



# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Proponent:** Tox Free Australia Pty Ltd

**Licence:** L8789/2013/1

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**Registered office:** 55 Carrington Street  
NEDLANDS WA 6009

**ACN:** 127 853 561

**Premises address:** 27-31 Vivian St  
BOULDER WA 6432  
Being Lot 389 on Plan 222104

**Issue date:** Thursday, 26 September 2013

**Commencement date:** Monday, 30 September 2013

**Expiry date:** Saturday, 29 September 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.

Decision document prepared by:

Sarah Hull  
Regional Environmental Officer

Decision document authorised by:

James Milne  
Regional Leader - Industry Regulation  
(Goldfields)



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## 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

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: 1.1.1-1.1.3, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.3, 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

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

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>
	<b>Design capacity</b>
	39 6000 tonnes per annual period
Application verified	Date: 18/09/2013
Application fee paid	Date: 18/09/2013
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	
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 checked="" type="checkbox"/> No <input type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If Yes include details of which EPP(s) here.	
<i>Environmental Protection (Goldfields Residential Areas) (Sulphur Dioxide) Policy Order 2003</i>	
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

Tox Free Australia Pty Ltd is a wholly owned subsidiary of Tox Free Solutions Limited (Tox Free). Tox Free was established in 2001 and facilities include integrated waste management and environmental services specialising in industrial and hazardous waste treatment, contaminated soil remediation and industrial services.

Tox Free has been assessed as a 'prescribed premises' category 39 under Schedule 1 of the *Environmental Protection Regulations 1987*. The licence enables the premises to accept Category 6 and 14 bulk Controlled Waste and all Categories (1 to 15) of packaged Controlled Waste under the *Environmental Protection (Controlled Waste) Regulations 2004*.

Tox Free Australia Pty Ltd (Tox Free) operates a waste chemical and oil recycling facility in Kalgoorlie. The site was previously operated under the name Grimefighters Fluidclean Pty Ltd. The site operates an oily water treatment plant involving phase separation, settling to remove solids and filtration to remove dissolved petroleum hydrocarbons. Waste water treatment process involved phase separation, settling to remove solids and filtration to remove dissolved total petroleum hydrocarbon (TPH).

All treated wastewater on site is discharged to the City of Kalgoorlie-Boulder sewer system or a licenced waste management facility. The local authority requires monitoring relating to wastewater and stormwater discharge outlined in Appendix B and is therefore not regulated by DER. Tox Free is regulated as to the amount of waste that is permitted to be discharged into the sewage system due to City of Kalgoorlie Boulder requirements. All solid waste is disposed to a licenced landfill or waste management facility. Any potentially contaminated stormwater is collected within bunded areas and treated within the onsite oily waste water treatment system.

Tox Free has implemented an Odour Management Plan to manage odour sources at the Kalgoorlie facility. Potential odour sources include incoming odorous waste at the discharge pit and stagnant waste awaiting processing at the tank farm and during processing. Management strategies include:

- Identification of odorous waste streams during sales process;
- Identification of odorous waste streams during site receipt processes;
- Diversion of odorous waste streams to alternative licenced premises;
- Removal of odorous waste from site when identified;
- Limited hours of operation;
- Notification procedures to DER if offsite nuisance odour is detected; and
- Implementation of a complaints management system (QUEST).

The intent of this decision document is to assess potential environmental impacts of emissions and discharges associated with the operational phase at Tox Free involving chemical or oil recycling processes.



## 4 Decision table

All applications are assessed under the *Environmental Protection Act 1986*, the Environmental Protection Regulations 1987, DER's Policy Statement - Limits and targets for prescribed premises (2006) and the risk matrix attached to this decision document in Appendix A. Where other references have been used in making the decision they are detailed in the decision table.

OSC = Optional standard conditions

NSC = Non standard conditions

DERISION TABLE				
Licence Section	Condition number L= licence	OSC or NSC	Justification (including risk description and decision methodology where relevant)	Reference documents
General conditions	L1.2.5	OSC	Potential contamination of stormwater may occur during operation. OSC 1.2.5 has been included in the licence to ensure the licensee maintains sufficient infrastructure to direct stormwater from any possible contaminated sites.	Application supporting documentation. Environmental Protection (Unauthorised Discharges Regulations, 2004).
	L2.1.1		The only emission expected during operations at Tox Free is odour emissions. All waste received by the facility is separated into water and solid oily wastes. The water is disposed of at the City of Kalgoorlie-Boulder wastewater treatment plant and all solid waste is disposed of at an approved, licenced facility. All stormwater is also tested before being discharged according to the City of Kalgoorlie-Boulder's test criteria (Appendix B). Therefore odour conditions have been included on the licence.	General provisions of the <i>Environmental Protection Act 1986</i> .



**DERISION TABLE**

Licence Section	Condition number L= licence	OSC or NSC	Justification (including risk description and decision methodology where relevant)	Reference documents
Point source emissions to air including monitoring	L2.2 and L3	N/A	<p><b>Operation</b>  <i>Emission significance - 1</i>  <i>Socio-political context</i> – No concern or interest.  <i>Risk assessment</i> - E – no regulation, other management mechanisms.            No significant point source air emissions are expected during operation. Controls to prevent air emissions include an oil skimmer on a float switch which removes oil from discharge points, the use of carbon filters and an improved process to minimise oil reaching the triple interceptor. No specific conditions relating to point source emissions to air or the monitoring of these emissions are required to be added to the licence.</p>	<p>Application supporting documentation.            Environmental Protection (Unauthorised Discharges Regulations, 2004).</p>
Point source emissions to surface water including monitoring	L2.3 and L3		<p><b>Operation</b>  <i>Emission significance - 1</i>  <i>Socio-political context</i> – No concern or interest.  <i>Risk assessment</i> - E – no regulation, other management mechanisms.            No point source emissions to surface water are expected from the operations. All waste water is stored within bunded areas and any potentially contaminated stormwater is collected within bunded areas and treated within the onsite oil waste water treatment system. All waste water is disposed of to the City of Kalgoorlie-Boulder sewer system or licenced waste management facilities. No specific conditions relating to point source emissions to surface water or the monitoring of these emissions are required to be added to the licence.</p>	<p>Application supporting documentation.            General provisions of the <i>Environmental Protection Act 1986</i>.</p>



**DERISION TABLE**

Licence Section	Condition number L= licence	OSC or NSC	Justification (including risk description and decision methodology where relevant)	Reference documents
Point source emissions to groundwater including monitoring	L2.4 and L3		<p><b>Operation</b>  <i>Emission significance - 1</i>  <i>Socio-political context</i> – No concern or interest.  <i>Risk assessment - E</i> – no regulation, other management mechanisms.            There will be no point source emissions to groundwater during operation. No specific conditions relating to point source emissions to groundwater or the monitoring of such emissions are required to be added to the licence.</p>	<p>Application supporting documentation            Environmental Protection (Unauthorised Discharge) Regulations 2004</p>
Emissions to land including monitoring	L2.5 and L3		<p><b>Operation</b>  <i>Emission significance - 1</i>  <i>Socio-political context</i> – No concern or interest.  <i>Risk assessment - E</i> – no regulation, other management mechanisms.            No emissions to land are expected during operation. All solid waste is disposed of at licenced landfill facilities or waste management facilities. All waste is stored within bounded areas and waste water is discharged to the City of Kalgoorlie Boulder sewer system or licenced waste management facilities. All potentially contaminated stormwater is captured within bounded areas and treated onsite for suitable disposal. Therefore no specific conditions relating to point source emissions to land or the monitoring of such emissions are required to be added to the licence.</p>	<p>Application supporting documentation            General provisions of the <i>Environmental Protection Act 1986</i>  <i>Environmental Protection (Unauthorised Discharge) Regulations 2004</i></p>
Fugitive emissions	L2.5	N/A	<p><b>Operation</b>  <i>Emission significance - 1</i>  <i>Socio-political context</i> – No concern or interest.  <i>Risk assessment - E</i> – no regulation, other management mechanisms.            Dust and light emissions are unlikely to be generated during operation, therefore there are no conditions relating to fugitive emissions are included in the licence.</p>	<p>Application supporting documentation</p>



**DERISION TABLE**

Licence Section	Condition number L= licence	OSC or NSC	Justification (including risk description and decision methodology where relevant)	Reference documents
<b>Odour</b>	L2.7.1	OSC	<p><b>Operation</b></p> <p><i>Emission significance - 2</i></p> <p><i>Socio-political context</i> – Medium level concern or interest.</p> <p><i>Risk assessment - D</i> – other management mechanisms/licence conditions/ other regulatory tools.</p> <p>Odour is the main emissions controlled by this licence. An odour management plan has been implemented by Tox Free to minimise the effects of odour. Management of odour includes:</p> <ul style="list-style-type: none"> <li>• Identification of odorous waste streams during sales process;</li> <li>• Identification of odorous waste streams during site receipt process;</li> <li>• Diversion of odorous waste streams to alternative licensed premises;</li> <li>• Removal of odorous waste from site when identified;</li> <li>• Limited hours of operation (Mon-Fri 6am – 6pm);</li> <li>• Notification of DER if offsite nuisance odour detected; and</li> <li>• Implementation of a complaints management system.</li> </ul> <p>Odorous waste identified on site will be diverted to an alternative licensed facility. If the waste is impacting offsite, the waste will be removed as soon as practical on that business day.</p>	<p>Application supporting documentation</p> <p>Odour Assessment Standards for Management and Enforcement Actions Policy, 2010</p>
	L2.7.2	OSC	<p>The optional standard condition has been included to ensure the Odour Management Plan is reviewed every annual period to remain up to date.</p>	





**DERISION TABLE**

Licence Section	Condition number L= licence	OSC or NSC	Justification (including risk description and decision methodology where relevant)	Reference documents
<b>Noise</b>	L2.8	N/A	<p><b>Operation and Construction</b></p> <p><i>Emission significance - 1</i></p> <p><i>Socio-political context</i> – No concern or interest.</p> <p><i>Risk assessment</i> - E – no regulation, other management mechanisms.</p> <p>Noise emissions are not expected to have a significant impact offsite. No specific conditions relating to noise are required to be added to the licence.</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Noise) Regulations 1997</i></p>
<b>Monitoring general</b>	L3.1	N/A	<p>There are no monitoring conditions required to be included in the licence. All wastewater being discharged offsite to the City of Kalgoorlie Boulder reticulated sewer system is required to meet the parameters as set out by this authority as seen in Appendix B.</p>	<p>Application supporting documentation</p>
<b>Monitoring of inputs and outputs</b>	L3.6	N/A	<p>Monitoring of inputs and outputs is not required to ensure efficient operation of the plant and therefore no specific conditions relating to monitoring of inputs or outputs are required to be included in the licence.</p>	
<b>Process monitoring</b>	L3.7	N/A	<p>No specific conditions relating to process monitoring are required to be added to the licence.</p>	
<b>Ambient quality monitoring</b>	L3.8	N/A	<p>No specific conditions relating to monitoring of ambient environmental quality are required to be added to the licence.</p>	
<b>Meteorological monitoring</b>	L3.9	N/A	<p>The monitoring of weather patterns will not be required to ensure adequate management of operations.</p>	
<b>Improvements</b>	L4		<p>Environmental management measures proposed by Tox Free are adequate to control emissions from the premises. No specific improvement actions are required at this stage. DER will review the environmental performance of the premises to determine the need to include specific improvement conditions in the future. No improvement requirements have been identified for the operation of the premises.</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p>Application supporting documentation</p>



**DERISION TABLE**

Licence Section	Condition number L= licence	OSC or NSC	Justification (including risk description and decision methodology where relevant)	Reference documents
Information	L5	N/A	Standard conditions relating to the management of records and complaints, notification requirements and the submission of an annual audit compliance report and annual environmental report have been added to the licence. The licensee is also required to record oily waste receipt inventory including the volume of each load received at the premises and origin of each load of waste oil to be submitted as part of the annual environmental report.	General provisions of the <i>Environmental Protection Act 1986</i> .

**5 Advertisement and consultation table**

Date	Event	Comments received/Notes	How comments were taken into consideration
23/09/2013	Application advertised in <i>The West Australian</i>	No comments received	
27/08/2013	Proponent sent a copy of draft instrument	Request to remove the words 'convenience and comfort' from condition 2.7.1.	Odour condition 2.7.1 was revised to remain consistent with other Tox Free licences. The words 'convenience and comfort' were removed from the condition.



## Appendix A

### EMISSIONS AND DISCHARGES RISK ASSESSMENT MATRIX

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

**Table 3: 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%

**Table 4: 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).

**Table 5: 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



## Appendix B

All waste water being discharged offsite to the City of Kalgoorlie Boulder reticulated sewer system is required to meet the parameters as set out by this authority as seen below.

Waste Component	Test Criteria For Discharge Into the City Kalgoorlie Sewer
Alkali and alkaline earth metals (sodium, potassium, calcium, magnesium)	see TDS Calcium above 100mg/L should be assessed for scaling potential
Aluminium	100mg/L
Ammonia	200mg/L if pH less than 8 50mg/L if pH greater than 8
Biochemical oxygen demand (BOD <sub>5</sub> )	3000mg/L
Boron	10mg/L
Bromine and Iodine	Sum of bromine and iodine must not exceed 10mg/L
Chlorine	10mg/L as residual chlorine
Chemical oxygen demand (COD)	Max concentration 6000mg/L
Colour	No discharge shall be permitted which contains colour that would interfere with wastewater treatment or disposal
Cyanide	3mg/L weak acid dissociable cyanide. Mass load not to raise total cyanide level at inlet to WWTP by more than 0.01mg/L
Flammable materials	Prohibited
Fluoride	10mg/L
Glutaraldehyde	1000mg/L
Heavy metals	Mass limit 1kg/d
Iron	100mg/l
Kjeldahl nitrogen	Mass limit 1kg/d
Oil and grease	No free floating. No unstable emulsions. Maximum concentration of emulsified oil and grease 100mg/l
pH	6 - 10
Phosphorus	Mass limit 0.5kg/d
Sulphate	Sum of sulphate, sulphite, and thiosulphate not to exceed 600mg/L as sulphur
Sulphide	5mg/L
Sulphite	Sum of sulphate, sulphite, and thiosulphate not to exceed 600mg/L as sulphur
Suspended solids	No readily settleable solids which are likely to accumulate in the wastewater collection system. Maximum concentration 1500mg/L
Temperature	Max 38C
Thiosulphate	Sum of sulphate, sulphite, and thiosulphate not to exceed 600mg/L as sulphur
Total dissolved solids (TDS)	Conductivity below 150mS/m is acceptable. Where conductivity is greater than 150mS/m or mass load of dissolved solids exceeds 50kg/d, acceptance will be determined on a case by case basis
Total petroleum hydrocarbons (TPH)	10mg/l