



Application to renew a licence

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

Licence Number	L9268/2020/2
Licence Holder	Cleanaway Co Pty Ltd
ACN	127 853 561
File Number	DER2020/000545~3
Premises	Cleanaway Port Hedland Resource Recovery Centre 20 Schillaman Street WEDGEFIELD WA 6725 Legal description - Lot 5857 on Deposited Plan 191016 As defined by the Premises map and coordinates attached to the issued licence.
Date of Report	08/08/2024
Decision	To grant a licence

SENIOR INDUSTRY LICENSING OFFICER
INDUSTRY REGULATION
Officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L9268/2020/1 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*.

In renewing the licence the Delegated Officer has determined to:

- Transfer existing regulatory controls and conditions to the new licence;
- Revise licence conditions or remove redundant conditions as detailed in this decision report;
- Include conditions considered necessary for the effective administration of the licence (i.e. record keeping requirements);
- Correct clerical mistakes or unintentional errors.

The Delegated Officer decided to grant Licence L9268/2020/2 subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 14 May 2024 Cleanaway Co Pty Ltd (licence holder) applied to renew licence L9268/2020/1 as the licence is due to expire on 8 August 2024. The licence was granted to the licence holder for the premises located at 20 Schillaman Street, Wedgefield. (Premises location).

The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production/design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 39 Chemical or oil recycling: premises on which waste liquid hydrocarbons or chemicals are refined, purified, reformed, separated or processed.	10,000 tonnes per annual period
Category 61 Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	30,000 tonnes per annual period
Category 61A Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	20,000 tonnes per annual period

The premises is known as the Cleanaway Port Hedland Resource Recovery Centre. Activities carried out on the site include:

- Acceptance and processing of liquid and solid wastes;
- Oil processing and recycling;
- Acceptance and treatment of liquid wastes contaminated with Per- and polyfluoroalkyl substances (PFAS).

3. Regulatory framework

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

The Department of Water and Environmental Regulation's *Work Instruction: Industry Regulation, Licensing position – COVID 19 response (October 2022)* guides the processes under which this licence is assessed. This Work Instruction has been reviewed and expanded to address licenses that expire beyond 30 June 2023.

The Delegated Officer will not conduct a review of the detailed risk assessment of emissions and discharges from the Premises and determined that an administrative licence renewal can be processed. The previous risk assessment for the licence amendment endorsed on 22 May 2022 will be included in Appendix 1 of this report.

4. Considerations for issuing a new licence

4.1 Legal occupancy

The licence holder has informed the Department that it has legal occupancy of the Premises. It remains the responsibility of the licence holder to ensure their lease agreement remains current for the duration of the licence.

4.2 Prescribed premises details

The requested prescribed premises categories and the corresponding production/design capacities are consistent with the category and production/design capacities previously assessed by the Department. The Delegated Officer has verified that there are no proposed changes to the previously assessed activities.

4.3 Planning approval

The licence holder has informed the Department that it has planning approval for the activities on the Premises.

4.4 Compliance and enforcement actions

In the last 5 years, there have been two incidents and no complaints identified at the Premises by the Department. There has been no enforcement action taken regarding the incidents which are now finalized.

4.5 Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 2.

Table 2: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 3 June 2024 closing 25 June 2024	No submissions were received.	N/A.
Town of Port Hedland advised of application on 28 May 2024	No comments received by the Town of Port Hedland.	N/A.
Applicant was provided with draft decision report and licence on 16 July 2024 and asked to provide comments by 6 August 2024.	The licence holder made a submission on 7 August 2024 and suggested no changes to the draft licence and requested the licence be issued as soon as possible.	N/A.

5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to a Licence. Licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm from emissions and/or discharges at the Premises.

Table 3 summarises the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

Table 3: Licence conditions changes, description and rationale.

Current condition / Schedule	New condition / Schedule	Description and rationale
Condition 1	Condition 1	Minor administrative changes to condition wording in accordance with current standard.
Condition 2	Condition 2	No changes
Condition 3	Condition 3	
Condition 4	Condition 4	
Condition 5	Condition 5	Minor administrative changes to condition wording in accordance with current standard.
Condition 6	Condition 6	Minor administrative changes to condition wording and table format.
Condition 7	Condition 7	No changes
Condition 8	Condition 8	
Condition 9	Condition 9	
Condition 10	Condition 10	
Condition 11	Condition 11	
Condition 12	Condition 12	
Condition 13	Condition 13	

Current condition / Schedule	New condition / Schedule	Description and rationale
Condition 14	<i>Not applicable</i>	Condition is deemed redundant as it is not enforceable. Therefore condition 14 has been removed.
Condition 15	<i>Not applicable</i>	Condition is redundant and not enforceable. Therefore, has been removed.
Condition 16	Condition 14	Existing condition 16 clauses (a) and (b) removed from the licence. These specific conditions are deemed redundant as they are not enforceable. Existing condition 16 clause (c) has been retained and reworded as new condition 14.
Condition 17	Not applicable	Condition is deemed redundant as it is not enforceable. Therefore has been omitted.
Condition 18	Condition 20	Existing condition 18 clauses (a), (b) and (c) are deemed redundant and therefore omitted. Existing condition 18 clause (d) has been revised in accordance with current standard and included as new licence condition.
Condition 19	Condition 15	Change to condition number only
Condition 20	Condition 21	Condition wording updated in accordance with current standard.
Condition 21	Condition 22	Change to condition number only
Condition 22	Condition 16	
Condition 23	Condition 17	
Condition 24	Conditions 18 & Schedule 3 Condition 31	
N/A	Condition 19 (New)	Inserted field quality assurance and quality condition in Schedule 3 as condition 32.
Condition 25	Condition 23	Change to condition number only
Condition 26	Condition 26	Existing condition 26 is incorporated into new condition 26.
Condition 27	Condition 26	Condition updated in line with current standard and incorporated into new condition 26.
Condition 28	N/A	Condition removed as it is deemed redundant.
Condition 29	Condition 27	Minor changes to condition wording in line with current standard.
Condition 30	Condition 24	Administrative changes to condition including renumbering. (1)
N/A	Condition 25	New records condition in accordance with current licence administration.
Condition 31	Condition 29	Minor change to condition wording and updated reference to groundwater monitoring conditions.
Condition 32 (1) - Annual	Condition 28	Updated condition wording to align

Current condition / Schedule	New condition / Schedule	Description and rationale
Environmental Report		with current standard.
Condition 32 (2) - Assessment of AER information	N/A	Removed existing condition as it is deemed redundant. The requirement for an assessment of the AER monitoring information is covered by new Condition 29 (i).
Condition 33	Condition 30	Change to condition number and minor changes to condition wording.
Condition 34 and N1 Form in Schedule 3.	N/A	Condition removed as it is deemed redundant and covered by new licence conditions. Also, the Licence holder is required to comply with section 72 of the <i>Environmental Protection Act 1986</i> .
Definitions section	Definitions section	Definitions list has been transferred to the new licence. Redundant terms have been removed.
Schedule 1 Premises maps	Schedule 1 Premises maps	<i>"Map of emission points and storage locations" renamed "Map of process monitoring points"</i> , given that there are no emission points specified in the licence conditions and there is an additional map (dated December 2021) detailing the site layout and storage areas.
Schedule 2 Premises boundary coordinates	Schedule 2 Premises boundary	No changes.
Schedule 3 N1 Form	Schedule 3 - Condition 31 & 32 (New)	Notification form plus old licence condition 34 removed as deemed redundant. New Condition 31 and 32 included in Schedule 3 and linked to new conditions 18 & 19.

Appendix 1 – Report containing Risk Assessment - 22 May 2022.



Application for Licence Amendment

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

Licence Number	L9268/2020/1
Licence Holder	Cleanaway Co Pty Ltd
ACN	127 853 561
File Number	DER2020/000545
Premises	Cleanaway Port Hedland Resource Recovery Centre 20 Schillaman Street, Wedgefield WA 6724 Legal description – Lot 5857 on Deposited Plan 191016 As defined by the coordinates in Schedule 2 of the Revised Licence
Date of Report	25 May 2022
Decision	Revised licence granted

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Abbie Crawford
A/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 L9268/2020/1 is held by Cleanaway Co Pty Ltd (Licence Holder) for the Cleanaway Port Hedland Resource Recovery Centre (the Premises), located at 20 Schillaman Street, Wedgefield.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during operation of the Premises. As a result of this assessment, Revised Licence L9268/2020/1 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 15 November 2021, the Licence Holder submitted an application to the department to amend Licence L9268/2020/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The Licence Holder is seeking the addition of waste code M270 to the existing Licence to facilitate the acceptance of liquid wastes contaminated with Per- and polyfluoroalkyl substances (PFAS) at the premises. As such, the amendment is limited only to changes to Category 61 and 61A activities from the Existing Licence and no changes to the aspects of Category 39 have been requested by the Licence Holder. The acceptance of PFAS contaminated material will not increase current premises throughput as the waste will be accepted as a component of the current Category 61 and 61A permissible throughputs of 30,000 and 20,000 tonnes per annual period respectively.

The waste code M270 came into effect via the *PFAS National Environmental Management Plan* (PFAS NEMP). This waste type may have historically been accepted under waste code L150 (industrial wastewater contaminated with a controlled waste) or waste code M160 (organohalogen compounds not elsewhere listed). To ensure ongoing compliance with waste acceptance specifications on the Licence, the Licence Holder seeks to incorporate the acceptance of PFAS contaminated wastes onto the existing Licence. Throughput volumes of PFAS contaminated wastes are expected to be up to 1000 tonnes per annual period, however this will be dependent upon market conditions.

PFAS contaminated liquid wastes accepted to the premises will be stored at the premises within the storage bays, which are bunded with a concrete hardstand. Spills of environmentally hazardous materials outside of the bunded area drains to a first flush system that includes the onsite evaporation ponds.

Additionally, the Licence Holder is seeking to further treat accepted liquid PFAS contaminated waste using the process of absorption to ensure that PFAS wastes can be disposed of to an appropriately authorised landfill facility. Absorption is a practice in current use at the premises, by which liquid wastes are mixed with soil to create a spadable consistency (as defined by the *Landfill Waste Classification and Waste Definitions 2019*) which is then considered acceptable for landfill disposal.

Key finding: The Delegated Officer notes the use of the term 'fixation' in the Existing Licence to describe the absorption practice in current use at the premises, by which liquid wastes are mixed with soil to create a spadable consistency (as defined by the *Landfill Waste Classification and Waste Definitions 2019*) which is then considered acceptable for landfill disposal.

The Delegated Officer considers the term 'fixation' to represent the treatment of waste to chemically immobilize harmful contaminants as to prevent the leaching of these contaminants to the environment when disposed of to landfill. As the Licence Holder's treatment of liquid waste with soil to create a solid does not act to immobilize contaminants within the waste, the Delegated Officer does not consider the use of the term 'fixation' appropriate and as such, will refer to the Licence Holders waste treatment process and treatment areas by the term 'absorption'.

PFAS contaminated waste to be accepted at the premises will be analysed by the on-site chemist to determine its PFAS concentration. Based on this determination, the waste will be treated as follows:

- Liquid wastes will undergo pretreatment with Rembind™, which is an activated carbon product and acts as an adsorbent for the remediation of contaminated soil and groundwater.
- Once treated with Rembind™, the waste will undergo absorption with soil prior to disposal at an appropriately licenced facility. Absorption will be undertaken at the premises fixation bay. The licence holder proposes to analyse every batch of PFAS contaminated waste following absorption to determine the final PFAS concentration prior to disposal

An updated site layout outline PFAS treatment and storage areas (the storage bays) is provided in Figure 1.

Key findings: The Delegated Officer has reviewed the acceptance and processing specifications for PFAS contaminated waste proposed by the Licence Holder and considers the following:

1. DWER is under international obligation to implement the PFAS treatment, storage and disposal methodologies outlined in the PFAS NEMP.

The PFAS NEMP considers the dilution of PFAS contaminated waste as an unacceptable treatment strategy for the handling and disposal of PFAS waste. DWER has regard of the PFAS NEMP in assessing risk relating to emissions and discharges from premises that handle, treat and dispose of PFAS waste.
2. DWER considers that the act of absorption, being the mixing of PFAS contaminated wastes with another medium, constitutes the dilution of the PFAS wastes as defined by the PFAS NEMP.
3. It is DWER's preference that wastes should be analysed for PFAS concentration immediately after liquid wastes are treated with Rembind™ and prior to mixing with woodchip for the purposes of landfill waste classification. This methodology of testing of waste prior to adsorption activities will provide a more accurate understanding of PFAS concentration within the waste (i.e. will prevent any uncertainty that may be apparent due to dilution that may occur during mixing of the liquid and solid waste types) for the purposes of understanding risk associated with any leachate generated from the waste in a landfill.

4. DWER considers that waste containing identified concentrations of PFAS is deemed to be Special Waste Type 3 (as defined in the *Landfill Waste Classification and Waste Definitions 1997*) and as such, will be required to be disposed of to a landfill facility that can accept Special Waste Type 3.
5. Concentration limits for accepted PFAS contaminated wastes will be conditioned so as to align with the contamination limits outlined in the PFAS NEMP.
6. Additional groundwater monitoring requirements for PFAS will be considered as part of the risk assessment.

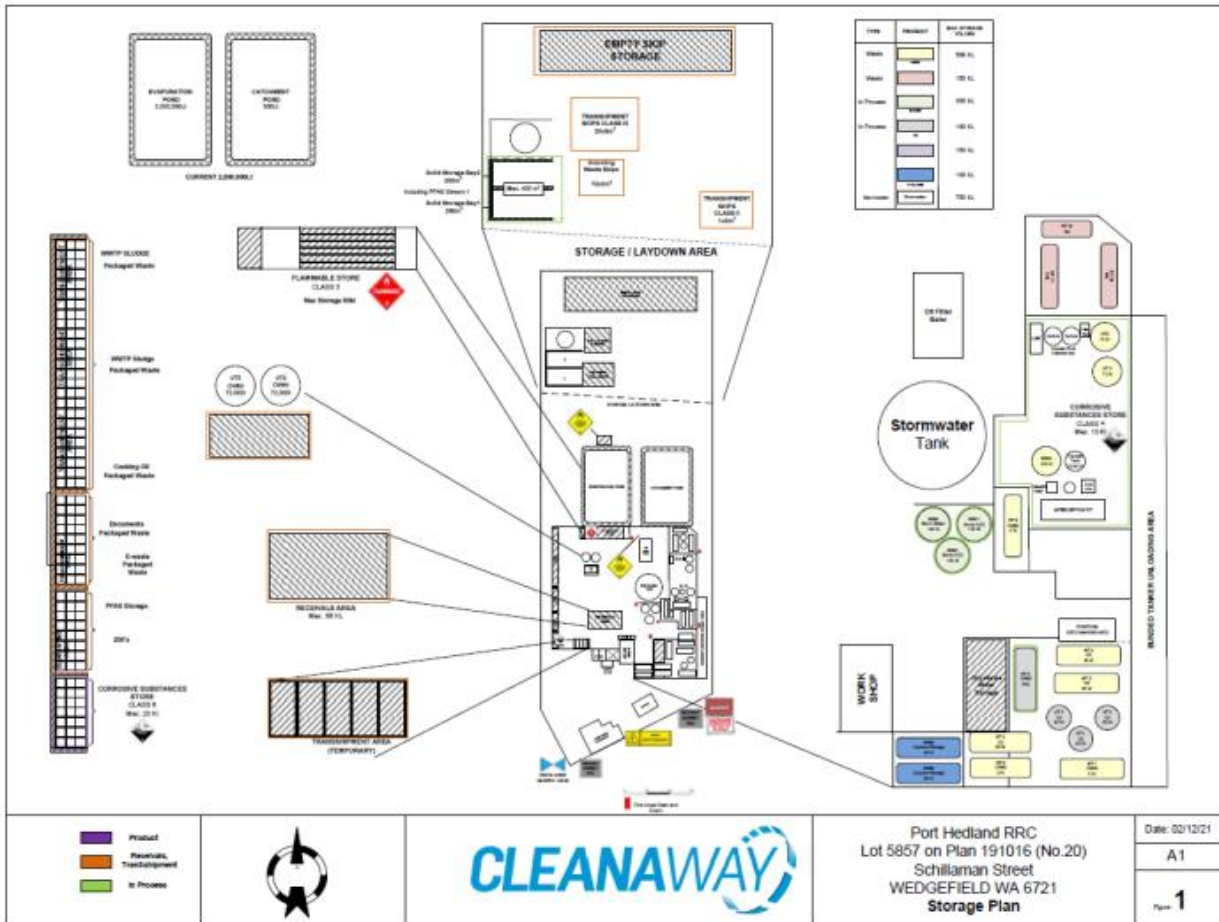


Figure 1: Updated premises layout

licence: L9268/2020/1

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
PFAS contaminated material	Spills or leaks of environmentally hazardous material	Discharge to land or surface water	<ul style="list-style-type: none">• Stored within storage bays which consist of concrete hardstands and are bunded• Staff trained in handling and spill response• Waste concentration analysis and classification• Waste absorption, storage and disposal to other authorised facilities
	Treatment of liquid wastes by absorption	Discharge to land or surface water Seepage to groundwater	

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
Residential Premises	2.6 km southeast of the Premises boundary 6.5 km northeast of the Premises boundary
Environmental receptors	Distance from prescribed activity
Threatened priority flora <ul style="list-style-type: none"> • <i>Tephrosia rosea</i> var. Port Hedland • <i>Gymnanthera cunninghamii</i> 	Species mapped within 1km of the Premises boundary
Threatened priority fauna <ul style="list-style-type: none"> • <i>Chlidonias leucopterus</i> – White-winged black tern • <i>Gallinago stenura</i> - Pin-tailed snipe • <i>Tringa glareola</i> - Wood sandpiper • <i>Glareola maldivarum</i> - Oriental pratincole • <i>Ctenotus angusticeps</i> - Airlie Island Ctenotus • <i>Numerius minutus</i> - Little curlew 	Species mapped within 2km of the Premises boundary
Surface water lines	Minor tributaries mapped 1.7 km to the west and 2.1 km to the east of the Premises boundary
Surface water body – Timor Sea	1.5 km north of the Premises boundary
Proclaimed surface water area <ul style="list-style-type: none"> • Pilbara Surface Water Area 	Premises mapped within area
Proclaimed groundwater area <ul style="list-style-type: none"> • Pilbara Groundwater Area 	Premises mapped within area

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 (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 L9268/2020/1 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. PFAS waste acceptance, storage and treatment.

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 Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls	Risk rating ¹ C = consequence L = likelihood Medium	Licence Holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Acceptance, treatment with Rembind™ and/or by absorption with soil and storage of PFAS contaminated waste	Spills or leaks of PFAS contaminated material	Discharge to land or surface water	Underlying soils and groundwater	Refer to Section 3.1	C = Moderate L = Unlikely Medium	Y	Conditions 1, 4, 5, 6, 16 and 17	Emissions will also be regulated under the general provisions of the EP Act.
	Seepage or surface water runoff of PFAS contaminated material	Discharge to land or surface water Seepage to groundwater	Underlying soils and groundwater, feeding into surrounding surface water lines and bodies Surrounding Priority Flora and Fauna Proclaimed surface and groundwater areas	Refer to Section 3.1	C = Moderate L = Unlikely Medium	Y	Conditions 4, 5, 6, 16, 17 and 24	The delegated officer considers it appropriate for additional groundwater monitoring requirements to be added to the licence for PFAS substances. The Delegated Officer considers that other proposed controls are adequate to mitigate potential emissions.

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.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Town of Port Hedland advised of proposal 13 January 2022	The Town of Port Hedland responded to the proposal on 25 January 2022 outlining that they do not support the proposal. The proposal identified the disposal of PFAS contaminated waste to the Town's South Hedland Landfill Facility. Under the Town's landfill licence, the facility is not licenced to receive PFAS contaminated waste, and therefore the application cannot be supported.	Since referring the application for comment, DWER has advised Cleanaway that the treated PFAS wastes will be classified as Special Waste Type 3 for the purposes of disposal. The waste must therefore be disposed to facilities that are able to accept this waste. To further clarify this point DWER will place conditions on the licence that specifically states the treated PFAS wastes must only be disposed of to an appropriate facility
Licence holder provided with draft amendment on 12 May 2022	The licence holder provided comments on the draft licence on 24 May 2022. The licence holder stated that they use soil for fixation processing at the Port Hedland facility. They requested that the wording of the fixation process be amended to allow for absorption with woodchips, soil or other appropriate media, prior to disposal off site.	Condition 5, Table 2 has been updated to allow for greater flexibility. The changes do not alter the risk assessment undertaken.

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

Table 5 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 5: Summary of licence amendments

Condition no.	Proposed amendments
1	Inclusion of PFAS contaminated waste under the waste acceptance specifications
5	Inclusion of PFAS contaminated waste processing specifications
6	Inclusion of soil storage bay containment infrastructure specifications
16	Inclusion of stormwater treatment of PFAS impacted water

23	Inclusion of figure reference
35 and 36	Redundant improvement conditions deleted
N/A Schedule 1	Inclusion of new site layout map
N/A Schedule 3	Schedule 3 updated to reflect N1 reporting form reference

References

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