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Dear Ms Barnet

Proposed Minto Resource Recovery Facility (Application SSD-5339) at 7 Montore Road, Minto - Response to Submissions -

Thank you for the request for advice from Public Authority Consultation (PAE-29894471), requesting the review by the NSW Environment Protection Authority (EPA) of the Response to Submissions for the proposed Minto Resource Recovery Facility (Application SSD-5339) at 7 Montore Road, Minto.

The EPA has reviewed the following documents:

- Statutory authorities, public and organisations submissions made on the proposal.
- Response to Submissions – Nexus Environmental Planning Pty Ltd – 13 September 2021
- Air Quality Impact Assessment (Version B) – Wilkinson Murray Pty Limited – February 2021
- Asbestos Management Plan – EI Australia – 15 April 2021
- Water Pollution Impact Assessment – Environmental Risk Sciences Pty Ltd – 17 February 2021
- Preliminary Flood Assessment – Martens & Associates Pty Ltd – August 2021
- Site Water Management Plan – Martens & Associates Pty Ltd – March 2020

The EPA understands the proposal is for the operation of a resource recovery facility. The facility will have capacity to process 450,000 tonnes per annum of concrete, brick, asphalt, sandstone and sand from the building and construction industry into a range of products including road base, aggregates and sands. The facility will include a range of processing equipment including crushing, screening, sand washing and a pug mill.

Based on the information provided, the proposal will require an environment protection licence under sections 43 and 47 of the *Protection of the Environment Operations Act 1997* (POEO Act) for Resource Recovery, clause 34 of Schedule 1 of the POEO Act.

The EPA has reviewed the Response To Submissions and notes it has not fully addressed the EPA's submission on this project from 13 November 2020 (DOC20/856333).

The EPA has the following additional comments and recommendations:

1. Matters to be addressed prior to determination

a. Air quality

The EPA has undertaken a review of the revised Air Quality Impact Assessment and determined that it requires further information from the proponent prior to providing final comments. Details of the required information are provided in Attachment 1.

2. Matters to be addressed with conditions

a. Noise management

The EPA's initial response to the application on 13 November 2020 (DOC20/856333) included a number of recommendations regarding noise management from the proposal. This was centred around a table of noise limits that should be put in place should approval of the development be granted.

For further context regarding the EPA's assessment of the noise impact assessment for the proposal see Attachment 2. This provides a range of conditions that the EPA would propose be included on any environment protection licence issued for the facility. These conditions may be suitable for inclusion on any approved development consent for the proposal.

b. Remediation of asbestos impacted soils

The proponent has now provided an Asbestos Management Plan (AMP) to accompany the Remediation Action Plan. The applicant had previously indicated that encapsulation of asbestos would be considered. The AMP now appears to solely relate to the removal of asbestos contamination from the Premises. As was previously outlined, the EPA has a strong preference that all asbestos is removed from the Premises.

The comments previously provided by the EPA regarding asbestos management remain relevant.

3. Minor matters

a. Compliance with the construction and demolition waste standards

The Response to Submissions (RTS) document prepared by Nexus Environmental Planning Pty Ltd includes a number of statements that appear to contradict requirements of the EPA's *Standards for Managing Construction Waste in NSW* (C+D Standards). Section 1.5 of the RTS states:

> *Incoming trucks would stop at a receiving point where the load would be inspected to ensure loads comply with the material which the facility is licenced to receive pursuant to the EPL.*
>
> *If accepted, the driver would be instructed to proceed to the weighbridge office where a docket would be issued. Once a docket is issued, the truck driver would be directed to a designated stockpile depending on the type of waste the truck is carrying.*

The C+D Standards, however, set the requirements for the inspection of incoming loads of construction and demolition waste. This includes an inspection of incoming loads firstly at the weighbridge and then at a designated tip-and-spread area before the waste can be stockpiled at a facility.

Section 2.4 of the RTS also states that stockpiles of waste at the Premises are not required to be separated and will touch each other. Please note that the C+D Standards include requirements on the storage of waste at construction and demolition waste facilities. Differing waste types must be stored separately and be at least 3 metres apart at the base. Only stockpiles of the same listed waste types are permitted to touch.

The EPA has previously raised concerns about the unloading duration outlined for incoming vehicles at the proposed facility. In response, the RTS indicates that the applicant is allowing a five-minute turnaround time for incoming loads of waste to be unloaded and inspected as required by the Standards. It is unclear whether this timeframe allows for re-loading of non-conforming loads of waste. A five-minute window for a load of waste to be inspected at the weighbridge, inspected at the tip-and-spread area and either reloaded for removal or moved to a storage stockpile is likely to be relatively tight. I note that the applicant has indicated that there will be multiple tip-and-spread areas utilised at the facility. The Standards also include requirements that tip-and-spread areas must meet.

If approval for the proposal is granted and a licence issued for the facility, the licensee will be required to comply with the C+D Standards at all times

b. Waste storage

The applicant has now provided updated site plans that include stockpile sizes and locations. The plans however still do not include designated tip-and-spread areas as required by the Standards and discussed above. The Standards set the requirements for such tip-and-spread areas at construction and demolition waste facilities including their size and composition and set signage requirements for stored waste. If approval for the proposal is granted and a licence issued for the facility, the licensee will be required to comply with the Standards at all times.

c. Water management

The Water Pollution Impact Assessment and updated Site Water Management Plan adequately address the EPA's concerns raised in our initial comments.

The water balance indicates that the operational water demand is 59.6ML/year. Runoff collected by the water management system is estimated to be 12.34ML/year (approximately 21% of water demand) and mains water will be sourced to meet the remaining operational water demand.

The updated Soil and Water Management Plan states that managed overflows will occur for rainfall events greater than 1 in 10-year ARI (10% AEP). In this instance, the northern sediment basin will pump to the southern sediment basin and managed overflows will discharge to Bow Bowing Creek.

Also, the Water Pollution Impact Assessment states that sediment basin design and sizing will be consistent with *Managing Urban Stormwater: Soils and Construction Vol 1* (Landcom, 2004) which would require the sediment basins at the site to be sized for a 5-day, 90 percentile rainfall event of 43.2mm for Campbelltown.

The Preliminary Flood Assessment indicates that a 1 in 100-year ARI flood event will not inundate the waste operation areas of the site and the RtS states that two automated pumps will be installed to each sediment basin to transfer runoff to the aboveground storage tanks for reuse onsite.

If you have any questions about this request, please contact Greg Frost on (02) 4224 4113 or via email at info@epa.nsw.gov.au.

Yours sincerely

LARA BARRINGTON
Unit Head Regulatory Operations

Attachment 1: Additional air management information requested
Attachment 2: Proposed noise management licence conditions

Attachment 1: Additional air management information requested

1. Control of emissions from fugitive sources not benchmarked against best practice

For fugitive sources, s128(2) of the POEO Act requires that the operator employs such practicable means as may be necessary to prevent or minimise air pollution. This is especially relevant to this proposal, which is for a large (450,000 tonne per annum) facility in an urban area close to receptors, where potentially significant incremental contributions are predicted.

In November 2020, the EPA requested that operations and controls at the proposed facility are benchmarked against best practice. This was not provided in the revised AQIA. The EPA considers that there are best practice mitigation measures that have not been discussed or potentially included in the project design, including but not necessarily limited to:

- Complete enclosure of operational activities;
- Sealing of haul roads;
- Complete enclosure of stockpiled material or storage of stockpiled material in three sided enclosures

a) Enclosure of operational activities

The crushing and screening operations are undertaken in a building that is open on at least one side and can possibly be opened on three sides. The sand-washing and concrete processing buildings are semi enclosed, with no roller doors, and the pugmill is located outside. There is no justification for not having full enclosure. Further, wastes are received outside of the processing building, and brought into the processing building using excavators.

b) Sealing of haul roads

The emissions inventory in the revised AQIA indicates that haulage on unpaved roads contributes to approximately 50% of total emissions. Paving all roads will reduce haulage road emissions, and will require far less active management, such as water application.

c) Enclosure of stockpiled material

Stockpiles are proposed to be stored outside, and not in dedicated enclosures. Dust generation due to wind erosion is proposed to be managed by water sprays and a 6 m boundary fence. The EPA considers that there are engineering controls that could minimise potential emissions, including wind erosion emissions. This includes but is not limited to complete enclosure of stockpiled material. Where complete enclosure is not feasible or reasonable, stockpiled material could be stored inside three-sided storage bays with walls higher than the stockpile height.

The EPA recommends that the proponent benchmark the proposal against best practice and demonstrate that all feasible and reasonable mitigation measures have been incorporated into the project design. This must include consideration of:

- ***Enclosure of operational activities;***
- ***Sealing of haul roads;***
- ***Enclosure of stockpiled material in complete enclosure or three-sided storage bays with stockpile heights no greater than the facades of the storage bays.***

Robust justification must be provided where identified best practice mitigation measures are not proposed for implementation.

2. Demonstration that the project will not result in additional exceedances of the impact assessment criteria

The proposal predicts exceedances in annual average $PM_{2.5}$ at receptors I2 and I3. Predicted incremental impacts of PM_{10} due to the facility alone can be up to 34.5 µg/m^3, which is approximately 69% of the criterion, and is significant. Further, the proposal predicts an additional exceedance of PM_{10} at I2. In accordance with the EPA's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*, if additional exceedances are predicted at a receptor, the proponent should apply more effective mitigation measures that reduce emissions to a greater extent, and revise the impact assessment.

The proponent should propose additional mitigation measures and provide a revised assessment to demonstrate that no additional exceedances of $PM_{2.5}$ and PM_{10} are predicted. Additional assessment should include feasible and reasonable measures identified through benchmarking against best practice (as discussed in item 1).

3. Further detail required regarding emissions from baghouses

Dust emissions from the concrete crushers and the pugmill are controlled using a baghouse. The revised AQIA does not provide enough information regarding the baghouse operations, performance, and discharge points. For example, it is not clear what emissions the baghouse is capturing at the pugmill, and where pugmill emissions are discharged. It is unclear where the crusher baghouse emissions are discharged, and whether the discharge points for both baghouses were modelled. It is also unclear whether emissions from the baghouses comply with the emission limits specified in Schedule 4 of the *Protection of the Environment Operations (Clean Air) Regulation 2021*.

The proponent should:

- ***Describe in more detail how dust emissions are being captured by the baghouses in the pugmill and the crusher building;***
- ***Describe how and where baghouse emissions are being discharged;***
- ***Demonstrate that baghouse emissions comply with Schedule of the POEO (Clean Air) Regulation; and***
- ***Account for the baghouse controls in the revised assessment of impacts discussed in item 2.***

Attachment 2: Proposed noise management licence conditions

Noise Limit Conditions

L6.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Figure 2-1 in the Materials Recycling Facility, Minto - Noise Assessment - Report no. 12166-N Version D dated January 2019.

Location	Noise Limits in dB(A)			
	Morning Shoulder		Day	Evening Shoulder
	$L_{Aeq(15\ minute)}$	L_{Amax}	$L_{Aeq(15\ minute)}$	$L_{Aeq(15\ minute)}$
18 Hebrides Place, St Andrews (Lot 282, DP 261631)	52	63	53	53
14A Gleneagles Place, St Andrews (Lot 12, DP 718649)	52	63	53	53
9 Troon Place, St Andrews (Lot 351, DP 260428)	52	63	53	53

L6.2 For the purposes of condition L6.1:

a) Morning Shoulder means the period from 6am to 7am Monday to Friday.
b) Day means the period from 7am to 6pm Monday to Saturday.
c) Evening Shoulder means the period from 6pm to 7pm Monday to Friday.

L6.3 Noise-enhancing meteorological conditions

a) The noise limits set out in condition L6.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Morning Shoulder, Day and Evening Shoulder	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.

b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition L6.1 plus 5dB.

L6.4 For the purposes of condition L6.3:

a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Macarthur.
b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
    i. Use of sigma-theta data (section D1.4).

L6.5 To assess compliance:

a) with the $L_{(15\ minutes)}$ or L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
    (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,

(ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
(iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
(iv) at any other location identified in condition L6.1

b) with the $L_{Aeq(15\ minutes)}$ or L_{Amax} noise limits in condition L6.1 and L6.3, the noise measurement equipment must be located:
(i) at the reasonably most affected point at a location where there is no residence at the location; or,
(ii) at the reasonably most affected point within an area at a location prescribed by condition L6.5 (a).

L6.6 A non-compliance of conditions L6.1 and L6.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L6.5 (a) or L6.5 (b).

NOTE to L6.5 and L6.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

L6.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

L6.8 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

M8 Requirement to Monitor Noise

M8.1 Attended noise monitoring must be undertaken in accordance with Condition L6.5 and must:
a) occur on a frequency set by the environment protection licence;
b) occur during each day, evening and night period as defined in the *Noise Policy for Industry* for a minimum of:

- 1.5 hours during the day;
- 30 minutes during the evening; and
- 1 hour during the night.

c) occur for three consecutive operating days.

Reporting Conditions

R4 Noise Monitoring Report

A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monitoring required by condition M8.1. The assessment must be prepared by a competent person and include:

a) an assessment of compliance with noise limits presented in Condition L6.1 and L6.3; and
b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L6.1 and L6.3.

Additions to Definition of Terms of the licence

- Noise Policy for Industry - the document entitled "*Noise Policy for Industry*" published by the NSW Environment Protection Authority in October 2017.

- Noise – 'sound pressure levels' for the purposes of conditions L6.1 to L6.8.

- $L_{Aeq\ (15\ minute)}$ - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).

Construction Noise

Hours of Construction

L6.11 All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

L3 Hours of Operation

L3.1 Activities at the premises must only be conducted between 6.00am and 7.00pm Monday to Friday and 7:00am to 4:00pm Saturday. No activity at the premises may be carried out during Sundays and public holidays.

Noise Management and Traffic Management

Noise Management Plan

L6.12 The proponent must prepare and implement a Noise Management Plan that covers all premises based activities and transport operations. The plan must include but need not be limited to:

a) all measures necessary to satisfy the limits in Table **L6.1** at all times,
b) a system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the facility,
c) Effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable,
d) Measures to monitor noise performance and respond to complaints,
e) Measures for community consultation including site contact details,
f) Noise monitoring and reporting procedures.

L6.13 The proponent must prepare and implement a detailed Construction Noise Management Plan (CNMP), prior to commencement of construction activities, that includes but is not necessarily limited to;

(a) identification of each work area, site compound and access route (both private and public)
(b) identification of the specific activities that will be carried out and associated noise sources at the premises and access routes,
(c) identification of all potentially affected sensitive receivers,
(d) the construction noise and vibration objectives identified in the Noise Assessment,
(e) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the Noise Assessment,
(f) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts,
(g) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of any operational noise control barriers,

(h) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity,
(i) measures to monitor noise performance and respond to complaints.

Recommended inclusions in the Planning Approval

That a Traffic Noise Management Strategy (TNMS) be developed by the proponent, prior to commencement of construction and operation activities, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following;

- driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers,
- best noise practice in the selection and maintenance of vehicle fleets,
- movement scheduling where practicable to reduce impacts during sensitive times of the day,
- communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented,
- a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS,
- specific procedures for drivers to minimise impacts at identified sensitive receivers,
- clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.