



Application for Licence

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

Licence Number	L9372/2023/1
Applicant	Toll Energy and Marine Logistics Pty Ltd
ACN	009 129 060
File number	DER2023/000036
Premises	Toll Energy Yards – Dampier Supply Base King Bay Road Burrup WA 6714 Part of Lot 471 on Plan 220595 As defined by the coordinates in Schedule 2 of the licence
Date of report	6 April 2023
Decision	Licence granted

**SENIOR ENVIRONMENTAL OFFICER - WASTE INDUSTRIES
REGULATORY SERVICES**

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9372/2023/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) 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 and overview of premises

The premise was previously licenced under licence L8511/2010/2 however ceased on 13 May 2020. Since cessation, Toll Energy and Marine Logistics Pty Ltd has continued to operate the premise in accordance with the conditions of L8511/2010/2 and report annually to the Department through its Annual Audit Compliance Report (AACR). Toll submitted AACR's to the Department for the 2020/21 and 2021/22 reporting periods on 14/9/2021 and 1/8/2022, respectively.

On 7 September 2022, the applicant submitted a new application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence relating to temporary storage of various categories of controlled waste at the premises. The premises is approximately 6 km south-west of Dampier.

The premises relates to the categories and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9372/20223/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9372/2023/1.

The premises holds a current Dangerous Goods licence (DGS022025), however is not licenced to store Packaging Groups 1 Dangerous Goods products on site.

The premises has a Fire and Emergency Services Emergency Response Guide (FES-ERG) which will provide essential information to the Department of Fire and Emergency Services (DFES) in the event of an emergency.

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

Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this decision report are detailed in Table 1 below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dangerous or hazardous waste materials	Leaks and spills of waste from damaged and broken packaging during the storage and handling of controlled waste.	Seepage into underlying soil Infiltration into groundwater	Waste storage areas are lined with concrete, asphalt or constructed hardstand areas with rollover bunding to prevent spills occurring; Controlled wastes are stored in impervious containment vessels; Storage areas are visually inspected; Spill Management Plan (SMP) in place.
Contaminated stormwater	Stormwater contaminated after coming into contact with waste material on site. Firewater.	Overland runoff / migration into stormwater Seepage into underlying soil Infiltration into groundwater	Waste storage areas are lined with concrete, asphalt or constructed hardstand areas with rollover bunding to prevent spills occurring; Controlled wastes are stored in impervious containment vessels. Storage areas are visually inspected; Toll will remove contaminated stormwater to an appropriate facility for disposal or treatment; SMP in place; Site Emergency Response Plan (SERP) in place.
Smoke (fire)	Fire on premises	Air/windborne pathway	SERP in place; Appropriate fire-fighting equipment and appropriately trained personnel are available in the event of a fire; Waste stored in impervious containers or tanks.

Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors 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 and **Error! Reference source not found.** 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
Industrial Area	Immediately adjacent on North, East and South sides of the premises
Environmental receptors	Distance from prescribed activity
King Bay	290 m South

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source 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 applicant 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 applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9372/2023/1 that accompanies this decision report authorises emissions associated with the operation of the premises.

The conditions in the issued licence, as outlined in Table 3 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 events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Potential spills and/or leakage of waste during storage and handling	Dangerous or hazardous waste materials	Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality Localised contamination of soils Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance	Industrial areas adjacent to the premises Underlying groundwater King Bay (290 m South)	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	Conditions 1,2, 9, 12, 13 & 14 <u>Conditions 3, 4, 5, 6, 7, 8 & 10 & 11</u>	Additional control measures have been added to the licence to limit the amount of waste that can be stored on the premises at any one time, outline specific processing and storage criteria required for some controlled waste types and the duration that waste can be stored on site. These controls are considered necessary to prevent and/or limit the scale of a potential spill and therefore potential impacts to groundwater and nearby industrial areas.
	Hazardous fibres (Ceramic based fibres with physico-chemical characteristics similar to those of asbestos)	Air/windborne pathway causing impacts to human health	Industrial area adjacent to the premises	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	Conditions 1, 2, 9, 12, 13 & 14 <u>Condition 1, 4, 5, 6, 7 & 8</u>	No controls for hazardous ceramic fibres were proposed other than to store in impervious containers or tanks. Acceptance criteria for the acceptance and storage of ceramic fibres have been added to the licence to prevent fibres from becoming air borne during the storage and handling of fibrous wastes.

Risk events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
Stormwater contaminated after coming into contact with waste material on site.	Contaminated stormwater	<p>Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality</p> <p>Localised contamination of soils</p> <p>Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance</p>	<p>Industrial area adjacent to the premises</p> <p>Underlying groundwater</p> <p>King Bay (290 m South)</p>	Refer to Section 3.1	<p>C = Moderate</p> <p>L = Unlikely</p> <p>Medium Risk</p>	N	<p>Conditions 1, 9, 12, 13 & 14</p> <p><u>Conditions 2, 3, 4, 5, 6, 7, 8 & 10</u></p>	<p>Additional control measures have been added to the licence to limit the amount of waste that can be stored on the premises at any one time, outline specific processing and storage criteria required for some controlled waste types and the duration that waste can be stored on site. Control measures for the maintenance of stormwater infrastructure have also been added.</p> <p>These controls are considered necessary to prevent stormwater coming into contact with waste materials on the premises.</p>
Fire on premises	Toxic gases / smoke (fire)	Air/windborne pathway causing impacts to human health and amenity.	Industrial area adjacent to the premises	Refer to Section 3.1	<p>C = Moderate</p> <p>L = Unlikely</p> <p>Medium Risk</p>	Y	<u>Conditions 17</u>	Condition 17 has been added as a standard condition.

Risk events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
	Fire-fighting water	Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality Localised contamination of soils Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance	Industrial area adjacent to the premises Underlying groundwater	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	<u>Condition 17</u>	Conditions 17 has been added as standard condition. The Delegated Officer considers the applicants SERP adequate for managing risk to the environment in the unlikely incidence of an emergency event.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

Note 2: Proposed applicant 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
Application advertised on the department's website on 27 January 2023	None received	N/A
Local Government Authority advised of proposal on 27 January 2023	<p>The City replied on 14 February 2023 stating they have reviewed the proposal and no concerns are raised regarding the licence.</p> <p>The City noted that the use and any associated development relating to the prescribed premises are exempt from requiring development approval, as they are considered to be 'public works' within the Pilbara Ports Authority land area.</p>	The delegated officer notes this information.
Applicant was provided with draft documents on 16 March 2023	<p>Comments received 21 March 2023.</p> <p>Notified of updated registered business address.</p> <p>Requested the limit of amount of waste stored on the premise at any one time be aligned with the total design capacity.</p> <p>Requested the lease expiry date be redacted from the decision report</p>	<p>The delegated officer has;</p> <ul style="list-style-type: none">• updated the registered business address.• set that the licence holder must not store more than a total of 450 tonnes of waste at the premise at one time.• removed the expiry date of the lease from the decision report.

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that the licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

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.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input checked="" type="checkbox"/>	Relevant works approval number:		None <input checked="" type="checkbox"/>
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date Report received:		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input type="checkbox"/>	Current licence number:		
		Relevant works approval number:	N/A	<input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received	7 September 2022			
Applicant and Premises details				
Applicant name/s (full legal name/s)	Toll Energy and Marine Logistics Pty Ltd			
Premises name	Toll Energy Yards – Dampier Supply Base			

Premises location	<p>Part of Lot 471 on Plan 220595 King Bay Road Burrup WA 6174</p> <p>The boundary of the premises is demarcated by the following coordinates (decimal degrees). 116.756611, -20.627801; 116.756791, -20.627944; 116.760316, -20.627937; 116.760313, -20.626813; 116.760000, -20.626813; 116.759969, -20.626880; 116.759420, -20.626949; 116.759372, -20.627022; 116.759250, -20.627028; 116.759248, -20.626876; 116.757516, -20.626869; 116.757322, -20.627170; 116.756710, -20.627497</p>
Local Government Authority	City of Karratha
Application documents	
HPCM file reference number:	DWERDT655436
Key application documents (additional to application form):	<p>Proof of Occupier Status ASIC Extract Authority to Act letter Premise Map Waste Acceptance Table Fee Calculation Emergency Plan Environmental Management Plan Landscape Management Plan Spill Management Plan Cover Letter</p>
Scope of application/assessment	
Summary of proposed activities or changes to existing operations.	<p>Temporary storage of various categories of controlled waste packages. This material is usually transported directly from the wharf to a licensed controlled waste facility, however in some instances it is necessary to temporarily set these down in the Toll yard until a full trailer load is ready for transport.</p>

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Proposed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 61: Liquid waste facility: premises on which liquid waste produced on other premises (other than sewage waste) is stored, reprocessed, treated or irrigated	24,000 tonnes per annum.	n/a
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.	6,000 tonnes per annum.	n/a

Legislative context and other approvals

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 checked="" type="checkbox"/> No <input type="checkbox"/>	Ministerial statement No: 535 EPA Report No:
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 checked="" 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 type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why?
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 No clearing is proposed.
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: n/a Licence/permit No: n/a
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: N/A 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 type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: N/A Are the proposed activities/landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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"/>	

<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Classification: N/A Date of classification: N/A</p>
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Direct interest stakeholders

<p>City of Karratha</p>	<p>Letter to be sent Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
	<p>Letter to be sent Yes <input type="checkbox"/> No <input type="checkbox"/></p>
	<p>Letter to be sent Yes <input type="checkbox"/> No <input type="checkbox"/></p>
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