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Department of Planning and Environment  
Attention: Emma Barnet  
Returned via Planning Portal

By email: [emma.barnet@planning.nsw.gov.au](mailto:emma.barnet@planning.nsw.gov.au)

12 August 2022

Dear Ms Barnet

**Secretary's Environmental Assessment Requirements  
Modification 9 - Tomago Aluminium - Dross Processing Facility (DA391/80-Mod-9)**

I refer to the email from the Department of Planning and Environment (DPE) and NSW Environment to the Environment Protection Authority (EPA) dated 27 July 2022 seeking the EPA's Secretary's Environmental Assessment Requirements (SEARs) to assist with the preparation of an Environmental Assessment for Modification 9 - Tomago Aluminium - Dross Processing Facility (DA391/80-Mod-9 - PAE-46684724 - OC-3225) at 638 Tomago Rd, Tomago, NSW 2322.

Based on the information provided, the EPA understands that the Proponent is seeking to modify their existing consent to allow for the construction and operation of an aluminium dross processing facility.

The EPA has considered the proposal and provides at **Attachment A** the information it requires to properly assess the Proposal. The EPA's key information requirements for the Proposal must include an adequate description and assessment of:

1. impacts on air quality including consideration of cumulative impacts with regard to existing operations, background air quality and the cumulative capacity of the local airshed
2. waste management including any waste to be imported onto site and disposal.

The EPA has also provided the appropriate guidance material to be considered (but not limited too) at **Attachment B**.

It is important that all assumptions and conclusions made in the environmental assessment are supported by adequate data. The proponent should also be aware that any commitments made in the environmental assessment may be formalised as approval conditions and/or environment protection licence conditions.

If you have any questions about this matter, please contact Anthony van der Horst on 02 4908 6808 or by email to [EPA.Northopsregional@epa.nsw.gov.au](mailto:EPA.Northopsregional@epa.nsw.gov.au).

Yours sincerely

**NATASHA RYAN**  
**Unit Head**  
**Regulatory Operations Regional**

Encl:   **Attachment A** – EPA’s Recommended Secretary’s Environmental Assessment Requirements  
          **Attachment B** – Guidance Material

**ATTACHMENT A – EPA’s Recommended Secretary’s Environmental Assessment Requirements – Modification 9 - Tomago Aluminium - Dross Processing Facility (DA391/80-Mod-9)**

### **How to use these requirements**

The EPA requirements have been structured in accordance with relevant guidelines, as follows. It is suggested that the EIS follow the same structure:

- A. Executive summary
- B. The proposal
- C. The location
- D. List of required approvals and licences
- E. Identification and prioritisation of all issues
- F. The environmental issues
- G. The mitigation measures
- H. Justification for the proposal and conclusion

The EIS should address the specific requirements outlined under each heading below and assess impacts in accordance with the relevant guidelines/standards at **Attachment B**.

## A Executive summary

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The document's executive summary should include a discussion of the proposed development, the key environmental risks, the identified mitigation measures, and an overall conclusion and justification for the proposal.

## B The proposal

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The proposed development must be adequately described and should clearly state and refer to:

- a) the type, the nature and size of the proposed development, including proposed average and maximum annual production rates that are expected to occur;
- b) the type, the nature and amount of the processes and the products to be used, including the plant and equipment proposed for use, fuel and chemicals required and proposed methods for their transportation, storage, use and their emergency management provisions, including relevant process flow diagrams;
- c) the by-products produced and/or wastes produced, including the fate of such products;
- d) the staging and timing of the proposal, including any construction works and any plans for potential future expansion plans and the proposed construction and operational hours, including and heavy vehicle movements;
- e) the anticipated benefits to relevant industry, community, etc; and
- f) the proposal's relationship to any other facility or industry both locally and abroad.

## C The location

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Provide an overview of the setting in which the proposed development is to take place in its local and regional environmental context including:

- a) the location of the proposed facility, its layout, including plant and equipment, and details of the surrounding environment, including land use zoning with appropriate maps/diagrams;
- b) the topography;
- c) meteorological data (e.g. temperature, wind (prevailing wind direction and strength), rainfall, evaporation, etc);
- d) surrounding land uses, including ownership details of any residence and/or land likely to be affected by the proposed facility with appropriate maps/diagrams;
- e) ecological information (vegetation, fauna, waters) with appropriate maps/diagrams; and
- f) availability of services and the accessibility of the site for passenger and freight transport.

## D List of approvals and licences

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Identify all approvals, licences or permits required to undertake the proposed development as well as those already obtained and those to be obtained.

Based on the information provided and should the proposed development be approved; the proponent may need to make a separate application to EPA to vary Environment Protection Licence 6163. Additional information is available through EPA's *Guide to Licensing* document. General information on license requirements can also be obtained from EPA's Environment Line on 131 555 during office hours or can be found on the EPA web site (click [here](#)).

## E Identification and prioritisation of issues / scoping of impact assessment

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Identify a scoping risk assessment methodology, undertake a risk assessment, and identify and prioritise key issues.

## F The environmental issues

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### 1. Noise

- Identify the existing noise environment (including any relevant noise assessment groupings) and identify applicable noise goals in line with relevant guidance/standards;
- Identify potential noise and vibration sources and impacts during both construction and operational stages and identify best practice mitigation measures (pollution control) and strategies to be incorporated for both stages to minimise noise and vibration emissions/impacts (with proposed timing), including validation monitoring, in line with relevant guidance/standards; and

### 2. Air

- Identify the existing air quality environment and identify applicable air quality goals (i.e. ground level concentrations for pollutants and odour assessment criteria) in line with relevant guidance/standards; and
- Identify potential air quality and odour sources and impacts (including point source emissions from any site-based plant and equipment and/or fugitive dust or other emissions) during both construction and operational stages and identify best practice mitigation measures (pollution control) and strategies to minimise point and/or fugitive and/or odour emissions/impacts (with proposed timing), including monitoring, in line with relevant guidance/standards; and
- Include an emission inventory of all sources of air emissions.
- Consider and discuss predicted impacts in relation to any recently updated or proposed changes to National Environment Protection Measure (NEPM) Ambient Air Quality Goals.
- Consider and discuss cumulative impacts due to the proposal when combined with existing operations at the premises.

**Note:** this will require a detailed Air Quality Impact Assessment to be completed.

### 3. Water

- If applicable, identify the condition of the local catchment and those immediate areas on and around the proposed development e.g. soils, erosion potential, vegetation cover, etc; and
- Identify existing impacts to water resources (including other industrial discharges); and
- Identify any water intakes, intake frequency and volumes related to the proposed development; and
- Identify any expected discharges (including stormwater), discharge quality, discharge frequency and volumes related to the proposed development; and
- Identify all practical measures that can be taken to prevent any expected discharges or an explanation of why any specific discharges cannot be prevented; and
- Identify potential impacts to surface and groundwater during both construction and operational stages and identify best practice mitigation measures (pollution control) and strategies to protect surface and groundwater resources, particularly erosion and sediment controls during the construction stage and the rehabilitation stage and the inclusion of permanent erosion and sediment controls where required and applicable; and
- Include any proposed discharge limits.

### 4. Waste

- Identify all waste types that will be generated or imported onto the premises as a result of the proposed development during both construction and operation, their classification and the ways in which they will be legally handled, stored, transported, reused, recycled or disposed of, including

sampling/monitoring, record keeping, waste tracking, contingency measures and any other verification practices, in accordance with relevant guidance/standards; and

- Identify options and strategies for waste minimisation; reuse and recycling across all activities and processes during both construction and operational stages.

## **5. Storage and use of fuels / chemicals etc**

- Identify all fuels/chemicals/products/dangerous goods to be stored/used onsite; and
- Identify adequate handling, storage, control and usage requirements for any fuels/chemicals/products/dangerous to be stored/used onsite.

## **6. Incident Management**

Identify adequate incident management procedures to be established including notification requirements to the Appropriate Regulatory Authority and other relevant authorities for incidents that cause or have the potential to cause material harm to the environment (Part 5.7 of the POEO Act).

## **7. Cumulative impacts**

- Identify the extent that the receiving environment is already stressed by existing development and background levels of emissions to which this proposal will contribute; and
- Identify the cumulative impacts of the proposed development in a local context.

## **8. Monitoring Programs**

Include a detailed proposal of any noise, air, water, land, waste, meteorological etc monitoring during construction and operation to ensure and assumptions, predictions, goals, criteria etc are achieved. The proposal should include a detailed description of the monitoring locations, sample analysis methods and the level of reporting proposed.

## **G. Compilation of mitigation measures**

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- Outline how the proposal and its environmental protection measures would be implemented and managed in an integrated manner so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).
- Include any Statement of Commitments to be made by the Proponent.

## **H. Justification for the proposed development and conclusion**

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Reasons should be included which justify undertaking the proposal in the manner proposed, having regard to the potential environmental impacts.

**ATTACHMENT B – EPA’s Guidance Material (not exhaustive)**

<b><u>Legislation</u></b>	
<i>Environmental Planning and Assessment Act 1979</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+203+1979+cd+0+N</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1997+cd+0+N</a>
<i>Protection of the Environment Operations (Noise Control) Regulation 2017</i>	<a href="https://legislation.nsw.gov.au/#/view/regulation/2017/449">https://legislation.nsw.gov.au/#/view/regulation/2017/449</a>
<i>Protection of the Environment Operations (Clean Air) Regulation 2010</i>	<a href="https://legislation.nsw.gov.au/#/view/regulation/2010/428">https://legislation.nsw.gov.au/#/view/regulation/2010/428</a>
<i>Protection of the Environment Operations (Waste) Regulation 2014</i>	<a href="https://legislation.nsw.gov.au/#/view/regulation/2014/666">https://legislation.nsw.gov.au/#/view/regulation/2014/666</a>
<i>Waste Avoidance and Resource Recovery Act 2001</i>	<a href="https://legislation.nsw.gov.au/#/view/act/2001/58">https://legislation.nsw.gov.au/#/view/act/2001/58</a>
<i>Contaminated Land Management Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1997/140">http://www.legislation.nsw.gov.au/#/view/act/1997/140</a>
<b><u>Licensing</u></b>	
Licensing Requirements	<a href="https://www.epa.nsw.gov.au/licensing-and-regulation/licensing">https://www.epa.nsw.gov.au/licensing-and-regulation/licensing</a>
<b><u>Noise/Vibration</u></b>	
Interim Construction Noise Guideline (DECC, 2009)	<a href="https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline">https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/interim-construction-noise-guideline</a>
Assessing Vibration: a technical guideline (DEC, 2006)	<a href="https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration">https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/assessing-vibration</a>
Noise Policy for Industry (2017) and Implementation and Transitional arrangements for the Noise Policy for Industry (2017)	<a href="https://www.epa.nsw.gov.au/publications/noise/17p0524-noise-policy-for-industry">https://www.epa.nsw.gov.au/publications/noise/17p0524-noise-policy-for-industry</a> <a href="https://www.epa.nsw.gov.au/publications/noise/17p0293-implement-transition-arrange-noise-pol-industry">https://www.epa.nsw.gov.au/publications/noise/17p0293-implement-transition-arrange-noise-pol-industry</a>
NSW Road Noise Policy (DECCW, 2011)	<a href="http://www.epa.nsw.gov.au/resources/noise/2011236nswroadnoisepolicy.pdf">http://www.epa.nsw.gov.au/resources/noise/2011236nswroadnoisepolicy.pdf</a>
<b><u>Air/Odour</u></b>	
Approved methods for the Modelling and Assessment of Air Pollutants in NSW (2016)	<a href="http://www.epa.nsw.gov.au/resources/epa/approved-methods-for-modelling-and-assessment-of-air-pollutants-in-NSW-160666.pdf">http://www.epa.nsw.gov.au/resources/epa/approved-methods-for-modelling-and-assessment-of-air-pollutants-in-NSW-160666.pdf</a>
Approved methods for the Sampling and Analysis of Air Pollutants in NSW (2022)	<a href="https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/sampling-analysing-air-emissions/approved-methods-sampling-analysing-air-pollutants">https://www.epa.nsw.gov.au/your-environment/air/industrial-emissions/sampling-analysing-air-emissions/approved-methods-sampling-analysing-air-pollutants</a>
National Environment Protection (Ambient Air Quality) Measure	<a href="http://www.nepc.gov.au/nepms/ambient-air-quality">http://www.nepc.gov.au/nepms/ambient-air-quality</a>
No EPA specific guidance material exists for the control of dust from construction sites. Consideration should be given to the POEO Act and the Local Government Air Quality Toolkit (DECC, 2007)	<a href="http://www.epa.nsw.gov.au/air/lgaqt.htm">http://www.epa.nsw.gov.au/air/lgaqt.htm</a>
Technical Framework - Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006) and	<a href="http://www.epa.nsw.gov.au/air/odour.htm">http://www.epa.nsw.gov.au/air/odour.htm</a> <a href="http://www.epa.nsw.gov.au/air/odour.htm">http://www.epa.nsw.gov.au/air/odour.htm</a>

Technical Notes - Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006)	
<b><u>Water/Soils</u></b>	
ANZECC Guidelines for Fresh and Marine Water Quality (2018)	<a href="https://www.waterquality.gov.au/guidelines/anz-fresh-marine">https://www.waterquality.gov.au/guidelines/anz-fresh-marine</a>
NSW Water Quality and River Flow Objectives	<a href="http://www.environment.nsw.gov.au/ieo/index.htm">http://www.environment.nsw.gov.au/ieo/index.htm</a>
Applying Goals for Ambient Water Quality Guidance for Operations Officers – Mixing Zones	<a href="http://deccnet/water/resources/AWQGuidance7.pdf">http://deccnet/water/resources/AWQGuidance7.pdf</a>
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	<a href="https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/water/approvedmethods-water.pdf">https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/water/approvedmethods-water.pdf</a>
Soil and Landscape Issues in Environmental Impact Assessment (DLWC 2000)	<a href="https://www.shop.nsw.gov.au/publication/soil-and-landscape-issues-in-environmental-impact-assessment-technical-report-no-34-1324-6860-839">https://www.shop.nsw.gov.au/publication/soil-and-landscape-issues-in-environmental-impact-assessment-technical-report-no-34-1324-6860-839</a>
Managing urban stormwater: soils and construction, vol. 1 (Landcom, 2004) and Addendum Publications (Various)	<a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">http://www.environment.nsw.gov.au/stormwater/publications.htm</a>
Landslide Risk Management (2007)	<a href="http://www.australiangeomechanics.org/resources/downloads/">http://www.australiangeomechanics.org/resources/downloads/</a>
Site Investigations for Urban Salinity (DLWC, 2002)	<a href="http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf">http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf</a>
Dryland Salinity Resources (Various)	<a href="http://www.environment.nsw.gov.au/salinity/solutions/urban.htm">http://www.environment.nsw.gov.au/salinity/solutions/urban.htm</a>
<b><u>Contaminated Sites Assessment and Remediation</u></b>	
Contaminated Land – EPA website	<a href="https://www.epa.nsw.gov.au/your-environment/contaminated-land">https://www.epa.nsw.gov.au/your-environment/contaminated-land</a>
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	<a href="http://www.epa.nsw.gov.au/clm/planning.htm">http://www.epa.nsw.gov.au/clm/planning.htm</a>
Guidelines for the NSW Site Auditor Scheme – 3rd Edition (EPA, 2017)	<a href="https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition">https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition</a>
Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	<a href="http://www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf">http://www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf</a>
Sampling Design Guidelines (EPA, 1995)	<a href="http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf">http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf</a>
National Environment Protection (Assessment of Site Contamination) Measure	<a href="http://www.nepc.gov.au/nepms/assessment-site-contamination">http://www.nepc.gov.au/nepms/assessment-site-contamination</a>
<b><u>Waste</u></b>	
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	<a href="http://www.epa.nsw.gov.au/wastestrategy/warr.htm">http://www.epa.nsw.gov.au/wastestrategy/warr.htm</a>
Waste Classification Guidelines – 4 Parts (EPA, 2014)	<a href="http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm">http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm</a>
<b><u>Chemical and Fuel Storage</u></b>	
Storage and Handling of Dangerous Goods – Code of Practice (WorkCover, 2005)	<a href="http://www.safework.nsw.gov.au/_data/assets/pdf_file/0005/50729/storage-handling-dangerous-goods-1354.pdf">http://www.safework.nsw.gov.au/_data/assets/pdf_file/0005/50729/storage-handling-dangerous-goods-1354.pdf</a>