



Licence Number	L9054/2017/1
Licence Holder	Tox Free Australia Pty Ltd
ACN	127 853 561
Registered business address	Tox Free Australia Pty Ltd Level 1, 31 Cliff Street FREMANTLE WA 6160
File Number	DER2017/000500
Duration	01/05/2018 to 30/04/2020
Date of issue	01/05/2018
Prescribed Premises	Category 61 – Liquid waste facility
Premises	Tox Free Tom Price Lease Lot 12D, Mine Road Tom Price Light Industrial Area Part of Lot 19 on Deposited Plan 241873 Certificate of Title Volume 3138 Folio 610 As defined by the coordinates in Schedule 1

This Licence is granted to the Licence Holder, subject to the following conditions, on 30/04/2018, by:

Date signed: 1 May 2018

Rebecca Kelly

MANAGER LICENSING (WASTE INDUSTRIES)

REGULATORY SERVICES (ENVIRONMENT)

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

Explanatory notes

These explanatory notes do not form part of this Licence.

Defined terms

Definition of terms used in this Licence can be found at the start of this Licence. Terms which are defined have the first letter of each word capitalised throughout this Licence.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986* (WA) (EP Act). The Department also monitors and audits compliance with licences, takes enforcement action and develops and implements licensing and industry regulation policy.

Licence

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased, or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered, or permitted to be altered, from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987* (WA) (EP Regulations).

This Licence does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The Licence Holder must comply with the Licence. Contravening a Licence Condition is an offence under s.58 of the EP Act.

Responsibilities of a Licence Holder

Separate to the requirements of this Licence, general obligations of Licence Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Licence Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under section 61; and
- 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 (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Licence Holder has a duty to report to DWER all discharges of waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences, including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Licence Holder commits an offence if Emissions are caused, or altered from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a Closure Notice or an Environmental Protection Notice.

Defences to certain offences may be available to a Licence Holder and these are set out in the EP Act. Section 74A(b)(iv) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Licence Holder can prove that an Emission or Discharge occurred in accordance with a Licence.

This Licence specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of Specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The Specified and General Emissions and Discharges from Primary Activities conducted on the Prescribed Premises are authorised to be conducted in accordance with the Conditions of this Licence.

Emissions and Discharges caused from other activities not related to the Primary Activities at the Premises have not been Conditioned in this Licence. Emissions and Discharges from other activities at the Premises are subject to the general provisions of the EP Act.

Amendment of licence

The Licence Holder can apply to amend the Conditions of this Licence under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Licence at any time on the initiative of the CEO without an application being made.

Amendment Notices constitute written notice of the amendment in accordance with s.59B(9) of the EP Act.

Duration of Licence

The Licence will remain in force for the duration set out on the first page of this Licence or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

Suspension or revocation

The CEO may suspend or revoke this Licence in accordance with s.59A of the EP Act.

Fees

The Licence Holder must pay an annual licence fee. Late payment of annual licence fees may result in the licence ceasing to have effect. A licence that has ceased to have effect due to non-payment of annual licence fees continues to exist; however, it ceases to provide a defence to an offence under s.74A of the EP Act.

Late fees are a component of annual licence fees and should a Licence Holder fail to pay late fees within the time specified the licence will similarly cease to have effect.

Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Annual Period	means a 12 month period commencing from 1 January until 31 December.
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
Books	has the same meaning given to that term under the EP Act.
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
Compliance Report	means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO (guidelines and templates may be available on the Department's website).
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.
Department Request	means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Licence Holder in writing and sent to the Licence Holder's address for notifications, as described at the front of this Licence, in relation to: <ul style="list-style-type: none">(a) compliance with the EP Act or this Licence;(b) the Books or other sources of information maintained in accordance with this Licence; or(c) the Books or other sources of information relating to Emissions from the Premises.
Discharge	has the same meaning given to that term under the EP Act.
DWER	Department of Water and Environmental Regulation.

Emission	has the same meaning given to that term under the EP Act.
Environmental Harm	has the same meaning given to that term under the EP Act.
EP Act	means the <i>Environmental Protection Act 1986</i> (WA).
EP Regulations	means the <i>Environmental Protection Regulations 1987</i> (WA).
Implementation Agreement or Decision	has the same meaning given to that term under the EP Act.
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Licence	refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions.
Licence Holder	refers to the occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Pollution	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Primary Activities	refers to the Prescribed Premises activities listed on the front of this Licence as described in Schedule 2, at the locations shown in Schedule 1.
Reportable Event	means an exceedance above the target limit specified in Column 4 of Table 6, in Schedule 3.
Serious Environmental Harm	has the same meaning given to that term under the EP Act.
Unreasonable Emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.

Interpretation

In this Licence:

- (a) the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) any reference to an Australian or other standard, guideline or code of practice in this Licence means the version of the standard, guideline or code of practice in force at the time of granting of this Licence and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Licence; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Emissions

1. The Licence Holder must not cause any Emissions from the Primary Activities on the Premises except for specified Emissions and general Emissions described in Column 1 of Table 2 subject to the exclusions, limitations or requirements specified in Column 2 of Table 2.

Table 2: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Specified Emissions	
Liquid waste emission	Subject to compliance with Conditions 2, 3, 4, 5 and 6
General Emissions (excluding Specified Emissions)	
Emissions which arise from the Primary Activities set out in Schedule 2	<p>Emissions excluded from General Emissions are:</p> <ul style="list-style-type: none">• Unreasonable Emissions; or• Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or• Discharges of Waste in circumstances likely to cause Pollution; or• Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or• Emissions or Discharges which do not comply with an Approved Policy; or• Emissions or Discharges which do not comply with a prescribed standard; or• Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or• Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials discharged under the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.

Infrastructure and equipment

2. The Licence Holder must ensure that the infrastructure and equipment specified in Column 1 of Table 3 is maintained in good working order and operated in accordance with the requirements specified in Column 2 of Table 3.

Table 3: Infrastructure and equipment controls table

Column 1	Column 2
Site infrastructure and equipment	Operational requirements
Bunded concrete hardstand	Permeability of less than 1.0×10^{-9} m/sec. Capable of containing 8,400L of liquid within the bunded area.
Fencing	To completely enclose the Premises and be capable of being securely locked.
Compacted gravel surfaces	N/A

Waste acceptance and storage

3. The Licence Holder must only accept wastes at the Premises if it is of a type specified in Column 1 of Table 4 and is below the quantity specified in Column 2 of Table 4.

Table 4: Waste Acceptance table

Column 1	Column 2
Waste Type	Quantity Limit
Liquid Wastes: <ul style="list-style-type: none">J100 Waste mineral oils unfit for their intended purposeJ120 Waste oil and water mixtures or emulsions and hydrocarbon and water mixtures or emulsions	Combined limit of: <ul style="list-style-type: none">620 tonnes per annual period; and6000 litres at any one time.

4. The Licence Holder must only store liquid wastes within IBC containers on the designated bunded hardstand area (marked as 'fabric covered roof' in Schedule 1).

Specified actions

5. The Licence Holder must immediately clean any spills of waste on the Premises.
6. The Licence Holder must securely lock the Premises when not attended.

Record-keeping

- 7.** The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:
- (a) the calculation of fees payable in respect of this Licence; and
 - (b) the maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition 2 of this Licence;

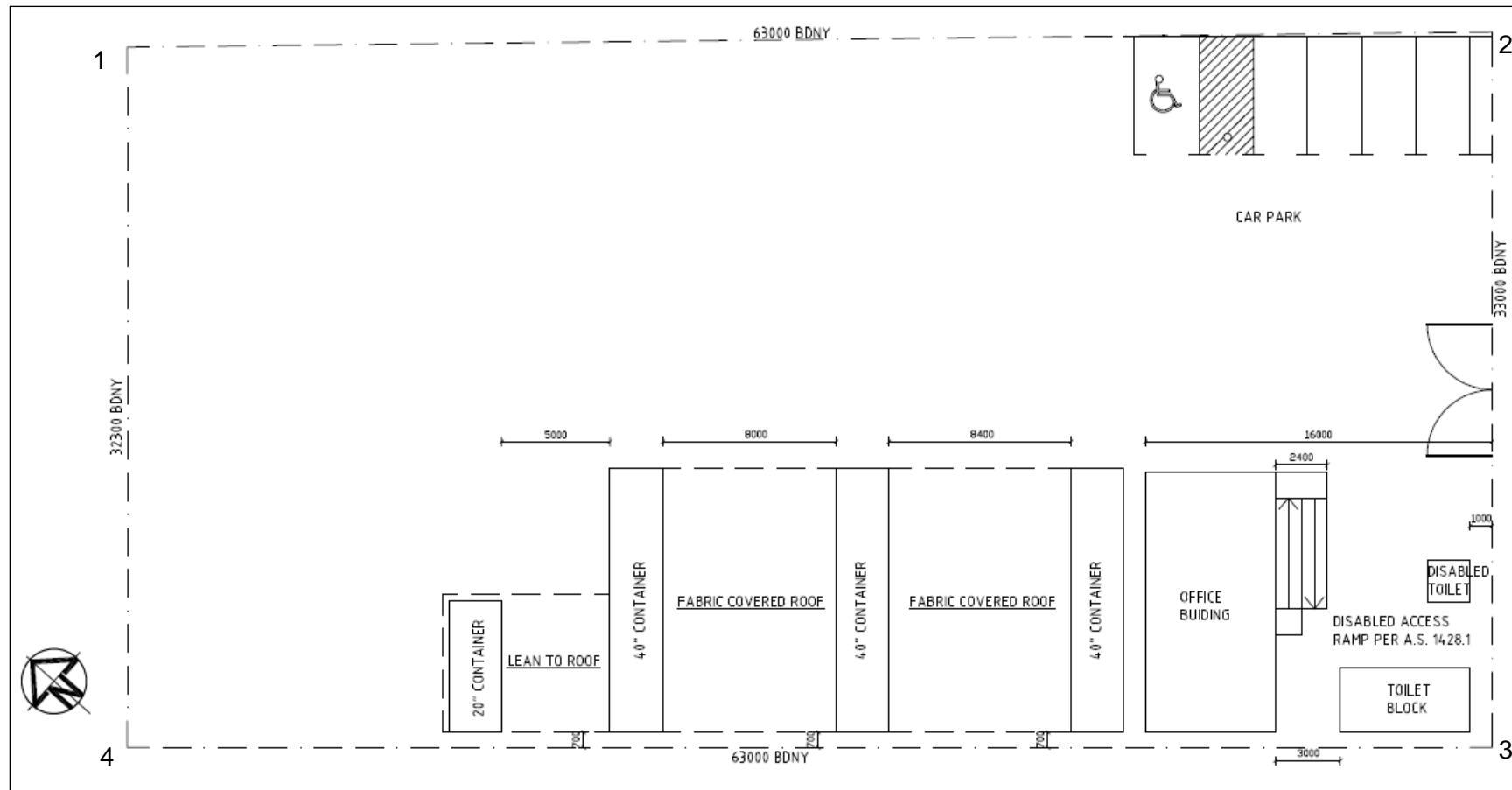
In addition, the Books must:

- (c) be legible;
 - (d) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
 - (e) be retained for at least 3 years from the date the Books were made; and
 - (f) be available to be produced to an Inspector or the CEO.
- 8.** The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:
- (a) an accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
 - (b) the name and contact details of the complainant, if provided by the complainant;
 - (c) the date of the complaint; and
 - (d) the details and dates of the actions taken by the Licence Holder in response to the complaints.
- 9.** The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

Schedule 1: Maps and Boundary

Premises map

The Premises are shown in the map below.



Premises boundary

The Premises boundary is defined by the coordinates in Table 5.

Table 5: Premises boundary coordinates

Point	Latitude	Longitude
1	117.78042	-22.724868
2	117.78098	-22.725163
3	117.78081	-22.725431
4	117.78025	-22.725134

Schedule 2: Primary Activities

At the time of assessment, Emissions and Discharges from the following Primary Activities were considered in the determination of the risk and related Conditions for the Premises.

The Primary Activities are listed in Table 6:

Table 6: Primary Activities

Primary Activity	Premises production or design capacity
Category 61 – Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated, or discharged onto land.	620 tonnes per year

Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is listed in Condition 2.

Site layout

The Primary Activity infrastructure and equipment is set out on the Premises in accordance with the site layout specified on the Premises map in Schedule 1.



Application for Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number L9054/2017/1

Applicant Tox Free Australia Pty Ltd

ACN 127 853 561

File Number DER2017/000499

Premises Tox Free Tom Price
Lease Lot 12D, Mine Road
Tom Price Light Industrial Area
Part of Lot 19 on Deposited Plan 241873
Certificate of Title Volume 3138 Folio 610
As defined by the coordinates in Schedule 1 of the Licence

Date of Report 01/05/2018

Status of Report Final

Table of Contents

1. Definitions of terms and acronyms	3
2. Purpose and scope of assessment	4
2.1 Application details	4
3. Overview of Premises	4
3.1 Application	4
3.2 Operational aspects	4
3.3 Infrastructure	5
3.4 Exclusions to the Premises	6
4. Legislative context	6
4.1 Lease agreement	6
4.2 Planning approvals	6
4.3 Part V of the EP Act	6
4.3.1 Applicable regulations, standards and guidelines	6
5. Consultation	6
6. Location and siting	7
6.1 Siting context	7
6.2 Residential and sensitive premises	8
6.3 Groundwater and water sources	8
6.4 Soil type	8
7. Risk assessment	9
7.1 Determination of emission, pathway and receptor	9
7.2 Consequence and likelihood of risk events	11
7.3 Acceptability and Treatment of Risk Event	12
7.4 Risk assessment – liquid waste emissions	12
7.4.1 Description of liquid waste emissions	12
7.4.2 Identification and general characterisation of emission	12
7.4.3 Description of potential adverse impact from the emission	12
7.4.4 Criteria for assessment	12
7.4.5 Applicant/Licence Holder controls	13
7.4.6 Key findings	13
7.4.7 Consequence	13
7.4.8 Likelihood of Risk Event	13
7.4.9 Overall rating of liquid waste emissions	13
7.5 Summary of acceptability and treatment of Risk Events	14
8. Regulatory controls	15

8.1	Licence controls	15
8.1.1	Infrastructure and equipment.....	15
8.1.2	Waste acceptance and storage	15
8.1.3	Specified actions	16
9.	Determination of Licence conditions	16
10.	Applicant's comments.....	17
11.	Conclusion	17
Appendix 1: Key documents		

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.
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>
Licence Holder	Tox Free Australia Pty Ltd
m ³	cubic metres
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
Primary Activities	as defined in Schedule 2 of the Revised Licence
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

Tox Free Australia Pty Ltd (the Applicant) submitted a Licence application to DWER on the 5 April 2017 to operate a Category 61 Liquid Waste Facility on part of lot 19 (Lease Lot 12D), Mine Road, Tom Price.

A works approval application was also submitted to DWER on 5 April 2017 as the Applicant intended to install a wash bay. On the 29 November 2017 the Applicant requested the works approval application be withdrawn as they no longer intend to construct the wash bay.

The Delegated Officer has assessed the potential environmental and public health impacts of the licence application and this is documented through this Decision Report.

2.1 Application details

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 form	05 April 2017
Additional information	10 May 2017
Quotation	12 May 2017
Confirmation of application categories	15 May 2017
Additional information	20 July 2017
Request to withdraw works approval application and draft lease agreement	29 November 2017
Planning approval documentation	01 March 2018
Signed Lease agreement	20 April 2018

3. Overview of Premises

3.1 Application

The Applicant currently operates at the Premises, offering a range of waste disposal services.

Table 3 lists the prescribed premises categories that have been applied for.

Table 3: Prescribed Premises Categories in the Existing Licence

Classification of Premises	Description	Approved Premises production throughput
Category 61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated, or discharged onto land	620 tonnes per year

3.2 Operational aspects

The Applicant provides waste management services to Rio Tinto Iron Ore mining operations at the Tom Price Mine Site. These services were originally carried out at the mine site before

being relocated to the current Premises within the Tom Price Light Industrial Area. The Premises has been in operation until now as a consolidation point for small volumes of waste oils and wash waters (controlled waste categories J100 and J120) prior to being transported off-site on a weekly basis for treatment or disposal at a licensed waste facility (currently a facility in Port Hedland). The Applicant intends to increase the volume of these waste oils being stored at the Premises to 620 tonnes per annual period and will therefore become a Prescribed Premises. The Applicant has advised that the maximum volume of waste oils to be stored at any one time is 6,000 litres. No consolidation or mixing of the wastes currently occurs however this decision report includes the potential for consolidation or mixing to occur in the future at the request of the Applicant.

3.3 Infrastructure

The facility infrastructure, as it relates to Category 61 activities, is detailed in Table 4 and with reference to the Site Map in Figure 1.

Table 4 lists infrastructure associated with each prescribed premises category.

Table 4: Liquid waste facility Category 61 infrastructure

	Infrastructure	Site Plan Reference
	Current	
1	Storage infrastructure with concrete flooring and 100mm concrete bunding 2 x 8.4m x 12m undercover area 1 x 5m x 6m undercover area	Fabric covered roof
2	Fencing	Boundary

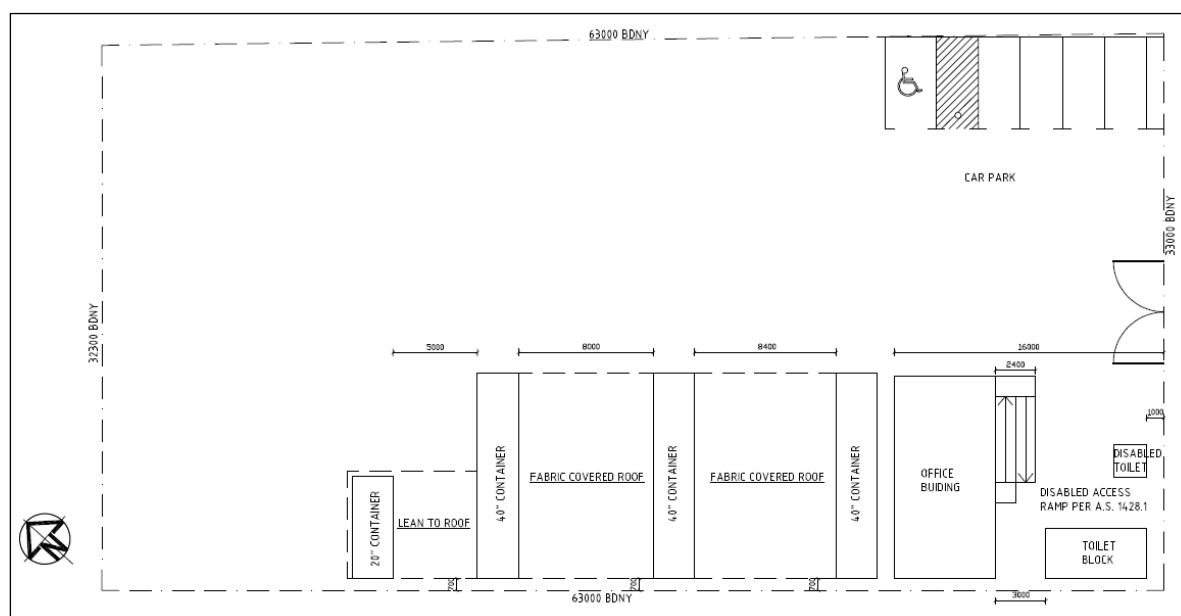


Figure 1: Site Map

3.4 Exclusions to the Premises

The Applicant originally applied to construct and operate a solid waste depot and a wash pad in addition to the liquid waste facility. The Applicant has since advised that there are no immediate plans to construct this infrastructure, and therefore requested that these activities are no longer considered part of the assessment. The Applicant can apply in the future to incorporate these activities within the Premises.

Key Finding: The construction and operation of a wash pad, and Solid Waste activities has not been assessed as part of this Decision Report or approved under the a licence.

4. Legislative context

4.1 Lease agreement

The Applicant has a lease agreement in place to lease the Premises from Hamersley Iron Pty Limited. The lease expires on 31 July 2020.

4.2 Planning approvals

The Applicant has provided correspondence from the Shire of Ashburton that demonstrates local government planning approval was issued on 20 July 2015 for the Premises to operate as 'industry-noxious'.

4.3 Part V of the EP Act

4.3.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations. Guidance statements which inform this assessment are:

- *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 Assessments (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

5. Consultation

The application for a licence was advertised in the West Australian and on DWER's public website on the 29 May 2017 for a 21 day period (closed 19 June 2017). No comments from the public were received.

The Shire of Ashburton were also contacted on the 29 May 2017 and provided 21 days to comment on the licence application. No comments were received.

6. Location and siting

6.1 Siting context

The Premises is located within the Tom Price Light Industrial Area, which is located approximately 3km south of the town of Tom Price. The surrounding industrial uses are predominately light industry with no other prescribed premises within the industrial area.

The nearest prescribed premises are the Tom Price Wastewater Treatment Plant and Greater Tom Price mine site as shown in Table 5 and Figure 2.

Table 5: Nearby Prescribed Premises

Licence Number	Premises	Activities	Approved Throughput
L4762/1972/14	Greater Tom Price Iron Ore Mine	5 – Processing or beneficiation of metallic or non-metallic ore	40,000,000 tonnes per annual period
		6 - Mine dewatering	14,000,000 tonnes per annual period (combined total)
		12 - Screening etc. of material	10,000,000 tonnes per annual period
		54 - Sewage facility	320 cubic metres per day
		64 - Class II or III putrescible landfill site	6,000 tonnes per annual period
		73 - Bulk storage of chemicals etc	4,532 cubic metres in aggregate
L5817/1994/13	Tom Price Wastewater Treatment Plant (WWTP)	54 - Sewage facility	1320 cubic metres per day

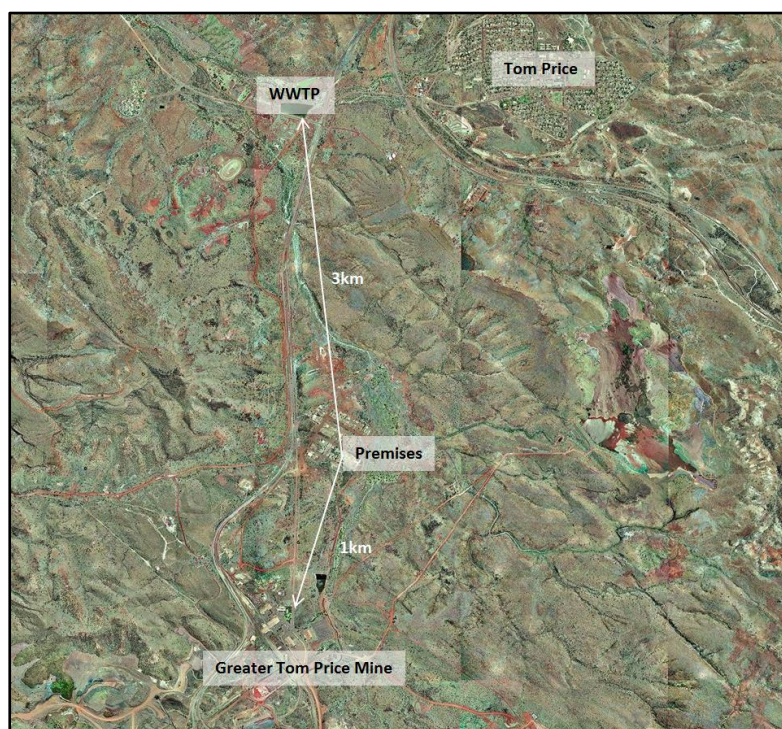


Figure 2: Premises Locality and nearby Prescribed Premises

The surrounding landscape is shrub land, and no Specified Ecosystems as defined in the *Guidance Statement Environmental Siting November 2016* have been identified within 3km of the Premises.

6.2 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
Industrial Receptors	Multiple industrial properties Immediately adjacent to, and within a 350 metre radius to the north, west and south.
Greater Tom Price Iron Ore Mine Camp (associated with L4762/1972/14)	850m to the south west
Residential Properties (Tom Price)	3.2km to the north east
Tom Price tourist park	3.5km north west

6.3 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	Environmental value
Groundwater	DWER records indicate that groundwater in the region is likely to be 50-100 metres below ground level.	Groundwater salinity (Total Dissolved Solids (TDS)) is 500-1,000 mg/L which is considered marginal saline. No known potable or industrial uses in the area due to depth below ground level.
Unnamed river	3 km north of the Premises.	Likely to provide a water source for flora and fauna in the Pilbara region.

6.4 Soil type

The Premises is located in the Fortescue province which is characterised by hills and ranges on granitic and sedimentary rocks. The soil in the region is typically red loam with some red/brown clays. Loam and clays are considered to have a moderate to low permeability.

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.

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

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			
Liquid Waste Facility	Vehicle movements on unsealed access roads	Noise	Nearby industrial premises	Air / wind dispersion	Amenity impacts	No	Noise generated through activities on the Premises is not considered to have any impacts above background levels in the area
			Mine Site Camp located 850 metres south west			No	Noise is not considered likely to travel this distance to cause any noticeable impacts
			Residential Properties 3.2km north east			No	Noise is not considered likely to travel this distance to cause any noticeable impacts
			Tom Price tourist park 3.5km to the west			No	Noise is not considered likely to travel this distance to cause any noticeable impacts
		Dust	Nearby industrial premises	Air / wind dispersion	Amenity and public health impacts	No	There are unsealed roads throughout the light industrial area and other industrial properties.
			Mine Site Camp located 850 metres south west			No	Dust generated through activities on the Premises is not considered to have any impacts above background levels in the area

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
			Residential Properties 3.2km north east			No	Dust is not considered likely to travel this distance to cause any noticeable impacts
			Tom Price tourist park 3.5km to the west			No	Dust is not considered likely to travel this distance to cause any noticeable impacts
Liquid Waste Facility	Storage of liquid chemicals	Contaminated wash waters	Surface waters	Overland flow	Impacts to surface water ecology and flora and fauna using the surface water as a resource	No	Contaminated wash waters are not considered likely to travel 3km to the nearest surface water.
			On-site premises and neighbouring properties	Direct emission Overland flow Seepage	Contamination of soils Impacts to flora or fauna in the area	Yes	See section 7.4
			Groundwater	Seepage	Impacts to groundwater quality and groundwater users	No	The distance to groundwater and the soil type limits any pathway to groundwater
	Consolidation/mixing of waste oils	Odour	Nearby industrial premises	Air / wind dispersion	Amenity impacts	No	Due to the industrial nature of the nearby Premises, odour is not considered likely to cause any noticeable impacts
			Mine Site Camp located 850 metres south west			No	Odour is not considered likely to travel this distance to cause any noticeable impacts
			Residential Properties 3.2km north east			No	Odour is not considered likely to travel this distance to cause any noticeable impacts
			Tom Price tourist park 3.5km to the west			No	Odour is not considered likely to travel this distance to cause any noticeable impacts

7.2 Consequence and likelihood of risk events

A risk rating will be determined for risk events in accordance with the risk rating matrix set out in Table 9 below.

Table 9: Risk rating matrix

Likelihood	Consequence				
	Slight	Minor	Moderate	Major	Severe
Almost certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	High	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Medium	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

DWER will undertake an assessment of the consequence and likelihood of the Risk Event in accordance with Table 10 below.

Table 10: Risk criteria table

Likelihood		Consequence		
The following criteria has been used to determine the likelihood of the Risk Event occurring.		The following criteria has been used to determine the consequences of a Risk Event occurring:		
			Environment	Public health* and amenity (such as air and water quality, noise, and odour)
Almost Certain	The risk event is expected to occur in most circumstances	Severe	<ul style="list-style-type: none"> onsite impacts: catastrophic offsite impacts local scale: high level or above offsite impacts wider scale: mid-level or above Mid to long-term or permanent impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are significantly exceeded 	<ul style="list-style-type: none"> Loss of life Adverse health effects: high level or ongoing medical treatment Specific Consequence Criteria (for public health) are significantly exceeded Local scale impacts: permanent loss of amenity
Likely	The risk event will probably occur in most circumstances	Major	<ul style="list-style-type: none"> onsite impacts: high level offsite impacts local scale: mid-level offsite impacts wider scale: low level Short-term impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are exceeded 	<ul style="list-style-type: none"> Adverse health effects: mid-level or frequent medical treatment Specific Consequence Criteria (for public health) are exceeded Local scale impacts: high level impact to amenity
Possible	The risk event could occur at some time	Moderate	<ul style="list-style-type: none"> onsite impacts: mid-level offsite impacts local scale: low level offsite impacts wider scale: minimal Specific Consequence Criteria (for environment) are at risk of not being met 	<ul style="list-style-type: none"> Adverse health effects: low level or occasional medical treatment Specific Consequence Criteria (for public health) are at risk of not being met Local scale impacts: mid-level impact to amenity
Unlikely	The risk event will probably not occur in most circumstances	Minor	<ul style="list-style-type: none"> onsite impacts: low level offsite impacts local scale: minimal offsite impacts wider scale: not detectable Specific Consequence Criteria (for environment) likely to be met 	<ul style="list-style-type: none"> Specific Consequence Criteria (for public health) are likely to be met Local scale impacts: low level impact to amenity
Rare	The risk event may only occur in exceptional circumstances	Slight	<ul style="list-style-type: none"> onsite impact: minimal Specific Consequence Criteria (for environment) met 	<ul style="list-style-type: none"> Local scale: minimal to amenity Specific Consequence Criteria (for public health) met

[^] Determination of areas of high conservation value or special significance should be informed by the *Guidance Statement: Environmental Siting*.

* In applying public health criteria, DWER may have regard to the Department of Health's *Health Risk Assessment (Scoping) Guidelines*.

"onsite" means within the Prescribed Premises boundary.

7.3 Acceptability and Treatment of Risk Event

DWER will determine the acceptability and treatment of Risk Events in accordance with the Risk treatment table 11 below:

Table 11: Risk treatment table

Rating of Risk Event	Acceptability	Treatment
Extreme	Unacceptable.	Risk Event will not be tolerated. DWER may refuse application.
High	May be acceptable. Subject to multiple regulatory controls.	Risk Event may be tolerated and may be subject to multiple regulatory controls. This may include both outcome-based and management conditions.
Medium	Acceptable, generally subject to regulatory controls.	Risk Event is tolerable and is likely to be subject to some regulatory controls. A preference for outcome-based conditions where practical and appropriate will be applied.
Low	Acceptable, generally not controlled.	Risk Event is acceptable and will generally not be subject to regulatory controls.

7.4 Risk assessment – liquid waste emissions

7.4.1 Description of liquid waste emissions

Liquid waste emissions from wastes stored in IBCs flowing overland or seeping into the soil causing environmental impacts to the soil quality on the Premises and nearby properties.

7.4.2 Identification and general characterisation of emission

Emissions are not anticipated during normal operations, and would only occur in the event of failure of the containment infrastructure. Given the soil type at the Premises there is unlikely to be significant seepage through the soil below ground level, and therefore emissions are most likely to be transported through overland flow.

7.4.3 Description of potential adverse impact from the emission

Liquid wastes spilt onto the ground may contaminate the soil and cause the Premises to become contaminated, which may restrict the ability to use the Premises for a variety of purposes. Liquid wastes which spill onto the ground and travel overland to surface waters may cause impacts to surface water ecology and flora and fauna that use the surface water as a resource. Waste oils and hydrocarbons can potentially have a mutagenic or carcinogenic effect on organisms, may restrict plant growth, or may cause irritation of mucus membranes on fauna.

7.4.4 Criteria for assessment

The Assessment levels for soil, sediment and water (Department of Environment and Conservation, February 2010) are considered the most appropriate for assessing impacts to soil and surface water.

The Premises is also subject to the *Environmental Protection (Unauthorised Discharge)*

Regulations 2004.

7.4.5 Applicant/Licence Holder controls

Wastes on the Premises are stored within IBCs on bunded concrete hardstands which are capable of capturing at least 8,400L of liquid.

7.4.6 Key findings

The Delegated Officer has reviewed the information regarding liquid waste emissions and has found:

1. Spillages and seeps of liquid waste have the potential to impact near surface soils and any flora and fauna that may be present.

7.4.7 Consequence

If liquid waste emission occurs, then the Delegated Officer has determined that the impact of liquid waste contamination of soils will be mid-level on site impacts and low level off site impacts at a local scale. Therefore, the Delegated Officer considers the consequence of liquid waste emissions to be **Moderate**.

7.4.8 Likelihood of Risk Event

The Delegated Officer has determined that liquid waste emissions could occur at some time. Therefore, the Delegated Officer considers the likelihood of liquid waste emissions to be **Possible**.

7.4.9 Overall rating of liquid waste emissions

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 9) and determined that the overall rating for the risk of liquid waste emissions is **Medium**.

7.5 Summary of acceptability and treatment of Risk Events

A summary of the risk assessment and the acceptability or unacceptability of the risk events set out above, with the appropriate treatment and control, are set out in Table 12 below. Controls are described further in section 8.

Table 12: Risk assessment summary

	Description of Risk Event			Applicant controls	Risk rating	Acceptability with controls (conditions on instrument)
	Emission	Source	Pathway/ Receptor (Impact)			
1	Liquid Waste	Operation	Overland flow or seepage to soils causing environmental impact	Waste oils stored in IBCs on bunded concrete hardstands	Moderate consequence Possible likelihood Medium Risk	Acceptable, generally subject to regulatory controls

8. Regulatory controls

A summary of regulatory controls determined to be appropriate for the Risk Event is set out in Table 13. The risks are set out in the assessment in section 7 and the controls are detailed in this section. DWER will determine controls having regard to the adequacy of controls proposed by the Applicant. The conditions of the Licence will be set to give effect to the determined regulatory controls.

Table 13: Summary of regulatory controls to be applied

		Controls (references are to sections below, setting out details of controls)		
		Licence		
		9.2.1 Infrastructure and equipment	9.2.2 Waste acceptance and storage	9.2.3 Specified actions
Risk Items (see risk analysis in section 7)	3. Liquid Waste	•	•	•

8.1 Licence controls

8.1.1 Infrastructure and equipment

The Applicant will be required to operate and maintain the following infrastructure:

- Bunded concrete hardstand storage areas capable of containing 8,400L of liquid within the bunded area.
- Fencing
- Compacted gravel surfaces

Grounds: *This condition requires that the infrastructure currently at the Premises is maintained in good working order. The infrastructure was considered by the Delegated Officer in determining the risk of emissions from the Premises and is considered necessary in minimising the risk of liquid waste and dust emission impacts.*

8.1.2 Waste acceptance and storage

The Applicant will be limited to accepting a combined total of up to 620 tonnes per year or 6000 litres at any one time of the following waste types:

- J100 Waste mineral oils unfit for their intended purpose
- J120 Waste oil and water mixtures or emulsions and hydrocarbon and water mixtures or emulsions

Grounds: *These are the waste types and volumes that were assessed under the decision*

report. Any alterations to these would require re-assessment of potential emissions and discharges.

The Applicant will be limited to storing waste types within the following infrastructure:

- J100 and J120 (waste oils) within IBC containers on the designated bunded hardstands.

Grounds: *The requirement to store these wastes within the specified infrastructure minimises the likelihood of seepage or overland flow, and were considered in determining the risk of emissions from the Premises in this Decision Report. These requirements replicate the controls proposed by the Applicant.*

8.1.3 Specified actions

The Applicant will be required to immediately clean any spills of waste on the Premises.

Grounds: *The requirement to immediately clean any spills of waste minimises the likelihood of seepage or overland flow in the event of a spill and therefore minimises the likelihood of any impacts to the soils on the Premises.*

The Applicant will be required to securely lock the Premises when not attended.

Grounds: *The requirement to lock the Premises when not attended minimises the likelihood of illegal dumping of wastes or damage to infrastructure controls. This therefore minimises the likelihood of liquid waste emissions due to incorrectly stored wastes or damage to containment infrastructure.*

9. Determination of Licence conditions

The conditions in the issued Works Approval in Attachment 1 have been determined in accordance with the *Guidance Statement: Setting Conditions*.

Table 14 provides a summary of the conditions to be applied to this works approval.

Table 14: Summary of conditions to be applied

Condition Ref	Grounds
Emissions Condition 1	This condition is valid, risk-based and consistent with the EP Act.
Infrastructure and equipment Condition 2	This condition is valid, risk-based and contains appropriate controls.
Waste acceptance and storage Conditions 3 and 4	These conditions are valid, risk-based and contain appropriate controls.
Specified actions Conditions 5 and 6	These conditions are valid, risk-based and contain appropriate controls.
Record-keeping Condition 7, 8 and 9	These conditions are valid and are necessary administration and reporting requirements to ensure compliance.

DWER notes that it may review the appropriateness and adequacy of controls at any time and that, following a review, DWER may initiate amendments to the works approval or licence under the EP Act.

In accordance with the *Guidance Statement: Licence Duration* the Delegated Officer has determined that the licence will be issued for a period of two years to 2020 to coincide with the expiry of the lease agreement. To extend the duration of the licence, the Licence Holder will need to demonstrate occupancy beyond this date.

10. Applicant's comments

The Applicant was provided with the draft Decision Report and draft Licence on 15 December 2017. No comments were made on the draft documents.

11. 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 Appendix 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 administration and reporting requirements.

Signed 1/05/2018

Rebecca Kelly

**MANAGER LICENSING – WASTE INDUSTRIES
REGULATORY SERVICES (ENVIRONMENT)**

Delegated Officer

under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	Availability
1.	Application Documentation	DWER Records [A1410760]
2.	Attachment 3A – Proposed Activities	DWER Records [A1440893]
3.	DWER, July 2015. <i>Guidance Statement: Regulatory principles.</i> Department of Environment Regulation, Perth.	accessed at www.dwer.wa.gov.au
4.	DWER, October 2015. <i>Guidance Statement: Setting conditions.</i> Department of Environment Regulation, Perth.	
5.	DWER, August 2016. <i>Guidance Statement: Licence duration.</i> Department of Environment Regulation, Perth.	
6.	DWER, February 2017. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	
7.	DWER, February 2017. <i>Guidance Statement: Decision Making.</i> Department of Environment Regulation, Perth.	
8.	Email Tox Free to DWER – Confirmation of categories to be assessed	DWER Records [A1429630]
9.	Email Tox Free to DWER – No longer proceeding with wash pad	DWER Records [1571110]
10.	Tox Free Licence Response to DWER enquiry May 2017	DWER Records [A1440889]
11.	Tox Free Technical Drawings	DWER Records [A1440890] and [A1440892]