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Ms Chloe Dunlop
Senior Planning Officer
NSW Department of Planning & Environment
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SYDNEY NSW 2001

Via e-mail at Chloe.Dunlop@planning.nsw.gov.au

26 February 2018

Dear Ms Dunlop

Minto Resource Recovery Facility (SSD 7462) – EPA comments on response to submissions

I refer to your email dated 17 January 2018 inviting the Environment Protection Authority (EPA) to provide comment on Minto Recycling Pty Ltd's response to submissions (RTS) on the proposed expansion of its resource recovery facility at 13 Pembury Road, Minto (SSD 7462).

The EPA has reviewed the Environmental Impact Statement (EIS) and the RTS. Comments and recommended conditions of consent are included as attachments to this letter (Attachment A – comments and Attachment B – recommended conditions of consent).

If the Department of Planning and Environment (DPE) decide to approve the application, the EPA requests an opportunity to review the draft conditions of consent prior to finalisation.

The project will require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act) to commence construction activities and to operate. While there is an existing environment protection licence for the site, the proponent will need to make a separate application to the EPA to vary their licence if the development project approval is granted.

If you have any questions about this matter, please contact Marc Cooper on (02) 4224 4126.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Megan Whelan'.

MEGAN WHELAN
Unit Head Waste Compliance
Environment Protection Authority

ATTACHMENT A – SPECIFIC COMMENTS

The EPA notes that the RTS outlines a number of amendments to the original proposal aimed at addressing concerns raised by the EPA in relation to the EIS. Despite these amendments, the EPA has some outstanding concerns, as detailed below.

Waste throughput limits

The EPA's original submission on the exhibited EIS expressed concerns about the proponent's ability to properly inspect, sort and process waste streams on site under the proposed expansion. The submission stated that the EPA could not support the proposal in its current form as the proponent had not identified or addressed the proposed *Minimum Standards for Managing Construction and Demolition Waste in NSW*. The RTS document addresses the minimum standards by identifying procedures that would be implemented to address waste inspection, sorting and storage requirements, however the EPA remains concerned that the number of truck movements proposed, particularly during the peak period of 12pm – 1pm, will not afford sufficient time to allow a genuine assessment of incoming waste loads.

The RTS states that the amended proposal is expected to generate up to 54 two-way vehicle movements (27 vehicles) per hour during the peak period between 12pm and 1pm. This would suggest an average inspection time of only 2 minutes and 13 seconds per load. The EPA is concerned that this would not be sufficient time to carry out a genuine assessment of waste received and consequently any non-conforming wastes (e.g. asbestos) present in the incoming loads may not be identified. Given that the proponent anticipates that 85% of incoming wastes will be recovered and ultimately re-used in the community, this presents a risk of contaminated products entering the market place.

If DPE decides to approve the application, it is recommended that any increases to waste limits be subject to a staged roll-out that is contingent on the operator demonstrating the effectiveness of its waste inspection processes and its ability to ensure non-conforming products do not enter the facility's processing line.

Waste Storage Limits

The proponent is seeking to increase the maximum allowable quantity of waste to be held at the site at any one time to 10,000 tonnes. The EPA is of the view that the proponent has not adequately demonstrated that sufficient storage capacity exists at the premises to justify the proposed storage amount. Of particular concern is the proponent's claim that 4920 cubic metres of waste could be stored in Shed B. Assuming a storage area of 1120 m², as stated in the RTS, this would equate to an average stockpile height of at least 4.39 metres (assuming a vertical stockpile) over the entire footprint of Shed B and would limit the floor area available in the shed for the tipping and inspection of incoming loads.

If DPE decides to approve the application, it is recommended that the total amount of waste permitted to be stored on site at any one time remain at 7500 tonnes, as is currently permitted by Environment Protection Licence 20638.

**Environment Protection Authority Submission
Resource Recovery Facility, Minto (SSD 7462)**

ATTACHMENT B – Recommended Conditions of Approval

Waste limits

1. The proponent must not cause, permit or allow any waste to be received at the premises, except the waste expressly referred to in the column titled “Waste” and meeting the definition in the column titled “Description” in the table below. Any waste received at the premises is also subject to those limits or conditions referred to in relation to that waste contained in the column titled “Other Limits”

Waste	Description	Activity	Other Limits
General solid waste (non-putrescible)	As defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> , but excluding Biosolids and waste collected in kerbside recycling bins.	Resource Recovery	<ul style="list-style-type: none"> No more than 165,000 tonnes of building and demolition waste (in total) per annum No more than 2,200 tonnes of asphalt waste No more than 11,000 tonnes of Virgin Excavated Natural Material (VENM) per annum No more than 22,000 tonnes of soils (other than VENM) per annum No more than 1,100 tonnes of paper and cardboard per annum No more than 1,100 tonnes of glass, plastic, rubber and plasterboard per annum No more than 4,400 tonnes of household waste from municipal clean-up per annum No more than 4,400 tonnes of wood waste per annum

Notwithstanding the limits outlined in the above table, no more than:

- 220,000 tonnes of waste (in total) is permitted to be received at the premises in any twelve (12) month period;
- 1600 tonnes of waste is permitted to be received at the premises in any one day;
- 7500 tonnes of waste (in total) is permitted on the premises at any one time;
- 67 tonnes of garden waste is permitted to be on the premises at any one time.

Waste Receipt

2. The Proponent must prepare a Waste Receipt and Vehicle Flow Control plan. The plan must be submitted to the EPA for approval prior to construction, and include details of the infrastructure, and the systems and procedures, that will be used to ensure compliance with the requirements Part 3 of the *Protection of the Environment Operations (Waste) Regulation 2014*. The plan must also show all vehicle entry and exit points, including emergency exits, where waste is transported into and out of the premises.
3. The Proponent must:
- Implement procedures to:

- Ensure that the site does not accept wastes that are prohibited; and
 - Screen incoming waste loads; and
- b) Ensure that:
- Staff receive adequate training in order to be able to recognise and handle any hazardous or unapproved waste.

Processing and storage

4. All waste processing, including truck loading and unloading, storage and materials handling activities must be undertaken in an enclosed building;
5. The building must be enclosed at all times, except where vehicles enter and exit the building;
6. An inground wheel wash at the vehicle egress point must be operational at all times;
7. Operational hours are limited to 6 am – 10 pm Monday – Saturday. The facility must not operate on Sundays or public holidays.

Dust

8. All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the premises;
9. The premises must be maintained in a manner that prevents and minimises the emission of air pollutants;

Odour

10. No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997*. Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from 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.

Air Quality Control

11. The facility must be designed and constructed so as to not preclude the retrofit of additional air quality controls systems if required

Air Quality Management Plan

12. The proponent must develop and implement an air quality management plan prior to the commencement of project operations. As a minimum, the air quality management plan must include the following parts:
 - *Key performance indicator(s);*
 - *Monitoring method(s);*
 - *Location, frequency and duration of monitoring;*
 - *Record keeping, including complaints records;*
 - *Response mechanisms; and*
 - *Compliance reporting.*

The air quality management plan must be submitted to and approved by the EPA prior to the commencement of any dust and/or odour generating activities at the site.

Water & Leachate

13. Surface water must be controlled so that it does not mix with the waste received, processed or stored at the premises.
14. There must be no discharge of leachate to waters.
15. Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997*, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

Water Monitoring Program

16. A Water Monitoring Program must be developed prior to construction. The program must be prepared by a suitably qualified and experienced expert in consultation with the EPA. The Water Monitoring Program must include, but not be limited to:
 - a) details on how impacts on surface water and groundwater will be monitored and reported on; and
 - b) details on the number, type and location of monitoring points, the frequency at which they will be monitored, and the parameters that will be monitored.

Fire Management

17. The Proponent must;
 - a) Implement suitable measures to minimise the risk of fire on the site;
 - b) Extinguish any fires on site promptly; and
 - c) Maintain adequate fire-fighting capacity onsite at all times.