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Published on: 20 January 2015

Statement No: 994

RECOMMENDED ENVIRONMENTAL CONDITIONS

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

EAST ROCKINGHAM WASTE TO ENERGY AND MATERIALS RECOVERY FACILITY

Proposal: To build and operate a Waste to Energy and Materials Recovery Facility on Lot 1 Office Road, 3 kilometres north-east of Rockingham in the Rockingham Industrial Zone.

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: 1910

Report of the Environmental Protection Authority: 1513

Pursuant to section 45 of the *Environmental Protection Act 1986* it has been agreed that the proposal described and documented in Table 1 and 2 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

Note: Words and expressions used in this Statement shall have the same respective meanings as in the Act or as provided for in Schedule 2 of this Statement.

1 Proposal Implementation

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

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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 the expiration of five (5) years from the date of this Statement, and any commencement, within this five (5) year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within 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 to the satisfaction of the CEO.
- 4-2 The proponent shall submit to the CEO the Compliance Assessment Plan required by condition 4-1 at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation, whichever is sooner.
- 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 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 potential 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 Chief Executive Officer or a person delegated to sign on the Chief Executive Officer'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)) 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 this 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 Criteria

- 6-1 The proponent shall demonstrate that waste types not permitted for processing, detailed in Table 2 of Schedule 1 are not processed at this facility by implementing conditions 6-2 to 6-8.

- 6-2 Prior to the commencement of operations the proponent shall prepare and submit a Waste Acceptance Monitoring Plan to the requirements of the CEO.

The Waste Acceptance Monitoring Plan shall:

- (1) when implemented, substantiate whether condition 6-1 is being met;
- (2) detail the proposed monitoring methodology to:
 - (a) identify the supplier of each waste load;

- (b) record all waste loads received on site;
 - (c) describe waste types accepted on site and categorise as Construction and Demolition Waste, Commercial and Industrial Waste, Municipal Solid Waste, Green Waste or non-recyclable residues from material recycling facilities, waste transfer stations/depots and biological waste treatment facilities;
 - (d) record the amount of waste accepted on site;
 - (e) record waste type fed into the gasifier;
 - (f) record waste type disposed off site; and
- (3) detail a procedure to summarise the results of monitoring outlined in condition 6-2(2).

6-3 After receiving notice in writing from the CEO that the Waste Acceptance Monitoring Plan satisfies the requirements of condition 6-2 the proponent shall:

- (1) monitor and prepare a summary of the results in accordance with the requirements of the Waste Acceptance Monitoring Plan; and
- (2) continue to monitor and prepare a summary of the results in accordance with the requirements of the Waste Acceptance Monitoring Plan until the CEO has confirmed by notice in writing that monitoring is no longer required.

6-4 The proponent shall retain the results of monitoring required by condition 6-3 and shall make those results available when requested by the CEO.

6-5 The proponent shall provide the summary of the results of monitoring required by condition 6-3 to the CEO every six months from the date of commencement until the CEO has confirmed by notice in writing that provision of the summary is no longer required.

6-6 The proponent may review and revise the Waste Acceptance Monitoring Plan.

6-7 The proponent shall review and revise the Waste Acceptance Monitoring Plan as and when directed by the CEO.

6-8 The proponent shall implement the latest revision of the Waste Acceptance Monitoring Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 6-2.

[Signed 20 January 2015]

ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

| | |
|--------------------------|--|
| Proposal Title | East Rockingham Waste to Energy and Materials Recovery Facility. |
| Short Description | <p>A waste management facility comprising:</p> <ul style="list-style-type: none"> • a materials recovery facility; • five gasification modules, each with a capacity of 18MW (thermal input); • gas accumulation vessel/burner, heat exchanger/ boiler, steam turbine/power generation system, air quality control system, continuous emissions monitoring system; • sediment ponds; and • associated infrastructure. |

Table 2: Physical and Operational Elements

| Column 1 | Column 2 | Column 3 |
|---|--|---|
| Physical Element | Location | Description |
| Waste to Energy and Materials Recovery Facility | Figure 2 and geographic coordinates of the Development Envelope in Schedule 3. | Clearing of no more than 10ha of native vegetation within the Development Envelope. |
| Operational Element | | |
| Gasification Chamber Thermal Capacity | | No more than 72MW thermal. |
| Waste receipt volume | | Up to 225,000tpa. |
| Emissions outputs | | Shall not exceed the emissions limits specified in Annex V of the European Union Waste Incineration Directive 2000/76 or its updates. |
| Waste types permitted to be processed: | | <ul style="list-style-type: none"> • construction and demolition waste; • commercial and industrial waste; • municipal solid waste; • green waste; and • non-recyclable residues from material recycling facilities, waste transfer stations/depots and biological waste treatment facilities. |

| | | |
|--|--|--|
| Waste types not permitted to be processed: | | <ul style="list-style-type: none"> • scheduled wastes, as defined by ANZECC for the <i>National Strategy for the Management of Scheduled Waste (1992)</i>; • medical waste; • radioactive waste; • asbestos; • liquid and oily wastes; • contaminated soils; • tyres; • animal carcasses; • waste with a halogen content greater than 1%; • highly corrosive or toxic liquids or gases such as strong acids or chlorine or fluorine; and • explosive materials. |
|--|--|--|

Table 3: Abbreviations

| Abbreviation | Term |
|--------------|---|
| ANZECC | Australian and New Zealand Environment and Conservation Council |
| ha | Hectare |
| MW | Megawatt |
| tpa | Tonnes per annum |

Figures (attached)

Figure 1 Regional Location

Figure 2 Development Envelope

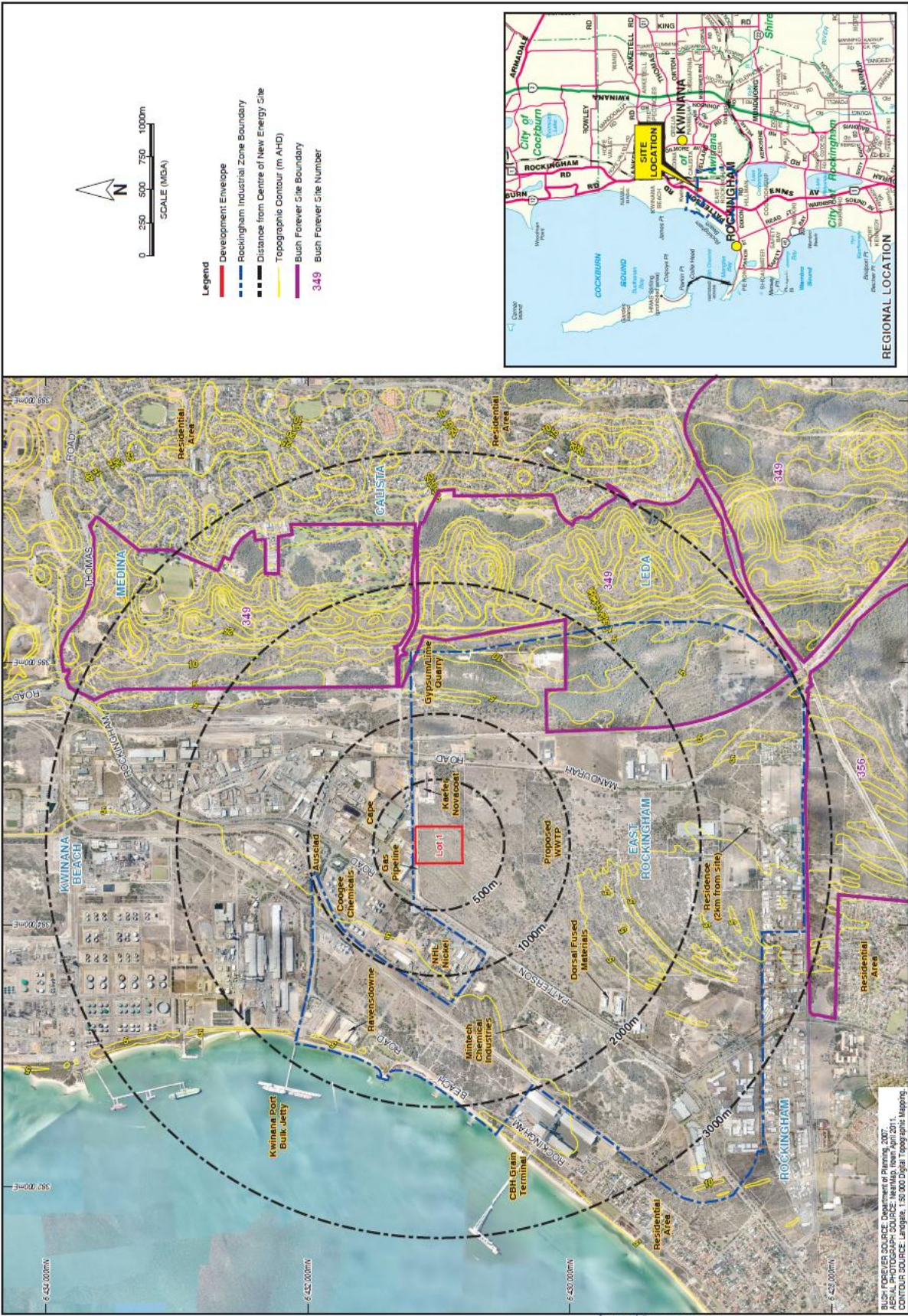


Figure 1 Regional Location

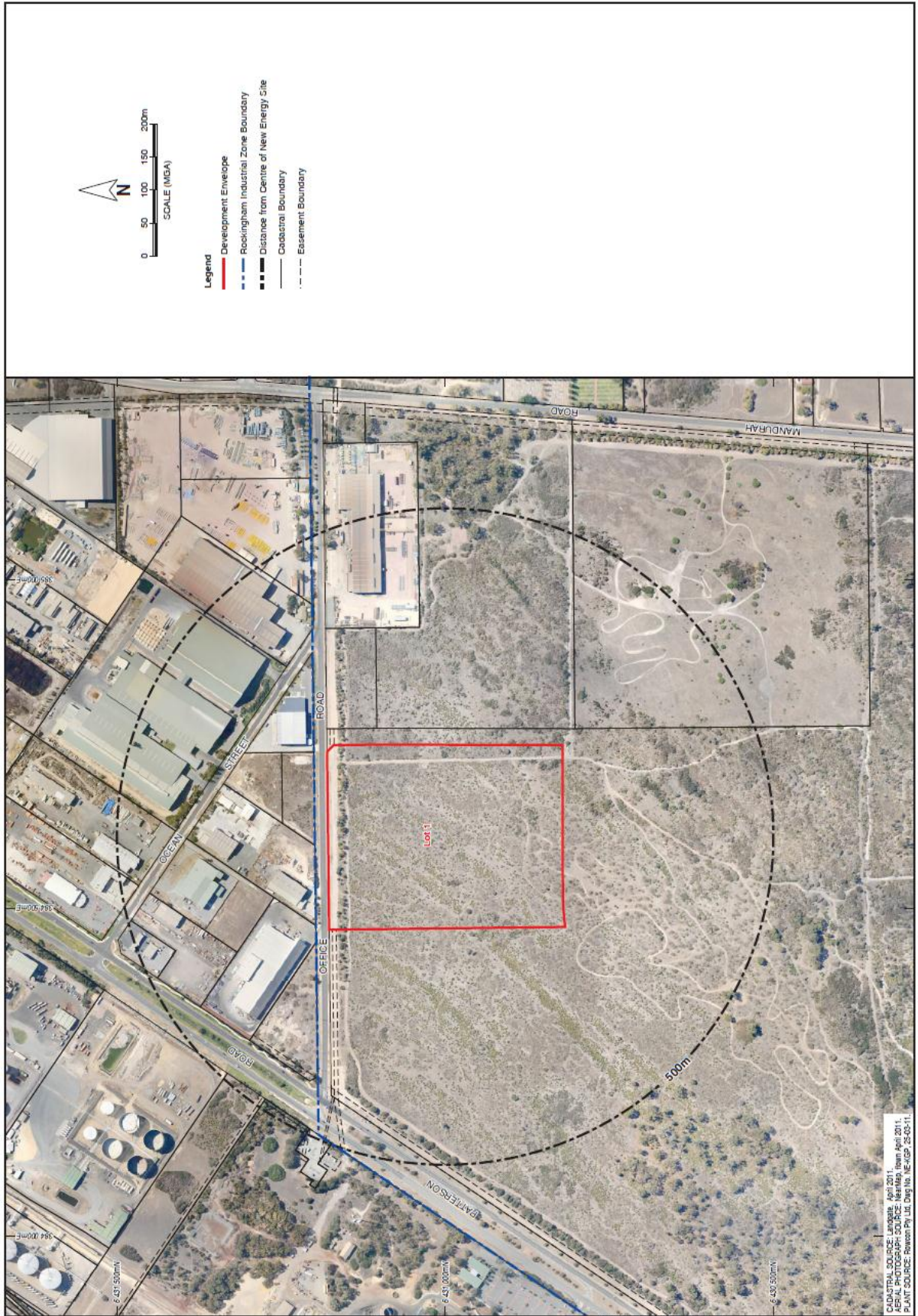


Figure 2 Development Envelope

Table 4: Definitions

| Term or Phrase | Definition |
|----------------|---|
| 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 |
| EPA | Environmental Protection Authority |
| EP Act | <i>Environmental Protection Act 1986</i> |
| OEPA | Office of the Environmental Protection Authority |

Table 5: Development Envelope Co-ordinates

| Coordinate No | Easting (MGA Zone 50) | Northing (MGA Zone 50) |
|----------------------|----------------------------------|-----------------------------------|
| 1 | 384525.47 | 6430820.91 |
| 2 | 384507.38 | 6430820.49 |
| 3 | 384489.33 | 6430819.27 |
| 4 | 384471.34 | 6430817.25 |
| 5 | 384467.09 | 6431166.00 |
| 6 | 384467.02 | 6431172.00 |
| 7 | 384466.96 | 6431176.76 |
| 8 | 384738.12 | 6431180.07 |
| 9 | 384742.94 | 6431175.37 |
| 10 | 384748.24 | 6431170.20 |
| 11 | 384748.25 | 6431169.44 |
| 12 | 384749.07 | 6431103.96 |
| 13 | 384748.43 | 6430821.21 |
| 14 | 384525.47 | 6430820.91 |

Notes

The following notes are provided for information and do not form a part of the implementation conditions of the Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the EP Act is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the EP Act and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the EP Act at the time the Statement was signed by the Minister for Environment.