

Our reference :
Contact : Damien Rose

Mr Chris Ritchie
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EMAIL & STANDARD POST

Dear Mr Ritchie

Penrith Glass Beneficiation Project SSD-5267 – EPA Comment and Recommended Conditions of Consent

I refer to correspondence from the Department of Planning & Infrastructure ("DP&I") to the Environment Protection Authority (EPA) dated 5 June 2013 inviting comment and recommended conditions of consent for the proposed Penrith Glass Beneficiation Project SSD-5267 located at 126 Andrews Road, Penrith (the premises).

The EPA has reviewed the Benbow Environmental "*Environmental Impact Statement for Glass Recovery Services 126 Andrews Rd, Penrith*" May 2013 (the EIS) and provides comments as outlined in Attachment 1.

The EPA review has identified a number of factual inconsistencies within the EIS, exceedances in Project Specific Noise Levels (PSNL's), omission of an updated technical document and recommended operational changes. The EPA has also identified a number of other issues. The EPA therefore recommends that parts of the assessment be revised and then submitted for reassessment prior to progressing to recommending conditions of consent. The EPA concerns are clarified in Attachment 1.

Should you have any questions regarding these comments, please contact Damien Rose on 9995 5586.

Yours sincerely


Jacqueline Ingham
Unit Head Waste Operations
Environment Protection Authority

SSD 5267 EPA Comments

Attachment 1

Inspection of premises of 11 July 2013

The EPA conducted a joint inspection of the premises with representatives of the Department of Planning and Infrastructure, Penrith City Council and the applicant on 11 July 2013. During the inspection it was identified that Penrith City Council was undertaking regulatory action because the **proposed** waste processing activities detailed in the EIS are being currently carried out on site without consent. During the inspection, the applicant's representative Dom Tenace stated the receipt and processing of waste had been occurring onsite for approximately one year.

The EPA is concerned that this misrepresentation of the status of the site in the EIS raises doubt over the validity of the information and assessment provided. The EPA is also concerned that Richard T Benbow has certified an EIS that is misleading in this regard.

The EPA has taken into account activities observed during the inspection in its review of the exhibited EIS, in particular:

- Penrith City Council regulatory action requires the removal of glass waste that has been land applied at the rear of the property. Penrith City Council regulatory officers noted that these works were not complete;
- An externally stored stockpile of residual process waste was odorous and attracting birds;
- Odour was detected in the external eastern hardstand section of the site. The likely cause of this was either the open factory door or the dust extraction baghouse;
- The dust extraction baghouse was observed as a potential source of nuisance noise;
- Dust was observed on stored material in the external eastern hardstand section of the site;
- The external hardstand surfaces were covered with a thick layer of glass fines; and
- The internal areas of the facility were highly impacted with dust and the ground was covered with a thick layer of glass fines.

Recommendation: The EPA recommends that the applicant be required to revise its assessment to accurately describe current onsite conditions and activities and to revise any related technical assessments to ensure they include current, relevant details, as outlined below.

Noise Impact Assessment

The EPA has reviewed the Noise Impact Assessment (NIA) contained within the EIS. The predicted daytime noise level of 49dBA is 3dB above the Project Specific Noise Level (PSNL) of 46dBA at location R3 6 Koala Glen, Cranebrook. The NIA does not appear to include justification that the residual level of impact at R3 is acceptable in accordance with Chapters 8 and 9 of the INP. The EPA understands that in the recent *Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited [2013] NSWLEC 48*, one of the issues which lead to the appeal being upheld was that impacts above the PSNL were predicted, but that in giving approval to the project the Department of Planning and Infrastructure did not consider the acceptability of the impacts in accordance with Chapters 8 and 9 of the INP.

Recommendation: The EPA is not able to licence noise levels above the PSNL as requested unless the applicant has justified the acceptability of this by addressing the items in Section 8.2.1 of the INP. The EPA recommends the applicant revise the NIA to include further mitigation works so as to meet the PSNL or justify the acceptability of the exceedance by addressing the items in Section 8.2.1 of the INP. The EPA will not be able to provide noise specific conditions of consent until a revised NIA is provided.

Interim additional noise recommendations

Dust Baghouse

The dust baghouse is currently installed externally.

Recommendation: As the NIA modelling includes the dust baghouse being installed internally, this should be moved in to the factory.

Hours of Operations

The applicant requests approval to operate 24 hours a day and 7 days per week. The facility would operate on a three (3) shift basis as follows:

- Day Shift: 7:00am to 3:00pm
- Afternoon Shift: 3:00pm to 11:00pm
- Night Shift: 11:00pm to 7:00am

The EIS recommends noise compliance testing prior to night time operations commencing to ensure the project specific night time noise limits are satisfied.

The EIS recommends night-time vehicle movement restrictions and that factory doors remain closed at night to meet PSNL's.

Air emission modelling (s 5.1.8.1 of the EIS) was calculated based on truck movements between 6am to 6pm. Handling of external stockpiles was modelled for 4pm to 6pm. The applicant has not satisfactorily justified the need for operating hours extending in to the night for external plant and heavy vehicle activity

Recommendation: The EPA recommends the following operating hours:

- External operational activity including plant and heavy vehicle movements may be conducted between 6am and 6pm; and
- Internal activity may be conducted 24 hours, dependent upon noise validation. The EPA notes that as the facility is currently operating (without approval), this validation could be conditioned prior to receiving operational approval.

Note: these recommendations may be modified following a review of a revised noise assessment.

Air emissions

The EPA has reviewed the Air Quality component of the *Environmental Impact Statement for Glass Recovery Service Pty Ltd 123 Andrews Road, Penrith* (the assessment). The assessment has been conducted with reference to the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW*. The assessment contains numerous small deficiencies however these are unlikely to significantly affect the reported results. Hence, the assessment is generally adequate.

The assessment predicts no exceedances of the EPA's applicable ground level concentration impact assessment criteria for PM10, TSP and deposited dust.

Recommendation: The assessment is based on the application of significant dust controls which should be required under any recommended conditions of consent.

Stormwater

Floodwater

The external storage bays are proposed to be constructed within a floodplain. To maintain flood storage volume the proposal has designed 1 in 100 floodwaters to surcharge back in to these external bunkers.

During the review of the draft EIS, the EPA expressed concerns that glass cullet could potentially be carried out of the storage bays during flooding. The applicant subsequently provided the EPA with correspondence

entitled *Brown Smart Consulting X11354 EPA letter Rev01 17 May, 2013* that committed to the installation of floodwater containment bunds around the storage bay area, in order to ensure that all water would discharge from this area via the CDS interceptors. This correspondence was provided as a revision of the *Brown Smart Consulting X11354.W* referred to in the EIS.

Recommendation: The EPA requests the assessment be updated to include the advice of 17 May 2013. The EPA will require the installation and maintenance of floodwater containment bunds around the storage bay areas to ensure that all water, including floodwaters would discharge via the CDS interceptors.

Monitoring and Maintenance

The proposal states at page 5-161 that *"all water quality monitoring was performed on the basis that the glass cullet material was sufficiently cleaned prior to storage in the outdoor bunkers therefore no specific modelling parameters were introduced."*

Recommendation: The EPA will include conditions in the relevant EPL requiring that discharge from the onsite stormwater treatment system be monitored for nutrient and TSS levels comparable to those in the ANZECC 2000 guidelines and that only finished glass cullet that is free of contaminants be permitted to be stored externally.

Recommendation: CDS in-line stormwater treatment devices or similar must be installed. Where CDS in-line stormwater treatment devices are not installed, the applicant should install devices that will achieve the same or better performance criteria. These should also be routinely inspected and maintained so as to operate within design parameters.

Housekeeping

During the inspection of the 11 July 2013 the EPA observed that a layer of crushed glass cullet that may have been mixed with contaminants (eg. dirt) covered the external concrete hardstand. This material may result in an increase of emissions of dust and odour and the material may be washed into the stormwater. The EPA also observed that the internal factory floor was covered in a layer of crushed glass material and that a significant layer of dust covered the plant and other surfaces.

Recommendation: All external surfaces are kept free of contaminants including crushed glass including the external concrete hardstand areas. Note this condition would not be applied to the area immediately contained within the external storage bays.

Recommendation: The operator is required to maintain and clean the internal surfaces of the Premises to ensure operating conditions inside the facility minimise the potential to generate odour, dust and the carriage of waste outside the factory.

Recommendation: Finished glass cullet stockpiles are to be maintained below the 3m height of the bunkers at all times, to ensure the effective containment of finished glass cullet and to reduce the potential to generate wind born dust.

Land application of waste

Penrith City Council recently issued a clean up notice to address land contamination, specifically glass waste contaminating the rear of the property. During the inspection of the 11 July 2013 it appeared that not all the material required to be removed by Penrith City Council had been removed.

Recommendation: Prior to the commencement of operation, the applicant is required to: remove all waste contamination from the property (including all crushed glass that is not stored inside the factory or in the approved storage bays) as required by Penrith City Council; and the applicant is to engage a suitably qualified and experienced consultant to assess and submit a report on the effectiveness of works to remove all waste contamination from the property.

Factory Doors

During the inspection of the 11 July 2013 the EPA observed potential risks emanating from the inside of the building that would need to be mitigated including:

- Internal surfaces were highly impacted with dust;
- Crushed glass material issuing from within the building to outside surfaces;
- Putrescible waste odour around the eastern external pad area emanating either from the open factory door or the vent baghouse; and
- Dust coating surfaces around the eastern external pad area.

The noise impact modelling specifies the need for factory doors to remain closed at night to comply with the PSNL's.

Recommendation: the facility should install auto-closing doors, prior to the commencement of operation, to reduce the potential for dust, noise, odour and crushed glass to pass outside the facility building and to ensure factory doors are not left open at inappropriate times.

Fuelling of plant or vehicles within bunded area

Section 5.7.1 Chemicals and Dangerous Goods of the EIS refers to the Dangerous Goods to be stored onsite in accordance with AS 1940-2004.

Recommendation: The decanting of any chemicals or dangerous goods, including the fuelling of plant or vehicles from the 2000L bunded diesel tank, is to be conducted wholly within a covered and bunded area that excludes rainwater.

