



DOC21/718183-2

Planning and Assessment Division
Department of Planning, Industry and Environment
Email: deana.burn@planning.nsw.gov.au

Attention: Ms Deana Burn

24 August 2021

RECOMMENDED CONDITIONS OF APPROVAL – SSD-10447
Tomago Resource Recovery Facility and Truck Depot

Dear Ms Burn

Thank you for the request request for advice from Public Authority Consultation (PAE-12310253) of the second response to Submission Report on 17 August 2021 for the proposed Tomago Resource Recovery Facility (RRF) and Truck Depot subject of 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 Environment Protection Authority (EPA) has reviewed the additional information following response to submissions (RtS), being the document:

- Waste Minimisation and Management Plan Remondis Australia Pty Ltd, Tomago Resource Recovery Facility and Truck Parking Depot (Version 4) (Waste Management Plan) – Jackson Environment and Planning Pty Ltd – 12/08/2021

The EPA advises Department of Planning, Industry and Environment (DPIE) that this information satisfies the EPA submission to DPIE on the RtS from 6 August 2021.

The EPA is able to recommend conditions of approval (RCoA) for SSD-10447 which are provided in **Attachment A**. The EPA has also provided its mandatory conditions for as **Attachment B**:

The EPA understands that Application SSD-10447 would involve:

- Establishing a resource recovery facility within an industrial warehouse to receive, process and recover the following waste types from across the Hunter region; approximately **72,000 tonnes of general solid waste (non-putrescible)** including paper, cardboard, plastic, glass, timber, wood, garden organics, metals, E-waste, drained oil filters, batteries, fluoro tubes, Gyproc and used fire extinguishers and pressure vessels; approximately **2,000 tonnes of general solid waste (putrescible)** including food organics; approximately **11,000 tonnes of category 1 trackable liquid waste** including drilling mud, waste mineral oils, oily water, residual solvents, thinners and paints and **13,000 tonnes of category 1 trackable solid waste** including containers of controlled waste residues, contaminated soil and lead acid batteries;
- Storing all waste materials in separate concrete bays or dedicated hook lift bins;
- Storing up to 3,500 tonnes of waste materials at any one time at the RRF;
- Establishing a truck depot to provide overnight parking for 24 rigid trucks and nine semi-trailers;

Phone 131 555
Phone +61 2 9995 5555
(from outside NSW)

TTY 133 677
ABN 43 692 285 758

Locked Bag 5022
Parramatta
NSW 2124 Australia

4 Parramatta Square
12 Darcy St, Parramatta
NSW 2150 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

- The recovery of approximately **15,500 tonne of loose refuse-derived fuel (RDF)** for export to domestic and overseas energy recovery facilities;
- The recovered waste outputs where required would comply with relevant NSW EPA Resource Recovery Orders and NSW Energy from Waste Policy Statement before being transported off site for manufacturing, recycling, re-use or energy recovery;
- Remediation works to cap 21F School Drive;
- Earthworks and installation of a weighbridge;
- An infiltration pit with a capacity of 100kL; and
- Two 100kL rainwater tanks.

Based on the information provided, the proposal will require an environment protection licence (EPL) under section 48 of the *Protection of the Environment Operations Act 1997* (POEO Act) to authorise the carrying out of scheduled activities for resource recovery (clause 34), waste processing (non-thermal treatment, clause 41) and waste storage (clause 42) of Schedule 1 of the POEO Act.

The Applicant will need to make a separate application to the EPA to obtain an EPL.

Licensing requirements

The Applicant should be aware that there are further licensing requirements not included in the RCoA that will be discussed with them at the licensing stage. These include:

- Monthly recording and reporting requirements;
- Provision of a financial assurance;
- Maximum limits for receipt and storage of waste material;
- Written evidence demonstrating that the holder of the EPL is the owner of the Premises or has the written permission of the landowner to conduct the proposed scheduled activities;
- Any specific resource recovery order and exemption required for the operation of the Premises must be approved prior to the issue of an EPL. The Applicant should carefully consider if you require a specific resource recovery order for the timber/wood waste obtained from the Material Recycling Facility; and
- Completion of a stocktake and undertake a topographical survey

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.

Your sincerely

NATASHA RYAN
A/Unit Head, Regulatory Operations

ATTACHMENT A – Recommended Conditions of Approval

Remediation Conditions

1. The Applicant must follow the processes outlined in State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) in order to assess the suitability of the land and any remediation required in relation to the proposal.
2. The Applicant must ensure the proposed development is carried on in a manner that does not result in a change of risk in relation to pre-existing contamination on the site so as to result in significant contamination.

Note: This that this would render the Applicant the ‘person responsible’ for the contamination under section 6(2) of Contaminated Land Management Act (CLM Act).

3. The Applicant must engage a NSW EPA-accredited Site Auditor throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.
4. Prior to commencement of remediation works the Applicant must prepare a detailed design for the containment cell for placement of zinc impacted soils. The design must be undertaken by a suitably qualified engineer and be approved by the appointed site auditor prior to construction.
5. The Applicant must adhere to the management measures in the report *Remedial Action Plan – 21D and 21F School Drive, Tomago* (JM Environments, 17 July 2021) (RAP). This is subject to completion and assessment of the pre-remediation groundwater monitoring outlined in the *NSW EPA-accredited Site Auditor advice Site Audit 0097_IDG, Remondis Tomago – Interim Audit Advice #1, Review of Investigation Reports and Remedial Action Plan* (GHD, dated 23 July 2021).
6. Any subsequent variations to the RAP must be approved in writing by the Site Auditor.
7. Post construction, the site must be subject to a Long-Term Environmental Management Plan (LTEMP), which adequately details the measures to identify and monitor contamination remaining on site. The LTEMP and post-remediation groundwater monitoring must be certified as appropriate by the appointed Site Auditor.
8. If work is to be completed in stages, the Site Auditor must confirm satisfactory completion of each stage through the issue of Interim Audit Advice.
9. The Applicant must obtain a Section A2 Site Audit Statement accompanied by an Environmental Management Plan - from a NSW EPA accredited Site Auditor and submit it to the consent authority prior to commencement of operation. The Site Audit Statement must certify the site is suitable for the proposed use.
10. Prior to occupation, the Applicant must obtain confirmation from the Certifying Authority in writing that the requirement of condition 7 (above) has been met.

Note: *The EPA recommends use of “certified consultants”. Please note that the EPA’s Contaminated Land Consultant Certification Policy 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.

Water Conditions

11. Except as expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation to the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in connection with the carrying out of the development.
12. Prior to the commencement of construction, the Applicant must install bunding that will contain runoff for storm events up to 1% annual exceedance probability for remediation and construction activities at 21F School Drive.
13. Groundwater must be monitored monthly during remediation and post-remediation in accordance with *Remedial Action Plan – 21D and 21F School Drive, Tomago (JM Environments, 17 July 2021 (RAP))*.
14. Groundwater must be monitored monthly at up-gradient and down-gradient groundwater bores for the life of the development. The Applicant must monitor for:
 - a. groundwater depth,
 - b. pH,
 - c. dissolved oxygen,
 - d. electrical conductivity,
 - e. redox potential,
 - f. arsenic,
 - g. cadmium,
 - h. chromium,
 - i. copper,
 - j. lead,
 - k. zinc; and
 - l. per- and polyfluoroalkyl substance (PFAS) compounds.

Water Management Plan

15. Prior to the commencement of operation, the Applicant must engage a suitably qualified and experienced person to prepare a water management plan for the premises. The plan must:
 - a. Detail water use, disposal and management;
 - b. Detail the management of wastewater on site including leachate and fire water; and
 - c. Contain a surface water management plan.

Air Conditions

General

16. Trucks entering and leaving the premises must be covered at all times, except during loading and unloading.
17. The Applicant must ensure that no material, including soil, is tracked from the premises.
18. All waste material received at the premises must be stored, handled, processed and recovered within the enclosed warehouse.

19. A material handling, processing and storage surfaces and truck routes must be sealed.

Dust

20. The premises must be maintained in a manner that prevents or minimises the generation of dust.
21. Activities occurring in or on the premises must be carried out in a manner that will prevent or minimise the generation, or emission of dust from the premises.

Odour

22. The Applicant must not cause and/or permit the emission of offensive odour beyond the boundary of the premises.

Note: **Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.*

23. Prior to construction of the project, the Applicant must provide further detail to the EPA on the final design of the odour control system that is to be implemented for the food packaging plant. Information must include but is not necessarily limited to:
 - a. the treatment method;
 - b. the size;
 - c. capacity; and
 - d. control efficiencies that the control system would achieve.

Air Quality Verification Impact Assessment

24. Prior to construction of the project, and to the satisfaction of the EPA, the Applicant must provide a Verification Air Quality Impact Assessment (the Verification Assessment). The Verification Assessment must be:
 - a. Conducted in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*;
 - b. Based on the final design of the facility (including the proposed odour control system, referred to in condition 20 (above); and
 - c. Conducted to the satisfaction of the EPA prior to the commencement of construction.

Air Quality Management Plan

25. The Applicant must develop and implement an Air Quality Management Plan (AQMP) for the premises. For all significant emissions sources at the premises the AQMP must include, but is not limited to:
 - a. Risk assessment;
 - b. Proactive and reactive mitigation measures;
 - c. Key performance indicator(s);
 - d. Monitoring method(s);
 - e. Location, frequency and duration of monitoring;
 - f. Record keeping;
 - g. Response mechanism and contingency measures; and

h. Compliance reporting.

Waste Conditions

General

26. The Applicant must:
 - a. Implement auditable procedures to:
 - i. screen incoming waste loads;
 - ii. ensure that waste is not accepted at the premises that is not permitted by the Environment Protection Licence;
 - iii. handle and dispose of waste not permitted by the Environment Protection Licence, despite procedures developed to ensure it is not received at the premises.
 - b. Ensure all waste controlled under a tracking system has the appropriate documentation prior to acceptance at the premises; and
 - c. Ensure all staff receive adequate training in order to be able to recognise and handle any hazardous or other prohibited wastes such as asbestos.
27. The Applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.
28. Any waste for processing, storage or resource recovery at the premises must be assessed and classified as per the EPA's *Waste Classification Guidelines* as in force from time to time.
29. Incoming waste must comply with resource recovery criteria specified in Table 1 of the EPA's *NSW Energy from Waste Policy Statement* for each waste stream.
30. The Applicant must comply with the requirements set out in the EPA *Standards for managing construction waste in NSW* as in force from time to time.
31. The Applicant must ensure compliance with all of the requirements of any resource recovery order and exemption applicable to the activities conducted at the premises.
32. Waste must only be received and stored separately within designated receivals area and bays.
33. All waste removed from the premises must only be directed to a premises lawfully permitted to accept the waste.
34. The Applicant must retain all sampling and waste classification data for the life of the development and make it available for inspection by the EPA.

Energy from Waste Management Plan

35. Prior to the commencement of the operations, the Applicant must prepare an Energy from Waste Management Plan (EfWMP). The EfWMP must:
 - a. Be prepared in consultation with the EPA;

- b. Detail the procedures to ensure full and ongoing compliance with the *NSW Energy from Waste Policy*, including:
 - i. details of how the receipt of incoming waste (feedstock) from waste processing facilities or collection systems complies with the resource recovery criteria specified in Table 1 of the EPA's *NSW Energy from Waste Policy Statement* for each waste stream;
 - ii. details of how the Applicant will compile and calculate percentages of incoming waste streams every three months and retain this information for submission to the EPA on request;
 - iii. a procedure for providing evidence to the EPA that incoming material was previously going to landfill;
 - iv. a procedure for the management of out of specification refuse derive fuel (RDF); and
 - v. a requirement that out of specification RDF material would not be processed until further analysis demonstrates that it meets the relevant criteria.
 - c. Define calibration procedures and operating thresholds for the online analyser that will be used to measure real-time chlorine, calorific value and moisture content of the RDF.
36. The Applicant must ensure the Energy from Waste Management Plan will be implemented for the operational life of the development.

Fuel, Oil and Chemical Storage Conditions

37. The final layout and design of the facilities (and any other relevant areas of the premises) as constructed meets the specifications and requirements outlined in:
- a. AS 1940 – The storage and handling of flammable and combustible liquids;
 - b. AS 3780 – The storage and handling of corrosive substances; and
 - c. Australian Code for the Transportation of Dangerous Goods by Rail & Road (2020).
38. All above ground tanks containing chemicals capable of causing harm to the environment if they spill or leak must be contained within a covered and bunded area, or within an appropriate alternative spill containment system that will prevent pollutions of waters and land.
39. Bunds or spill containment system must be properly designed and constructed to contain all the material stored within them.

Environmental Management Plan

40. The Applicant must prepare and submit an Environmental Management Plan for the premises prior to the issue of an Environment Protection Licence.
41. Operations at the premises must be undertaken in accordance with the Environmental Management Plan for the premises.
42. Within six months of the commission of operations, the Applicant must engage a suitably qualified person to undertake an audit of the Environmental Management Plan for the premises. A report detailing the outcomes of the audit must be submitted to the EPA within eight months of the commissioning of operations at the premises.

Attachment B – Mandatory Conditions for all EPA Licences

Operating Conditions

Activities must be carried out in a competent manner

1. Licensed activities must be carried out in a competent manner.
This includes:
 - a) The processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b) The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

1. All plant and equipment installed at the premises or used in connection with the licensed activity:
 - a) Must be maintained in a proper and efficient condition; and
 - b) Must be operated in a proper and efficient manner.

Monitoring and Recording Conditions

Recording of pollution complaints

1. The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
2. The record must include details of the following:
 - a) The date and time of the complaint;
 - b) The method by which the complaint was made;
 - c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) The nature of the complaint;
 - e) The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - f) If no action was taken by the licensee, the reasons why no action was taken.
3. The record of a complaint must be kept for at least four (4) years after the complaint was made.
4. The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

1. The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
2. The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

3. The preceding two (2) conditions do not apply until five (5) days after the issue of this licence.

Reporting Conditions

Annual Return documents

What documents must an Annual Return contain?

1. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a) Statement of Compliance; and
 - b) Monitoring and Complaints Summary.
2. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

1. An Annual Return must be prepared in respect of each reporting, except as provided below. Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.
2. Where this licence is transferred from the licensee to a new licensee:
 - a) The transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b) The new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.
3. Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
 - a) In relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) In relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

1. The Annual Return for the reporting period must be supplied to the EPA by registered post not later than sixty (60) days after the end of each reporting period or in the case of a transferring licence not later than sixty (60) days after the date the transfer was granted (the ‘due date’).

Licensee must retain copy of Annual Return

1. The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least four (4) years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

1. Within the Annual Return, the Statement of Compliance must be certified, and the Monitoring and Complaints Summary must be signed by:
 - a) The licence holder; or
 - b) By a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of Environmental Harm

1. Notifications must be made by telephoning the EPA's Environment Line service on 131 555. Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Protection of the Environment Operations Act 1997.
2. The licensee must provide written details of the notification to the EPA within seven (7) days of the date on which the incident occurred.

Written Report

1. Where an authorised officer of the EPA suspects on reasonable grounds that:
 - a) Where this licence applies to premises, an event has occurred at the premises; or
 - b) Where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

2. The request may require a report which includes any or all of the following information:
 - a) The cause, time and duration of the event;
 - b) The type, volume and concentration of every pollutant discharged as a result of the event;
 - c) The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - d) Action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - e) Details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - f) Any other relevant matters.

General Conditions

Copy of Licence Kept at the premises or on the Vehicle or Mobile Plant

1. A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
2. The licence must be produced to any authorised officer of the EPA who asks to see it.
3. The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

ENDS