to current licensing format.
1.2.1	Waste acceptance	Condition 1 and Table 1	New numbering and update to wording format.
1.2.2	Where waste does not meet the waste acceptance criteria	Condition 2.	New numbering and update to wording format.

1.2.3	Waste processing	Condition 3, Table 2	New numbering and update to wording format.
1.2.4	Containment infrastructure	Condition 6, Table 3	New numbering and update to wording format.
1.2.5	Operational infrastructure	Condition 7	New numbering and update to wording format.
1.2.6	Dust management	Condition 8	New numbering and update to wording format.
1.2.7	Stockpile height	Condition 4	New numbering and update to wording format.
1.2.8	Not authorised to disturbed former landfill area	Condition 5	New numbering and update to wording format.
1.2.9 – 1.2.13	Product testing	Condition 9 -13	New numbering and update to wording format.
2.1.1	Monitoring standards and NATA accreditation	Condition 14	New numbering and update to wording format.
2.1.2	Monitoring duration	Condition 15	New numbering and update to wording format.
2.2.1	Monitoring of inputs and outputs	Condition 16, Table 6	New numbering and update to wording format.
2.3.1	Process monitoring	Condition 17	New numbering and update to wording format.
2.4.1	Ambient environmental quality monitoring	Condition 18, table 8	New numbering and update to wording format.
2.4.2	Asbestos fibre monitoring	Condition 19	New numbering and update to wording format.
2.4.3	Asbestos fibre monitoring	Condition 20	New numbering and update to wording format.
3.1.1	Improvement program	Condition 21	New numbering and update to wording format.
4.1.1	Information and records	Condition 24	New numbering and update to wording format.
4.1.2	Complaints management	Condition 25	New numbering and update to wording format.

4.1.3	Record of ASS and PASS information	Condition 22	New numbering and update to wording format.
4.1.4	Record of information for asbestos contaminated soil	Condition 23	New numbering and update to wording format.
4.2.1	Annual Audit Compliance Report	Condition 26	New numbering and update to wording format.
4.2.2	Annual environmental report	Condition 27, Table 11	New numbering and update to wording format.
4.2.3	Non annual reporting requirements	Condition 28, Table 12	New numbering and update to wording format.
4.3.1	Notification	Condition 29	New numbering and update to wording format. Reference to N1 notification deleted as it is a redundant condition. Notification requirements of a breach covered under s72 of the <i>Environmental Protection Act 1980</i> .
Definitions	N/A	N/A	Definitions moved to the back of the licence. Definitions for 'discharge' and 'emission' have been added to the licence.
Schedule 1: Maps	Premises map and maps of screening areas, bore locations and ground level.	Schedule 1: Maps	New naming convention, no change to maps.
N1 form	N/A	N/A	Redundant attachment. Deleted from Licence.
Attachment 1 to 4	Licence attachments	Attachment 1 to 4	No change.

Melissa Chamberlain
A/MANAGER WASTE INDUSTRIES
INDUSTRY REGULATION

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

Appendix 1: Key documents

	Document title	Availability
1	Licence L8974/2016/1 issued on 10 June 2020.	accessed at www.dwer.wa.gov.au
2	Eclipse soils Pty Ltd, Licence renewal application form, L8974/2016/1, received on 24 April 2020	
3	DER, August 2016. <i>Guidance Statement: Licence duration.</i> Department of Environment Regulation, Perth.	