



Department initiated Amendment

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

Works Approval Number	W6408/2020/1
Works Approval Holder	Cleanaway Co Pty Ltd
ACN	127 853 561
File Number	DER2019/000570
Premises	Karratha Liquid Waste Treatment Plant and Waste Transfer Station Lot 126 Warlu Road COOYA POOYA WA 6714 Legal description – Lot 126 on Deposited Plan 183297
Date of Report	30 August 2023
Decision	Revised works approval granted

Amine Fisher
A/MANAGER, PROCESS INDUSTRIES

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

1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6408/2020/1. This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

This amendment is made pursuant to section 59(1)(j) of the EP Act, being an amendment to give effect to a decision of the Minister under the EP Act.

A copy of the Minister's Appeal Determination and Appeals Convenor's report can be obtained from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au (reference 015/22).

The decision report for the existing works approval will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In amending the works approval W6408/2020/1, 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 Amendment summary

Works Approval W6408/2020/1 is held by Cleanaway Co Pty Ltd (Works Approval Holder) for the Karratha Liquid Waste Treatment Plant and Waste Transfer Station (the Premises), located at Lot 126 on Deposited Plan 183297, Cooya Pooya. The works approval authorises the construction, commissioning and time limited operation of a Heated Overland Thermal Treatment Pad (Hottpad) system at the existing Liquid Waste Treatment and Waste Transfer Station which is operated under licence L8332/2009/3.

Third parties aggrieved by any condition of a works approval are able to lodge an appeal direct to the Appeals Convenor within 21 days of the applicant being notified of the decision to grant a works approval under section 102(3)(a) of the EP Act. An appeal was lodged in relation to W6408/2020/1 on 3 May 2022.

The appellant had raised concerns regarding the Department's assessment and regulation of greenhouse gas emissions, storage of intractable waste, gaseous emissions' deposition rates, emissions to air and human health, and capability of the works approval operator. Matters raised in the appeal unrelated to the conditions of the works approval are not included in this report and are noted in the Appeals Convenor's report. A copy of the Minister's Appeal Determination and Appeals Convenor's report can be obtained from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

On 2 March 2023, the department was advised that the appeal lodged under section 102(3)(a) of the EP Act relating to W6408/2020/1 had been decided by the Minister for Environment and Climate Action. The Minister determined to allow the appeal in part and requested the department to amend the conditions of works approval W6408/2020/1 as follows:

- 1) Condition 12(a) and 26(c) are amended to require monitoring of the feedstock composition for each batch processed during commissioning and time limited operations (the duration of the latter for your consideration).
- 2) Require regular monitoring of mercury during time limited operations such that the safeguard reflected in condition 15 is activated.
- 3) Require monitoring of oxides of nitrogen from the on-site generator during commissioning to confirm modelling results and to ensure consistency with the ambient

air quality criteria referred to in condition 1.

- 4) Require that a fire and emergency management plan to be developed by the works approval holder and submitted to the Department prior to commencement of environmental commissioning works.

This amendment has been initiated by the CEO to give effect to the Minister's appeal determination. There is no right of appeal to this amendment under section 105 of the EP Act.

3. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 23 June 2023. The Works Approval Holder responded on 24 August 2023 and requested one change to add particulates to the authorised emissions table. As the extent of changes to the instrument is limited to those required to give effect to the Minister's appeal decision the requested change was not made.

4. Conclusion

The Delegated Officer has reviewed the Minister's Appeal Determination (and the Appeals Convenor's Report to the Minister) relating to the conditions of W6408/2020/1 and has made amendments to the works approval to give effect to the Minister's decision to allow the appeal in part. Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended works approval will be granted, with changes necessary to give effect to the Minister's appeal determination.

4.1 Summary of amendments

Table 1 below provides a summary of the amendments and will act as a record of implemented changes. All changes have been incorporated into the revised works approval as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no. (of new amended works approval)	Amendments
General	Condition numbers and table numbers have changed.
Condition 7 and 8	Added to require the works approval holder to submit a fire and emergency management plan to the CEO 3 months prior to commencement of environmental commissioning.
Condition 9	Amended to include the new condition 7, to ensure environmental commissioning doesn't commence until relevant plans are submitted and occurs in accordance with the plans.
Condition 11	Amended previous condition 9 to include regular monitoring of mercury during both the environmental commissioning and time limited operation stages.
Condition 12	Added to require monitoring of the feedstock composition for each batch during environmental commissioning and time limited operation in accordance with the methodology outlined in the original Works Approval Decision Report (dated April 2022).

Condition no. (of new amended works approval)	Amendments
Condition 13	Added to require monitoring of oxides of nitrogen from the on-site power generators during environmental commissioning.
Condition 16	Previous condition 12, amended to include reporting the results of monitoring in accordance with conditions 11, 12 and 13 for the monitoring results for mercury, oxides of nitrogen and feedstock composition during environmental commissioning.
Condition 30.	Amended to include the reporting of additional time limited operation monitoring results required by conditions 11 and 12.

References

1. Appeals Convenor, January 2023, Report to the Minister for Environment; Climate Action – Appeals against Conditions of works approval W6408/2020/1, Karratha Liquid Waste Treatment Plant and Waste Transfer Station, COOYA POOYA, WA. Appeal No. 015/22.
2. Department of Water and Environmental Regulation (DWER) 2019, Guideline: Industry Regulation Guide to Licensing, Perth, Western Australia
3. Hon Reece Whitby Minister for Environment; Climate Action 2023, Minister's Appeal Determination, Appeals against conditions of works approval W6408/2020/1, Karratha Liquid Waste Treatment Plant and Waste Transfer Station, COOYA POOYA, WA.