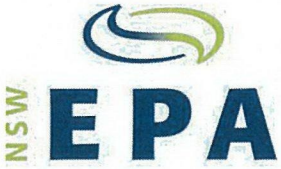

DOC15/403210

Ms Pamela Morales
Planning Officer
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2015

EMAIL AND STANDARD POST
16 October 2015

Dear Ms Morales

Boral Widemere Recycling Facility (SSD 6525) - Response to Submissions

I write in response to Department of Planning & Environment's (DPE) email dated 2 October 2015 to the Environment Protection Authority (EPA) requesting review of the Response to Submissions (RtS) for State Significant Development (SSD) Application No.6525.

I understand that Boral Recycling Pty Ltd (the Proponent) is seeking development consent to increase its production capacity, undertake a minor internal road realignment, permit the receival of additional waste material types, and change the hours of operation. The DPE have requested the EPA review the Response to Submissions and provide comment.

The EPA previously completed a review of the EIS and determined that it is able to vary existing Environment Protection Licence no. 11815 for the premises to allow the proposal to proceed, subject to conditions supplied on 13 July 2015 (ref. DOC15/260819).

The EPA has reviewed the *Widemere Recycling Facility EIS - Response To Submissions* and the EPA maintains the position outlined in Attachment A.

Should Boral Recycling Pty Ltd receive planning approval, it will need to submit a licence variation to the EPA to make the relevant changes to the existing licence.

Yours sincerely

DEANNE PITTS
A/Unit Head Waste Compliance
Environment Protection Authority

Contact officer: MELISSA WARD
(02) 9995 5747

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
ABN 43 692 285 758
www.epa.nsw.gov.au

Attachment A

Table 1. Air Comments

RtS No.	General Term of Approval	Boral Concern	EPA Comment
3.3	Within six months of commencing operations the proponent must undertake a site audit, completed by suitably qualified third party, to identify all fugitive particulate matter emission sources, and benchmark the mitigation measures against best practice.	As the site already undertakes (and proposes to continue) an air quality monitoring program, as well as implementing an overall site environment management plan, there seems no purpose to this request. Additionally, the site is well situated in an industrial precinct, well clear and buffered from any sensitive receivers, such as residences.	The EPA maintains that this GTA is necessary taking into account the following considerations: • The EPA understands that the current monitoring program consists of one dust deposition gauge. This will not provide any information on other particle fractions (PM2.5, PM10); • The capacity of the proposal (1 Mtpa) may be considered in line with similar small mining operations. The NSW EPA has required mines to conduct similar studies as a part of the Dust Stop program; • The GTA aims to cover objectives of the *Protection of the Environment Operations Act 1997* (POEO Act) to take all practicable means to reduce emissions. In particular Section 128(2)(b) of the Act states that "The occupier of any premises must carry on any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution if the emissions are not point source emissions". All the sources in this application are considered fugitive sources (i.e. non-point sources); and • The Air Quality Impact Assessment predicted additional exceedances. Whilst the incremental impact maybe considered small, Section 5.1.3 of the Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales outlines that best management practices must be implemented to minimise emissions of air pollutants as far as practical.

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Table 1. Noise Comments

RtS No.	General Term of Approval	Boral Concern	EPA Comment
Boral Recycling Pty Ltd have noted the EPA's GTAs and the EPA has no further comment to make.			

Table 1. Water Comments

RtS No.	General Term of Approval	Boral Concern	EPA Comment
Item 3.13	Retaining monitoring requirements for volume and pollutant concentration, pollutant load, sediment basin capacity, frequency of discharge, and rainfall depth to assess the need for further action or mitigation. [Note: this was not a GTA but a comment]	Note that the site is currently closed on Saturday and Sunday, and is proposed to be closed on Sundays. Monitoring will not take place when the site is closed.	The EPA note that the site will be closed on Sundays. The EPA may require automatic sampling to occur during discharge events. This will be discussed with the proponent during licence variation negotiations.
Item 3.19 dot point no.2	The Proponent must update and implement its "Widemere Operational Environmental Management Plan" (OEMP) in consultation with the EPA to include but not be limited to the following elements:… ii. a description and map of surface water and process water management including the fate of pollutants in process water	No need for this description. The site currently implements an inspection and receivals protocol. Raw material testing is in accordance with EPA's own Recovered Aggregate Order 2014, which includes 8 heavy metals, electrical conductivity and foreign material. Additionally, monthly testing for asbestos is undertaken.	EPA maintains the need for this GTA. Irrespective of inspection and receival protocols, there may be a range of potential pollutants in process water where their fate should be described. Maps would assist but are not essential. Item 3.19 dot point no.4 – the EPA notes that Boral Recycling Pty Ltd have a Standard Operating Procedure for updates to the site water balance. This procedure should be referenced in the site Operational Environmental Management Plan including frequency of reviews.
Item 3.21	A construction phase Erosion and Sediment Control Plan (ESCP) must be prepared and implemented.	A full construction management plan is not considered necessary considering the very short construction timeframe (approximately one week)	EPA maintains the need for this GTA. It is agreed that a full construction EMP is not required, however, a basic Erosion and Sediment Control Plan is required.
Item 3.22 dot point 1	A Surface Water Monitoring and Mitigation Program must be developed in consultation with the EPA and formalised as a monitoring condition on the Licence.	Boral proposes that an up-stream and down-stream monitoring program of Prospect Creek be developed, to determine the instream water quality of Prospect	EPA maintains the need for this GTA. The EPA believes intention of this requirement has been misinterpreted in the Response to Submissions. The EPA requires runoff monitoring in overland flow across the site before it enters sediment

	b) The Program must include, as a minimum, the following components: ii. a runoff monitoring program implemented to establish the presence of and subsequent risk posed by potential contaminants in accordance with ANZECC (2000) assessment criteria.	Creek and target action towards the ANZECC Protection levels for Highly Modified Ecosystems.	basins and sediment basin monitoring to characterise effluent. Note: Boral Recycling Pty Ltd proposes "that an up-stream and down-stream monitoring program of Prospect Creek be developed, to determine the instream water quality of Prospect Creek and target action towards the ANZECC Protection levels for Highly Modified Ecosystems." The community's water quality objectives for the system is a slightly to moderately disturbed ecosystem and not a highly modified system. A Highly modified ecosystem does not reflect the goal for Prospect Creek.
Item 3.22 dot point 3	A Surface Water Monitoring and Mitigation Program must be developed in consultation with the EPA and formalised as a monitoring condition on the Licence. b) The Program must include, as a minimum, the following components: iv. the potential contaminants of concern and monitoring frequency must be developed in consultation with the EPA taking into account, but not limited to, the following: • nutrients and pesticides/herbicides in garden waste; • hydrocarbons, polycyclic aromatic hydrocarbons (PAHs) and metals in asphalt waste; • heavy metals, e.g. from metal wastes; • associated toxicants, in addition to heavy metals, in metal wastes; • chemicals used on site including, cleaning chemicals, process chemicals, pesticides or herbicides, sediment basin flocculants; • wet concrete batching plant stirrer waste, e.g. cement, chemical admixtures, fuels and lubricants; • excavated natural material is not clearly defined and the range of potential contaminants may be variable; • treatment chemicals in timber, e.g. copper, chromium, arsenic.	Metal waste is stored on site in bins which are removed off site for recycling. Stirrer waste is diluted concrete agitator washout, and hence has no lubricant and fuel contamination. ENM accepted on site has to comply with EPA's excavated natural material order 2014. Timber and garden waste not proposed to be accepted at the future facility, therefore no need to include in the monitoring program.	The EPA agree that as timber and garden waste are not proposed to be received at that facility they do not need to be considered in the monitoring program. The other components should remain part of the monitoring program.

Item 3.22 dot point 6	A Surface Water Monitoring and Mitigation Program must be developed in consultation with the EPA and formalised as a monitoring condition on the Licence. b) The Program must include, as a minimum, the following components: viii. an investigation of all practical alternatives to discharge and whether sediment basin sizing, at source pollutant controls and other treatment and reuse options are appropriate for meeting EPL conditions;	The results show that the facility would have a minimal effect on the frequency of predicted discharge events and the proposed water usage compared to the existing development scenario. The site currently re-uses water wherever possible, such as for dust suppression and re-use in the blending plant. The Surface Water assessment found that even if the site had significantly greater storage capacity, it still would be unable to meet the discharge limit on some occasions. As such, there are no other practical alternatives other than continued water re-use available to the site.	EPA maintains the need for this GTA. It is noted that EPA require a full suite of analytes in surface water runoff into sediment basins and in sediment basins to be monitored in an initial characterisation program. Until the effluent is characterised it will not be fully clear to what extent alternatives to discharge or further mitigation measures will be required. As a minimum, the Proponent must aim to achieve a no-net increase in type, concentration or load of pollutants discharged as a result of the changed development. Depending on the results of the characterisation, further offsets may be needed to account for the additional loads from the increased area and scope of operations.
Item 3.24	Following the characterisation of potential contaminants, depending on results, the EPA may require: • an assessment of potential for leakage of the sediment basins to groundwater;	The main potential pollutants from the site, i.e. pH, Total Suspended Soils and Turbidity, do not easily migrate into the groundwater. The sediment basins onsite hold water and are the main water source for dust suppression onsite.	EPA maintains the need for this GTA. As noted above, until the effluent is characterised it will not be fully clear to what extent groundwater may be affected. The assessment of potential leakage of the sediment basin to groundwater will be dependent on the results of the characterisation.