



Decision Document

Environmental Protection Act 1986, Part V

Proponent: **Cleanaway Pty Ltd**

Licence: **L7102/1997/8**

Registered office: Level 4, 441 St Kilda Road,
MELBOURNE VIC 3004

ACN: 000 164 938

Premises address: Bayswater Transfer Station
271 Collier Rd
BAYSWATER WA 6053
Being Lot 102 on Diagram 55521 (as depicted in Schedule 1)

Issue date: Thursday, 18 July 2013

Commencement date: Wednesday, 7 August 2013

Expiry date: Tuesday, 6 August 2024

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER), CEO's delegated officer has decided to issue an amended licence. The delegated officer considers that in reaching this decision, he has taken into account all relevant considerations.

Decision Document prepared by: Josephine Tuohy
Licensing Officer

Decision Document authorised by: Alan Kietzmann
Delegated Officer



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1 Purpose of this Document

This decision document explains how the DER delegated officer has assessed and determined the application and provides a record of the 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.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/>	
	New Licence <input type="checkbox"/>	
	Licence amendment <input checked="" type="checkbox"/>	
	Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	62	80,000 tonnes per annual period
Application verified	Date: N/A	
Application fee paid	Date: N/A	
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 type="checkbox"/>
Commercial-in-confidence claim outcome		
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"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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"/>
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"/>



3 Executive summary of proposal and assessment

1. Background

Cleanaway Pty Ltd operates recycling, waste management and industrial services throughout Australia. The Bayswater Transfer Station is owned by the City of Bayswater and is managed by Cleanaway Pty Ltd on their behalf. The premises is located within the City of Bayswater and zoned 'general industry'. Cleanaway Pty Ltd has a current lease agreement to manage the site until 2017.

The premises includes a material recycling facility (MRF) and transfer station. The MRF accepts recyclable material including paper, aluminium cans, glass bottles and plastics. The recyclables are hand and machine picked and baled prior to removal offsite to recycling facilities. The transfer station accepts putrescible materials from residential collections, waste is stored prior to disposal at licensed waste disposal facilities.

Cleanaway are currently licensed as a category 62 solid waste depot under the *Environmental Protection Regulations 1987*, with a design capacity of 80,000 tonnes per annual period.

2. Location in environmental setting

As identified using the Department of Water "Perth Groundwater Atlas" software system (Groundwater Atlas), the closest sensitive receptor is groundwater located approximately 10 metres below ground level. The Groundwater Atlas indicates that groundwater is marginally brackish (500 – 1000 mg/L), with a high risk of iron staining. The area has a high to moderate risk of Acid Sulfate Soils. The premises is not located within a Public Drinking Water Source Area.

The residential suburb of Bayswater is located approximately 140m north of the premises. The Environmental Protection Authority's Guidance Statement No. 3 "Separation Distances between Industrial and Sensitive Land Uses" recommends a separation distance of 200m between a solid waste depot and sensitive receptor, which has not been met for this Premises. Typical issues arising from a solid waste depot that may affect the amenity of nearby sensitive land uses are noise, dust and odour.

The main risks identified for this premises are assessed to be fire, windblown waste, leachate runoff, noise, odour and dust.

3. Proposal

This Licence is a result of an amendment sought by the Licensee to amend the Proponent name from Transpacific Cleanaway Pty Ltd to Cleanaway Pty Ltd.

Due to recent odour complaints reported to DER the current licence conditions were reviewed as part of this amendment process to determine if their suitability in managing all potential emissions and discharges. DER has re-assessed the conditions of the licence and amendments have been made in regards to the stormwater management and leachate management on site.

Additional amendments have been made in accordance with the DER's licensing process and are detailed in the Decision Document.

This premises has been re-assessed and has been classified as moderate risk.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
General	L1.1.5	Previous condition 1.1.5 is removed as this provision is not a condition; it is not considered valid, enforceable or risk based. Section 49 of the EP Act states that it is an offence to cause pollution, or allow pollution to be caused.	<i>Environmental Protection Act 1986 (EP Act)</i>
General conditions	L1.2.1 L1.2.2 L1.2.3	<p>Previous condition 1.2.1 that relates to pollution control equipment control equipment is removed as the Licensee is expected to do this as a matter of course to prevent unauthorised discharges. This condition is not enforceable as it is not sufficiently clear or certain.</p> <p>Previous condition 1.2.2 that relates to the storage of dangerous goods is removed on the basis the storage of dangerous goods will need to be such that no unauthorised discharges occur (as regulated under the provisions of the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>). Dangerous goods management is regulated by the Department of Mines and Petroleum, where applicable.</p> <p><u>Emission Description</u> <i>Emission:</i> Contaminated stormwater discharged off-site via the stormwater system. <i>Impact:</i> Contamination of surrounding land, groundwater and surface water drainage systems. Potential impacts on ecology of groundwater and surface water from addition of nutrients. <i>Controls:</i> Cleanaway has submitted a Stormwater Management Plan, dated 1 March</p>	<p><i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (UDR)</i></p>



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		<p>2015 that has detailed actions and responsible staff members to limit the potential of contaminated stormwater to be discharges from the property boundary. The following commitments have been documented within the Stormwater Management Plan:</p> <ul style="list-style-type: none"> - Stormwater contained in bunds is visually checked for contaminants such as oil and grease and will be removed from site to a suitably licensed facility if required - All stormwater drains are to be clearly marked on site - Environmental awareness training for employees - Stormwater drains will be sampled and analysed bi-annually for contaminants - Spill kits are strategically placed around site - In the event of a fire, contaminated firewater will be removed off site to a suitably licensed facility. <p><u>Risk Assessment</u> Consequence: Moderate Likelihood: Likely Risk Rating: Moderate</p> <p><u>Regulatory Controls</u> Given the moderate risk condition 1.3.9, 1.3.10 and 1.3.11 replaces previous condition 1.2.3 that relates to specific stormwater management to ensure that uncontaminated stormwater is diverted from the waste areas on site and any potentially contaminated stormwater that has come into contact with waste areas is treated as leachate. Any unauthorised discharges will be subject to the general provisions of the EP Act and UDR.</p> <p><u>Residual Risk</u> Consequence: Moderate Likelihood: Possible Risk Rating: Moderate</p>	



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Premises operation	L1.3.9 – 1.3.11	<p><u>Emission Description</u> <i>Emission:</i> Leachates generated from the storage and processing of wastes on-site from the Transfer Station and MRF, specifically from the glass crushing operations at the MRF. <i>Impact:</i> Contamination of surrounding land, surface water drainage systems and groundwater. Visual inspections by DER officers has identified that leachate from the MRF is currently discharged into the stormwater system. Stormwater is directed by gravity flow towards the north of the premises and off-site, eventually discharging to the Bayswater major drain located approximately 4m from the northern boundary. The drainage system is a part of the Swan River sub catchment and flows in a southerly direction and eventually discharges to the Swan River 3km from the premises. Potential impacts on ecology of groundwater and surface water from the addition of nutrients. DER is investigating these discharges. <i>Controls:</i> <u>Transfer Station:</u> Putrescible waste is accepted on site, stored on a hardstand and misted with water to reduce dust. This waste is stored for no longer than 48 hours before being removed off-site for disposal to a licensed landfill. Given the duration of waste storage and the hardstand cover, no significant volume of leachate is expected to be generated from the putrescible storage area. <u>MRF</u> There are currently no controls for leachate management at the MRF.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Almost certain <i>Risk Rating:</i> High</p> <p><u>Regulatory Controls</u> Condition 1.3.9 requires the Licensee to contain all leachate on site in an impervious bunded compound and to be removed off site by a licensed contractor to an</p>	<p><i>Environmental Protection (Unauthorised Discharge) Regulations 2004</i></p>



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		appropriately licensed liquid waste facility. <u>Residual Risk</u> <i>Consequence:</i> Moderate <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate	
Information	L3.1.2	Previous condition 3.1.2 is removed on the basis the condition is not enforceable as the requirements for compliance is not clear. Ignorance of the licensee to the conditions of this licence is not defence under the provisions of the EP Act.	N/A
Licence Duration	N/A	The premises has planning approval from the City of Bayswater. It is recommended that this Licence extend the current expiry from 6 August 2018 to 6 August 2024; in accordance with section 59(1)(k) of the <i>Environmental Protection Act 1986</i> , the CEO may amend the duration of a licence. Cleanaway operates this premises under lease agreement from the City of Bayswater; this expires in 2017.	Department of Environment Regulation Guidance Statement, Licence Duration, November 2014 (revised May 2015).



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
21/04/2016	Proponent sent a copy of draft instrument	Comments received 3 May 2016: 1. Change of Registered Office, noted and approved. 2. Page 3/16 the text 'The Bayswater Premises includes a material recycling facility where recyclables are hand baled prior to removal offsite to recycling facilities, and a transfer station where putrescible materials are stored prior to disposal facilities' be kept in the Licence. 3. Page 4/16 this Premises has been re-assessed as a moderate risk, be classified as low risk, as corrective actions have been carried out. 4. Page 7/16 from Decision Table leachate from the MRF has been discharged to the stormwater system, this is being investigated by Transpacific	1. DER noted. 2. DER has included this text in the Amended Licence. 3. DER considered the risk associated with the activity in relation to the location of sensitive receptors and has assessed the site as a moderate risk, given the close proximity to the residential suburb of Bayswater located approximately 140m north of the Premises and the Bayswater major drain is located 4m north of the Premises boundary. 4. This information has been noted.



6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High