

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document.

Copyright in this document is reserved to the Crown in right of the State of Western Australia.

Reproduction except in accordance with copyright law is prohibited.

Published on: 5 March 2019

Statement No. 1091

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

**BOODARIE WASTE-TO-ENERGY AND MATERIALS RECOVERY FACILITY, PORT
HEDLAND**

Proposal: The proposal is to develop a waste management facility located in the Boodarie Strategic Industrial Area approximately 13 kilometres south-west of Port Hedland.

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

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

Report of the Environmental Protection Authority: 1623

Previous Assessment Number: 1911

Previous Report Number: 1469

Preceding Statement/s Relating to this Proposal: 935

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 935 dated 21 May 2013, be changed as specified in this Statement.

Condition 4 is added to Statement 935

4 Compliance Reporting

4-1 The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation, 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 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.

Condition 5 is added to Statement 935

5 Public Availability of Plans and Reports

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 in writing by the CEO, all environmental plans and reports required under this statement.

5-2 If any parts of the plans and reports 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 those parts of the plans and reports 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.

Condition 6 is added to Statement 935

6 Residual Waste

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

Ensure that the Boodarie Waste-to-Energy and Materials Recovery Facility has the ability to accept residual waste only as defined in Table 3 in Schedule 1 by implementing conditions 6-2 to 6-4.

6-2 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 6-1, 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 6-1; and
- (4) a detailed description of the learnings from the previous year(s) on how the objective specified in condition 6-1 and the Waste Acceptance System Plan can be better achieved and/or improved.

- 6-3 Prior to commissioning, and after receiving notice in writing from the CEO that the Waste Acceptance System Plan satisfies the requirements of condition 6-2, 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.
- 6-4 The proponent shall demonstrate compliance with condition 6-1 by annually undertaking an independent review of the Waste Acceptance System Plan, and reporting it to the CEO in the Compliance Assessment Plan required by condition 4-1.

Condition 7 is added to Statement 935

7 Waste Acceptance Monitoring and Management

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

Demonstrate that waste types not permitted for processing, detailed in Table 2 of Schedule 1, are not accepted or processed at the Boodarie Waste-to-Energy and Materials Recovery Facility by implementing conditions 7-2 to 7-8.

- 7-2 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 7-1, 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 7-2(1).

- 7-3 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 7-2, 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.
- 7-4 The proponent shall demonstrate compliance with condition 7-1 by:
 - (1) providing the summary required by condition 7-2(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.
- 7-5 The proponent will retain the results of monitoring required by condition 7-4 and shall make those results available when requested by the CEO.
- 7-6 The proponent may review and revise the Waste Acceptance Monitoring and Management Plan.
- 7-7 The proponent shall review and revise the Waste Acceptance Monitoring and Management Plan as and when directed by the CEO.
- 7-8 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 7-2.

Table 3 is added to Statement 935

Table 3: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
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.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare
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.

Table 4 is added to Statement 935

Table 4: Development Envelope Coordinates

Coordinate No.	Easting (MGA Zone 50)	Northing (MGA Zone 50)
1	660366	7740804
2	660534	7741167
3	660761	7741062
4	660593	7740699
5	660366	7740804

[signed on 5 March 2019]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT