



Mr Mel Rowe  
Manager of Waste Management  
Shire of East Pilbara  
PMB Box 22  
NEWMAN WA 6753

Dear Mr Rowe

**ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED**

**Premises: Nullagine Refuse Site**

**Location:** Part of Crown Reserve 2804, Nullagine WA 6758

**Licence Number:** L7057/1997/12

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment Regulation will advertise the issuing of this licence in the public notices section of *The West Australian* newspaper.

The licence includes attached conditions. Under section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1)(c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal contact the Office of the Appeals Convenor on 6467 5190 or by email at [admin@appealsconvenor.wa.gov.au](mailto:admin@appealsconvenor.wa.gov.au).

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date.

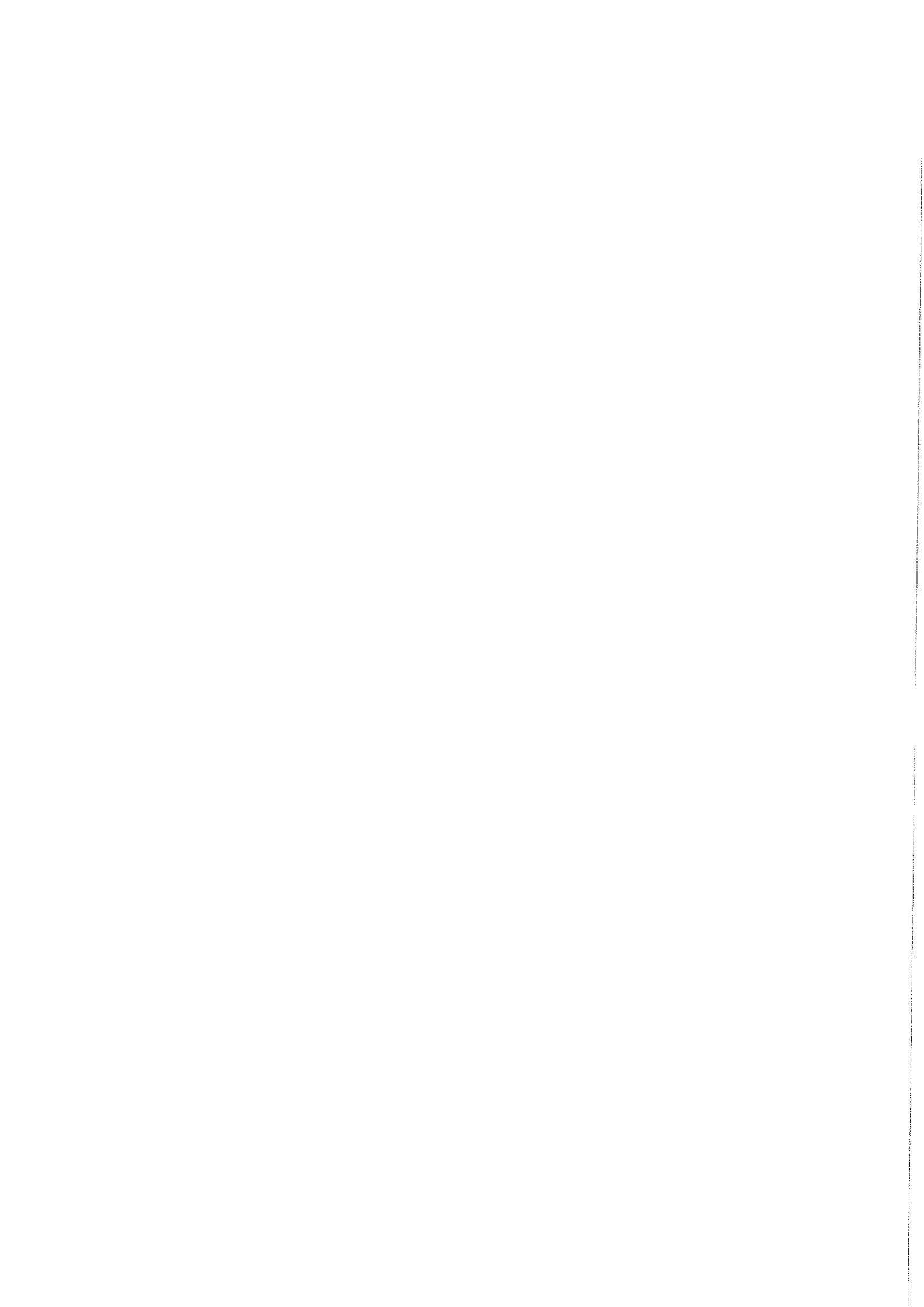
If you have any queries regarding the above information, please contact Chris Slavin on 9182 2035.

Yours sincerely

Danielle Eyre  
Officer delegated under section 20  
of the *Environmental Protection Act 1986*

Thursday, 21 November 2013

enc: *Environmental Protection Act 1986* Licence L7057/1997/12, Decision document





# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee:** Shire of East Pilbara

**Licence:** L7057/1997/12

**Registered office:** Kalgan Drive  
 NEWMAN WA 6753

**ACN:** N/A

**Premises address:** Nullagine Refuse Site  
 Crown Reserve 2804 within coordinates:  
 N 7577691, E 202526; N 7577564, E 202546; N 7577638, E 202665;  
 N 7577509, E 202670; N 7577418, E 202529; N 7577435, E 202485;  
 N 7577666, E 202518.  
 NULLAGINE WA 6768  
 As depicted in Schedule 1.

**Issue date:** Thursday, 21 November 2013

**Commencement date:** Monday, 2 December 2013

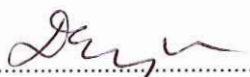
**Expiry date:** Saturday, 1 December 2018

**Prescribed premises category**  
 Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
64	Class II or III putrescible landfill site: premises on which waste (as determined by reference to the waste types set out in the document entitled 'Landfill Waste Classification and Waste Definitions 1996' published by the CEO and as amended from time to time) is accepted for burial.	20 tonnes or more per year	5,000 tonnes per annual period

**Conditions**

Subject to this Licence and the conditions set out in the attached pages.

  
 .....  
 Officer delegated under section 20  
 of the *Environmental Protection Act 1986*



## Contents

Licence	1
Contents	2
Introduction	2
Licence conditions	5
1 General	5
2 Emissions	10
3 Monitoring	11
4 Improvements	13
5 Information	13
Schedule 1: Maps	15
Schedule 2: Reporting & notification forms	16

## Introduction

This Introduction is not part of the Licence conditions.

### DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to protect and conserve the state's environment on behalf of the people of Western Australia.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

### Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- Environmental Protection (Unauthorised Discharges) Regulations 2004 – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- Environmental Protection (Controlled Waste) Regulations 2004 - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- Environmental Protection (Noise) Regulations 1997 – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.





You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

#### **Licence fees**

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises. Operating without a licence is an offence under the Act.

#### **Ministerial conditions**

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for the Environment. You are required to comply with any conditions imposed by the Minister.

#### **Premises description and Licence summary**

The Shire of East Pilbara (Shire) operate the Nullagine Refuse Site which is located approximately 5 kilometres (km) from the township of Nullagine. The landfill is located within Crown Reserve 2804 and services the Nullagine township, which has a population of approximately 150 people. The landfill has been operating since 27 June 1997 when the first licence was issued for the site.

The landfill is an unmanned site which has a trench landfill that is open to the public 24 hours a day, 7 days a week. The water table at the site is 13 metres below ground level and Five Mile Creek is located approximately 500 metres west of the site.

The site only accepts putrescibles waste and small amounts of inert waste. No asbestos waste is accepted at the site, with signage at the site indicating that asbestos waste needs to be directed to the Newman Landfill. No tyres are accepted at the landfill and any found at the landfill are removed to the Newman Landfill.

The site has a history of non-compliance with licence conditions, which relate to the disposal of unauthorised waste into the landfill. The Shire is in the process of developing a management plan for the landfill, which includes weekly inspection of the landfill and the completion of a checklist. The management plan will outline procedures in the case of unauthorised waste being found in the landfill, with any action taken being documented in the checklists. The completed checklists are signed off and sent to the Administrative Officer at the Shire office in Newman and will be retained for record-keeping purposes.

This Licence is the successor to licence L7057/1997/11 and has been converted into the REFIRE format. The development of the management plan and the implementation of the new procedures at the site have been included as an improvement program within the new REFIRE licence. Ambient groundwater monitoring has also been included in the licence.



The licences and works approvals issued for the Premises since 17/11/2003 are:

<b>Instrument log</b>		
<b>Instrument</b>	<b>Issued</b>	<b>Description</b>
L7057/1997/7	17/11/2003	Licence reissue
L7057/1997/8	1/6/2004	Licence reissue
L7057/1997/9	29/11/2004	Licence reissue
L7057/1997/9	17/06/2005	Licence amendment
L7057/1997/10	23/11/2006	Licence re-issue
L7057/1997/11	21/11/2008	Licence reissue
L7057/1997/12	21/11/2013	Licence reissue and converted to REFIRE format

#### **Severance**

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

**END OF INTRODUCTION**



## Licence conditions

### 1 General

#### 1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

**'the Act'** means the *Environmental Protection Act 1986*;

**'Acceptance Criteria'** has the meaning defined in *Landfill Waste Classification and Waste Definitions 1996* (As amended December 2009), published by the CEO and as amended from time to time;

**'annual period'** means the inclusive period from 1 January until 31 December each year;

**'AS/NZS 5667.1'** means the Australian Standard AS/NZS 5667.1 *Water Quality – Sampling – Guidance of the Design of sampling programs, sampling techniques and the preservation and handling of samples*;

**'AS/NZS 5667.11'** means the Australian Standard AS/NZS 5667.11 *Water Quality – Sampling – Guidance on sampling of groundwaters*;

**'averaging period'** means the time over which a limit or target is measured or a monitoring result is obtained;

**'Clean Fill'** has the meaning defined in *Landfill Waste Classification and Waste Definitions 1996* (As amended December 2009), published by the CEO and as amended from time to time;

**'Code of practice for the storage and handling of dangerous goods'** means the Storage and handling of dangerous goods, code of practice, Department of Mines and Petroleum, Government of Western Australia;

**'controlled waste'** has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

**'dangerous goods'** has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

**'Director'** means Director, Environmental Regulation Division of the Department of Environment Regulation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

**'Director'** for the purpose of correspondence means;

Regional Leader, Industry Regulation, Pilbara Regional Office  
Department of Environment Regulation  
PO Box 835  
KARRATHA WA 6714  
Telephone: (08) 9182 2000  
Facsimile: (08) 9144 1118;





**'environmentally hazardous material'** means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

**'Fire Control Officer'** in relation to a landfill means a person who has such qualifications in fire fighting or fire control as are approved, appointed to that position by the occupier of the landfill site;

**'fugitive emissions'** means all emissions not arising from point sources identified in Sections 2.6;

**'greenwaste'** means waste that originates from flora;

**'Inert Waste Type 1'** has the meaning defined in Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009), published by the CEO and as amended from time to time;

**'Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009)'** means the document entitled 'Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009)' published by the Chief Executive Officer and as amended from time to time;

**'Licence'** means this Licence numbered L7057/1997/12 and issued under the *Environmental Protection Act 1986*;

**'Licensee'** means the person or organisation named as Licensee on page 1 of the Licence;

**'NATA'** means the National Association of Testing Authorities, Australia;

**'NATA accredited'** means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;

**'Premises'** means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

**'putrescible waste'** has the meaning defined in Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009), published by the CEO and as amended from time to time;

**'rehabilitation'** means the completion of the engineering of a landfill cell and includes capping and/or final cover;

**'Schedule 1'** means Schedule 1 of this Licence unless otherwise stated;

**'Schedule 2'** means Schedule 2 of this Licence unless otherwise stated;

**'spot sample'** means a discrete sample representative at the time and place at which the sample is taken; and

**'usual working day'** means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the current version of that standard.





1.1.4 Any reference to a guideline or code of practice in the Licence means the current version of the guideline or code of practice.

**1.2 General conditions**

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.

1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.5 The Licensee shall:

- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
- (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.<sup>1</sup>

Note1: The Environmental Protection (Unauthorised Discharges) Regulations 2004 make it an offence to discharge certain materials into the environment.

**1.3 Premises operation**

1.3.1 The Licensee shall only accept waste on to the Premises if:

- (a) it is of a type listed in Table 1.3.1;
- (b) the quantity accepted is below any quantity limit listed in Table 1.3.1; and
- (c) it meets any specification listed in Table 1.3.1 .

<b>Table 1.3.1: Waste acceptance</b>		
<b>Waste type</b>	<b>Quantity limit tonnes/ year</b>	<b>Specification <sup>1</sup></b>
Inert Waste Type 1	5,000	None specified
Putrescible waste (including greenwaste)		
Clean Fill		

Note 1: Additional requirements for the acceptance of controlled waste (including asbestos and tyres) are set out in the Environmental Protection (Controlled Waste) Regulations 2004.

1.3.2 The Licensee shall ensure that where waste does not meet the waste acceptance criteria set out in condition 1.3.1 it is removed from the Premises by the delivery vehicle or, where that is not possible, stored in a quarantined storage area or container and removed to an appropriately authorised facility as soon as practicable.

1.3.3 The Licensee shall ensure that no waste is burnt on the premises unless otherwise specified in Table 1.3.2.



1.3.4 The Licensee shall ensure that wastes accepted onto the Premises are only subjected to the processes set out in Table 1.3.2 and in accordance with any process limits described in that Table.

Table 1.3.2: Waste processing		
Waste type	Process(es)	Process limits <sup>1, 2</sup>
Inert Waste Type 1	Receipt, handling and disposal of waste by landfilling	<u>All waste types</u> Disposal of waste by landfilling shall only take place within the landfill area shown on the Landfill Area Map in Schedule 1. <ul style="list-style-type: none"> <li>No waste shall be temporarily stored or landfilled within 35m from the boundary of the premises;</li> <li>The size of the tipping area is kept to a maximum tipping length of 30m and no greater than 2m in height; and</li> <li>The separation distance between the base of the landfill and the highest groundwater level shall not be less than 2m.</li> </ul>
Putrescible waste		
Clean Fill		
Greenwaste	Disposal by Burning	<u>Burning of greenwaste only</u> <ul style="list-style-type: none"> <li>To be dried and seasoned for a least 2 months before burning;</li> <li>To take place in a designated burning area at least 25m from the boundary of any active disposal areas;</li> <li>To take place in trenches or windrows;</li> <li>To take place only when an adequate supply of water is available to effectively manage the burning process; and</li> <li>Two persons with approved fire fighting qualifications are in attendance until a Fire Control Officer declares the area safe.</li> </ul>

Note 1: Requirements for landfilling tyres are set out in Part 6 of the Environmental Protection Regulations 1987.

Note 2: Additional requirements for the acceptance and landfilling of controlled waste (including asbestos and tyres) are set out in the Environmental Protection (Controlled Waste) Regulations 2004.

1.3.5 The Licensee shall manage the landfilling activities to ensure:

- waste is levelled and compacted as soon as practicable after it is discharged;
- waste is placed and compacted to ensure all faces are stable and capable of retaining rehabilitation material; and
- rehabilitation of a cell or phase takes place within 6 months after disposal in that cell or phase has been completed.

1.3.6 The Licensee shall ensure that cover is applied and maintained on landfilled wastes in accordance with Table 1.3.3 and that sufficient stockpiles of cover are maintained on site at all times.



<b>Waste Type</b>	<b>Material</b>	<b>Depth</b>	<b>Timescales</b>
Inert Waste Type 1	Type 1 Inert waste or soil	300mm	As soon as practicable after deposit and prior to compaction
Putrescible Waste			

Note 1: Additional requirements for the covering of tyres are set out in Part 6 of the Environmental Protection Regulations 1987.

- 1.3.7 The Licensee shall implement the following security measures at the site:
- (a) maintain suitable fencing to prevent unauthorised access to the site; and
  - (b) regular inspections of all security measures and repair damage as soon as practicable.
- 1.3.8 The Licensee shall ensure that wind-blown waste is contained within the boundary of the Premises and that wind-blown waste is returned to the tipping area on at least a monthly basis.
- 1.3.9 The Licensee shall maintain a sign at the entrance to the Premises which clearly displays the following information:
- (a) contact telephone number for information and complaints or notification of fires;
  - (b) list of materials accepted at the premises;
  - (c) list of waste types not accepted at the premises and a contact telephone number for alternative disposal options; and
  - (d) a warning indicating penalties for people lighting fires.
- 1.3.10 The Licensee shall ensure that there are appropriate procedures in place at the premises so that any unauthorised fire is promptly extinguished.
- 1.3.11 The Licensee shall ensure that an unauthorised fire on the premises is extinguished as soon as possible.





## **2 Emissions**

### **2.1 General**

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit, and/or target in this section.

### **2.2-2.4 Point source emissions to air, surface water and groundwater**

There are no specified conditions relating to point source emissions to air, surface water or groundwater in these sections.

### **2.5 Emissions to land**

There are no specified conditions relating to emissions to land in this section.

### **2.6 Fugitive emissions**

- 2.6.1 The Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.
- 2.6.2 The Licensee shall ensure that no visible dust generated by the activities of the Premises crosses the boundary of the Premises.

### **2.7 Odour**

There are no specified conditions relating to odour in this section.

### **2.8 Noise**

There are no specified conditions relating to noise in this section.



### 3 Monitoring

#### 3.1 General monitoring

- 3.1.1 The licensee shall ensure that:
- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
  - (b) all groundwater sampling is conducted in accordance with AS/NZS 5667.11; and
  - (c) all laboratory samples are submitted to a laboratory with current NATA accreditation for the parameters to be measured.
- 3.1.2 The Licensee shall ensure that annual monitoring is undertaken at least 9 months apart.
- 3.1.3 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications.
- 3.1.4 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the Director accompanied with a report comprising details of any modifications to the methods.

#### 3.2-3.4 Monitoring of point source emissions to air, surface water and groundwater

There are no specified conditions relating to monitoring of point source emissions to air, surface water or groundwater in these sections.

#### 3.5 Emissions to land

There are no specified conditions relating to monitoring of emissions to land in this section.

#### 3.6 Monitoring of inputs and outputs

- 3.6.1 The Licensee shall undertake the monitoring in Table 3.6.1 according to the specifications in that table.

Table 3.6.1: Monitoring of inputs and outputs				
Input/Output	Parameter	Units	Averaging period	Frequency
Waste Inputs	Inert Waste Type 1, Putrescible Waste and Greenwaste	tonnes (where a weighbridge is present on the site)  m <sup>3</sup> (where no weighbridge is present)	Weekly	Weekly (estimates recorded during weekly inspections)

#### 3.7 Process monitoring

There are no specified conditions relating to process monitoring in this section.



**3.8 Ambient environmental quality monitoring**

3.8.1 The Licensee shall undertake the monitoring in Table 3.8.1 according to the specifications in that table and record and analyse results.

<b>Table 3.8.1: Monitoring of ambient groundwater quality</b>				
<b>Monitoring point reference and location</b>	<b>Parameter</b>	<b>Units</b>	<b>Averaging period</b>	<b>Frequency</b>
Monitoring Bores No 1 and No 2	pH		Spot sample	Annual
	Electrical conductivity	µS/cm		
	Biochemical oxygen demand	mg/L		
	Ammonia			
	Nitrate – N			
	Total kjeldahl nitrogen			
	Reactive phosphorus			
	Total phosphorus			
	Chloride			
	Hexavalent chromium			
	Total chromium			
	Cadmium			
	Cobalt			
	Copper			
	Mercury			
	Molybdenum			
	Nickel			
Lead				
Zinc				

**3.9 Meteorological monitoring**

There are no specified conditions relating to meteorological monitoring in this section.





## 4 Improvements

### 4.1 Improvement program

- 4.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date specified.
- 4.1.2 The Licensee, for improvements not specifically requiring a written submission, shall write to the Director stating whether and how the Licensee is compliant with the improvement within one week of the completion date specified in Table 4.1.1.

Improvement reference	Improvement	Date of completion
IR1	The Licensee shall submit to the Director a Management Plan for approval. The Management Plan will address ongoing non-compliance issues at the landfill and as a minimum the plan will include: <ul style="list-style-type: none"><li>• Procedure for weekly inspections at the landfill including checklist;</li><li>• Procedure for identifying and dealing with unauthorised material in the landfill;</li><li>• Procedure for recording estimates of waste types; and</li><li>• Procedure for record keeping and reporting as required by licence conditions.</li></ul>	01/03/2014
IR2	The Licensee shall comply with the approved Management Plan following approval by the Director.	None specified

## 5 Information

### 5.1 Records

- 5.1.1 All information and records required by the Licence shall:
- be legible;
  - if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
  - except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
  - for those following records, be retained until the expiry of the Licence and any subsequent licence:
    - off-site environmental effects; or
    - matters which affect the condition of the land or waters.
- 5.1.2 The Licensee shall ensure that:
- any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
  - any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.
- 5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.



5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

**5.2 Reporting**

5.2.1 The Licensee shall submit to the Director an Annual Environmental Report by 31 March each year. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

<b>Table 5.2.1: Annual Environmental Report</b>		
<b>Condition or table (if relevant)</b>	<b>Parameter</b>	<b>Format or form<sup>1</sup></b>
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the annual period and any action taken	None specified
Table 3.6.1	Monitoring of inputs and outputs	Non specified
Table 3.8.1	Standing water level, pH, Electrical conductivity, Biochemical oxygen demand, Ammonia, Nitrate – N, Total Kjeldahl Nitrogen, Reactive Phosphorus, Total Phosphorus, Chloride, Hexavalent Chromium, Total chromium, Cadmium, Cobalt, Copper, Mercury, Molybdenum, Nickel, Lead, Zinc	GR1
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

5.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:  
 (a) an assessment of the information contained within the report against previous monitoring results and Licence limits and/or targets; and  
 (b) a list of any original monitoring reports submitted to the Licensee from third parties for the annual period and make these reports available on request.

**5.3 Notification**

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the Director in accordance with the notification requirements of the table.

<b>Table 5.3.1: Notification requirements</b>			
<b>Condition or table (if relevant)</b>	<b>Parameter</b>	<b>Notification requirement<sup>1</sup></b>	<b>Format or form<sup>2</sup></b>
1.3.11	Unauthorised fire	Within 14 days of unauthorised fire	ET1
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day	N1
-	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution	Part B: As soon as practicable	

Note 1: Notification requirements in the licence shall not negate the requirement to comply with s72 of the Act

Note 2: Forms are in Schedule 2

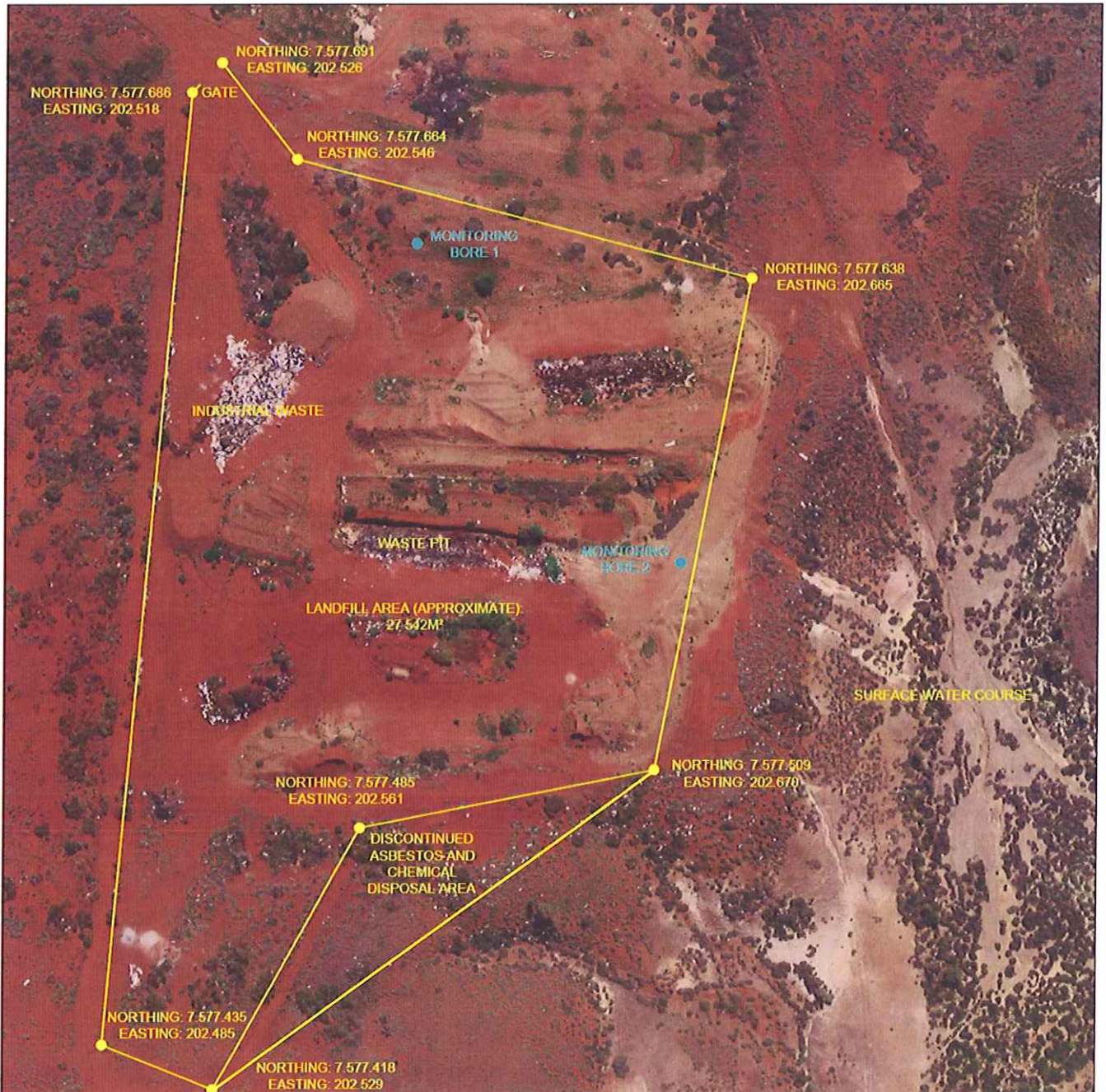




## Schedule 1: Maps

### Premises map

The Premises is shown in the map below. The yellow line depicts the Premises boundary.







## Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

---

Licence: L7057/1997/12 Licensee: Shire of East Pilbara  
Form: AACR Period :  
Name: Annual Audit Compliance Report

### Annual Audit Compliance Report

#### Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the annual period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



**Section B: Details of non-compliance with Licence condition**

<b>a) Licence condition not complied with?</b>	
<b>b) Date(s) b) Date(s) and time(s) the non compliance occurred, if applicable?</b>	
<b>c) Was this non compliance reported to DER?</b>	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DER verbally    Date <input type="checkbox"/> Reported to DER in writing    Date	<input type="checkbox"/> No
<b>d) Has DER taken, or finalised any action in relation to the non compliance?</b>	
<b>e) Summary of particulars of non compliance, and what was the environmental impact?</b>	
<b>f) If relevant, the precise location where the non compliance occurred (attach map or diagram)</b>	
<b>g) Cause of non compliance</b>	
<b>h) Action taken or that will be taken to mitigate any adverse effects of the non compliance</b>	
<b>i) Action taken or that will be taken to prevent recurrence of the non compliance</b>	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



**Section C: Signature and certification**

This AACR must only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is		The AACR must be signed and certified:
an individual	<input type="checkbox"/>	by the individual Licence holder, or
	<input type="checkbox"/>	by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/>	by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or
	<input type="checkbox"/>	by two directors of the Licensee; or
	<input type="checkbox"/>	by a director and a company secretary of the Licensee, or
	<input type="checkbox"/>	if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or
	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/>	by the CEO of the Licensee; or
	<input type="checkbox"/>	by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature:

Name: (printed)

Position:

Date:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Seal (if signing under seal)

Signature:

Name: (printed)

Position:

Date:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_



rus	mg/L	Spot sample		
	mg/L			
	mg/L			
ium	mg/L			
	mg/L			
	mg/L			
	mg/L			
	mg/L			
	mg/L			
	mg/L			
	mg/L			
	mg/L			
	mg/L			
	mg/L			

Pilbara: ..... Date: .....

Pilbara ..... Date: .....



Licence: L7057/1997/12  
Form: N1

Licensee: Shire of East Pilbara  
Date of breach:

**Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.**

These pages outline the information that the operator must provide.  
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

**Part A**

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

<b>Notification requirements for the breach of a limit</b>	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

<b>Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution</b>	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	





## Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Shire of East Pilbara	
Date	



# Decision Document

## *Environmental Protection Act 1986, Part V*

---

**Proponent:** Shire of East Pilbara

**Licence:** L7057/1997/12

---

**Registered office:** Kalgan Drive  
NEWMAN WA 6753

**ACN:** N/A

**Premises address:** Nullagine Refuse Site  
Crown Reserve 2804 within coordinates:  
N 7577691, E 202526; N 7577564, E 202546; N 7577638, E 202665;  
N 7577509, E 202670; N 7577418, E 202529; N 7577435, E 202485;  
N 7577666, E 202518.  
NULLAGINE WA 6768

**Issue date:** Thursday, 21 November 2013

**Commencement date:** Monday, 2 December 2013

**Expiry date:** Saturday, 1 December 2018

### Decision

Based on the assessment detailed in this document, the Department of Environment Regulation (DER), has decided to issue a licence. DER considers that in reaching this decision, it has taken into account all relevant considerations and legal requirements and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Teresa Wilkie  
Regional Environmental Officer

Decision Document authorised by: Alana Kidd  
Regional Leader



## Contents

Decision Document	1
Contents	2
1 Purpose of this Document	2
2 Administrative summary	3
3 Executive summary of proposal	4
4 Decision table	5
5 Advertisement and consultation table	11
6 Emissions and Discharges Risk Assessment Matrix	12

### 1 Purpose of this Document

This decision document explains how DER has assessed and determined the application for a works approval or licence, and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

#### Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

##### Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

##### Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions are justified in Section 4 of this document.

##### Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.





## 2 Administrative summary

Administrative details	
Application type	Works Approval <input type="checkbox"/> New Licence <input checked="" type="checkbox"/> Licence amendment <input type="checkbox"/> Works Approval amendment <input type="checkbox"/>
Activities that cause the premises to become prescribed premises	<b>Category number(s)</b> 64
	<b>Assessed design capacity</b> 5,000 tonnes per annual period
Application verified	Date: 17 September 2013
Application fee paid	Date: 14 October 2013
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Commercial-in-confidence claim outcome	N/A
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	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"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i> )?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes include details of which EPP(s) here.	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, include details here, eg Site is subject to SO <sub>2</sub> requirements of Kwinana EPP.	



### 3 Executive summary of proposal

The Shire of East Pilbara (Shire) operate the Nullagine Refuse Site which is located approximately 5 kilometres (km) from the township of Nullagine. The landfill is located within Crown Reserve 2084 and services the Nullagine township, which has a population of approximately 150 people. The landfill has been operating since 27 June 1997 when the first licence was issued for the site.

The landfill is an unmanned site which has a trench landfill that is open to the public 24 hours a day, 7 days a week. The water table at the site is 13 metres below ground level and Five Mile Creek is located approximately 500 metres west of the site.

The site only accepts putrescible waste and small amounts of inert waste. No asbestos waste is accepted at the site, with signage at the site indicating that asbestos waste needs to be directed to the Newman Landfill. No tyres are accepted at the landfill and any found at the landfill are removed to the Newman Landfill.

Two monitoring bores were constructed at the landfill in 2010 and sampling is undertaken annually to assess any impact on groundwater at the site.

The site has a history of non-compliance with licence conditions, which relates to the disposal of unauthorised waste into the landfill. The Shire is in the process of developing a management plan for the landfill, which includes weekly inspections of the landfill and the completion of a checklist. The management plan will outline procedures in the case of unauthorised waste being found in the landfill, with any action taken being documented in the checklists. The completed checklists are signed off and sent to the Administrative Officer at the Shire office in Newman and will be retained for recording keeping purposes.

The development of the management plan and the implementation of the new procedures at the site have been included as an improvement program within the new licence.

*Socio-political context* - No concern or interest.  
*Risk Assessment* - D – licence conditions

The landfill is an unmanned site with fencing and signage being the only infrastructure on the site. No hydrocarbons are stored at the premises, therefore, no conditions relating to the storage of hazardous materials has been included in the licence.

Standard stormwater condition 1.2.5 has been included in the licence to ensure that measures are taken to ensure stormwater is directed away from the active trench.

**Premises operation**

OSCs 1.3.1 to 1.3.4 stipulate the types of waste accepted and how the waste is processed at the premises.

OSCs 1.3.5 – 1.3.6 regulate the management of the waste in the landfill including compaction, covering regime and rehabilitation of completed cell.

OSCs 1.3.7-1.3.11 regulate the management measures of the premises including security, wind-blown waste, signage and fire management.

*Protection Act 1986.*

Environmental Protection (Unauthorised Discharges) Regulations 2004.

Application supporting documentation.



	<p>There are no point source air emissions associated with operation of the landfill. No specified conditions relating to point source emissions to air or the monitoring of these emissions have been added to the licence.</p>	<p>Environmental Protection (Unauthorised Discharges) Regulations 2004.</p> <p>Application supporting documentation.</p>
N/A	<p><b>Operation</b>  <i>Emission Significance</i> – 1  <i>Socio-political context</i> –No concern or interest  <i>Risk Assessment</i> – E –no regulation, other management mechanisms</p> <p>There are no point source emissions to water from operations at the landfill. The nearest surface water body is approximately 500m from the site. No specified conditions relating to emissions to surface water or the monitoring of such emissions have been added to the licence.</p>	<p>General Provision of the <i>Environmental Protection Act 1986</i>.</p> <p>Environmental Protection (Unauthorised Discharges) Regulations 2004.</p> <p>Application supporting documentation.</p>
	<p><b>Operation</b>  <i>Emission Significance</i> – 1  <i>Socio-political context</i> –No concern or interest</p>	<p>General Provision of the <i>Environmental Protection Act 1986</i>.</p>

N/A	<p><b>Operation</b>  <i>Emission Significance</i> – 1  <i>Socio-political context</i> –No concern or interest  <i>Risk Assessment</i> – E –no regulation, other management mechanisms</p> <p>There are no emissions to land from the operation of the landfill. No specified conditions relating to emissions to land or the monitoring of such emissions has been added to the licence.</p>	<p>General Provision of the <i>Environmental Protection Act 1986</i>.</p> <p>Environmental Protection (Unauthorised Discharges) Regulations 2004.</p> <p>Application supporting documentation.</p>
OSC	<p><b>Operation</b>  <i>Emission Significance</i> – 1  <i>Socio-political context</i> –No concern or interest  <i>Risk Assessment</i> – D –licence conditions</p> <p>There is the potential for dust to be generated during operation at the site from vehicle movements. OSCs 2.6.1 and 2.6.2 standard dust conditions have been included in the licence.</p>	<p>General Provision of the <i>Environmental Protection Act 1986</i>.</p> <p>Application supporting documentation.</p>

		conditions relating to the covering of waste, which will manage the potential of odour emission. No specified conditions relating to odour emissions have been added to the licence.	
N/A	<b>Operation</b> <i>Emission Significance</i> – 1 <i>Socio-political context</i> – No concern or interest <i>Risk Assessment</i> – E –no regulation, other management mechanisms  There is potential for noise to be generation from vehicle movement at the site. The nearest sensitive receptor is Nullagine township located approximately 5km from the landfill. No specified conditions relating to noise emission has been added to the licence.	General Provision of the <i>Environmental Protection Act 1986</i> .  Environmental Protection (Noise) Regulations 1997.	
OSC	Ambient groundwater monitoring has been included in the licence, therefore, OSC monitoring conditions have been included in the licence.	N/A	
OSC	<b>Operation</b> <i>Emission Significance</i> – 1 <i>Socio-political context</i> – No concern or interest <i>Risk Assessment</i> – E –no regulation, other management	General Provision of the <i>Environmental Protection Act 1986</i> .	



	<p>N/A</p> <p><b>Operation</b>  <i>Emission Significance</i> – 1  <i>Socio-political context</i> –No concern or interest  <i>Risk Assessment</i> – E –no regulation, other management mechanisms</p> <p>No specified conditions relating to process monitoring are required to be added to the licence.</p>	<p>Application supporting documentation.</p>
<p>N/A</p>	<p><b>Operation</b>  <i>Emission Significance</i> – 1  <i>Socio-political context</i> –No concern or interest  <i>Risk Assessment</i> – E –no regulation, other management mechanisms</p> <p>Ambient monitoring of groundwater has been undertaken since 2010. Monitoring is done annually in order to identify any potential impact from the landfill on groundwater. One monitoring bore is located upstream of the landfill and the other is located downstream. Results are compared to each other and to historical data and the results and analyses are reported in the Annual Environmental Report.</p>	<p>Application supporting documentation.</p>

	No specified conditions relating to meteorological monitoring are required to be added to the licence.	
NSC	<p><b>Operation</b>  <i>Emission Significance</i> – 1  <i>Socio-political context</i> –No concern or interest  <i>Risk Assessment</i> – E –no regulation, other management mechanisms</p> <p>The landfill is an unmanned site and has a history of non-compliance due to the disposal of incorrect waste types into the landfill. The Shire is in the process of developing a management plan for the landfill which includes weekly inspections by Shire employees and procedures for identifying and dealing with incorrect waste types deposited into the landfill.</p> <p>An improvement program has been included in the licence to assist the Shire to work towards appropriate management of the unmanned site. The management plan for the site is required to be submitted to DER by 1 March 2014 for approval. The management plan will be implemented following approval from DER.</p>	Application supporting documentation.

sed in The West	No comments received	N/A
copy of draft	Proponent had no comments on the draft documents.	N/A





## 6 Emissions and Discharges Risk Assessment Matrix

Note: These matrix are taken from the DER Officer's Guide to Emissions and Discharges Risk Assessment (2006).

### Measures of Significance of Emissions

Emissions as a percentage of the relevant emission or ambient standard		Worst Case Operating Conditions (95 <sup>th</sup> Percentile)			
		>100%	50 – 100%	20 – 50%	<20%*
Normal Operating Conditions (50 <sup>th</sup> Percentile)	>100%	5	N/A	N/A	N/A
	50 – 100%	4	3	N/A	N/A
	20 – 50%	4	3	2	N/A
	<20%*	3	3	2	1

\*For reliable technology, this figure could increase to 30%

### Socio-Political Context of Each Regulated Emission

		Relative proximity of the interested party with regards to the emission				
		Immediately Adjacent	Adjacent	Nearby	Distant	Isolated
Level of Community Interest or Concern*	5	High	High	Medium High	Medium	Low
	4	High	High	Medium High	Medium	Low
	3	Medium High	Medium High	Medium	Low	No
	2	Low	Low	Low	Low	No
	1	No	No	No	No	No

Note: These examples are not exclusive and professional judgement is needed to evaluate each specific case

\*This is determined by DER using the *Officer's Guide to Emissions and Discharges Risk Assessment* (2006).

### Emissions Risk Reduction Matrix

		Significance of Emissions				
		5	4	3	2	1
Socio-Political Context	High	A	A	B	C	D
	Medium High	A	A	B	C	D
	Medium	A	B	B	D	E
	Low	A	B	C	D	E
	No	B	C	D	E	E

#### PRIORITY MATRIX ACTION DESCRIPTORS

A = Do not allow (fix)

B = licence condition (setting limits + EMPs - short timeframes)(setting targets optional)

C = licence condition (setting targets + EMPs - longer timeframes)

D= EIPs, other management mechanisms/licence conditions (monitoring/reporting)/other regulatory tools

E = No regulation, other management mechanisms