



*Section 65
Environmental Protection Act 1986.*

ENVIRONMENTAL PROTECTION NOTICE

Reference No: Notice 202102

PERSON TO WHOM THIS NOTICE IS GIVEN

Bunbury Harvey Regional Council
In its capacity as occupier of the premises
Stanley Road Class II Putrescible Landfill Site
51 Stanley Road
WELLESLEY WA 6233

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

The premises the subject of the Environmental Protection Notice (Notice) is situated on:

- Lot 45 on Plan 17161 as shown on Certificate of Title Volume 1850 Folio 63, known as 51 Stanley Road, Wellesley WA 6233 (the Premises)

REASONS FOR WHICH THIS NOTICE IS GIVEN:

This Notice is given to Bunbury Harvey Regional Council because the CEO suspects on reasonable grounds that there is, and is likely to be, emissions from the Premises and the emissions are likely to cause pollution.

In particular the CEO suspects on reasonable grounds that:

- Class II putrescible waste material disposed of in unlined cells (Cell A, B and 1 shown on the map in Appendix 1: Map) on the premises is causing emissions to the groundwater;
- The concentrations of chloride, ammonia, aluminium and iron present in the groundwater at concentrations exceeding criteria for non-potable ground water use are caused, or likely to be caused by the emissions;
- The emissions are likely to cause degradation of the environment through the degradation of freshwater ecosystems (conservation category wetlands and waterways such as the Wellesley and Brunswick Rivers) and the degradation of the quality of groundwater resources to cause impact to beneficial uses of groundwater.

I am satisfied that because:

Bunbury Harvey Regional Council is the occupier (the occupier) of the Premises from which the emissions emanate that you are the appropriate person(s) to whom to give this Notice.

The requirements of this Notice apply to the persons to which this Notice is given.

REQUIREMENTS OF THIS NOTICE:

This Notice requires the persons to which this Notice is given to take such measures as the CEO considers necessary to control or abate the emissions.

Immediate Requirements

1. From the date this Notice is given, the persons to which this Notice is given can only use inert waste (as defined in Appendix 2: Definitions), residual source segregated municipal waste (as defined in Appendix 2: Definitions) that is set aside for kerbside collection and disposal, and local council generated waste for the purpose of achieving the final landform in Cell 1.
2. Within 14 days of the date this Notice is given, or by an alternative date agreed on in writing by the CEO, the persons to which this Notice is given must provide the department with the following information:
 - 2.1. the minimum amount of airspace necessary to enable capping of Cell 1; and
 - 2.2. the final profile of the waste mass in Cell 1 necessary to enable capping of Cell 1.

Other requirements

Implementation of Approved Landfill Action Plan

3. Within 14 days of the date this Notice is given, the persons to which this Notice is given must engage and retain an Environmental Consultant (the Consultant), as defined in Appendix 2: Definitions.
4. Within 60 days of the date this Notice is given, or by an alternative date agreed on in writing by the CEO, the persons to which this Notice is given must provide the department with a revised version of the document - *Landfill Closure Management Plan Stanley Road Waste Management Facility* prepared by Ask Waste Management Consultancy Services, dated 10 January 2019 (LCMP).
5. The revised version of the Landfill Closure Management Plan (Revised LCMP) must:
 - 5.1. be prepared with the Environmental Consultant engaged and retained by Requirement 3 above; and
 - 5.2. detail the works required for closure of Cells A and B, and completion and closure of Cell 1 consistent with the information provided by Requirement 2 above, including but not limited to:
 - 5.2.1. filling of the airspace to enable capping; and
 - 5.2.2. achievement of the final profile of the waste mass; and
 - 5.2.3. capping works specifications; and
 - 5.2.4. surface water management infrastructure required to facilitate stability of a modified cover profile; and
 - 5.2.5. landfill gas management system installation and ongoing management.

- 5.3. include a detailed breakdown of proposed completion timeframes for each of the works specified in 5.2 so that the works are completed as soon as reasonably practicable; and
- 5.4. at least maintain, and if possible, improve on the standard of works detailed in the LCMP document described in Requirement 4 above.
6. If the CEO considers the Revised LCMP to be inappropriate for the purposes of this Notice, the persons to which this Notice is given must comply with any direction for improvement by the CEO.
 - 6.1. If subject to a direction for improvement, the occupier of the Premises must:
 - 6.1.1. Within 14 days from the receipt of the direction provided in Requirement 6, ensure that the Revised LCMP is amended and resubmitted to the CEO in accordance with those directions.
7. Within 21 days of the date written approval of the Revised LCMP is given the persons to which this Notice is given must implement the Revised LCMP.
 - 7.1. the persons to which this Notice is given must implement the Revised LCMP within the detailed completion timeframes identified in the approved plan.

Reporting

8. The persons to which this Notice is given shall quarterly;
 - 8.1. Provide the volumes and waste types as specified in Requirement 1 deposited into Cell 1; and
 - 8.2. Provide information on the current waste levels and profile for capping of Cell 1; and
 - 8.3. Provide a progress update on achieving the objectives of the Revised LCMP.



Kelly Faulkner
Executive Director, Regulatory Services (Delegation No. 143)
Department of Water and Environmental Regulation
Officer delegated under Section 20 of the Environmental Protection Act 1986

5 July 2021

Appendix 1: Map
Appendix 2: Definitions
Appendix 3: Certificate of Title

Important Information:

A PERSON WHO IS BOUND BY THIS ENVIRONMENTAL PROTECTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

A person who is aggrieved by a requirement contained in this notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

Any other person who disagrees with a requirement contained in this notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS VEGETATION CONSERVATION NOTICE CONTINUE TO HAVE EFFECT.

Note that under section 118 of the *Environmental Protection Act 1986* that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

Appendix 2:

Definitions

In this Notice, unless the contrary intention appears –

'Act' means the *Environmental Protection Act 1986 (WA)*;

'CEO' means Chief Executive Officer, Department of Water and Environmental Regulation;

'CEO' for the purposes of correspondence means;

Chief Executive Officer
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP DC WA 6919
Telephone: (08) 6364 7000
Fax: (08) 6364 7001
Email: compliance@dwer.wa.gov.au

'Contaminated Sites Guidelines' means *Assessment and Management for Contaminated Sites- Contaminated Sites Guidelines, December 2014*. Located at https://www.der.wa.gov.au/images/documents/your-environment/contaminated-sites/guidelines/Assessment_and_management_of_contaminated_sites.pdf ;

'Environmental Consultant' means a person, or persons, who has qualifications and experience consistent with those described in Schedule B9 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (the NEPM). The consultant must also:

- Currently reside in Australia; and
- Have extensive and demonstrated experience in landfills, groundwater, landfill gas and analysis; and
- Includes a qualified engineer, meaning a person who: a) holds a Bachelor of Engineering recognised by the Institute of Engineers; and b) has a minimum of five years of experience working in a supervisory area of their engineering expertise; and
- Have extensive and demonstrated experience in the remediation of contaminated environments.

'Inert Waste' has the meaning defined in the Landfill Definitions titled 'Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) located at <https://www.der.wa.gov.au/images/documents/our-work/licences-and-works-approvals/WasteDefinitions-revised.pdf>;

'Occupier' 360 Organics, ABN 79 907 325 881;

'Premises' means:

- Lot 45 on Plan 17161 , Volume 1850, Folio 63 as shown on Certificate of Title (Register Number 45/P17161) known as 51 Stanley Road, Wellesley WA 6233;

'Provide in writing' includes by email with an authorised signature.

'Putrescible Waste' has the meaning defined in the Landfill Definitions titled 'Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) located at <https://www.der.wa.gov.au/images/documents/our-work/licences-and-works-approvals/WasteDefinitions-revised.pdf>;

'Residual source segregated municipal waste' means the fraction of the municipal waste stream after kerbside segregation of food organics, garden organic waste and other recyclables;

'Quarterly' means 4 discrete periods within a 12 month annual period, with each period separated by at least 45 days.

Appendix 3:
Certificate of Title