



Application for Licence Amendment

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L8991/2016/1
Licence Holder	Cleanaway Co Pty Ltd
ACN	127 853 561
File Number	DER2016/001473-1
Premises	Cleanaway Kimberley Resource Recovery Centre 18 Archer Street MINYIRR WA 6725 Legal description - Lot 25 on Diagram 93915
Date of Amendment and Amalgamation	17 August 2020

Tracey Hassell

A/MANAGER

WASTE INDUSTRIES

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

1. Definitions of terms and acronyms

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

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Amendment Report	Refers to this document
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
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.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
Licence Holder	Cleanaway Co Pty Ltd
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.

2. Premises and amendment description

Licence L8991/2016/1 was issued to Tox Free Australia Pty Ltd (Licence Holder) for the Toxfree Kimberley Resource Recovery Centre (the Premises), located at 18 Archer Street, Minyirr in Broome.

On 16 July 2020, the Licence Holder submitted an application to the department to amend Licence L8991/2016/1 under section 59(2) of the *Environmental Protection Act 1986* (EP Act). The requested amendment is limited to updating the Licence Holder name, registered business address and the Premises name.

In accordance with section 59(2) of the EP Act, the CEO has taken the initiative to amend this Licence under section 59(1)(f) to make an administrative change to the format of the licence to amalgamate changes made under the following amendment notices:

- *Amendment Notice 1*, issued 20/09/2018.

The CEO has also taken the initiative to resolve any clerical errors, miscalculations, or misdescriptions identified, in accordance with section 59(1)(e). These updates include updating DWER's contact details.

This process will not alter the obligations of the Occupier of the Premises to which the Licence relates.

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

- Guidance Statement: Regulatory Principles (July 2015)
- Guidance Statement: Decision Making (June 2019)

2.1 Premises description

Cleanaway Co Pty Ltd (Cleanaway) currently operates a Materials Recovery Facility (MRF) at 18 Archer Street, Broome. The MRF provides waste collection, recycling and processing services for a variety of commercial, industrial and domestic settings.

The operations on site currently comprise a materials handling facility, transit of controlled wastes and sorting, separating and packaging of recyclable materials for reprocessing. Infrastructure already on site includes administration buildings, a workshop, a vehicle wash down area, a 55,000L bunded storage tank, a 35,000L self bunded waste oil storage tank, four 2,000L in-ground sumps, temporary storage area for Intermediate Bulk Containers (IBCs), staff lunch room, corrugated iron shed (used for the MRF) as well as parking, storage and lay down areas.

The Applicant proposes to operate the dedicated MRF in conjunction with the Container Deposits Scheme (CDS) where recyclable commingled materials collected from households and commercial businesses are fed along a receivable belt and processed by separators into specific streams of glass, ferrous metal, aluminium, clear plastics (Code 1) and other plastics (Code 2), mixed paper and cardboard. Once sorted the material is baled for transportation to recycling markets for re-processing into new products or disposed to a licensed landfill. All infrastructure and equipment to be used for the CDS are pre-existing onsite.

The maximum production and design capacity for the LWF will be 10,000 tonnes per annual period while the maximum production and design capacity of the MRF will be 10,000 tonnes per annual period. Liquid wastes, including oily water, waste oil and wash water, will be stored onsite, in bulk and packaged form, pending transportation by licensed carriers to an authorised waste disposal site. Recyclable products received via CDS are included in the existing approved production throughput for the MRF under category 62.

Cleanaway hold a Controlled Waste Bulk and Packaged Carrier Licence (No. T00700) for the carriage of controlled wastes within Western Australia in accordance with the *Environmental*

Protection (Controlled Waste) Regulations 2004. Under the Controlled Waste Licence, the site is licensed for the carriage of Bulk Controlled Waste and Packaged Controlled Waste.

Table 2 lists the prescribed premises categories that are current on Licence L8991/2016/1.

Table 2: Prescribed Premises Categories in the approved Licence

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.	10 000 tonnes per annum
Category 62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	10 000 tonnes per annum

2.2 Amendment history

Table 3 provides the amendment history for Licence L8991/2016/1.

Table 3: Licence amendment history

Instrument	Issued	Description
L8991/2016/1	26/09/2016	Licence
L8991/2016/1	20/09/2018	Amendment Notice 1 Licence Holder initiated amendment to add two controlled waste types K110 and K210
L8991/2016/1	17/08/2020	Licence Holder initiated amendment to alter the Licensee, registered business address and Premises name. DWER initiated revision of the licence to amalgamate previous licence version and amendment notice issued from 2016 to 2018.

2.3 Licence amalgamation

As part of the re-formatting of the licence, a licence conversion map is provided in Table 4 to show the translation of conditions from the current licence (Attachment 2) and Amendment Notice (Attachment 3) to the proposed new licence.

Table 4: Licence conversion map for new licence format

Existing licence condition	Condition summary	Proposed licence condition	Conversion notes
N/A	Licence Holder	N/A	Updated in accordance with this Licence Amendment
N/A	Registered business address	N/A	Updated in accordance with this Licence Amendment
N/A	Premises name	N/A	Updated in accordance with this Licence Amendment

Existing licence condition	Condition summary	Proposed licence condition	Conversion notes
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.3	Australian or other standard	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.4	Reference to code of practice	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.2.1 Table 1.2.1	Waste acceptance	1 Table 1	Updated in accordance with Amendment Notice 1. New numbering
1.2.1	Waste that does not meet the waste acceptance criteria	2	New numbering
1.2.2 Table 1.2.2	Waste processing	3 Table 2	Updated in accordance with Amendment Notice 1. New numbering
1.2.4 Table 1.2.3	Containment infrastructure	4 Table 3	New numbering
2.1.1 Table 2.1.1	Monitoring	5 Table 4	New numbering
3.1.1 to 3.1.3	Records and Reporting	6 – 8	New numbering
3.2.1, 3.2.2 Table 3.2.1	Annual Environmental Report	9 – 10 Table 5	New numbering
3.3.1 Table 3.3.1	Notification	11 Table 6	New numbering
Schedule 2 Reporting & notifications	Form N1 Notification	N/A	Redundant attachment. Deleted from Licence Forms accessed at www.dwer.wa.gov.au

3. Decision

The Delegated Officer considers the amendment of this Licence is administrative in nature for the purpose of amending the Licence Holder name, registered business address, Premises name and amalgamating previous licence versions and amendment notices into one consolidated Licence.

The administrative changes applied to this Licence have been performed in accordance with sections 59(1)(e) and 59(1)(f) of the EP Act.

Section 105(b) of the EP Act advises amendments performed under section 102(2) for the amendment of a Licence by correcting it under section 59(1)(e), (f), (h), (i) or (j) are not subject to appeal.

4. Licence Holder's comments

The Licence Holder was provided with the draft Amalgamation Report on 4 August 2020. The Licence Holder advised of the new premises name and waived the remaining comment period on 14 August 2020.

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 www.der.wa.gov.au
2.	Amendment Notice 1: Licence L8991/2016/1 – Tox Free Kimberley Resource Recovery Centre	L8991/2016/1	accessed at www.der.wa.gov.au
3.	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
4.	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
5.	DER, May 2016. <i>Guidance Statement: Publication of Annual Audit Compliance Reports</i> . Department of Environment Regulation, Perth.	DER 2016a	
6.	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016b	
7.	DER, September 2016. <i>Guidance Statement: Environmental Standards</i> . Department of Environment Regulation, Perth.	DER 2016c	
8.	DER, November 2016. <i>Guidance Statement: Environmental Siting</i> . Department of Environment Regulation, Perth.	DER 2016d	
9.	DER, February 2017. <i>Guidance Statement: Land Use Planning</i> . Department of Environment Regulation, Perth.	DER 2017a	
10.	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017b	
11.	DWER, June 2019. <i>Guideline: Decision Making</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019a	
12.	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019b	
13.	DWER, June 2019. <i>Guideline: Odour Emissions</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019c	

Attachment 1: Granted Licence L8991/2016/1 (12 June 2020)

(Provided separately to this report)

Attachment 2: Original Licence L8991/2016/1 (26/09/2016)



Government of Western Australia
Department of Environment Regulation

Licence

Environmental Protection Act 1986, Part V

Licensee: Tox Free Australia Pty Ltd

Licence: L8991/2016/1

Registered office: Level 5, 55 Carrington Street
NEDLANDS WA 6009

ACN: 127 853 581

Premises address: Tox Free Kimberley Resource Recovery Centre
Lot 25, 18 Archer Street, Broome WA 6725
as depicted in Schedule 1

Issue date: Thursday, 22 September 2016

Commencement date: Monday, 26 September 2016

Expiry date: Thursday, 25 September 2036

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
61	Liquid waste facility: premises on which liquid waste produced on others premises (other than sewage waste) is stored, reprocessed, treated or irrigated.	100 tonnes or more per year	10,000 tonnes per annual period
62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	500 tonnes or more per year	10,000 tonnes per annual period

Conditions

This licence is subject to the conditions set out in the attached pages.

Date signed: 22 September 2016

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Steve Checker
Manager Licensing (Waste Industries)
Officer delegated under section 20

Environmental Protection Act 1986
Licence: L8991/2016/1
File Number: DER2016/001473

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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 advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within 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.

Other Guidelines which you should be aware of include:

- *Western Australian Guidelines for Biosolids Management*, Department of Environment and Conservation, December 2012 (as amended from time to time).

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.

Ministerial conditions

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

Premises description and Licence summary

Tox Free Australia Pty Ltd (Tox Free) operates a Materials Recovery Facility (MRF) at 18 Archer Street, Broome, within an area zoned as "Light and Service Industry". The MRF provides waste collection, recycling and processing services for a variety of commercial, industrial and domestic settings.

The operations on site currently comprise a materials handling facility, transit of controlled wastes and sorting, separating and packaging of recyclable materials for reprocessing. Infrastructure already on site includes administration buildings, a workshop, a vehicle wash down area, a 55,000L bunded storage tank, a 35,000L self bunded waste oil storage tank, four 2,000L in-ground sumps, temporary storage area for Intermediate Bulk Containers (IBCs), staff lunch room, corrugated iron shed (used for the MRF) as well as parking, storage and lay down areas.

Tox Free hold a Controlled Waste Bulk and Packaged Carrier Licence (No. T00700) for the carriage of controlled wastes within Western Australia, in accordance with the *Environmental Protection (Controlled Waste) Regulations 2004*. Under the Controlled Waste Licence, the site is licensed for the carriage of Bulk Controlled Waste and Packaged Controlled Waste.

Tox Free have applied to DER for a licence to operate the Category 61 Liquid Waste Facility (LWF) constructed under works approval W5548/2013/1 and Category 62 Solid Waste Depot for the MRF. Liquid wastes, including oily water, waste oil and wash water, will be stored onsite, in bulk and packaged form, pending transportation by licensed carriers to an authorised waste disposal site. Works Approval W5548/2013/1 did not originally assess the MRF, however due to policy changes, operation of the MRF will be assessed for this licence application.

The main potential emissions from the premises are stormwater, dust, noise and odour.

This Licence is for the operation of an existing facility, upgraded under works approval W5548/2013/1.

The licences and works approvals issued for the Premises since 16/01/2014 are:

Instrument log		
Instrument	Issued	Description
W5548/2013/1	16/01/2014	New works approval application
W5548/2013/1	05/06/2014	Amendment to Transfer Occupier
L8991/2016/1	22/09/2016	New Licence



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:

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

'annual period' means a 12 month period commencing 1 January and ending 31 December in each year;

'CEO' means Chief Executive Officer of the Department of Environment Regulation;

'CEO' for the purposes of notification and correspondence means:

Chief Executive Officer
Department Div.3 Pt.V EP Act
Locked Bag 33 Cloisters Square
Perth WA 6850
info@der.wa.gov.au

'Compliance Report' means a report in a format approved by the CEO as presented by the Licensee or as specified by the CEO from time to time and published on the Department's website.

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

'Department' means the department established under s.35 of the Public Sector Management Act and designated as responsible for the administration of Division 3 Part V of the *Environmental Protection Act 1986*;

'hardstand' means a surface with a permeability of 10^{-9} metres/second or less;

'Inert Waste Type 1' has the meaning defined in Landfill Definitions;

'Inert Waste Type 2' has the meaning defined in Landfill Definitions;

'Licence' means this Licence numbered L8991/2016/1 and issued under the Act;

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

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

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

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

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



'Waste Code' means the Waste Code assigned to the type of controlled waste for purposes of waste tracking and reporting as specified in the Department of Environment Regulation 'Controlled Waste Category List' (April 2015), as amended from time to time.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

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 in force from time to time, and shall include any amendments or replacements to that guidelines or code of practice made during the term of this Licence.

1.2 Premises operation

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 ¹
Inert waste type 1	N/A	Combined total of 10,000 tonnes per annual period	<ul style="list-style-type: none"> Scrap metal and aluminium cans. Directed to the Materials Recycling Facility Shed Reveal Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.
Inert waste type 2	N/A		<ul style="list-style-type: none"> Glass, HDPE and PET plastics. Directed to the Materials Recycling Facility Shed Reveal Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.
Putrescible waste	N/A		<ul style="list-style-type: none"> Paper and cardboard. Directed to the Materials Recycling Facility Shed Reveal Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.
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 water	J120		
Wash Water	L100		

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

1.2.2 The Licensee shall ensure that where waste does not meet the waste acceptance criteria set out in condition 1.2.1 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.



- 1.2.3 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 water		
Wash Water		

- 1.2.4 The Licensee shall ensure that waste material is only stored and/or treated within vessels or compounds provided with the infrastructure detailed in Table 1.2.3.

Table 1.2.3: Containment infrastructure

Vessel or compound reference (as shown in Schedule 1)	Material	Requirements
T1- 55,000 litre above ground tank	Waste oily water	Sealed tank within a bunded hardstand area lined to achieve a permeability of less than 10^{-9} m/s or equivalent and capable of preventing surface run-off from entering the bunded hardstand
T2- 35,000 litre above ground tank	Waste oil	Self- bunded tank within a hardstand area lined to achieve a permeability of less than 10^{-9} m/s or equivalent.
T3- Packaged Transit Area – maximum of 40 IBC's stored at any one time	Waste oil, Oily Water or wash water	Bunded hardstand area lined to achieve a permeability of less than 10^{-9} m/s or equivalent and capable of preventing surface run-off from entering the bunded hardstand
T4 - Materials Recycling Facility Shed	Inert and putrescible recyclable material	Hardstand area lined to achieve a permeability of less than 10^{-9} m/s or equivalent.



2 Monitoring

2.1 Monitoring of inputs and outputs

2.1.1 The Licensee shall undertake the monitoring in Table 2.1.1 according to the specifications in that table.

Table 2.1.1: Monitoring of inputs and outputs				
Input/Output	Parameter	Units	Averaging period	Frequency
Waste Input	Solid wastes: all solid waste as specified in Table 1.2.1 Liquid wastes: all liquid waste as specified in Table 1.2.1	tonnes or m ³	N/A	Each load arriving at the Premises
Waste Output	Solid wastes: waste types as defined in the Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009) Liquid wastes: all liquid waste as specified in Table 1.2.1			Each load leaving the Premises

3 Information

3.1 Records

- 3.1.1 All information and records required by the Licence shall:
- (a) be legible;
 - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
 - (c) except for records listed in 3.1.1(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
 - (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.
- 3.1.2 The Licensee must submit to the CEO within 60 days after the end of the annual period, a Compliance Report indicating the extent to which the Licensee has complied with the Conditions in this Licence for the Annual Period.
- 3.1.3 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.



3.2 Reporting

- 3.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 60 calendar days after the end of the annual period. The report shall contain the information listed in Table 3.2.1 in the format or form specified in that table.

Table 3.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
Table 2.1.1	Monitoring of inputs and outputs	None specified
3.1.2	Compliance	Annual Audit Compliance Report (AACR)
3.1.3	Complaints summary	None specified

- 3.2.2 The Licensee shall ensure that the Annual Environmental Report also contains an assessment of the information contained within the report against previous monitoring results and Licence limits.

3.3 Notification

- 3.3.1 The Licensee shall ensure that the parameters listed in Table 3.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 3.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form ²
1.2.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next working day Part B: As soon as practicable	N1

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

Note 2: Forms are in Schedule 2

Premises map

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





Map of storage locations

The location of the storage areas defined in Table 1.2.3 is shown below.





Licence: L8991/2016/1
Form: N1

Licensee: Tox Free Australia Pty Ltd
Date of breach:

Notification of detection of the breach of a limit.

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	Tox Free Australia Pty Ltd
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
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	



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 Tox Free Australia Pty Ltd	
Date	

Attachment 3: Amendment Notice 1: L8991/2016/1 (20/09/2018)



Licence Number	L8991/2016/1
Licence Holder	Tox Free Australia Pty Ltd
ACN	127 853 581
File Number:	DER2016/001473-1
Premises	Tox Free Kimberley Resource Recovery Centre Lot 25, 18 Archer Street, Broome WA 6725
Date of Amendment	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.

Jarrod Abrahams

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 info@dwer.wa.gov.au
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 (WA)</i>
EP Noise Regs	<i>Environmental Protection (Noise) Regulations 1997</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
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	Dust: associated with operation of the facility.	Residential sensitive receptors: The closest sensitive residential receptor is approximately 800m north.	Air/ Wind: Dust generated by light and heavy vehicles at the Premises	Elevated particulates (PM ₁₀ and PM _{2.5}) can impact health and amenity of sensitive receptors	Slight	Unlikely	Low	<p>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.</p> <p>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.</p>

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning
Source/Activities	Potential Emissions	Potential Receptors	Potential Pathway	Potential Adverse Impacts				
	Noise: associated with operation of the facility.	Residential sensitive The closest sensitive residential receptor is approximately 800m north.	Air/ Wind: 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 is 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>
	Odour: associated with the storage and transfer of liquid waste	Residential sensitive receptors: The closest sensitive residential receptor is approximately 800m north.	Air/ Wind: 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 (Causing pollution and unreasonable emissions).</p>
	Leachate: Spills and Infiltration from the operation of the facility	Groundwater Local soils within the Premises	Land and groundwater – 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 6m.</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

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 ¹
Inert waste type 1	N/A	Combined total of 10,000 tonnes per annual period	<ul style="list-style-type: none"> Scrap metal and aluminium cans. Directed to the Materials Recycling Facility Shed Receiving Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.
Inert waste type 2	N/A		<ul style="list-style-type: none"> Glass, HDPE and PET plastics. Directed to the Materials Recycling Facility Shed Receiving Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.
Putrescible waste	N/A		<ul style="list-style-type: none"> Paper and cardboard. Directed to the Materials Recycling Facility Shed Receiving Conveyor for sorting or stored temporarily until delivery to the Materials Recycling Facility Shed.
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 and water mixtures or emulsions, and hydrocarbon and water mixtures or emulsions	J120		
Car and truck wash water	L100		
Waste from grease traps	<u>K110</u>		
Septage waste	<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 and water mixtures or emulsions, and hydrocarbon and water mixtures or emulsions		
Car and truck wash water		
Waste from grease traps		
Septage waste		

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 www.dwer.wa.gov.au
2	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
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	