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Published on: 25 February 2019

Statement No. 1090

**STATEMENT THAT A REVISED PROPOSAL MAY BE IMPLEMENTED**  
**(*Environmental Protection Act 1986*)**

**EAST ROCKINGHAM WASTE TO ENERGY FACILITY**

**Proposal:** Proposal to amend the East Rockingham Waste to Energy and Materials Recovery Facility the subject of Statement No. 994 dated 20 January 2015.

**Proponent:** New Energy Corporation Pty Ltd  
Australian Company Number 139 310 053

**Proponent Address:** Suite 1, 12 Parliament Place  
WEST PERTH WA 6005

**Assessment Number:** 2116

**Report of the Environmental Protection Authority:** 1624

**Previous Assessment Number:** 1910 and 2159

**Previous Report of the Environmental Protection Authority:** 1513 and 1623

**Previous Statement Number:** 994

Pursuant to section 45, read with section 45B of the *Environmental Protection Act 1986*, it has been agreed that:

1. the Proposal described and documented in Table 2 of Schedule 1 may be implemented;
2. this Statement supersedes Statement No. 994, and from the date of this Statement each of the implementation conditions in Statement No. 994 no longer apply in relation to the Revised Proposal; and
3. the implementation of the Revised Proposal, being the East Rockingham Waste to Energy and Materials Recovery Facility as amended by this Proposal, is subject to the following revised implementation conditions:

## **1 Proposal Implementation**

- 1-1 When implementing the Revised Proposal, the proponent shall not exceed the authorised extent of the Revised Proposal as defined in Table 2 in Schedule 1, unless amendments to the Revised Proposal and the authorised extent of the Revised Proposal have been approved under the EP Act.

## **2 Contact Details**

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

## **3 Time Limit for Proposal Implementation**

- 3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date on this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

## **4 Compliance Reporting**

- 4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
- (1) the frequency of compliance reporting;
  - (2) the approach and timing of compliance assessments;
  - (3) the retention of compliance assessments;
  - (4) the method of reporting of potential non-compliances and corrective actions taken;
  - (5) the table of contents of Compliance Assessment Reports; and
  - (6) public availability of Compliance Assessment Reports.

- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

## **5 Public Availability of Data**

5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any data referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

## **6 Waste Acceptance Monitoring and Management**

6-1 The proponent shall manage the implementation of the proposal to meet the following environmental objectives:

Demonstrate that waste types not permitted for processing, detailed in Table 2 of Schedule 1, are not processed at the East Rockingham Waste to Energy Facility by implementing conditions 6-2 to 6-8.

6-2 Prior to commissioning, the proponent shall develop (or revise) and submit a Waste Acceptance Monitoring and Management Plan to meet the objective specified in condition 6-1, which includes the following:

- (1) detail the proposed monitoring methodology to:
  - (a) identify the supplier of each waste load;
  - (b) record all waste loads, including the quantities, received on site;
  - (c) describe the types of residual waste accepted on the site, including the source separation process for those waste types;
  - (d) record waste types disposed offsite; and
- (2) detail a procedure to summarise the results of monitoring outlined in condition 6-2(1).

6-3 Prior to commissioning, and after receiving notice in writing from the CEO that the Waste Acceptance Monitoring and Management Plan satisfies the requirements of condition 6-2, the proponent shall:

- (1) implement the approved Waste Acceptance Monitoring and Management Plan; and
- (2) continue to implement the approved Waste Acceptance Monitoring and Management Plan, unless and until the CEO has confirmed by notice, in writing, that implementation is no longer required.

6-4 The proponent shall demonstrate compliance with condition 6-1 by:

- (1) providing the summary required by condition 6-2(2) of the monitoring results in accordance with the requirements of the Waste Acceptance Monitoring and Management Plan, every six months from the date of commissioning, until the CEO has confirmed by notice, in writing, that monitoring is no longer required.

- 6-5 The proponent will retain the results of monitoring required by condition 6-4 and shall make those results available when requested by the CEO.
- 6-6 The proponent may review and revise the Waste Acceptance Monitoring and Management Plan.
- 6-7 The proponent shall review and revise the Waste Acceptance Monitoring and Management Plan as and when directed by the CEO.
- 6-8 The proponent shall implement the latest revision of the Waste Acceptance Monitoring and Management Plan, which the CEO has confirmed by notice, in writing, satisfies the requirements of condition 6-2.

## **7 Residual waste**

- 7-1 The proponent shall manage the implementation of the proposal to meet the following environmental objective:

Ensure that the East Rockingham Waste to Energy Facility has the ability to accept residual waste only as defined in Table 3 in Schedule 1 by implementing conditions 7-2 to 7-4.

- 7-2 Prior to commissioning and thereafter by 31 October each year, the proponent shall develop (or revise) and submit a Waste Acceptance System Plan to apply the objective specified in condition 7-1, which includes the following:

- (1) a description of the waste types that the facility could accept, if it only operated on residual waste;
- (2) a description of the source separation processes, as provided by the generator of the waste, for the waste streams that are accepted at the facility;
- (3) details of, and justification for, the procedures and measures that the proponent has implemented to achieve the objectives specified in condition 7-1; and
- (4) a detailed description of the learnings from the previous year(s) on how the objective specified in condition 7-1 and the Waste Acceptance System Plan can be better achieved and/or improved.

- 7-3 Prior to commissioning, and after receiving notice in writing from the CEO that the Waste Acceptance System Plan satisfies the requirements of condition 7-2, the proponent shall immediately:

- (1) implement the approved Waste Acceptance System Plan; and
- (2) continue to implement the approved Waste Acceptance System Plan unless and until the CEO has confirmed by notice, in writing, that implementation is no longer required.

7-4 The proponent shall demonstrate compliance with condition 7-1 by annually undertaking an independent review of the Waste Acceptance System Plan, and reporting it to the CEO in the Annual Compliance Report required by condition 4-6.

[signed on 25 February 2019]

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

**Table 1: Summary of the Proposal**

<b>Proposal Title</b>	East Rockingham Waste to Energy Facility
<b>Short Description</b>	<p>The proposal is for the construction and operation of a waste to energy facility at Lot 1, 26 Office Road, East Rockingham.</p> <p>The waste to energy facility includes a reception hall, waste bunker; combustion system; boiler; bottom ash handling and treatment area; and other associated infrastructure.</p>

**Table 2: Location and authorised extent of physical and operational elements**

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
<b>Physical elements</b>		
Waste to Energy Facility	Figure 2	Clearing of no more than 10 ha of native vegetation within the development envelope.
<b>Operational elements</b>		
Thermal capacity		No more than 101.8 MW thermal
Waste receival volume		Up to 300 000 tpa and 30 000 tpa of sewage waste
Emissions outputs		Shall not exceed the emissions limits specified in Annex VI of the European Union Industrial Emissions Directive (2010/75/EC) or its updates
Waste types permitted to be processed		<ul style="list-style-type: none"> <li>• Bio-sludge/biosolids</li> <li>• Construction and demolition waste</li> <li>• Commercial and industrial waste</li> <li>• Municipal solid waste</li> <li>• Non-recyclable residues from material recycling facilities, waste transfer stations/depots and biological waste treatment facilities</li> </ul>
Waste types not permitted to be processed		<ul style="list-style-type: none"> <li>• Scheduled wastes, as defined by ANZECC for the <i>National Strategy for the Management of Scheduled Waste (1992)</i></li> <li>• Medical waste</li> <li>• Radioactive waste</li> <li>• Asbestos</li> <li>• Liquid and oily wastes</li> </ul>

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
		<ul style="list-style-type: none"> <li>• Contaminated soils</li> <li>• Tyres</li> <li>• Animal carcasses</li> <li>• Hazardous waste with a halogen content greater than 1%</li> <li>• Highly corrosive or toxic liquids or gases such as strong acids or chlorine or fluorine</li> <li>• Explosive materials</li> </ul>

**Table 3: Abbreviations and Definitions**

Acronym or Abbreviation	Definition or Term
ANZECC	Australian and New Zealand Environment and Conservation Council
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
ha	Hectare
MW	Megawatt
Residual waste	Waste that remains after the application of a better practice source separation process and recycling systems, consistent with the waste hierarchy as described in section 5 of the <i>Waste Avoidance and Resource Recovery Act 2007</i> (WARR Act), and the Waste Strategy approved or revised from time to time under the WARR Act.
tpa	Tonnes per annum

**Figure (attached)**

Figure 1 East Rockingham Waste to Energy Facility development envelope (this map is a representation of the co-ordinates shown in Schedule 2)



Figure 1: East Rockingham Waste to Energy Facility development envelope

## **Schedule 2**

Coordinates defining the development envelope are held by the Department of Water and Environmental Regulation, Document Reference Number 2018-1530086426460.