Protection of the Environment Operations Act 1997

General Terms of Approval - Issued

Notice No: 1529829

Penrith City Council

PO Box 60

PENRITH NSW 2751

Attention: Donna Clarke

Notice Number	1529829
File Number	EF 15/998
Date	15-Apr-2015

Re: Integrated Development Application (DA 14/1596) - Waste Management facility including the processing of Mercury Waste

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the alterations and additions to an approved Waste Management Facility including the Processing of Mercury Waste at 22-24 Christie Street, St Marys NSW 2760 received by the Environment Protection Authority (EPA) on 24 December 2014.

EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at attachment A. If Penrith City Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Greg Thomas on 02 9995 5965.

Yours sincerely

Greg Thomas
Manager Hazardous Materials Advice
Hazardous Materials, Chemicals & Radiation
(by Delegation)

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application 14/1596 submitted to Penrith City Council on *23 December 2014*;
- Environmental Impact Statement: Waste Management Facility - Recycling of Dangerous Goods by Cityscape Planning and Projects dated November 2014 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including letter by Magnus Nilsson, MRT System dated 20 March 2014.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, 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.

L2. Concentration limits

L2.1 Post commissioning sampling of mercury from the point source **as per methods contained in the *Approved Methods for the sampling and Analysis of Air Pollutants in NSW*** is to be completed and submitted to EPA to determine the adequacy of pollution controls.

L2.2 For each discharge point nominated by the EPA, the concentration mercury discharged at that point, or applied to that area, must not exceed the concentrations limits to be specified.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 All activities conducted on the premises must be in accordance with NSW EPA Industrial Noise policy.

L5. Hours of operation

L5.1 Activities at the premises may only be carried on between Monday to Friday 7.00am to 5.30pm and Saturday 7.00am to 1.00pm.

L5.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L5.3 The hours of operation specified in conditions L5.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L6. Odour

L6.1 No offensive odour may be emitted from the premises unless potentially offensive odours are identified in the licence and the odours emitted are in accordance with conditions specifically directed at minimising the odours permitted.

L6.2 The Licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

L7. Dust

L7.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

L7.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Operating conditions

O1. Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner. This includes:

a) the processing, handling, movement and storage of materials and substances used to carry out the activity.

b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O1.2 All activities including the handling, storage, processing, reprocessing and movement of waste must occur within the building.

O1.3 All machinery used for the activity at the premises must be stored and operated within the building.

O2. Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licences activity:

a) must be maintained in a proper and efficient condition; and

b) must be operated in a proper and efficient manner.

O3. Emergency response

O3.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

O4. Processes and Management

O4.1 The licensee must ensure that any liquid and/or non-liquid waste generated and/or stored and/or treated and/or processed and/or reproccessed at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

O4.2 All receptacles, including empty containers, containing material that is likely to cause environmental harm must be handled and stored only within the building and within bunded area.

O4.3 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.

O4.4 The licensee must ensure that suitable measures (e.g. high/low alarm, control valves with interlock control, one way valves) are installed on all tanks and associated pipes and hoses to prevent spillage of waste.

O4.5 The licensee must ensure that all liquid materials including chemicals, fuels, oil, and waste materials are stored in a designated impervious bund that contains 110% of the largest container contained within the bund.

O4.6 The bunded area (floor and walls) must be impervious to the liquid(s) in the containers. The bund wall must not contain drain valves.

O4.7 Decanting, consolidating or bulking of materials must be conducted wholly within the building and within bunded area.

O4.8 The licensee must ensure that waste identified for recycling is stored separately from other waste.

Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and

c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

a) the date(s) on which the sample was taken;

b) the time(s) at which the sample was collected;

c) the point at which the sample was taken; and

d) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each discharge point nominated by the EPA, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of mercury. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Pollutant	Units of measure	Frequency	Sampling Method
Mercury	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

a) any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

b) if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

c) if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

M4. Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:

a) the date and time of the complaint;

b) the method by which the complaint was made;

c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

d) the nature of the complaint;

e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

f) if no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5. Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 Conditions M5.1 and M5.2 do not apply until three (3) months after the date of the issue of the licence.

Reporting conditions

R1. Annual Return documents

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R1.2 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

a. Statement of Compliance; and

b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.3 An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.4 Where this licence is transferred from the licensee to a new licensee,

a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.5 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

R1.6 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.7 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

a. the licence holder; or

b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

R2. Notification of environmental harm

R2.1 The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

R2.2 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.3 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3. Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

a. where this licence applies to premises, an event has occurred at the premises; or

b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

a. the cause, time and duration of the event;

b. the type, volume and concentration of every pollutant discharged as a result of the event;

c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

g. any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General Conditions

G1. Copy of licence kept at the premises

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.