



29 July 2021

NSW Department of Planning, Industry & Environment
4 Parramatta Square,
12 Darcy Street, PARRAMATTA NSW

Boral Resources
(NSW) Pty Ltd
Level 18, 15 Blue
Street North Sydney
NSW 2060

Uploaded to Major Projects Portal

To Whom It May Concern:

Widemere Recycling Facility (SSD 6525) – Addendum to Independent Audit Report

As per the email request for information made by DPIE Senior Compliance Officer Maria Divis on 22 July 2021 in response to the final Independent Audit Report dated 9 July 2021, please find further details below concerning the compliance status of queried conditions under SSD 6525, and further details concerning the overflow event reported to the NSW EPA arising from a large rainfall event in July 2020.

Request for Information concerning the compliance Status of nominated Conditions:

The Department requested further details on the compliance status of the below Conditions:

- C1(a)
- C37
- C31
- C38
- C60
- D10(a)

The Department requested the following information for each of the conditions listed above, which is presented below.

1. Confirm whether the Condition is still in non-compliance
2. If the Condition is now compliant, detail when the Condition was satisfied (provide dates)
3. Detail the timeframe (provide dates) that each Condition was in non-compliance (where applicable)

4. Where a Condition was reported in a previous IEA or AR as non-compliant and was subsequently addressed, please provide details (provide dates)
5. Any other information that may assist the Department in better understanding the compliance status of the referenced Conditions.

Request for Information concerning stormwater overflow event:

The Department also requested further information concerning a stormwater overflow event that was reporting to the NSW EPA on 27 July 2020 but was not reported to the Department.

Boral Responses to request for information regarding compliance status of nominated conditions:

C1. The Applicant shall prepare a Waste Monitoring Program for the Development. This program must:

(a) be prepared in consultation with the EPA by a suitably qualified and experienced expert within 3 months of the date of this consent;

1. Condition has been complied with.
2. Condition was satisfied by Waste Monitoring Program submitted to EPA 27 October 2017 (Attachment 1) and final version included in OEMP approved 28/05/2018. Note that Waste Monitoring Program (WMP) appended to OEMP as Appendix A contains EPA correspondence in Appendix C of the WMP.
3. Non-compliance was regarding preparation of program not occurring by 25 February 2017. However, the program was submitted to EPA 27 October 2017 for consultation 6 months late.
4. Previously reported in 2017 IEA, unable to address late submission after the fact.
5. Waste monitoring program preparation was delayed due to ongoing negotiations with EPA concerning the inclusion of an 'unexpected finds guideline' for managing asbestos within a stockpile. This guideline remains a point of negotiation with NSW EPA through the industry associations (WMRR & WCRA) and facility representatives. When the 'unexpected finds guideline' is finalised it will be incorporated into the Waste Monitoring Program. Further to this, there was an existing Waste Monitoring Program in operation at the facility to support the requirements of the previous conditions of consent (DA 21-1-2002-I, condition 3.32-3.35) and as such there was no period within which an approved Waste Monitoring Program was not in place for the facility. Please find attached feedback from DPE regarding the Waste Monitoring Program provided as part of OEMP comments dated 12 March 2018 (Attachment 2).



C37. The sediment basin liner shall be monitored every 3 years to ensure a clay liner of permeability of $1 \times 10^{-9} \text{ ms}^{-1}$ or less and a thickness of no less than 900 mm is maintained.

1. Sediment basin liner is no longer clay and was replaced with a HDPE liner in 2019. Artarfil HDPE liner specifications are provided as attachment (Attachment 3).
2. See above
3. Liner was due to be monitored November 2019. The liner had been replaced by then, so condition did not apply
4. Reference to upgrades to sediment basins and stormwater infrastructure have been included in previous AEMRs
5. A geotechnical assessment of the basin was conducted to meet the requirements of condition C1 (despite the condition not yet being triggered) and it was determined that the clay liner could not meet the permeability requirements, please find report from PSM attached (Attachment 4). In response to the report findings, the basins were upgraded and lined with a HDPE liner to ensure permeability requirements were met. These upgrade works were completed early 2019.
Please refer to the suppliers website <https://www.atarfil.com/en/product/atarfil-hd/> that stipulates the product can be used for landfill capping, and the reference in the technical specifications provided that the HDPE product meets the EPA Vic Best Practice "Siting, design, operation and rehabilitation of landfills", which stipulates the same 1×10^{-9} value for the clay liner and expounds the benefits of HDPE, providing the density is >0.932 and Melt flow index <1.0 , as per page 79 of the attached Vic document, which is further evidence of its suitability (our product has a density >0.932 and melt flow <0.4 as per the specs provided),

C31 . Within six months of the expanded operations, the Applicant shall provide certification from a suitably qualified engineer that the internal surfaces of the surface water detention basins have been maintained to the equivalent to, or better than, a clay liner with a permeability of $1 \times 10^{-9} \text{ ms}^{-1}$ or less and a thickness of no less than 900 mm and whether any repairs are necessary. The documentation of the certification shall be provided to the EPA, and Secretary.

1. Condition has not yet been triggered as expanded operations have not yet commenced. See response to Condition C37 above concerning actions that have been taken to date and how the condition is no longer relevant to a clay liner.
2. Not yet triggered

3. Not yet triggered
4. Not yet triggered
5. Not yet triggered

C38. Within six- months of the commencement of the expanded operations. The Applicant shall conduct a Groundwater Monitoring Program

1. Condition has not yet been triggered as expanded operations have not yet commenced. That said, the groundwater monitoring program is included in the OEMP. Appendix D, noting that the OEMP has recently been revised to alter the timing of the groundwater sampling to quarterly prior to the commencement of expanded operations. As per the communication from DPE dated 12 March 2018 (Attachment 1) the program was accepted in the current OEMP with a revision required 6 months after expanded operations has commenced.
2. Not yet triggered
3. Not yet triggered
4. Not yet triggered
5. Not yet triggered

C60. The quantities of dangerous goods stored and handled at the site shall be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines - Applying SEPP 33 at all times.

1. This condition is being complied with as per the audit findings
2. This condition was always compliant. The audit findings are a recommendation for us to better document the volumes. The volumes are not at risk of triggering SEPP 33 provisions
3. See above
4. See above
5. The audit findings are a recommendation for us to document the volumes of hazardous materials on site to demonstrate consideration of SEP 33. The volumes and location of the site are not at risk of triggering SEPP 33 provisions

D10. Within three months of the submission of an:

(a) annual review under Condition D9 above;

1. Condition is in compliance; a document review table is now inserted at the front of the OEMP. OEMP revised in response to IEA and AR June 2021.
2. Condition satisfied at time of audit by inserting a document review table at the front of the OEMP. OEMP revised in response to IEA and AR June 2021.



3. Condition was complied with but was not well documented to demonstrate compliance. This has now been rectified through inclusion of a document review table in the OEMP
4. Not reported in previous AEMR or IEA as was being conducted but not formally documented.
5. Condition was being complied with but wasn't well documented. This has now been rectified via inclusion of document review table in front of OEMP. Note that no material changes to the OEMP were required at each review cycle, hence why the document was not updated and was rather just reviewed.

Boral Responses to request for information regarding stormwater overflow event:

The overflow event that occurred at the Widemere facility due a large rainfall event exceeding the design capacity of the stormwater infrastructure was not reported to the Department as we did not consider that it triggered the reporting definition in condition D5 of SSD 6525, specifically it was not an “incident that has caused, or threatens to cause, material harm to the environment” nor the definition of an incident under SSD 6525 “An incident causing or threatening material harm to the environment, and/or an exceedance of the limits or performance of criteria in this consent”.

The event was a non-compliance with a condition of the EPL (condition U1.1 of EPL 11815) that prevents discharge occurring at any time, rather than the non-compliance being associated with a threat of material environmental harm. The discharge occurred as a consequence of overflow from the on-site sediment basin due to a large rainfall event.

As referenced in the investigation report provided to the EPA regarding the event, the volumes of rain experienced at the site for the 24 hour period spanning 0900 Sunday 26-Jul-2020 to 0900 Monday 27-Jul-2020, as recorded at the Horsely Park weather station, was 96.8 mm. A further 14.8 mm of rain was experienced for the following 24-hour period from 0900 Monday 27-Jul-2020 to 0900 Tuesday 28-Jul-2020. The 5-day total volume of rainfall over the affected period was approximately 120.4 mm of rainfall, well exceeding the design capacity of the stormwater infrastructure, which have been designed in accordance with the blue book and relevant criteria.

The overflow event occurred during a period of elevated streamflow in Prospect Creek, thereby enabling rapid mixing and dilution of the water discharged from the Widemere site. Given this we did not consider any material harm to the environment was caused or threatened. Further, once condition U1.1 is satisfied, which Boral is

working with the EPA to achieve, the discharge would have been lawful under condition L1.2.

Boral now understands that any report to the EPA concerning compliance with a licence condition needs to be reported to DPIE and will do so going forward in accordance with correspondence received from the Department.

Regards

SHOANNE LABOWITCH

Environment Manager NSW/ACT

Telephone: 02 9033 5019

Mobile: 0401 895 827

Email: Shoanne.Labowitch@boral.com.au

Boral Australia HSE - Lv 5 - Trinita 2, 39 Delhi Road, North Ryde NSW
www.boral.com.au