



DOC19/707163

Industry Assessments
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2000

Att: William Hodgkinson
William.Hodgkinson@planning.nsw.gov.au

Dear Sir/Madam

No Variation to Recommended Comments for Approval - Concrush – SSD 8753

The Environment Protection Authority (EPA) provided Recommended Comments for Approval (RCA) for the abovementioned application to the Department of Planning, Industry and Environment (DPIE) on 31 May 2019 after reviewing the Environment Impact Statement and first Response to Submissions. On 24 July 2019, the EPA received an invitation to comment on the second Response to Submissions (**the Second RtS**) for the application.

The EPA has reviewed the Second RtS and acknowledges that the applicant has noted and clarified most of the EPA's 25 comments in the RCA regarding air, noise, contaminated lands and water. The Second RtS also responds to the EPA's Assessment of Water Management in the first RtS, which the EPA has considered and provides no further comment.

Three of the comments in the RCA were challenged by the applicant and the EPA's response to each of these are provided in **Attachment 1**.

Section 45 of the *Protection of the Environment Operations Act 1997* sets out the matters the EPA must consider when exercising its licensing functions. These matters include:

- the pollution caused or likely to be caused by the carrying out of the activity or work concerned and the likely impact of that pollution on the environment;
- the practical measures that could be taken to prevent, control, abate or mitigate that pollution, and to protect the environment from harm as a result of that pollution;
- in relation to an activity or work that causes, is likely to cause or has caused water pollution, the environmental values of water affected by the activity or work and the practical measures that could be taken to restore or maintain those environmental values.

The EIS and two RtS do not provide the information required to consider these matters. Therefore, the EPA submits no variation to the RCA provided to DPIE for the application.

If the application is approved the applicant will have to apply separately to the EPA to vary their environment protection licence before construction may commence.

Should you have any other questions regarding this matter, please contact Grace Bell on 02 4908 6845.

Yours faithfully

 19/8/2019
STEVEN JAMES
Unit Head Waste Compliance
Environment Protection Authority

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Attachment 1 – EPA response to the Second RtS – SSD 8753

EPA Comment 8: Noise barriers on the eastern and southern perimeter of the premises must be completed prior to the commencement of construction and must be maintained during operations.

Second Response to Submissions: Section 6.2.6 of the EIS identified that no residences will experience noise levels above the relevant criteria during the construction phase. The construction noise predictions did not include mitigation from noise barriers on the eastern and southern perimeter of the premises as these are proposed for the operational phase. The noise barriers on the eastern and southern perimeter of the premises will be established during the construction phase and as such will not be completed prior to the construction phase.

The EPA acknowledges that the EIS did not identify noise levels above the relevant criteria during the construction phase. Despite this, the EPA does not vary this comment as a precautionary measure to assist in mitigating any possible construction noise from the premises.

EPA Comment 17: Prior to commencement of operations, the proponent must prepare a Discharge Impact Assessment (DIA). The DIA must:

- a) *be prepared by a suitably qualified and experienced expert/s;*
- b) *demonstrate that all practical and reasonable measures have been investigated and will be implemented to avoid, minimise or mitigate water pollution impacts;*
- c) *estimate the expected volume and frequency of discharges from each proposed discharge point;*
- d) *characterise the expected quality of discharges from each proposed discharge point in terms of the concentrations and loads of all pollutants potentially present at levels that pose a risk of non-trivial harm to human health or the environment;*
- e) *assess the potential impact of discharges on the environmental values of the receiving waterways with reference to the relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality guideline values; and*
- f) *where relevant propose changes to the water management system to address potential impacts and revise the discharge characterisation and impact assessment.*

Second Response to Submissions: Concrush commit to preparing a DIA but does not agree that this should be prior to operations and are proposing an alternate timeframe. If the Project is approved, Concrush would undertake the monitoring required to inform a DIA during the construction and initial operational phases. The reasons for this are as follows:

- *The length of time required to collect sufficient water quality data (in particular metals) to obtain results across a suitable range of rainfall events is highly variable and may potentially take a substantial period of time which may unnecessarily delay commencement of operations.*
- *The retention capacity of the proposed sediment basins and leachate dam will immediately result in the Project reducing the volume and frequency of discharges from site and therefore off-site impacts on water quality will be improved.*
- *The most appropriate way to assess the magnitude of the positive impact and whether further mitigation measures are required is to monitor the proposed water management system once in place. This will allow enhanced calibration of the site runoff model utilising known runoff volumes to site water storages from known rainfall events (using site monitored rainfall data).*
- *Concrush is committed to investigating and implementing additional mitigation measures should there be the potential for spills from the Water Management System to contain pollutants at non-trivial concentrations.*
- *Concrush commit to ongoing water quality monitoring of existing site runoff while the Project is in the detailed design and construction phase. This will include water quality monitoring of runoff discharging from the north west corner of the site throughout a significant rainfall event to further understand pollutant concentrations generated across the rainfall event.*

The DIA can be based on the estimated discharge quality informed by monitoring from the existing or similar sites. For example, the discharge concentrations of a pollutant could be estimated based on an assumption (if justified) that a treatment measure will reduce concentrations by a certain percentage compared to the current discharge. The applicant would then need to estimate the resulting waterway pollutant concentrations and compare these to relevant guideline values to determine whether the discharge will contribute to maintaining or restoring the environmental values of the waterway.

For this reason, a DIA will be required prior to commencement of operations and this comment is not varied.

EPA Comment 23: Garden and wood waste leachate must not be used outside of the leachate barrier system. This condition may be reviewed by the EPA, subject to the applicant demonstrating that the potential water pollution risks will be appropriately managed.

Second Response to Submissions: Concrush do not propose to use untreated leachate outside of the green waste catchment. Concrush is seeking clarification from EPA as to whether treated leachate from the constructed wetland can be reused outside of the green waste catchment. It should be noted that the expanded Concrush site will be surfaced with compacted road base. The road base material to be used has been laboratory tested for permeability (or hydraulic conductivity) with results indicating a permeability ranging from 9×10^{-9} to 1×10^{-8} m/s. This is less than the in-situ permeability of 1×10^{-7} m/s required by the Environmental Guidelines for Composting and Related Organics Processing Facilities (NSW Department of Conservation, 2004) for the Green Waste catchment leachate barrier system.

There is uncertainty regarding the treatment performance of the constructed wetland and treated leachate could potentially contain elevated nutrient concentrations. Leachate barrier systems are designed to direct leachate to a leachate collection system. The areas outside the garden and wood waste area would drain to the sediment retention basins rather than the leachate collection system. The sediment retention basins are designed to treat stormwater containing 'clean' sediment only and may not be appropriate to treat runoff containing other pollutants (e.g. nutrients). Therefore, reuse outside the leachate barrier system could potentially result in elevated nutrient concentrations in discharges from the sediment retention basins.

To address this, the applicant could consider preparing an assessment of the sustainability of the proposed reuse of treated leachate outside the organics area based on commissioning stage monitoring program of the performance of the constructed wetland. The commissioning stage monitoring program would need to commence once the organics processing operations are fully operational and would only be permitted via a specific licence trial condition which would require negotiation. The EPA could consider treated leachate reuse outside the organics area subject to the sustainability assessment. Ongoing monitoring of the treated effluent will also be required.

For this reason, the EPA's comment will not be varied but can be negotiated at a later stage.