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Planning and Assessment Division  
Department of Planning, Industry and Environment

Via Major Projects Portal  
Email. Deana.burn@planning.nsw.gov.au

Attention: Deana Burn

6 August 2021

**Response to Submissions  
Tomago Resource Recovery Facility and Truck Depot –  
21D and 21F School Drive Tomago  
SSD-10447**

Dear Ms Burn

I refer to Department of Planning, Industry and Environment's (**DPIE**) request for advice dated 17 June 2021 in respect of the Response to Submissions (**RTS**) for Tomago Resource Recovery Facility (**RRF**) and Truck Depot development application SSD-10447 at 21D being Lot 11 DP270328 and 21F being Lot 8 DP270328 and part of Lot 301 DP 634536 School Drive, Tomago NSW (**Premises**).

The EPA provided advice on the Environmental Impact Statement (**EIS**) for SSD-10447 to DPIE on 26 February 2021, requesting further information.

The EPA has reviewed the (RTS) which include the following documents:

- Environmental Impact Statement, Remondis Australia Pty Ltd, Tomago Resource Recovery Facility and Truck Depot (Version 2) – Jackson Environment and Planning Pty Ltd – 1/12/2020 (**EIS**)
- Air Quality Information Request Response – Tomago Resource Recovery Facility and Truck Depot – Trinity Consultants Australia Pty Ltd – 31/03/2021
- Traffic Impact Assessment – Resource Recovery & Truck Parking Depot Tomago – Ver04 - Seca Solutions Pty Ltd – 28/04/2021
- Groundwater Contamination Assessment Report – JME20005-5 - JM Environments – 28/04/2021
- Soil and Water Management Plan, Addendum – Tomago Resource Recovery Facility and Truck Parking Depot – Northrop Consulting Engineers – 17/05/2021
- Waste Minimisation and Management Plan Remondis Australia Pty Ltd, Tomago Resource Recovery Facility and Truck Parking Depot (Version 3) (**Waste Management Plan**) – Jackson Environment and Planning Pty Ltd – 4/06/2021
- Remedial Action Plan, 21D and 21F School Drive, Tomago – JME20005-3 – JM Environments – 17 July 2021
- Detailed Contamination Assessment, 21D and 21F School Drive, Tomago – JME20005-2 – JM Environments – 13 July 2021

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- Site Audit 0097\_IDG, Remondis Tomago – Interim Audit Advice #1, Review of Investigation Reports and Remedial Action Plan – Ian Gregson of GHD Pty Ltd – 23 July 2021

The EPA has reviewed the RTS. It does not adequately address the EPA's submission on this project from 26 February 2021. The EPA is unable to determine whether to recommend conditions of approval unless the additional information listed in **Attachment 1** is provided.

If you have any questions about this request, please contact Kim Stuart on 02 6659 8292 or via email at EPA.Northopsregional@epa.nsw.gov.au.

Yours sincerely

**NATASHA RYAN**  
**A/Unit Head Regulatory Operations**

Encl: Attachment 1: Additional Information Required

## ATTACHMENT 1 – ADDITIONAL INFORMATION REQUIRED

### Matters to be addressed prior to determination

#### **Hazardous waste – classification of waste to be received and produced**

The Waste Management Plan has been updated with additional information on the classification of wastes to be processed at the Premises. However, the summary of waste materials processed in each operation at the Premises (Table 4.2) does not:

- Classify all listed waste material in accordance with *NSW Waste Classification Guidelines Part 1: Classifying Waste*; or
- Identifies which scheduled activity in accordance with Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) applies to each listed waste material.

The EPA requires the following information:

1. The Applicant revise Table 4.2 of the Waste Management Plan to include:
  - a) A waste classification in accordance *NSW Waste Classification Guidelines Part 1: Classifying Waste* for each waste type received at the Premises; and
  - b) The scheduled activity in accordance with Schedule 1 of the POEO Act that will apply for each waste type received at the Premises.

#### **Liquid waste – management and waste tank storage**

The Resource Recovery Facility (RRF) will receive a range of trackable liquid wastes including:

- waste mineral oils (6,000 tpa);
- oily water/coolant etc (300 tpa); and
- residual solvents/thinner/paints (50 tpa).

The liquid waste and fuel storage facilities at the RRF are summarised in the EIS (Appendix E, Table 4.3) and are:

- Tank 1 and Tank 2: waste oil (54,000 and 67,000 l);
- Tank 3 and Tank 4: oily water/coolant (both 20,000 l);
- Tank 5: Fuel/AdBlue for refuelling vehicles and equipment (60,000 l);
- Tank 6: Liquid food waste from packaged food recycling plant (20,000 l); and
- Tank 7: Drill mud liquid storage tank (50,000 l).

Containers of trackable liquid waste will be unloaded in a bunded area for assessment, classification and then decanted into holding tanks on-site. The tanks will be periodically emptied, and the aggregated liquid waste transported in specialised containers or tanker trucks for off-site recycling or treatment. The floor plan for liquid waste storage is stated to be prepared in accordance with the *Australian Code for the Transport of Dangerous Goods by Road & Rail 2020* to ensure no incompatible chemicals are stored with each other.

The EIS refers to Figure 3.4 (Appendix E) to provide an overview for the storage arrangements of waste materials in the Hazardous Waste Recycling Facility (HWRF), however details of the actual storage are not provided in this figure, and thus it is not possible to confirm the proposed plant, such as tanks, required for the HWRF.

In addition, the EIS states (Appendix E, Section 4.3.3) drill mud on receipt will be pumped into a bunded 50,000 litre drill mud holding tank, while post treatment dewatering drill mud liquid will be pumped to (presumably) another a 50,000 litre holding tank for testing prior to offsite transport.

However, only one 50,000 litre tank for drill mud liquid is included in Section 4.4 of Appendix E of the EIS.

The EIS includes very brief information (Appendix E, Section 4.10) on incident management with respect to spills only. In addition, Table 5.1 (Appendix E) summarises proposed control measures and safeguards, however the information provided is at a high level and focuses more on control measure goals and management level/administrative response.

The EIS (Appendix E) does not provide detailed information on:

- the processes and plant that will be used to manage the decanting, conveying and transfer of liquid waste between tanks, containers, and other storage;
- the controls that will be implemented to address leaks, spills, or discharge of liquid waste; and
- the controls that will be implemented to address odour emissions, including from the handling and storage of liquid waste such as waste oil, oily water, residual solvents thinners and paints, and drill mud, noting each will or may contain hydrocarbons.

*The EPA requires the following Information:*

2. *Provide detailed information to clarify drill mud and liquid waste storage and infrastructure requirements; and*
3. *Clearly identify and justify controls to be implemented to mitigate risks associated with waste activities, and in particular liquid waste handling and storage.*

**Contaminated soil – resource recovery**

The Waste Management Plan has been updated to state that 100% of the contaminated soil received at the Premises will be recovered, however, the final destination for the material is Suez Recycling & Recovery Pty Ltd with EPL 4068 located at Kemps Creek. EPL 4068 is authorised for waste disposal (application to land) of restricted solid waste.

There is no detail regarding what types of contaminant soil will be accepted, or how the contaminated soils will be processed. Furthermore, the treated soils must be validated prior to supply for resource recovery.

There is no general resource recovery order (Recovery Order) and resource recovery exemption (Recovery Exemption) relating to treated contaminated soils. If the applicant wishes to pursue this line of resource recovery, they must apply for and obtain an order and exemption specific to their operations for this waste stream.

It would not be lawful to supply treated soils for resource recovery under *The 'continuous process' recovered fines order 2014* or *The 'batch process' recovered fines order 2014*.

If the intention is to supply the material to third parties for treatment this should be made clear, and 'contaminated soils' should be removed from the list of 'recovered products'.

Depending on what type of contaminated soils the Applicant is proposing to treat, additional managing controls may be required.

*The EPA requires the following information:*

4. *Provide detailed information on what type of contaminated soil will be accepted, or how the contaminated soil will be processed; and*
5. *Revise Table 4.2 in the Waste Management Plan to state the scheduled activity in accordance with Schedule 1 of the POEO Act that will apply for contaminated soil received at the Premises.*

### **Shredded wood – resource recovery**

Section 2.3 of the EIS indicates that ‘shredded wood’ will be produced at the Materials Recycling Facility (**MRF**) and is listed separately to refuse-derived fuel. Later in the EIS, section 6.3. indicates that it is intended to supply ‘timber/wood mulch’ for re-use under the mulch order 2016. The material received at the Garden Organics Primary Processing Plant (**GOPPP**) is described separately, so the EPA infers that the shredded timber from the MRF is that which is to be supplied under *The Mulch Order 2016*.

*The Mulch Order 2016* does not permit the inclusion of any engineered wood products, preservative treated or coated wood residues, as they are defined in that order. Furthermore, any ‘urban wood residues’ included in the mulch must be received via a separated material stream. It would be near impossible and extremely labour-intensive for the applicant to conclusively demonstrate this because there are so many different waste sources that would be received at an MRF facility.

It would be more practicable for the Applicant to apply for and obtain a specific order and exemption for this waste stream. This may include mandated quality assurance/quality control procedures, as well as sampling and testing requirements.

#### **The EPA requires the following information:**

6. *Provide details on how timber/wood material received at the material recovery facility is processed.*
7. *Provide details on what product will be produced from the timber/wood material received at the material recovery facility.*

**The EPA provides additional advice to DPIE for consideration.**

### **Contaminated land**

- The processes outlined in State Environmental Planning Policy 55 - Remediation of Land (SEPP55) must be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
- The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination [note that this would render the Applicant the ‘person responsible’ for the contamination under section 6(2) of *Contaminated Land Management Act* (CLM Act)].
- The EPA should be notified under section 60 of the CLM Act for any contamination identified which meets the triggers in the Guidelines for the Duty to Report Contamination [www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf](http://www.epa.nsw.gov.au/resources/clm/150164-report-land-contamination-guidelines.pdf).
- The EPA recommends use of “certified consultants”. Please note that the EPA’s Contaminated Land Consultant Certification Policy (<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19DC273A1F7>) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.