



Environmental Protection Act 1986

Hon Amber-Jade Sanderson MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST AMENDMENT OF LICENCE L8889/2015/1: RED HILL WASTE MANAGEMENT FACILITY, TOODYAY ROAD, GIDGEGANNUP

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(3)(b) of the *Environmental Protection Act 1986* in objection to the above licence amendment. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Ms Denise Fernie
Licence holder:	Eastern Metropolitan Regional Council
Proposal description:	The licence amendment authorises the addition of: <ul style="list-style-type: none">• Category 61A (power pole waste): Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.• Shredding of power poles within a Class IV landfill cell.
Minister's Decision:	The Minister allowed in part the appeal.
Date of Decision:	22 October 2021

REASONS FOR MINISTER'S DECISION

An appeal was received on 4 November 2020 objecting to the licence amendment issued by the Department of Water and Environmental Regulation (DWER) to the Eastern Metropolitan Regional Council (the licence holder) in relation to the above premises.

In summary, the appellant submitted that the licence amendment should not have been made, and that power pole waste should be disposed and buried whole without shredding within the Class IV landfill cell at the premises. The Minister noted the appellant was particularly concerned that contaminated dust generated by shredding power pole waste has the potential to pollute rainwater tanks and food gardens at nearby residential homes. The appellant was of the view that DWER did not properly assess the risk of emissions to air from shredding operations, and questioned whether the licence conditions provide adequate regulatory control and monitoring of dust generated from these activities.

The appellant also raised concerns that contaminated dust emissions and polluted discharges from shredder operations could contaminate vegetation, and surface and groundwater in John Forrest National Park (JFNP).

As noted in the Appeals Convenor's report, the right of appeal in this case relates only to the amendment, or matters directly consequential to that amendment. In the case of the appeal, this relates to the inclusion of Category 61A (Solid waste facility) and licence conditions which regulate the acceptance, handling, shredding and landfilling of power pole waste within the Stage 2 Class IV landfill cell at the premises.

Decision

Taking into account the matters raised by the appeal, as well as the advice of the Appeals Convenor and DWER, the Minister considered the decision to amend the permit was appropriate and that the conditions applied to the licence are generally adequate. However, the Minister allowed the appeal to the extent that the licence be amended as follows:

- amendment of Condition 5 (Table 3) to require that the waste be wet down during and prior to shredding of power poles, to mitigate the generation of dust particle emissions during the activity
- addition of requirements to carry-out an operational dust monitoring program over a representative period of time, to verify the adequacy of dust controls proposed by the licence holder.

The Minister otherwise dismissed the appeal. The full reasons for her decision are set out below.

Dust emissions from shredding power pole waste

The appellant expressed concern that power pole waste is contaminated with copper chrome arsenate (CCA), hydrocarbons and PresChem rods, and that shredding operations will generate contaminated dust which may become windborne and pollute rainwater tanks and food gardens at nearby residential homes.

The Minister was advised by DWER that potential environmental and health impacts associated with dust emissions from shredding operations were considered during the assessment process. The Minister understood that DWER sought advice from the Department of Health in relation to potential health impacts. DWER also considered previous experience regulating similar shredding activities, which used water jet suppression systems and wetting down of wastes to control dust.

In response to the appeal, DWER acknowledged the potential for windborne contaminated dust to pollute nearby rainwater tanks and food gardens, and noted that such risks were not explicitly considered during the risk assessment. DWER undertook further risk assessment and sought the advice of air quality specialists in relation to dust emissions from shredding activities.

Broadly, the air quality specialists advised that the dust mitigation measures incorporated into the licence amendment were adequate, however some additional controls were suggested. It was recommended that power pole waste be wet down during and prior to shredding and an operational dust monitoring program be undertaken over a representative period of time, to verify the adequacy of dust controls.

The Minister agreed with this recommendation and she was satisfied these changes ensure the licence conditions are appropriate to manage identified risks and potential impacts from dust emissions generated by shredding power pole waste.

Potential impacts to John Forrest National Park

The Minister was advised that DWER assessed the risk of contaminated discharge from dust suppression systems leaking into groundwater and impacting down gradient ecosystem health as low risk.

In response to the appeal, DWER acknowledged that it did not assess the level of risk to Christmas Tree Creek within JFNP posed by dust emissions generated from shredding power pole waste. The Minister noted that DWER undertook further risk assessment and advised that potential risks and impacts to Christmas Tree Creek are appropriately managed by licence conditions.

The Minister reviewed the existing regulatory controls which apply to the premises, and agreed with DWER that current measures are appropriate to manage identified risks and potential impacts to JFNP and the surrounding environment. This includes Ministerial conditions under Part IV of the *Environmental Protection Act 1986* (the Act), which regulate infrastructure design and integrity of the Stage 2 Class IV cell and the associated leachate management infrastructure.

In addition, licence condition 6 (Leachate and water management) requires that wastewater emanating from, or water that has come into contact with, Class IV waste areas must be contained and managed within the Class IV leachate collection system. The Minister noted also that water quality within JFNP is monitored through Ministerial conditions.

On this basis, the Minister was satisfied that existing regulatory controls are adequate and no changes are required.

Finally, the Minister noted several of the issues raised through the appeal related to matters that are beyond the scope of the appeal, which is limited to the licence amendment. Refer to the Appeals Convenor's report for further information on these matters.

Next steps

DWER will give effect to these changes to the licence conditions in accordance with section 110 of the Act.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace
Perth WA 6000
Tel: (08) 6364 7990
www.appealsconvenor.wa.gov.au