



Amendment Report

Licence Number	L6297/1993/11
Licence Holder	CLEANAWAY CO PTY LTD
ACN	127853561
File Number:	DWER2012/001161-1
Premises	Toxfree (Kwinana) Mason Road KWINANA BEACH WA 6167 Lot 15 on Diagram 87731
Date of Report	20/12/2019

1. Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
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 6027 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
Landfill Definitions	means the document entitled ' <i>Landfill Waste Classification and Waste Definitions 1996</i> ' published by the Chief Executive Officer of the Department of Water and Environmental Regulation as amended from time to time;
Licence Holder	CLEANAWAY CO PTY LTD
NEPM	National Environmental Protection Measure
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

Term	Definition
	specified at the front of this Amendment 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 Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

2. Amendment Description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a Prescribed Premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

The following guidance statements have informed the assessment and decision outlined in this Amendment 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)*
- *Guidance Statement: Environmental Siting (November 2016)*

2.1. Purpose and scope of assessment

Cleanaway Co Pty Ltd (Cleanaway) recently acquired Tox Free (Kwinana) Pty Ltd, which operates the Tox Free Australia Kwinana waste treatment plant located at Lot 15 (Diagram 87731) Mason Road, Kwinana Beach, Western Australia under L6297/1993/11. The Australian Company Number has been retained, with the trading name Toxfree (Kwinana) adopted for the site.

The Premises currently provides a range of industrial and hazardous waste treatment services including:

- household hazardous waste collection, consolidation and disposal of packaged chemicals;
- stabilisation, solidification & fixation;
- recycling and resource recovery;
- physiochemical treatment such as acid/base neutralisation and oxidation/reduction;
- concrete encapsulation;
- fluorescent tube processing;
- intermediate bulk container and drum processing;
- PCB transformer & equipment decontamination; and
- quarantine cleaning.

The Premises contains offices, a laboratory, warehouse, waste handling and re-packaging areas, drum cleaning and crushing facilities an intermediate bulk container (IBC) processing area, quarantines container washing facility, dangerous goods storage pad, absorption, fixation and stabilisation bays, and a reagent storage area.

The Premises is sealed with bitumen and concrete. Non-process areas are bitumen sealed, with stormwater drains connected to soak wells. Process areas are concrete sealed and bunded, with surface water draining to blind, sealed sups.

The Premises has been used as a waste management facility since 1995. The Premises has been listed by DWER as Contaminated - restricted use due to organochlorine pesticide (such as aldrin and dieldrin) being present in the soil (Id No: 4208). The land use of the site is restricted to commercial/industrial use; which excludes sensitive uses with accessible soil such as childcare centres, kindergartens, pre-schools and primary schools. The contaminated

area is sealed by bitumen hardstand, and the proposed amendment does not involve intrusive works below the bitumen hardstand on the site.

All wastes brought to site are assessed and evaluated prior to acceptance, Treatment methodologies are determined following assessment of the waste type, production process, potential contaminants, review of product material safety data sheets (MSDS) and, where applicable, laboratory analysis. Waste materials with contaminant concentrations in excess of the acceptance criteria for Class III putrescible landfill (as outlined in the *Landfill Landfill Waste Classification and Waste Definitions 1996* (Landfill Definitions)) are assessed for treatment via stabilisation. Wastes which have contaminant concentrations less than or equal to the acceptance criteria for Class III putrescible landfill are treated via the absorption and/or fixation process.

On 6 May 2019, submitted an Application to the Department of Water and Environmental Regulation (DWER) for the amendment of existing Licence L6297/1993/11 to facilitate the receipt of the following controlled wastes:

- Per- and polyfluoroalkyl substances (PFAS) contaminated materials, including waste PFAS containing products and contaminated containers (M270);
- Ethers & highly flammable hydrocarbons (G100);
- Beryllium and beryllium compounds (D160); and
- Waste substances and articles containing polybrominated biphenyls (PBB), polychlorinated naphthalenes (PCN), and/or polychlorinated terphenyls (PCT) (M105); and

Cleanaway previously received advice from DWER (7 January 2019) that the Premises may receive and handle waste tracked under controlled waste code M270 without an amendment to Licence condition 1.3.2, Table 1.3.1 of the Existing Licence as it contained code M160 - Organohalogen compounds not elsewhere listed, which was previously used to track movements of PFAS products and PFAS contaminated materials. The advice issued stipulated that whilst PFAS contaminated materials may be accepted, handled and stored onsite, the specific requirements for the treatment of this waste type were not defined in the existing licence, and that further treatment may not be allowed. This application seeks to include the treatment of PFAS contaminated via adsorption and absorption to organic soil conditioner on the licence.

The application also seeks the addition of Beryllium and beryllium compounds (D160), Waste substances and articles containing polybrominated biphenyls (PBB), Ethers & highly flammable hydrocarbons (G100) and Polychlorinated naphthalenes (PCN), and/or polychlorinated terphenyls (PCT) (M105) to the existing waste acceptance table.

Waste code G100 was erroneously left off the 2016 re-issued licence for this Premises, however waste codes D160 and M105 have not previously been approved for receipt onsite.

In addition, the application also seeks the approval of a new treatment method for food and beverage processing wastes (K200) via crushing and shredding to separate packaging from putrescible liquid waste.

There is no proposed change to the current Approved Premises production or design capacity, with the additional waste types making up part of the approved throughputs.

The primary potential emissions generated from the site will be dust and odour through incorrect operating procedures. It is anticipated that these emissions can be adequately managed under the provisions of the EP Act and mitigation measures put in place by the Licensee.

Table 2 below outlines the proposed changes to the Licence

Table 2: Proposed throughput capacity changes

Category	Current [design] [throughput] capacity	Proposed [design] [throughput] capacity	Description of proposed amendment
61	100 000 tonnes per annual period	100 000 tonnes per annual period	Receipt of additional waste types
61A	100 000 tonnes per annual period	100 000 tonnes per annual period	Receipt of additional waste types and waste processing technology

3. Other approvals

The Licence Holder has been operating at this location since 1993. No separate approvals have been obtained to facilitate the activities requested as part of this amendment.

4. Amendment history

Table 4 provides the amendment history for L8629/1993/11.

Table 3: Licence amendments

Instrument	Issued	Amendment
L6297/1993/8	22/0/3/2006	Licence reissue
L6297/1993/9	22/03/2008	Licence reissue
L6297/1993/10	22/03/2011	Licence reissue
L6297/1993/11	16/03/2016	Licence reissue and addition of Shear Mixer to the Chemical Fixation and Stabilisation (CFS) process Removal of category 39 (Chemical or oil recycling) from the Licence. Transfer of Licence L6297/1993/10 from Tox Free (Kwinana) Pty Ltd to Tox Free Australia Pty Ltd.
L6297/1993/11	20/12/2019	Addition of additional waste types to waste acceptance tables and change Licence holder from Tox Free Australia Pty Ltd to CLEANAWAY CO PTY LTD

5. Location and receptors

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 4: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises
ACCENSI offices, 16 Thomas Road, KWINANA BEACH	200m south-east of Premises Boundary
WesternEnergy Offices, Burton Place, KWINANA BEACH	260m north-east of Premises boundary.

Tronox Limited offices, Mason Road, KWINANA BEACH	280m south-west of Premises boundary
Kwinana United Soccer and Social Club, Thomas Oval & Thomas Kelly Pavilion, Rowson Place, MEDINA	1.7km south-east of Premises boundary
Residential suburb of Medina. Closest private dwellings on Bingfield Road West, MEDINA. Suburb includes a primary school and daycare center.	2.1km to the south-east of Premises boundary

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 5: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises
<i>Cockburn Sound</i>	<i>1.7km north-west of premises boundary</i>
<i>Cockburn Groundwater Area</i>	<i>Perth Groundwater Atlas states that depth to groundwater is 4.0m, with a salinity of 500-1000 mg/L (considered to be fresh).</i>
<i>Threatened fauna – Forest red-tailed black cockatoo (Calyptorhynchus banksia naso) habitat</i>	<i>812m to the north-east of Premises boundary</i>
<i>Threatened fauna – Quenda (Isoodon obesulus fusciventer) habitat</i>	<i>212m to the south-west of the premises boundary</i>
<i>Bush Forever – site number 349</i>	<i>960m south-east of Premises boundary</i>
<i>Green Growth Vegetation Completes commitments – Quindalup Complex</i>	<i>Directly abutting northern and eastern Premises boundaries.</i>

6. Risk assessment

Tables 6 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. The table identifies whether the potential emissions present a material risk to public health or the environment, requiring regulatory controls.

Table 6: Risk assessment for proposed amendments during operation

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Receipt and handling of liquid and solid wastes	Waste: Contaminated runoff and spills	Infiltration of liquid and dissolved wastes to groundwater, with adverse impacts on downgradient groundwater users and marine environment.	Bunded concrete hardstands draining to blind sumps within processing areas.	Moderate	Unlikely	Moderate	DWER considers that the containment infrastructure onsite is sufficient to mitigate the potential impacts from waste spillage or accidental discharge	Condition 3 and 4 require the cleanup and containment of any spills onsite. Condition 6 requires the storage of waste within impervious containers or tanks
Waste mixing and blending	Dust: fugitive dust from adsorbent product and organic compost	Air/windborne pathway causing impacts to health and amenity of closest human receptors	Dust from bulk dosing of the pit controlled by opening product under the liquid and/or using a water mist when dosing	Insignificant	Unlikely	Low	DWER understands that the manner in which the waste will be processed will reduce fugitive dust emissions. The distance between Premises and sensitive receptors means that any fugitive dust emissions will have little impact.	New licence condition 15 requires that no visible dust cross the property boundary
	Odour: emissions from blending of odorous liquid waste	Air/windborne pathway causing impacts to amenity of closest human receptors	Separation distance from sensitive receptors and odour monitoring onsite. Putrescible wastes stored in sealed containers.	Insignificant	Unlikely	Low	DWER considers that separation from sensitive receptors and appropriate handling and storage of putrescible waste is sufficient to mitigate any potential odour emissions.	New licence condition 16 requires that odour generated onsite does not impact sensitive receptors

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Food and beverage waste depackaging and storage	Odour: putrescible wastes and residues from mechanical depackaging	Air/windborne pathway causing impacts to health and amenity of closest human receptors	Odour management plan including daily odour checklist, batch processing records, corporate odour checks and use of an onsite weather station to assist in decision making and investigations.	Insignificant	Unlikely	Low	DWER considers that separation from sensitive receptors and appropriate handling and storage of putrescible waste is sufficient to mitigate any potential odour emissions.	Condition 7 requires putrescible waste be stored in sealed containers to minimise odour New licence condition 16 requires that odour generated onsite does not impact sensitive receptors

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 amended Licence and Decision Report. The details of this consultation are provided in Appendix 2.

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

8. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a licence amendment 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.

In amending 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.

Table 10: Licence amendments

Condition No.	Proposed amendments
n/a	Licence Holder changed from Tox Free Australia Pty Ltd to Cleanaway Co Pty Ltd
All	References to "Licensee" changed to "Licence Holder"
Condition 6, Table 1	Waste Acceptance Table renamed and amended to list controlled waste types as per the published DWER Controlled Waste Category list (rather than alphabetically) for ease of reading and comparison
Condition 6, Table 1	The following waste types inserted: <ul style="list-style-type: none"> • Beryllium and beryllium compounds • Ethers and highly flammable hydrocarbons • Waste substances and articles containing polychlorinated biphenyls (PCBs) • Waste substances and articles containing polybrominated biphenyls (PBB, polychlorinated naphthalates (PCN), and/or polychlorinated terphenyls (PCT) • Per- and poly-fluoroalkyl substances (PFAS) contaminated materials, including PFAS containing products and contaminate containers • Solid waste

	<ul style="list-style-type: none"> Vegetable oils Contaminated and Uncontaminated Solid Waste <p>Solid and liquid waste for high shear mixer trial deleted</p>
Condition 7, Table 2	Process requirements inserted for Packaged food and beverage processing waste and Per- and poly-fluoroalkyl substances (PFAS) contaminated materials, including PFAS containing products and contaminate containers
9	Condition inserted to ensure that all consignments of treated waste intended for landfill do not exceed the Leachable Concentration limit for the respective landfill class prior to leaving the Premises
10	Condition inserted to ensure that all treated Per- and poly-fluoroalkyl substances (PFAS) contaminated materials do not exceed the Leachable Concentration limit of the destination landfill, as set out in the PFAS NEMP, prior to leaving the Premises
11	Condition inserted to require batch testing of absorbed waste removed from the premises
15	Condition inserted to require that no visible dust crosses premises boundary
16	Condition inserted to ensure potential odour impacts are mitigated

Table 11: Licence conversion map for new licence format

Existing licence condition	Condition Summary	Revised licence condition	Conversion notes
1.1.1-1.1.4	Interpretations	N/A	Discrete section
1.2.1	Uncontaminated stormwater management	1	Unchanged
1.2.2	Spill recovery	2	Unchanged
1.2.3	Bunding and stormwater drains	3	Unchanged
1.3.1	exceedance records and investigations	4	Unchanged
1.3.2 and Table 1.3.1	Waste acceptance	5 & Table 1	Amended table
1.3.3 and Table 1.3.2	Waste processing	6 & Table 2	Amended Table
1.3.4	Unapproved waste receipt	7	Unchanged
1.3.5	Treated waste acceptance criteria	6	Unchanged
1.3.6	Site security	11	Unchanged
1.3.7	Pest control	12	Unchanged
1.3.8	Drain and sump maintenance	13	Unchanged
2.1.1 and Table 2.1.1	Inputs and outputs monitoring	16 and Table 3	Unchanged
3.1.1	Record keeping requirements	17	Unchanged
3.1.2	Annual Audit Compliance Report requirement	18	Unchanged
3.1.3	Complaints management system requirements	19	Unchanged
3.1.4	Waste records	20	Unchanged

3.1.5	Visual check of all operating systems for irregularities	21	Unchanged
3.2.1 and Table 3.21	Annual Environmental Report	22 and Table 4	Unchanged
3.2.2 and Table 3.2.2	Non-annual reporting requirements	23 and Table 5	Reference to High Shear Mixing trial removed
3.3.1 and Table 3.3.1	Notification requirements	24 and Table 6	Reference to High Shear Mixing trial removed

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 L6829/1993/11 - Toxfree (Kwinana)	accessed 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, February 2017. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	
6	DER, November 2019. <i>Guidance Statement: Decision Making.</i> Department of Environment Regulation, Perth.	

Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft amendment Decision Report on 13/11/2019 for review and comment. The Licence Holder responded on 12/12/2019. The following comments were received on the draft Amendment Report.

Condition	Summary of Licence Holder comment	DWER response
Licence History	Comments on historical amendment text	Details correct, section refers to previous amendment. Further detail on scope of current amendment provided
5 (Table 1)	Typo - Beryllium and beryllium compounds - 160	Code amended to D160 in final instrument
5 (Table 1)	Request retention of waste acceptance for use in High Shear Mixer trial	Wastes for use in High Shear Mixer trial retained in acceptance table, with waste types and associated codes incorporated
5 (Table 1)	Request removal of 24 hour limit to retention of Packaged food and beverage processing waste and waste vegetable oils on Premises	Process requirement amended to allow longer term retention if stored in fully sealed vessels to prevent odour emissions
5 (Table 1)	Cleanaway satisfied with nominated PFAS acceptance criteria	Nominated concentrations to be prescribed in final instrument
8	Request removal of wording requiring Licence Holder to ensure suitability of treated PFAS impacted waste for acceptance at nominated landfill prior to leaving site as Licence Holder will ensure compliance with requirements	Delegated Officer accepts that Licence Holder will ensure compliance with Landfill Acceptance Criteria based on waste feedstock testing
10	Request changing “undertake batch testing of all consignments” to “undertake batch testing of consignments” on the basis that Licence Holder undertakes representative batch testing	Word “all” deleted. Representative batch testing of waste streams deemed appropriate.
14	Request condition is reworded to match tone of Condition 15	Condition reworded accordingly
23 (Table 5)	Request retention of High Shear Mixer trial reporting requirements	Retained
24 (Table 6)	Request retention of High Shear Mixer trial notification requirement	Retained