



# Amendment Notice 1

<b>Licence Number</b>	L8991/2016/1
<b>Licence Holder</b>	Tox Free Australia Pty Ltd
<b>ACN</b>	127 853 561
<b>File Number:</b>	DER2016/001473-1
<b>Premises</b>	Tox Free Kimberley Resource Recovery Centre Lot 25, 18 Archer Street, Broome WA 6725
<b>Date of Amendment</b>	20 September 2018

## Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act) as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

## A/MANAGER WASTE INDUSTRIES

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

## Definitions and interpretation

### Definitions

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

**Table 1: Definitions**

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
Amendment Notice	refers to this document
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 33 Cloisters Square PERTH WA 6850 <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
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
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Noise Regs	<i>Environmental Protection (Noise) Regulations 1997</i>
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act being L8991/2016/1.
IBC's	Intermediate Bulk Container

Term	Definition
Licence Holder	Tox Free Australia Pty Ltd
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
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 specified at the front of this Decision Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

## Amendment Notice

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.

This notice is limited only to the addition of two (2) Controlled waste categories to the Existing Licence; there will be no changes to the Existing Licence Category 61 Production and design capacity or Infrastructure. No changes to the aspects of the original Licence relating to Category 61 and 62 have been requested by the Licence Holder.

The following guidance statements have informed the decision made on this amendment

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

## Amendment description

The Licence Holder has applied for a licence amendment to include two (2) additional controlled waste types onto the licence. The two additional waste types are 'Waste from grease traps' (K110) and 'Septage wastes' (K210); which will complement the existing controlled waste types:

- Waste mineral oils unfit for their intended purpose (J100);
- Waste oil and water mixtures or emulsions, and hydrocarbon and water mixtures or emulsions (J120); and
- Car and truck wash waters (L100).

The Licence Holder is proposing that on a weekly basis they will carry out collections of K110 and K210 wastes from around the Broome area. The waste will be brought back to the depot and transferred into the existing self bunded tanks or IBC's. When there is sufficient quantity the waste will be transferred into Tankers for transport off-site for disposal. All liquid waste will be

stored or transferred on the liquid waste pad at the north end of the Premises and this area consists of a bunded concrete floor hardstand to ensure any spills are captured.

There will be no additional changes to existing Licence Category 61 Production and design capacity or Infrastructure; the production and design capacity will remain at 10,000 tonnes per annual period. The Licence Holder proposes to accept a combined total of 1,500 tonnes of K110 waste and K210 waste per annual period and this additional waste will not affect the Category 61 production and design capacity of 10,000 tonnes per annual period. The previous AACR reports that 171 tonnes of Category 61 Liquid waste was received during that annual period.

There will be no changes to the existing Category 62 Materials Handling Facility.

## Amendment history

Table 1 provides the amendment history for L8991/2016/1.

**Table 1:** Licence amendments

Instrument	Issued	Amendment
L8991/2016/1	26/09/2016	New Licence
L8991/2016/1	20/09/2018	Amendment Notice 1 – changes to include two (2) additional controlled waste types for acceptance at the premises.

## Risk assessment

Tables 2 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

**Table 2: Risk assessment for proposed amendments during operation**

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning	
Source/Activities		Potential Emissions	Potential Receptors	Potential Pathway					Potential Adverse Impacts
Category 61 – Liquid waste facility	Operation of the facility	<b>Dust:</b> associated with operation of the facility.	<b>Residential sensitive receptors:</b> The closest sensitive residential receptor is approximately 800m north.	<b>Air/ Wind:</b> Dust generated by light and heavy vehicles at the Premises	Elevated particulates (PM <sub>10</sub> and PM <sub>2.5</sub> ) can impact health and amenity of sensitive receptors	Slight	Unlikely	Low	Fugitive dust emissions are not expected to significantly impact sensitive premises from additional light and heavy vehicle movement on-site associated with the additional operation of the facility. The nearest sensitive residential receptor is approximately 800 m north of the primary activity. The Premises is fully sealed.
									The Delegated Officer considers the separation distance between the source and receptors as adequate to inform the risk of dust emissions and does not consider additional regulatory controls are required given the licence amendment application risk assessment as additional dust emissions are not foreseeable and that Dust can be adequately regulated by section 49 of the EP Act.

Risk Event						Consequence rating	Likelihood rating	Risk	Reasoning
Source/Activities		Potential Emissions	Potential Receptors	Potential Pathway	Potential Adverse Impacts				
		<b>Noise:</b> associated with operation of the facility.	<b>Residential sensitive</b> The closest sensitive residential receptor is approximately 800m north.	<b>Air/ Wind:</b> Noise generated by light vehicles at the Premises	Amenity to nearby noise sensitive receptors	Slight	Unlikely	Low	<p>Noise emissions are not expected to significantly impact sensitive premises from additional light and heavy vehicle movement associated with the additional operation activities. The nearest sensitive residential receptor approximately 800 m north of the primary activity. The Premises is small and therefore restricts the speed of vehicles.</p> <p>The Delegated Officer considers the separation distance between the source and receptors as adequate to inform the risk of noise emissions and that the additional waste stream will not produce additional foreseeable noise emissions.</p> <p>Noise can be adequately regulated by the EP Noise Regs.</p>
		<b>Odour:</b> associated with the storage and transfer of liquid waste	<b>Residential sensitive receptors:</b> The closest sensitive residential receptor is approximately 800m north.	<b>Air/ Wind:</b> generated by acceptance and burial of inert waste at the Premises	Amenity to nearby sensitive receptors	Slight	Possible	Low	<p>Odour emissions are not expected to significantly impact sensitive premises from storage or transfer of the additional 1500 tonnes liquid waste. The nearest sensitive residential receptor is approximately 800 m north of the primary activity.</p> <p>Liquid waste is only temporarily stored on-site prior to transfer and disposal off-site and all waste is stored within sealed tanks or IBC's. Liquid waste transfers are typically only small volumes and thus</p>

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning
Source/Activities	Potential Emissions	Potential Receptors	Potential Pathway	Potential Adverse Impacts				
								<p>expose to odour is limited to short duration transfer timeframes.</p> <p>The Delegated Officer does not consider additional regulatory controls are required on the licence to regulate odour emissions given the licence amendment application risk assessment as the additional waste stream will not produce an increase in foreseeable odour.</p> <p>Odour can be adequately regulated by section 49 of the EP Act (<i>Causing pollution and unreasonable emissions</i>).</p>
	<b>Leachate:</b> Spills and Infiltration from the operation of the facility	<b>Groundwater</b> <b>Local soils within the Premises</b>	<b>Land and groundwater</b> – direct infiltration into soil and groundwater.	<p>Alteration to soil and /or vegetation.</p> <p>Alteration to groundwater that has the potential to disrupt ecological processes of groundwater with excess metals, heavy metals, hydrocarbons and nutrients</p>	Slight	Unlikely	Low	<p>All liquid waste will be stored in sealed tanks or IBC's and transferred on the liquid waste pad at the north end of the Premises and this area is bunded with a concrete floor to ensure any spills are captured. The Premises is fully sealed. Depth to groundwater is greater than 8m.</p> <p>Existing Licence condition 1.2.4 regulates Containment and the Delegated Officer does not consider additional regulatory controls are required given the licence amendment application risk assessment as there are no foreseeable potential emissions.</p>

## Decision

The Delegated Officer has determined that an amendment be made to the Existing Licence and that conditions be amended to allow acceptance of two (2) additional controlled waste types on the Licence.

The Delegated Officer considers the amended condition as appropriate and in line with other premises as assessed across the State, and in accordance with DWER's regulatory approach.

Licence condition 1.2.1 has been amended to include the two (2) additional waste types (K110 and K210) as requested by the Licence Holder in the amendment application.

Licence condition 1.2.3 has been amended to include the two (2) additional waste types (K110 and K210) as requested by the Licence Holder in the amendment application.

The Delegated Officer has also taken the opportunity to update waste type names/descriptions in Table 1.2.1 and 1.2.2 to match the wording in the current *Controlled waste category list* (May 2018) as published on DWER's website:

- [https://www.der.wa.gov.au/images/documents/our-work/controlled-waste/updated\\_controlled\\_waste\\_category\\_list/20180511\\_Controlled\\_Waste\\_Category\\_list.pdf](https://www.der.wa.gov.au/images/documents/our-work/controlled-waste/updated_controlled_waste_category_list/20180511_Controlled_Waste_Category_list.pdf).

The Delegated Officer has considered DWER's Guidance Statement: Regulatory Principles, Guidance Statement: Setting Conditions and Guidance Statement: Risk Assessment in granting this amendment, and does not consider that this amendment will impact the risk profile of the premises, which is currently considered as Low.

## Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 14 September 2018. The Licence Holder submitted the signed waiver consultation letter on 17 September requesting the Licence amendment be issued as soon as possible



## Amendment

1. Condition 1.2.1 of the Licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

1.2.1 The Licensee shall only allow waste to be accepted on to the Premises if:

- (a) it is of a type listed in Table 1.2.1; and
- (b) the quantity accepted is below any limit listed in Table 1.2.1; and
- (c) it meets any specification listed in Table 1.2.1

Table 1.2.1: Waste acceptance			
Waste Type	Waste Code	Quantity Limit	Specification <sup>1</sup>
Inert waste type 1	N/A	Combined total of 10,000 tonnes per annual period	<ul style="list-style-type: none"> <li>Scrap metal and aluminium cans.</li> <li>Directed to the Materials Recycling Facility Shed Receiving Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.</li> </ul>
Inert waste type 2	N/A		<ul style="list-style-type: none"> <li>Glass, HDPE and PET plastics.</li> <li>Directed to the Materials Recycling Facility Shed Receiving Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.</li> </ul>
Putrescible waste	N/A		<ul style="list-style-type: none"> <li>Paper and cardboard.</li> <li>Directed to the Materials Recycling Facility Shed Receiving Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.</li> </ul>
Waste mineral oils unfit for their intended use	J100	Combined total of 10,000 tonnes per annual period	Tankered onto the premises and transferred into the Oily Water Tank or Self Bunded Waste Oil Tank; or Delivered onto the premises packaged in Intermediate Bulk Containers (IBC's) or other smaller packages.
Waste oily <del>and</del> <u>water mixtures or emulsions, and hydrocarbon and water mixtures or emulsions</u>	J120		
<del>Car and truck</del> <u>wash water</u>	L100		
<del>Waste from grease traps</del>	<u>K110</u>		
<del>Septage waste</del>	<u>K210</u>		

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

2. Condition 1.2.3 of the Licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

- 1.2.3 The Licensee shall ensure that the wastes accepted onto the Premises are only subjected to the process(es) set out in Table 1.2.2 and in accordance with any process requirements described in that table.

Table 1.2.2: Waste processing		
Waste type	Process	Process requirements
Inert waste type 1	Receipt, handling, mechanical sorting, hand sorting and Physical storage prior to off-site disposal.	Only to be receipted, consolidated, stored and handled within a hardstand area capable of preventing surface run-off from entering the hardstand.
Inert waste type 2		
Putrescible waste		
Waste mineral oils unfit for their intended use	Receipt, handling and Physical storage.	Only to be receipted, consolidated, stored and handled within a bunded hardstand area capable of preventing surface run-off from entering the hardstand.
Waste oily <del>and</del> <u>water mixtures or emulsions, and hydrocarbon and water mixtures or emulsions</u>		
<u>Car and truck</u> wash water		
<u>Waste from grease traps</u>		
<u>Septage waste</u>		

## Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L8991/2016/1 Tox Free Kimberley Resource Recovery Centre	L8991/2016/1	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
2	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
3	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
4	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016a	
5	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017a	
6	DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2017b	