



10 December 2015

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Dear Pamela,

### **WIDEMERE RECYCLING FACILITY EIS - RESPONSE TO SUBMISSIONS**

I write in response to your email dated 29 October 2015 and the letter from the NSW EPA dated 16 October 2015 in relation to Boral's Response to Submissions for State significant development (SSD) Application 6525.

Boral Recycling (NSW) (Boral) has been operating the Widemere Recycling Facility for thirteen years, diverting construction and demolition (C&D) waste from landfill and turning it into a product that can be used in the construction sector. To this end, Boral takes all of its regulatory responsibilities seriously and cooperates fully with the relevant Government regulators. For example, Boral has been working closely with NSW EPA in relation to the recent changes to the Protection of the Environment Operations (Waste) Regulation 2014.

Boral has reviewed the EPA's 16 October response and continues to be concerned with the onerous conditions proposed in the General Terms of Approval (GTAs). While it is understood that the size and scale of the Widemere facility requires a more detailed approval to smaller operations, the level of detail, particularly in relation to water quality monitoring, is inconsistent with similar C&D facilities in the Sydney metropolitan area. An example of this is the recent approval granted by the NSW Planning Assessment Commission for the Moorebank Recycling Facility – a facility which received over one hundred objections, including from Liverpool Council and the local Member of Parliament. It should be noted that this facility is also located adjacent the Georges River and within close proximity to the newly constructed residences in Georges Fair. The EPA's submission for the Moorebank application did not recommend many (if any) of the air, water quality, and groundwater GTAs that have been proposed for the Widemere facility.

Boral therefore requests that the Department of Planning consider our responses to the proposed EPA GTAs in Table 1 below. We would also welcome the opportunity to meet with you to discuss this further, so that a timely resolution of these outstanding matters can be reached.



**Table 1**      **Response to EPA comments on Boral's response to submissions**

RtS No.	EPA comment	Response
3.3	<p><u>Proposed EPA GTA</u></p> <p><i>Within 6 months of commencing operations the proponent must undertake a site audit, completed by suitably qualified 3<sup>rd</sup> party, to identify all fugitive particulate matter emission sources, and benchmark the mitigation measures against best practice.</i></p>	
	<p>The EPA maintains that this GTA is necessary taking into account the following considerations:</p> <ul style="list-style-type: none"> <li>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)</li> <li>The capacity of the proposal (1Mtpa) may be considered in line with smaller small mining operations. The NSW EPA has required mines to conduct similar studies as a part of the Dust Stop program</li> </ul>	<p>Please note that the Widemere Recycling Facility currently has 2 dust monitors on the site, one of which is an EPA licensed monitor.</p> <p>PM2.5 and PM10 were modelled as a part of the Widemere Recycling Facility - Air Quality Impact Assessment prepared by Environ (May 2015). Conclusions from this assessment were that the ambient background concentrations experienced in the area surrounding the facility (as recorded at the NSW OEH Prospect station) are the dominant factor in compliance for 24-hour average PM10 and 24 average PM2.5. Therefore, exceedance events at the surrounding sensitive receptor locations would only occur during periods of elevated background concentrations where exceedances not attributable to the Widemere facility are likely in any case.</p> <p>Compliance was predicted for annual average PM10 and annual average PM2.5.</p> <p>Therefore compliance with the related PM10 and PM2.5 criterion closely correlates with the background concentrations of the area and hence, the Widemere facility does not significantly contribute to the cumulative background concentration in the area.</p> <p>It is therefore proposed that the monitoring of PM2.5 and PM10 will not provide any benefit beyond what is already monitored at the nearby OEH Prospect station.</p> <p>The EPA Dust Stop Program is a recommendation from the Katestone report aimed at minimising emissions of particulate matter from Coal Mines.</p> <p>The Widemere Facility is not a coal mine and should not be compared with these operations, or the emissions associated with these types of operations. This facility differs to a mine in that:</p> <ul style="list-style-type: none"> <li>It does not undertake drill and blast operations;</li> <li>Has enclosed processing plant, with fixed water sprays;</li> <li>Has stockpiling limited to a small area (relative to mines-large and small-, which are generally located in rural areas with larger site areas); and</li> </ul>



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	<ul style="list-style-type: none"> <li>The GTA aims to cover objectives of the 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.</li> <li>The AQIA predicted additional exceedances. Whilst the incremental impact may be considered small, Section 5.1.3 of the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW outlines that best practice management practices must be implemented to minimise emissions of air pollutants as far as practical.</li> </ul>	<ul style="list-style-type: none"> <li>- Does not contain large areas of exposed haul roads and extraction areas.</li> </ul> <p>Boral therefore contends that the Dust Stop program is not applicable to this site.</p> <p>Boral contends the Recycling facility is proposing to cover the objectives of the POEO Act to take all practicable means to reduce emissions as follows:</p> <ul style="list-style-type: none"> <li>• Level 2 (&gt;2L/m<sup>2</sup>) water spraying of the unsealed roads</li> <li>• Stockpile water sprays</li> <li>• Limiting vehicle speeds to 30km/hr</li> <li>• Sweeping paved surfaces</li> <li>• Water sprays at crushing and screening plant and blending plant</li> <li>• Enclosure of crushing and screening plant and blending plant</li> <li>• Operation of <b>TWO</b> wheel washes</li> <li>• A sealed internal perimeter haul road</li> </ul> <p>As previously stated, the site already undertakes (and proposes to continue) an air quality monitoring program, as well as implementing an overall site environment management plan, and is situated in an industrial precinct buffered from any sensitive receivers such as residences.</p> <p>Best practice management measures are outlined in the point above. Boral contends these are sufficient for an operation of this scale and nature, and is in line with best practice for the C&amp;D recycling industry.</p>



**Table 1**      **Response to EPA comments on Boral's response to submissions**

RtS No.	EPA comment	Response
3.13	<p><u>Proposed EPA GTA</u></p> <p><i>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 of mitigation.</i></p>	
	<p>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.</p>	<p>Boral will arrange for sampling to occur onsite during discharge events which occur on Sundays. This is unlikely to involve automatic sampling, but rather would require a site representative to attend the site during these events to sample. It is considered that due to the low frequency of discharge events on a Sunday, this is the most practical and cost effective means of achieving compliance with this GTA.</p>
3.19	<p><u>Proposed EPA GTA</u></p> <p><i>The proponent must update and implement its Widemere Operational Environmental Management Plan (OEMP) in consultation with the EPA to include but not limited to the following elements:...</i></p> <p><i>ii) a description and map of surface water and process water management including the fate of pollutants in process water.</i></p>	
	<p>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.</p> <p>Item 3.19 dot point no. 4 – the EPA notes that Boral Recycling have a Standard Operating Procedure for updates to the site water balance. This procedure should be referenced in the site OEMP including frequency of reviews.</p>	<p>As presented in Boral's Response to Submissions, the site currently implements a robust inspection and receivals protocol. In addition, 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. This is considered adequate to protect pollutants from entering the on-site detention basins.</p> <p>Additionally, the site does not generate process water, rather water generated from the site comes in the form of stormwater, not excess water from the processing plant.</p> <p>Noted</p>



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RtS No.	EPA comment	Response
3.21	<p><u>Proposed EPA GTA</u></p> <p><i>A construction phase erosion and sediment control plan (ESCP) must be prepared and implemented</i></p>	
	EPA maintains the need for this GTA. It is agreed that a full construction EMP is not required, however, a basic ESCP is required.	Noted
3.22 dot pt 1	<p><u>Proposed EPA GTA</u></p> <p><i>A surface water monitoring and mitigation program must be developed in consultation with the EPA and formalised as a monitoring condition on the licence.</i></p> <p><i>b) The program must include, as a minimum, the following components:</i></p> <p><i>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.</i></p>	
	<p>EPA maintains the need for this GTA. The EPA believes intention of this requirement has been misinterpreted in the RTS. The EPA runoff monitoring in overland flow across the site before it enters sediment basins and sediment basin monitoring to characterise effluent.</p> <p>Note: Boral Recycling proposes "that an upstream and downstream 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 moderate disturbed ecosystem and not a highly modified system. A highly modified ecosystem does not reflect the goal for Prospect Creek.</p>	<p>Boral proposes that an up-stream and down-stream monitoring program of Prospect Creek would be appropriate for determining the impact of any discharges into Prospect Creek.</p> <p>No protection level goals were found within Fairfield Council or publically available community reports, and therefore it is difficult to predict what the community's water quality objectives are for Prospect Creek.</p> <p>Boral notes the following from the ANZECC guidelines</p> <p><b>Protection levels</b></p> <p><i>The ANZECC guidelines acknowledge that different levels of protection may be appropriate for different water bodies. The guidelines specify three levels of protection, from stringent to flexible, corresponding to whether the condition of the particular ecosystem is:</i></p> <ul style="list-style-type: none"> <li><i>• of high conservation value</i></li> <li><i>• slightly to moderately disturbed, or</i></li> <li><i>• highly disturbed.</i></li> </ul> <p><i>The policy in NSW is that the level of protection applied to most waterways is the one suggested for 'slightly to moderately disturbed' ecosystems. However, waterways that mainly flow through relatively undisturbed national parks, World Heritage areas or wetlands of outstanding ecological significance are designated as being of 'high conservation value'.</i></p>



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RtS No.	EPA comment	Response
		<p>Continued from previous page</p> <p><i>In a highly disturbed waterway, a reduced level of protection may be appropriate as a pragmatic short-term goal, with the aim of eventually restoring it to the status of a 'slightly to moderately disturbed'. However, it is not acceptable to allow poor environmental management or water pollution, simply because a waterway is currently degraded.</i></p> <p>Boral are willing to work with an EPA plan for moving Prospect Creek from a highly modified to a slightly to moderately modified ecosystem, if all stormwater contributors within the community were actively working towards this formalised plan. It is considered that without a commitment from all stormwater contributors to this section of Prospect Creek, the improvement in Prospect Creek water quality would be minimal.</p>
<p>3.22 dot pt 3</p>	<p><u>Proposed EPA GTA</u></p> <p><i>A surface water monitoring and mitigation program must be developed in consultation with the EPA and formalised as a monitoring condition on the Licence.</i></p> <p><i>b)The program must include, as a minimum, the following components:</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li>- <i>Nutrients and pesticides/herbicides in garden wastes;</i></li> <li>- <i>Hydrocarbons, polycyclic aromatic hydrocarbons (PAHs) and metals in asphalt waste;</i></li> <li>- <i>Heavy metals, eg from metal wastes;</i></li> <li>- <i>Associated toxicants, in addition to heavy metals, in metal wastes;</i></li> <li>- <i>Chemicals used on site including, cleaning chemicals, process chemicals, pesticides or herbicides, sediment basin flocculants;</i></li> <li>- <i>Wet concrete batching plant stirrer waste, eg cement chemical admixtures, fuels and lubricants;</i></li> <li>- <i>Excavated natural material is not clearly defined and the range of potential contaminants may be variable;</i></li> <li>- <i>Treatment chemicals in timber , eg copper, chromium, arsenic.</i></li> </ul>	



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RtS No.	EPA comment	Response
	<p>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.</p> <p>The other components should remain part of the monitoring program.</p>	<p>Boral currently operates a monitoring and mitigation program for surface water onsite. This program is designed to monitor and mitigate the key surface water quality risks associated with the operation. The EPL for the site already includes monitoring requirements and criteria associated with this program. The monitoring required by the EPA in this GTA is considered excessive and does not reflect the monitoring programs required by the EPA for other similar C&amp;D waste facilities. Furthermore, all contaminants listed are considered as follows:</p> <p><u>Nutrients and pesticides/herbicides</u> – all weed management is undertaken by external contractors and hence no pesticides/herbicides are kept on the site. Weed management is conducted as per conditions 3.37 and 3.38 of the existing consent (21-1-2002-i) and it is anticipated that there will be a similar condition in SSD 6525.</p> <p><u>PAHs and metals in asphalt waste</u> – PAHs . Recycled asphalt pavement (RAP) will only change state if heated above 160 degrees Celsius. As no thermal treatment is proposed as a part of this DA, runoff from RAP will be the same as for a sealed road, and hence should not require additional monitoring.</p> <p><u>Heavy metals</u> – all metal wastes are stored on site in bins which are removed off site for recycling. Additionally, the processing plant sorts any residual metals which may be combined with the raw material using industrial magnets. Note that the removal of all metals from the raw material stream is important, due to the damage metals can inflict on the crushing and screening plant. Heavy metals are also tested in recovered aggregate as per EPA's recovered aggregate order 2014. Results provide evidence the recovered aggregate complies with EPA specified limits as stated in the recovered aggregate order 2014.</p> <p><u>Chemicals</u> – all chemicals are kept in a specially bunded area within the maintenance shed. Additionally, Boral has committed to only using an approved flocculent agent (Damclear) to ensure that the flocculent product has a 48-hour EC50 (immobilisation) for water fleas and a 96-hour EC50 (imbalance) for fish, greater than 100milligrams per litre.</p> <p><u>Wet concrete batching waste</u> - Stirrer waste is diluted concrete agitator washout, and hence has no lubricant and fuel contamination</p> <p><u>ENM</u> – ENM accepted on site has to comply with EPA's excavated natural material order 2014</p>



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3.22 dot pt 6	<p><u>Proposed GTA</u></p> <p><i>A surface water monitoring and mitigation program must be developed in consultation with the EPA and formalised as a monitoring condition on the Licence.</i></p> <p><i>b)The program must include, as a minimum, the following components:</i></p> <p><i>viii) an investigation of all practical alternatives to discharge and whether sediment basin sizing, at source pollutant controls, and other treatment and re-use options are appropriate for meeting EPL conditions;</i></p>	
	<p>The 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 or operations.</p>	<p>The proposed upstream and downstream monitoring of Prospect Creek would address the EPA's concerns reflected in this GTA (see 3.22 dot point 1 above).</p> <p>All practical alternatives to discharge and sediment basin sizing have been considered and implemented. 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.</p> <p>The results within the Surface Water assessment 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.</p>
3.24	<p><u>Proposed GTA</u></p> <p><i>Following the characterisation of potential contaminants, depending on results, the EPA may require:</i></p> <p><i>- An assessment of potential for leakage of the sediment basins to groundwater;</i></p>	
	<p>The 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.</p>	<p>As per our previous response, the main potential pollutants from the site, i.e. pH, Total Suspended Solids 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. This water is re-used for onsite dust suppression in the wheel wash, sprinklers, plant, and dust cart.</p>



Should you have any further questions related to the information provided in this letter please do not to hesitate to contact the undersigned on (02) 9033 5546.

Yours faithfully

A handwritten signature in black ink, appearing to read 'K Jackson', with a stylized flourish at the end.

Kate Jackson  
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Boral Property Group