



Section 65  
Environmental Protection Act 1986.

## **ENVIRONMENTAL PROTECTION NOTICE**

Reference No: Notice 202203

### **PERON TO WHOM THIS NOTICE IS ISSUED:**

**Controlled Waste Disposals Pty Ltd**  
Suite 1, 219 Canning Highway  
South Perth WA 6151

### **PREMISES TO WHICH THIS NOTICE RELATES (the Premises):**

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

- Lot 197 on Deposited Plan 17235, Certificate of Title Volume 1879 Folio 848 being 9 Cocos Drive, Bibra Lake WA 6163.

### **REASONS FOR WHICH THIS NOTICE WAS ISSUED:**

This Environmental Protection Notice (the Notice) is given to Controlled Waste Disposals Pty Ltd under section 65 of the Environmental Protection Act 1986 (EP Act) because I suspect on reasonable grounds that there has been, and is likely to be, emissions from the premises that have caused or are likely to cause pollution.

A fire on the Premises on 23 December 2022 and 24 December 2022 involving hazardous waste and other materials has released emissions that have caused or are likely to cause pollution. Waste and contaminated firefighting run-off has been emitted from the Premises and has collected in a sand compensation basin south of the site and impacted the adjacent vacant lot. Bitumen emulsion has been discharged from the Premises and is impacting Cocos Drive and discharging into stormwater drains. Yellow/orange smoke from the burning of hazardous waste has been released from the Premises.

- Removal of any residual hazardous waste, other waste and hazardous materials is required to mitigate further fire risk and the risk of further emissions from the Premises.
- Recovery of contaminated firefighting run-off and liquid waste that has been discharged outside the Premises is required to minimise impacts to the environment.
- Temporary transfer and storage of recovered waste to 107 Garling Street, O'Connor is authorised due to the lack of available alternative waste management facilities.
- Reporting to Department of Water and Environmental Regulation is required to ensure recovery response and risks to the environment are being appropriately managed.

I am satisfied that because Controlled Waste Disposals Pty Ltd is the occupier (the occupier) of the Premises from which the emissions have occurred, that you are the appropriate person to whom to give this Notice.

Unless specified otherwise in this Notice, the requirements of this Notice apply to the *occupier*.

## **REQUIREMENTS OF THIS NOTICE:**

Terms used in this Notice have the meaning defined in Appendix 1.

### **Remove**

1. Within seven days of being given to access the Premises for the purposes of this Requirement by the lead Hazard Management Agency, the person to which this Notice is given must remove all residual hazardous waste and any other waste or hazardous materials from the Premises and take it to an appropriately authorised facility.
2. The Person to whom this Notice is given must immediately notify the CEO when all residual hazardous waste and other hazardous material has been removed from the Premises in accordance with Requirement 1.

### **Recover**

3. Within two days from the date this Notice is given, the persons to which this Notice is given must take measures to recover all contaminated firefighting runoff and liquid waste that has been discharged outside of the Premises during the Fire.
4. The person to which this Notice is given may transfer and temporarily store contaminated firefighting runoff and liquid waste recovered in accordance with Requirement 3, to 107 Garling Street, O'Connor.
5. The person to which this Notice is given must ensure that any recovered contaminated firefighting runoff or liquid waste transported to 107 Garling Street under the authorisation provided by Requirement 4 is transported by a licensed controlled waste carrier.
6. Within two days from the date this Notice is given, the person to which this Notice is given must notify the CEO of the specific storage tanks in which any contaminated firefighting runoff and liquid waste is being temporarily stored at 107 Garling Street, O'Connor, under the authorisation provided by Requirement 4.
7. The person to which this Notice is given must ensure that any recovered contaminated firefighting runoff or liquid waste transferred and stored at 107 Garling Street, O'Connor under the authorisation provided by Requirement 4, is stored in sealed tanks located within impermeable bunds that have a capacity to store 110% of the volume of the largest storage tank.
8. Within three days from the date of this Notice, or other such period agreed in writing by the CEO, the person to which this Notice is given must remove from 107 Garling Street, O'Connor all recovered contaminated firefighting runoff and liquid waste transferred and stored at 107 Garling Street under the authorisation provided by Requirement 4 and take it to a suitably authorised facility.
9. Within seven days from the date this Notice is given, the persons to which this Notice is given must recover any soil or debris outside of the Premises that is contaminated as a result of the Fire and take it to a suitably authorised facility.
10. Within ten days from the date of this Notice, the Person to whom this Notice is given must, provide the following information to the CEO:

- a. A description of each type of hazardous waste and hazardous material, its mass (tonnes) and volume (m<sup>3</sup>) removed from the Premises under Requirement 1 of this Notice;
- b. The quantity (tonnes and volume m<sup>3</sup>) of contaminated firefighting runoff and liquid waste transferred and stored at 107 Garling Street, O'Connor under the authorisation provided by Requirement 4;
- c. The quantity (tonnes and volume m<sup>3</sup>) of contaminated soil and debris recovered in accordance with Requirement 9; and
- d. Details of the suitably authorised facility (or facilities) where each waste stream was taken.



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Kelly Faulkner  
**EXECUTIVE DIRECTOR**  
**COMPLIANCE AND ENFORCEMENT**  
**DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION**

*for the Chief Executive Officer*  
*under Delegation No. 143 dated 7 June 2019*

24 December 2022

**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 1:

### 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](mailto:compliance@dwer.wa.gov.au)

**'Environmental Consultant'** means a person to have 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 the remediation of contaminated environments.

**'Fire'** means the fire that occurred at the Premises on 23 December 2022 and through 24 December 2022

**'Occupier'** Controlled Waste Disposal Pty Ltd, ACN 163 120 803

**'Premises'** means:

- Lot 197 on Deposited Plan 17235, Certificate of Title Volume 1879 Folio 848 being 9 Cocos Drive, Bibra Lake WA 6163.

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