

Mr Rowe
Wasterock Pty Ltd
C/o Rowe Group
Level 3, 369 Newcastle Street
NORTHBRIDGE WA 6003

Your Ref: *Not Applicable*
Our Ref: *CMS14105*
Enquiries: *Richard Sutherland, 6145 0800*
Email: *Richard.Sutherland@epa.wa.gov.au*

Dear Mr Rowe

NOTICE UNDER SECTION 39A(3)
Environmental Protection Act 1986

PROPOSAL: Remediation of Landfill Site - Waste Resource Recovery Lot 20
Adelaide Street, Hazelmere
LOCATION: City of Swan
PROPONENT: Wasterock Pty Ltd
DECISION: Not Assessed: Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the EPA for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986*. Accordingly, the EPA has determined not to assess this proposal.

Nevertheless, the EPA has provided the attached advice to you as the proponent, and other relevant authorities, on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 23 November 2015, during which, on payment of the appeal fee, an appellant may ask the Minister to consider directing the EPA to reconsider this decision or conduct a formal assessment.

Information on the outcome of the appeals process is available through the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190 after the closing date of appeals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Sutton', with a horizontal line extending to the right.

Anthony Sutton
Director
Assessment and Compliance Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

9 November 2015

Encl: Public Advice

**PUBLIC ADVICE UNDER SECTION 39A(7)
ENVIRONMENTAL PROTECTION ACT 1986**

REMEDICATION OF LANDFILL SITE, LOT 20 ADELAIDE STREET, HAZELMERE

Summary

Wasterock Pty Ltd proposes to remediate the landfill at Lot 20 Adelaide Street, Hazelmere, 14 kilometres north east of Perth. The duration of the works is expected to take up to five years. The proposal involves:

- excavation of landfill;
- sorting, crushing and screening of material;
- recovery of some material for reuse;
- offsite disposal of some waste;
- repacking of waste into landfill; and
- receipt of additional soil waste to be placed in landfill.

The site is 16.9 hectares and was a former inert landfill. However, it was later classified 'Contaminated – remediation required' under section 13 of the *Contaminated Sites Act 2003* following assessment, which identified the presence of non-inert wastes, such as waste slurries, asbestos sheeting, and waste metals.

The proposal was advertised for public comment and the Environmental Protection Authority (EPA) notes that two public comments were received. The issues raised in the comments included:

- Potential impacts on public health due to the hazardous nature of the waste at the site;
- Adequacy of the air quality data provided;
- Potential contamination groundwater and surface water; and
- The proposal could set a precedent on the remediation of highly hazardous waste sites in Western Australia.

The EPA has considered the proposal in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and the *Environmental Impact Assessment Administrative Procedures 2012*. In making its decision on whether to assess the proposal, the EPA considered the 10 aspects of the significance test as set out in clause 7 of the *Environmental Impact Assessment Administrative Procedures 2012*:

1. values, sensitivity and quality of the environment which is likely to be impacted;
2. extent (intensity, duration, magnitude and geographic footprint) of the likely impacts;
3. consequence of the likely impacts (or change);
4. resilience of the environment to cope with the impacts or change;
5. cumulative impacts with other projects;
6. level of confidence in the prediction of impacts and the success of proposed mitigation;

7. objects of the Act, policies, guidelines, procedures and standards against which a proposal can be assessed;
8. presence of strategic planning policy framework;
9. presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment to meet the EPA's objectives and principles for EIA; and
10. public concern about the likely effects of the proposal, if implemented, on the environment.

In considering the potential direct and indirect impacts of the proposal on Hydrological Processes and Inland Waters Environmental Quality, Air Quality and Atmospheric Gases, and Amenity, the EPA has had particular regard to:

- the mitigation strategies proposed by the proponent to avoid and minimise impacts, for example
 - the Hazelmere Site Remediation Works Agreement and Site Management Plan;
 - the Groundwater Abstraction and Dust Suppression Management Plan;
 - the Air Quality Management Plan;
 - the Soil Amendment Management Plan;
 - the Noise Management Plan; and
- the presence of other statutory processes, including the *Contaminated Sites Act 2003* and the works approval and licensing process under Part V of the EP Act.

In addition the Department of Environment Regulation (DER) has advised that it has received a works approval application from Wasterock Pty Ltd on 19 March 2014. Following the assessment process, the DER will make a determination on whether to grant the works approval and, if granted, the applicable conditions. The DER has also advised that a works approval and subsequent licence would not be granted where emissions and discharges cannot be adequately regulated.

In summary, although the proposal raises a number of environmental issues, the EPA considers that the likely environmental effects are not so significant as to warrant formal assessment. The EPA is satisfied that these issues can be adequately regulated and managed by the DER through the *Contaminated Sites Act 2003* and the works approval and licensing process. Regulation by the DER includes assessment of the proponent's proposed management measures and plans, specifying conditions of approval (if granted) and compliance and enforcement provisions.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this proposal:

- a) Hydrological Processes and Inland Waters Environmental Quality;
- b) Air Quality and Atmospheric Gases; and
- c) Amenity.

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act. The EPA considers that the mitigation of the potential effects on the environment can be regulated by other statutory decision-making processes and through the implementation of proponent management plans and best practice measures in accordance with this advice.

2. Advice and Recommendations regarding Environmental Issues

a. Hydrological Processes and Inland Waters Environmental Quality

The EPA notes that the proposed management relies on the use of a substantial quantity of groundwater for dust suppression. The groundwater abstraction and resultant drawdown could potentially impact on a Threatened Ecological Community (SCP 20a- *Banksia attenuata* woodlands over species rich dense shrublands) and Declared Rare Flora (*Conospermum undulatum*).

The DER has advised that it is aware of the risk that groundwater drawdown may pose to the environment, and will require changes to the *MDW Environmental Services Environmental Site Management Plan: Lot 20, Adelaide St Hazelmere*, March 2014 (ESMP) to ensure the potential risks are appropriately managed. This would include groundwater monitoring to ensure there would be no impacts to groundwater systems.

The EPA considers that the proposal, if implemented consistent with the recommended changes to the ESMP, is not likely to have a significant impact on the environmental factor of Hydrological Processes and Inland Waters Environmental Quality. The EPA considers that the proposal can be adequately regulated and managed through the works approval and license process under Part V of the EP Act as confirmed by the DER.

b. Air Quality and Atmospheric Gases

The proponent has prepared an Air Quality Management Plan and proposes continuous daily air quality monitoring for the duration of the proposal. The Department of Health (DOH) advised that it was satisfied with the proposed management measures from review of the Air Quality Management Plan and the Human Health Risk Assessment, and that the likelihood of potential asbestos fibres being a potential risk to human health is unlikely provided the management plans are implemented accordingly. The DER has also advised that public health and environmental implications of the proposal can be assessed and managed under Part V of the EP Act. Having regard to the DOH and DER advice, the EPA considers that the proposal can be regulated and managed so that it is unlikely to have a significant impact on the environmental factor of Air Quality and Atmospheric Gases.

c. Amenity

The EPA considers that the proposal is unlikely to have a significant impact on amenity given the proposed management measures in the Noise Management Plan and can be adequately managed to meet the requirements of the *Environmental Protection (Noise) Regulations 1997* and through Environmental Regulation (works approval and licencing requirements) under Part V of the EP Act.