



Application for Licence Amendment

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L8129/2006/2
Applicant	Cleanaway Equipment Services Pty Ltd
ACN	001 576 889
File Number	DER2015/001538-1
Premises	Cleanaway Equipment Services 92 Radium Street WELSHPOOL WA 6106 Being Lot 23 on Diagram 71201
Date of Report	05 October 2018
Status of Report	Final

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1. Definitions of terms and acronyms

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

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
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 As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
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
Licence Holder	Cleanaway Equipment Services Pty Ltd
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
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 specified at the front of this Decision Report
Risk Event	As described in <i>Guidance Statement: Risk Assessment</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>

2. Purpose and scope of assessment

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 amendment is the result of a Licence Holder initiated amendment application to remove conditions that are not applicable to Premises operations. A summary of the amendment request is detailed below:

- Condition 1 (waste inventory):
 - Part (iv): location of each tank on the premises;
 - Part (v): the type and name of liquid waste in each tank;
 - Part (vi): the amount of liquid waste in each tank; and
 - Part (vii): the type of liquid in each tank.
- Condition 10 (liquid chemical storage): requirement to store environmentally hazardous materials within a low permeability compound able to contain at least 25% of the total amount of liquid stored inside the bunded area and at least 110% of the volume of the largest vessel stored in this area;
- Condition 11 (liquid chemical storage): requiring bunded storage area described in condition 10 to be graded or have a sump, be chemically resistant to the stored substances, be designed to contain any jetting, and be designed to prevent discharges to the environment.

The amendment also incorporates a change to the Licence Holder and Premises name as ERS Australia Pty Ltd changed name to Cleanaway Equipment Services Pty Ltd on 15 February 2018. The ABN and ACN remain the same and therefore a transfer of occupier is not required.

In addition to the Licence Holder's application, additional changes have been made to the Licence to more accurately reflect site operations and to align the licence with the current licence format. This also includes the addition of prescribed premises category 62 (solid waste depot) to accurately reflect the solid component of wastes received at the Premises. The changes are described below in Section 8.

Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assessment process

Document/information description	Date received
Application for Amendment (L8129/2006/2)	29 June 2018

3. Background

The Premises was granted an operational licence under Part V of the EP Act in August 2007. The Premises receives up to 4,000 tonnes per year of solid and liquid wastes which are stored, consolidated, neutralised or otherwise treated before being removed offsite. Of the waste received, approximately 70% are liquids and 30% are solids. Prior to this amendment, the Licence only specified prescribed premises category 61, liquid waste facility. It was identified through this amendment that category 62, solid waste depot, should also be included on the licence to address the solid wastes received.

The Premises is located within the Welshpool industrial area.

Table 3 lists the prescribed premises categories that are applicable to the Premises.

Table 3: Prescribed Premises Categories

Classification of Premises	Description	Approved Premises production or design capacity or throughput
Category 61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	2,800 tonnes per annual period
Category 62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	1,200 tonnes per annual period

4. Overview of Premises

4.1 Infrastructure

Table 4 lists infrastructure associated with the site activities. The location of this infrastructure is depicted in the Premises Map and Premises layout in Schedule 1 of the Licence.

Table 4: Liquid and solid waste facility infrastructure

	Infrastructure
1	Asphalt hardstand - Whole of site
2	Waste Processing and Storage Shed
3	Designated storage tanks and bunkers
4	Allflow Vertical Gravity Separator/Industrial Waste Discharge Point
5	Sealed stormwater drains x 6

5. Legislative context

5.1 Other relevant approvals

5.1.1 Planning approval

The Premises is situated within the City of Canning (the City) in an area zoned General Industry under the City's *Town Planning Scheme 40* (TPS40). The Premises activities, being general industry in nature, are a permitted use under TPS40.

5.1.2 Trade waste permit

The Premises holds Industrial Trade Waste Agreement No. 18410 granted by the Water Corporation to discharge water treated through the vertical gravity separator (oily water separator) to sewer.

5.2 Part V of the EP Act

5.2.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations.

The guidance statements which inform this assessment are:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Publication of Annual Audit Compliance Reports (May 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessments (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

5.2.2 Works approval and licence history

Table 5 summarises the works approval and licence history for the premises.

Table 5: Works approval and licence history

Instrument	Issued	Nature and extent of works approval, licence or amendment
W4126/2005/1	22/04/2005	Works approval for new premises
L8129/2006/1	31/08/2007	Licence for new premises following works approval completion
L8129/2006/2	26/08/2010	Licence renewal
L8129/2006/2	07/03/2012	Licence amendment to address wastewater and stormwater management
L8129/2006/2	27/08/2015	Licence amendment to increase premises throughput
L8129/2006/2	29/04/2016	Licence amendment to extend licence duration
L8129/2006/2	05/10/2018	Licence amendment to reflect current operations and controls

6. Location and siting

6.1 Residential and sensitive Premises

The distances to residential and sensitive receptors are detailed in Table 6.

Table 6: Receptors and distance from activity boundary

Sensitive Land Uses	Distance from Prescribed Activity
Residential receptors	The closest residential dwelling is located approximately 140m south-west from the Premises boundary. Additional residential areas are located 350m south-east of the Premises boundary.
Industrial receptors	Adjacent to the Premises
Bentley Health Services (Hospital)	560m south-west of Premises boundary
Shopping centre complex	750m east, south-east of Premises boundary
St Norbert College	865m south-east of Premises boundary

6.2 Groundwater and water sources

The distances to groundwater and water sources are shown in Table 7.

Table 7: Groundwater and water sources

Groundwater and water sources	Distance from Premises
Groundwater	<p>5m below ground level (bgl) as identified using the Department's online software <i>Perth Groundwater Map</i> (PGM).</p> <p>PGM indicates an inferred local groundwater flow towards south, south-east with groundwater quality considered fresh (total dissolved solids between 250 – 500 mg/L), low risk of iron staining, moderate to low risk of acid sulfate soils, and suitable for abstraction bores.</p> <p>The Department's online software <i>Water Register</i> indicates that the closest abstraction bore is located 220m south-west of the Premises boundary, which appears to service a small parkland within the nearby residential community. This bore is likely to not be down-gradient of the Premises. The closest down-gradient bore is located 970m south-east of the Premises boundary at St Norbert College.</p>
Open drainage channel (Water Corporation)	320m south-east of Premises boundary (down hydraulic gradient)
Compensation basin 1 (Water Corporation)	360m north-east of Premises boundary (up hydraulic gradient)
Compensation basin 2 (Water Corporation)	450m east of Premises boundary (cross hydraulic gradient)
Compensation basin 3 (Water Corporation)	830m south-east of Premises boundary (down hydraulic gradient)

6.3 Soil type

PGM indicates that the soil type consists of Bassendean Sand which is conducive to higher permeability and provides a pathway to groundwater.

7. Risk assessment

7.1 Determination of emission, pathway and receptor

In undertaking its risk assessment, DWER will identify all potential emissions pathways and potential receptors to establish whether there is a Risk Event which requires detailed risk assessment.

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission. Where there is no actual or likely pathway and/or no receptor, the emission will be screened out and will not be considered as a Risk Event. In addition, where an emission has an actual or likely pathway and a receptor which may be adversely impacted, but that emission is regulated through other mechanisms such as Part IV of the EP Act, that emission will not be risk assessed further and will be screened out through Table 8.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Table 8 below.

Table 8 has only considered the environmental and/or human receptor most likely to be impacted by emissions.

Table 8: Identification of emissions, pathway and receptors during operation

Risk Events					Continue to detailed risk assessment	Reasoning
Sources/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
Category 61: Liquid waste facility Category 62: Solid waste depot	Waste acceptance, handling, processing and storage	Noise	Air/windborne	Adjacent industrial receptors	No	The proposed amendment does not impact on the risk profile for noise emissions. No noise complaints have been received in regards to the Premises. In considering Licence Holder controls such as storing and processing wastes inside an enclosed warehouse, and the low noise emitting nature of the processing activities, it is anticipated that these receptors are not impacted by noise emissions from Premises operations. Noise emissions are also regulated under the <i>Environmental Protection (Noise) Regulations 1997</i> .
				Residential receptors located 140m from Premises boundary (considered to be the human receptors most likely to be impacted).	No	

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
Category 61: Liquid waste facility Category 62: Solid waste depot	Waste acceptance, handling, processing and storage	Odour	Adjacent industrial receptors	Air/windborne	Impacts to amenity and health	No	<p>The proposed amendment does not impact on the risk profile for odour emissions. No odours complaints have been received in regards to the Premises.</p> <p>In considering Licence Holder controls such as storing and processing wastes inside an enclosed warehouse, and considering the types of wastes received at the Premises, it is anticipated that receptors are not impacted by odour emissions from Premises operations.</p> <p>Odour emissions are also regulated under the general provisions of the EP Act.</p>
			Residential receptors located 140m from Premises boundary			No	
Category 61: Liquid waste facility Category 62: Solid waste depot	Waste acceptance, handling, processing and storage	Dust	Adjacent industrial receptors	Air/windborne	Impacts to amenity and health	No	<p>The proposed amendment does not impact on the risk profile for dust emissions. No dust complaints have been received in regards to the Premises.</p> <p>In considering Licence Holder controls such as storing and processing wastes inside an enclosed warehouse, and considering the low dust generating nature of wastes received at the Premises, being predominantly liquids, it is anticipated that receptors are not impacted by dust emissions from Premises operations.</p> <p>Dust emissions are also regulated under the general provisions of the EP Act.</p>
			Residential receptors located 140m from Premises boundary			No	
			Compensation Basin 1 located 360m from Premises boundary		Degradation of surface water quality Reducing plant photosynthesis	No	
Category 61: Liquid waste facility Category 62: Solid waste depot	Waste acceptance, handling, processing and storage	Spills	Adjacent industrial receptors	Seepage through hardstand areas	Impacts to amenity and health	No	<p>All leachate is contained within the premises or discharged via sewer:</p> <ul style="list-style-type: none"> The Premises is overlain by asphalt hardstands. Liquid wastes are decanted/consolidated within the warehouse in a designated bunded area. Any spills in this area are
		Contaminated stormwater			Contamination of land		
		Leachate	Groundwater 5m bgl	Over land migration	Contamination of groundwater supply for nearby users	No	

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
			Open drainage channel 320m from Premises boundary		Contamination of surface water	No	<p>contained and can be easily removed.</p> <ul style="list-style-type: none"> Wash waters are treated through an Allflow Vertical Gravity Separator (oily water separator) before being discharged to Water Corporation sewer via Industrial Trade Waste Agreement No. 18410. The amendment does not alter the level of leachate emissions from the Premises. The conditions proposed to be removed under this amendment, related to the storage and containment of environmentally hazardous materials, will be replaced with similar conditions that are clearer in their wording and achieve the same purpose as the removed conditions, which reflect the Licence Holder's operational controls. Discharges from the premises are also regulated under the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>
Category 61: Liquid waste facility	Waste acceptance, handling, processing and storage	Particulates and noxious gases from fire/explosion including	Adjacent industrial receptors	Air/windborne Overland migration	Impacts to amenity and health	No	<p>Although there has been a fire incident at the Premises in August 2016, the proposed amendment does not impact on the risk profile for fires/explosions.</p> <p>The Licence Holder's controls include having</p>
			Residential receptors located 140m from Premises boundary				

Risk Events					Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts	
Category 62: Solid waste depot		embers	Compensation Basin 1 (most likely affected environmental receptor) located 360m from Premises boundary		Contamination of surface water from ash dropout	<p>accessible documentation outlining which wastes can be stored together, staff flowcharts for storage and management of hazardous and dangerous wastes, documentation on correct labelling of wastes, maintaining a hazardous chemical register, and onsite compliance with AS 1940:2004 – <i>The Storage and Handling of Dangerous Goods</i>. All staff are required to comply with the Licence Holder's policies including AS1940:2004.</p> <p>Including the proposed regulatory controls regarding waste storage, the Delegated Officer considers that these controls sufficiently address this risk.</p>

8. Regulatory controls

As outlined in Section 2 above, the Licence Holder requested an amendment to remove conditions that they considered to be redundant or otherwise not relevant to the Premises operations. As part of the amendment process, the Delegated Officer identified additional amendments to be made to the Licence such as the removal, replacement and additional of conditions and definitions. A summary of the changes are outlined below in Table 9.

Table 9: Changes between Licences

Condition No. in Previous Licence	Condition No. in Amended Licence (if applicable)	Condition description	Amendment description	Rationale
N/A	N/A	Licence Holder and Premises name	Amended to reflect new name of Cleanaway Equipment Services Pty Ltd.	The Licence Holder provided evidence that ERS Australia Pty Ltd changed name to Cleanaway Equipment Services Pty Ltd on 15 February 2018. The ABN and ACN remain the same and therefore a transfer of occupier is not required.
N/A	N/A	Prescribed premises category table	Category 62 (solid waste depot) has been included on the Licence.	The Premises also accepts solid wastes. The inclusion of category 62 was agreed with the Licence Holder.
1	7	Waste inventory – maintaining a daily inventory of all liquid and solid wastes	The Licence Holder requested to remove parts (iv), (v), (vi), and (vii) from the Licence which related to locations of each tank on site, the type and amount of liquid waste in each tank.	The Delegated Officer considered that the full requirements of this conditions were onerous and not risk based. This condition has been replaced by a more concise and simple condition which assists in the Department determining compliance with the waste quantities received onsite. The Licence Holder's request has been actioned.
2	6	Wastewater management – treatment and containment of wash water and wastewaters to prevent offsite discharge	This condition has been replaced by condition 6 which specifically addresses the Licence Holder's controls and treatment infrastructure.	This condition was ambiguous and did not accurately reflect the extent of the Licence Holder's controls. All wash water, wastewater, stormwater and any leachate and/or spills are contained onsite and either removed offsite by a licensed carrier, or discharged through a vertical gravity separator to sewer (via Water Corporation industrial permit).
3 and 4	6	Management of stormwater drains and stormwater	As above	As above

Condition No. in Previous Licence	Condition No. in Amended Licence (if applicable)	Condition description	Amendment description	Rationale
5	N/A	Discharging stormwater only after testing has been undertaken	This condition has been removed from the Licence as it is not applicable to site operations.	As above, all stormwater is retained onsite prior to treatment and discharge to sewer, or removal by a licensed carrier. There is therefore no requirement to discharge or monitor stormwater.
6, 7, 8 and 9	N/A	Stormwater monitoring requirements	As above	As above
10, 11, 12 and 13	1 (including Appendix A), 2, 3, 4 and 5	Storage of environmentally hazardous materials and spill management	These conditions have been replaced with similar conditions for waste acceptance quantities, waste specifications, waste storage and waste processing.	The Licence Holder requested conditions 10 and 11 be removed from the Licence as they were not applicable to Premises operations. The Delegated officer also considered that these conditions did not accurately reflect the Licence Holder's controls. Conditions 10 and 11 have been removed from the Licence as requested, however they have been replaced with conditions that address the risk posed by emissions from Premises operations and reflect the Licence Holder's controls. Conditions 12 and 13 have also been removed from the Licence as the intent of these conditions has been incorporated into the replacement conditions.
14 and 15	8, 9 and 10	Annual reporting requirements	These conditions have been replaced with updated conditions which address a wider range of requirements related to accurate record keeping.	The Delegated Officer identified that these conditions were outdated and have been replaced to align with the Department's current licence format.

9. Licence Holder's comments

The Licence Holder was provided with the draft Decision Report and draft Licence on 27 August 2018. The Licence Holder made enquiries into whether the limit of tyres was excluded from the annual throughput for solid waste, and sought clarification on the requirements of condition 5 which discussed the requirement for a chemist to assess all waste types prior to consolidation.

Clarification was provided from the Department to confirm that the specified tyre limit was inclusive of the annual solid waste throughput and only related to the maximum number of tyres authorised to be onsite at any one time.

The Licence Holder provided documentation in regards to their waste storage and management practices which have been discussed in Table 8 above. The Licence Holder's controls, including their onsite requirement to comply with AS 1940:2004 – *The Storage and Handling of Dangerous Goods*, are sufficient to mitigate risks from the storage and mixing of wastes. Condition 5 has been reworded to only require the inspection of waste receipt records, and where possible, visual inspections, for different waste types which are proposed to be consolidated by onsite personnel trained in the identification of wastes. This assists in preventing the mixing of incompatible wastes.

The Licence Holder was referred a revised draft decision report and conditions on 1 October 2018. On 3 October 2018 the Licence Holder responded to advise that an additional three waste categories (K200 – food and beverage processing wastes, K210 – septage wastes, and M270 – PFAS wastes) should be included on the licence as these wastes are currently being accepted onsite and had been overlooked during the first comment period. The proposed controls address the risks posed by these waste types and therefore they have been included onto the licence as requested.

10. Conclusion

This assessment of the risks of activities on the Premises has been undertaken with due consideration of a number of factors, including the documents and policies specified in this Decision Report (summarised in Section 5.2.1).

Based on this assessment, it has been determined that the Licence will be granted subject to conditions commensurate with the determined controls and necessary for emissions management, administration and reporting requirements.

Rebecca Kelly
MANAGER WASTE INDUSTRIES
Delegated Officer
under section 20 of the *Environmental Protection Act 1986*