

# Prevention Notice



CLEANAWAY OPERATIONS PTY LTD  
Trading as  
40 010 745 383  
CNR PONDAGE LINK & HILL RDS  
HOMEBUSH BAY NSW 2127

Attention: The Proper Officer

Notice Number 3503851  
Reference Number REG-3301  
Date 05-10-2022

## Prevention Notice

### Why is the EPA writing to you?

The Environment Protection Authority (EPA) reasonably suspects that an activity has been or is being carried on in an environmentally unsatisfactory manner at the corner of Pondage Link and Hill End Road, Sydney Olympic Park (the Premises). The EPA has issued you with this Prevention Notice. Further information is set out in the notice below.

### What are you required to do?

Please read this notice carefully and carry out the preventative actions specified in this notice by the dates required. If you have any queries about this matter, please contact Rajesh Mottey on 9995 6565

### BACKGROUND

- A. The EPA has responsibility for the administration and enforcement of the *Protection of the Environment Operations Act 1997 (the Act)*.
- B. The EPA is the appropriate regulatory authority for premises that are required to be licensed under the Act and is therefore the appropriate regulatory authority for the Premises
- C. Cleanaway Operations Pty Ltd trading as Cleanaway Industrial Solutions (**the Licensee**) holds Environment Protection Licence No. 4560 (**the Licence**) issued by the EPA under the Act.
- D. The Licensee is required to operate the facility in accordance with the conditions set out in the Licence.
- E. The Licence authorises the scheduled activities of waste processing (non-thermal treatment) and waste storage at the corner of Pondage Link and Hill Road, Sydney Olympic Park (**the Premises**).

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- F. The EPA understands that the Licensee has management and control of the Premises for the purpose of section 96(2)(a) of the Act and is carrying on scheduled activities on the Premises.

## Odour

- G. The EPA received 93 reports of odour from residents of Kingfisher Street, Lidcombe and the suburb of Newington between 24 January 2022 and 6 September 2022. The reports often describe the odour as chemical, hydrogen sulfide, rotten egg, paint/glue, gas and/or burning rubber or plastic. Residents have described experiencing health effects such as a cough, sore throat, headache, breathing difficulties, nausea and vomiting in response to the odour. The EPA continues to receive reports of odour from residents in the vicinity of the Premises.
- H. On 15 March 2022, 16 March 2022, 17 March 2022 and 22 March 2022, the EPA received reports of a gas odour from Newington Public School. The odour on 16 March 2022 resulted in students in afterschool care being evacuated and attendance by NSW Fire & Rescue. No gas leaks were detected at the school. Staff members and students described nausea and headaches as a result of the odour.
- I. Authorised Officers of the EPA (EPA Officers) undertook 12 odour surveys in the suburbs of Newington, Lidcombe and Sydney Olympic Park between 2 February 2022 and 22 March 2022. During the odour surveys, EPA Officers detected chemical, gas and hydrogen sulfide odours in the vicinity of the Premises. Further information about these odours is included in the background to Prevention Notice 3502186.

## Noise

- J. From 28 January 2022 to 6 September 2022, the EPA received 21 reports of noise described generally as coming from the Premises. The EPA continues to receive reports in relation to noise from residents in the vicinity of the Premises.

## 30 March 2022 Prevention Notice (3502186)

- K. On 30 March 2022, the EPA issued the Licensee with Prevention Notice 3502186 in response to the odour reports and observations of EPA Officers during the odour surveys.
- L. On 29 April 2022, the EPA wrote to the Licensee in response to information provided for requirement 2c of Prevention Notice 3502186. The letter requested additional specific information regarding the operation of the odour control furnace (OCF), including continuous monitoring data of waste air flows and the temperature of the OCF combustion chamber. On 16 May 2022, the Licensee provided copies of Odour Control Checklists completed between 1 December 2021 and 28 February 2022. The data was not provided in a continuous format.
- M. On 20 May 2022, the EPA requested that the Licensee provide the data related to waste airflows and the temperature of the OCF combustion chamber in a continuous format.

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- N. On 30 May 2022, the Licensee provided continuous monitoring data for the period between 16 January 2022 to 21 March 2022. The continuous monitoring data was of the OCF combustion chamber temperature and waste air flow rates from the following areas:
- i. MF8318 - Residue Processing Plant (RPP);
  - ii. MF5309 - Centrifuges and hollow flight heat exchanger (HFHE);
  - iii. MF7325 - West Side Operations; and
  - iv. MF7324 - Screening Area and Processing Plant.
- O. On 30 May 2022, the Licensee provided an Air Quality and Odour Risk Assessment (AQORA) in response to requirement 3 of Prevention Notice 3502186. The AQORA was prepared by the Licensee's chosen consultant, The Odour Unit Pty Ltd.

## Alleged Non-Compliances with Licence

- P. Information provided to the EPA in response to Prevention Notice 3502186 indicates that on numerous dates between 1 December 2021 and 21 March 2022, waste air flows from the RPP, centrifuges and HFHE, West Side Operations, Screening Area and Processing Plant were operated below minimum air flow rates, and that site activities, controls, and management procedures in place to prevent the discharge of offensive odours from the Premises were not all operated in accordance with the site-specific Odour Management Plan (OMP) titled 'Liquid Waste Plant Odour Management Plan (Transpacific Industries Pty Ltd) (V2 draft 30.09.2014)'.
- Q. Based on the information provided by the Licensee, the EPA reasonably suspects that the Licensee did not comply with a number of conditions of the Licence between 1 December 2021 and 22 March 2022 and that there may be ongoing non-compliances with the Licence.

- R. Condition O1.1 of the Licence states:

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

The information included on Odour Control Checklists and in continuous monitoring data of waste air flow rates indicate that odorous air extraction rates from multiple areas of the Premises operated below minimum rates on numerous dates between 1 December 2021 and 21 March 2022. The information also indicates that site activities, controls, and management procedures related to odour controls at the Premises were not all operated in accordance with the relevant OMP.

- S. Condition O2.1 of the Licence states:

*All plant and equipment installed at the premises or used in connection with the licensed activity:*

- a) *must be maintained in a proper and efficient condition; and*
- b) *must be operated in a proper and efficient manner.*

The AQORA noted that the air relief valve on the discharge of activated carbon filter S907A/B/C's common discharge duct had malfunctioned and that treated air from the activated carbon filters had

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been discharged from that point rather than being discharged further downstream via the Main Thermal Oil Heater (MTOH) stack. Physical measurements undertaken by the Odour Unit on 2 May 2022 recorded an air flow of 3,210m<sup>3</sup>/hr leakage from the air relief valve and a total airflow of 7,420m<sup>3</sup>/h<sup>4</sup> from the A, B, and C Carbon Unit Outlets. The EPA therefore understands that not all of the treated air from the ASF was being discharged via the MTOH stack.

The Licensee is required to monitor air pollutants discharged from the MTOH stack as required by conditions P1, L2, M2 and M3 of the Licence. The EPA reasonably suspects that the results of any monitoring from the MTOH stack (identified as Point 1 by condition P1.1 of the Licence) submitted to the EPA prior to the finalisation of the AQORA may not have been representative of the total air pollutants treated and emitted by activated carbon beds S907A/B/C through the MTOH stack.

T. Condition O3.1 of the Licence states:

*All odours generated by activities conducted on the premises must be treated by the Odour Control Furnace (OCF) and the Main Thermal Oil Heater (MTOH), except during thermal oxidiser maintenance, repair or safety by-pass situations (eg waste gases directed to Odour Control Furnace exceeding 25% LEL). In these events odours from on-site activities must be directed to the activated carbon filters when the activated carbon system is required to provide additional capacity to attenuate odours.*

Condition O3.8 of the Licence states:

*The activated carbon filters must only be used for short-term periods for the purpose of providing backup capacity to an operational thermal oxidiser when the other oxidiser is unavoidably off-line due to essential maintenance, repair or safety trip such as an LEL event.*

The AQORA explains the current mode of operation at the Premises is for waste air from the Activated Sludge Facility (ASF) to be diverted to the activated carbon filter S907A/B/C and discharged via the MTOH stack. As such, the EPA understands that odours generated from the ASF are being treated by activated carbon filters and not the OCF. The Licence only allows activated carbon filters to be used for short periods of time.

U. Condition O3.7(a) of the Licence states:

- a) *The odorous air treatment rate of the OCF whilst the plant is under full operation must be in the range of 10,000 - 12,000m<sup>3</sup>/hr.*
- b) *At all times the OCF is treating odorous air the combined flow rates must be continuously monitored by S1 (MF7324), S2 (MF7325) and S3 (MF7323) and the respective flow rates recorded.*

Information on the Odour Control Checklists suggests that the odorous air treatment rate of the OCF as determined by the air flow rates from West Side Operations (MF7325) and the Screening Area and Processing Plant (MF7324) were below 10,000m<sup>3</sup>/hr on 46 dates between 1 December 2021 and 15 January 2022. Continuous monitoring data suggests that the odorous air treatment rate of the OCF has continued operating below the range of 10,000 - 12,000m<sup>3</sup>/hr since 15 January 2022.

V. Condition O5.13 of the Licence states:

*The odorous air extracted from the RPP for thermal treatment must not be less 800 m<sup>3</sup>/hr.*

Continuous monitoring data of the odorous air extraction rate from the RPP as monitored by MF8318 suggests that the air extraction rate from this area was below 800m<sup>3</sup>/hr at times on 13 dates between 16 January 2022 and 21 March 2022.

W. Condition O5.15 of the Licence states

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*Odorous air extraction rate from the centrifuges and hollow flight heat exchangers (HFHE) must not be less than 300m<sup>3</sup>/hr.*

The information included on Odour Control Checklists and in continuous monitoring data of the odorous air extraction rate from centrifuges and HFHE as monitored by MF5309 suggests that the air extraction rate from this area was below 300m<sup>3</sup>/hr at times on 93 dates between 1 December 2021 and 21 March 2022.

X. Condition O5.17 of the Licence states

*The odorous air extraction rate from wet side operations must not be less than 1100 m<sup>3</sup>/hr.*

The information included on Odour Control Checklists and in continuous monitoring data of the odorous air extraction rate from wet side operations as monitored by MF7325 suggests that the air extraction rate from this area was below 1100m<sup>3</sup>/hr at times on 62 dates between 1 December 2021 and 21 March 2022.

Y. Condition M1.1 of the Licence states:

*The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.*

The Licensee did not comply with Licence condition M1.1 of the Licence where it relates to Licence conditions O3.4, O3.7(b), O5.14, O5.16, and O5.18 in that the Licensee did not retain the results of monitoring required by the Licence for at least 4 years as set out by Licence condition M1.2.

Z. Condition M1.2 of the Licence states

*All records required to be kept by this 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.*

The Licensee did not comply with Licence condition M1.2 of the Licence where it relates to Licence conditions O3.4, O3.7(b), O5.14, O5.16, and O5.18 in that the Licensee has provided information suggesting it does not have the capacity to keep monitoring data for at least four years.

AA. Condition E3.1 of the Licence states:

*The licensee must prepare and implement an Odour Management Plan (OMP) for the site to prevent the discharge of offensive odours from the premises and to ensure compliance with s129 (condition L5 Potentially Offensive Odour) of the POEO Act (1997). The OMP must document all site activities, controls and management procedures in place to prevent the discharge of offensive odours from the premises to ensure compliance with S129 (condition L3 Potentially Offensive Odour) of the POEO Act (1997).*

*The OMP must include:*

- key performance indicators;*
- monitoring methods;*
- record keeping;*
- response mechanisms;*
- compliance reporting; and*
- a mechanism for recording and handling complaints.*

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*The OMP must be kept on site and made available to EPA on request.*

*The licensee must notify the EPA in writing of all updates and amendments to the OMP.*

The EPA reasonably suspects that between 1 December 2021 and 22 March 2022 the Licensee did not operate odour control equipment installed at the Premises in line with the site activities, controls and management procedures set out in the OMP.

AB. Condition L4.1 of the Licence states:

*Noise from the premises when measured at any point within one metre of the plant boundary must not exceed:*

- a) an LA10 (15 minute) noise emission criterion of 70 dB(A) (7am to 10pm) and;*
  - b) at all other times, an LA10 (15 minute) noise emission criterion of 65 dB(A).*
- 5 dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in nature.*

Condition L4. 2 of the Licence states:

*Noise from the premises when measured at any point within one metre of any residential boundary and/or other noise sensitive areas such as schools, hospitals etc in the vicinity of the works must not exceed:*

- a) an LA10 (15 minute) noise emission criterion of 40 dB(A) (7am to 10pm); and*
  - b) at all other times, an LA10 (15 minutes) noise emission criterion of 35 dB(A).*
- 5 dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in nature.*

From 28 January 2022 to 6 September 2022, the EPA received 21 reports of noise described generally as coming from the vicinity of the Premises. No recent noise monitoring has been undertaken by the Licensee to verify that these noise conditions are being met.

## Legislative Context

- R. Section 96 of the Act states that an appropriate regulatory authority may issue a Prevention Notice where it reasonably suspects an activity has been or is being carried on in an environmentally unsatisfactory manner at any premises or by any person (otherwise than at premises).
- S. Under section 96(2) of the Act, the EPA may, by notice in writing, do either or both of the following –
  - a) Direct the occupier of the premises
  - b) Direct the person carrying on the activity (whether or not at premises)
 to take such action, as is specified in the notice and within such period (if any) as specified in the notice, to ensure that the activity is carried on in future in an environmentally satisfactory manner.
- T. Pursuant to Section 95 of the Act and for the purposes of Part 4.3, an activity is carried on in an environmentally unsatisfactory manner if:
  - a. it is carried on in contravention of, or in a manner that is likely to lead to a contravention of, this Act, the regulations or a condition attached to an environment protection licence (including a condition of a surrender of a licence) or an exemption given under this Act or the regulations, or
  - b. it causes, or is likely to cause, a pollution incident, or

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- c. it is not carried on by such practicable means as may be necessary to prevent, control or minimise pollution, the emission of any noise or the generation of waste, or
- d. it is not carried on in accordance with good environmental practice.
- U. Under section 64 (1) of the Act, if any condition of a licence is contravened by any person, each holder of the licence is guilty of an offence.
- V. Under section 129 of the Act, the occupier of any premises at which scheduled activities are carried on under a licence must not cause or permit the emission of any offensive odour from the premises to which the licence applies.
- W. The Dictionary of the POEO Act defines an offensive odour as an odour that, by reason of its strength, nature, character or quality or at the time at which it is emitted, or any other circumstances:
  - a) Is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - b) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.

## Environmentally Unsatisfactory Manner

- F. The EPA reasonably suspects that an activity has been or is being carried on in an environmentally unsatisfactory manner at the Premises in that:
  - a) The EPA reasonably suspects that on numerous dates between 1 December 2021 and 21 March 2022, waste air flows from the RPP, centrifuges and HFHE, West Side Operations, Screening Area and Processing Plant were operated below minimum waste air flow rates and that site activities, controls and management procedures in place to prevent the discharge of offensive odours from the Premises were not all operated in accordance with the OMP in place during those dates.
  - b) The Licensee did not maintain the air relief valve on the discharge of the S907A/B/C common discharge duct in a proper and efficient manner to prevent its malfunction and the discharge of treated air from ACF units at this point.
  - c) The Licensee did not comply with Licence conditions M1.1 and M1.2, and where it relates to Licence conditions O3.4, O3.7b, O5.14, O5.16, and O5.18, in that the Licensee does not have the capacity to keep monitoring data for at least four years.
  - d) The EPA received 93 reports of odour from the Newington and Lidcombe areas from 24 January 2022 to 6 September 2022. The odour was generally described as chemical, hydrogen sulfide, rotten egg, paint/glue, gas and/or burning rubber or plastic.
  - e) EPA Officers detected odours described as chemical and gas during odour surveys conducted between 8 February 2022 and 22 March 2022.
  - f) The EPA has received 21 reports of noise from nearby residents alleging the source to be generally coming from the vicinity of the Premises.
- H. The EPA is directing you to take the action specified in this notice as you are the occupier of the Premises.

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## DIRECTION TO TAKE PREVENTIVE ACTION

The EPA directs CLEANAWAY OPERATIONS PTY LTD to take the following prevention action:

### Continuous Monitoring

1. The Licensee must ensure that all monitoring including continuous monitoring required by the Licence is recorded in line with Licence conditions M1.1 and M1.2.

### Premises Odour Management Plan (OMP)

2. The Licensee must review and update the Premises Odour Management Plan (OMP) (prepared by The Odour Unit Pty Ltd, titled 'Transpacific Industries Pty Ltd – Liquid Waste Plant, Homebush, NSW: Odour Management Plan', dated 30 September 2014, V2, Project Reference N1908L).
3. The plan must be updated to:
  - a) Reflect contemporary operations at the Premises; and
  - b) Identify all installed pollution controls and treatment configurations
  - c) Consider the findings of the Air Quality and Odour Mitigation Options Report (see Directions (8)-(12) of this Notice), including the methodology to measure the effectiveness of the preferred odour reduction and management strategies.
4. A copy of the updated OMP must be submitted to the EPA for review **by no later than 12 weeks following the date of issue of this notice**.
5. A copy of the OMP must be made publicly available on a webpage operated by the Licensee.

### Odour Compliance Report

6. The Licensee must prepare and provide to the EPA a monthly Odour Compliance Report (OCR) for the purposes of demonstrating compliance with the conditions of the Licence and the Licensee's OMP. The OCR must be provided to the EPA by no later than **5pm**, on the **7<sup>th</sup> day of each month and contain information from the previous month** from the date of this notice until otherwise notified by the EPA in writing. The OCR must include, but is not necessarily limited to:

#### a. Compliance with odour control conditions

In all instances where non-compliances with the conditions of the Licence and the Premises OMP are identified, the Licensee must include information explaining:

- i. The cause of the non-compliance;
- ii. The date and time of the non-compliance and/or the date and time that the non-compliance was identified;
- iii. The equipment involved in the non-compliance;
- iv. Immediate action/s taken in response to the non-compliance; and
- v. Any long-term corrective actions identified to address the non-compliance and dates for which those actions are to be implemented.

#### b. Odour Control Information & Analysis

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- i. Continuous monitoring data of all odourous/waste air flows and extraction rates directed to the OCF in a CSV format. Copies of both source and analysed data should be provided. Analysed data should include a comparison of continuous monitoring data with the conditions of the Licence and a summary of any monitoring data determined to be in non-compliance with the conditions. Continuous monitoring data provided should include, but is not limited to:
  1. MF7324 - Screening area and Processing Plant waste air flow
  2. MF7325 - Wet Side Operations waste air flow
  3. MF7323 – Activated Sludge Facility waste air flow
  4. MF8318 - Residue Processing Plant waste air flow
  5. MF5309 – Hollow Flight Heat Exchanger and Centrifuges waste air flow
- ii. Continuous monitoring data of the combustion chamber temperature of the OCF in a CSV format. Analysed data should include a comparison of continuous monitoring data with the conditions of the Licence and a summary of any monitoring data determined to be in non-compliance with the conditions.
- iii. A comparison of odour control checklists with the conditions of the Licence and OMP and a summary of any non-compliant responses.
- iv. Copies of all odour control checklists completed.
- v. Confirmation as to whether any odourous/waste air flows were redirected to back-up activated carbon filters. If yes, an explanation of which air flows had been directed to the activated carbon filters and the reason.
- vi. Copies of any logbook entries taken of photoionisation detector measurements for operational activated carbon filters including the date and time that readings were taken, the operators name and the hours of service for each activated carbon filter.
- vii. Copies of the daily monitoring results of the vacuum gauge (Magnehelic) located externally on the eastern wall of the Degrit Building and a summary of any positive vacuum gauge monitoring results.
- viii. A summary of any maintenance, training, inspections and/or reviews of air pollution and/or odour control equipment undertaken in line with the OMP.

## Continuous Emissions Monitoring System (CEMS) Feasibility Study

7. The Licensee must prepare and submit a continuous emissions monitoring system (CEMS) feasibility study report. The Report must assess the feasibility of installing and operating CEMS on the outlet of all significant discharge sources, including, but not limited to EPA ID points 1,2 4, and 6. As a minimum, the study must:
  - a) be prepared in consultation with a suitably qualified and experienced air monitoring practitioner who has demonstrated experience in the installation and operation of CEMS at large industrial plants;
  - b) include a statement about the general feasibility of installing CEMS;
  - c) evaluate potential monitoring options based on site specific factors including, but not limited to:
    - i. process and stack conditions,

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- ii. pollutants listed under condition L2.2 including, but not limited to, hydrogen sulfide, volatile organic compounds, carbon monoxide, oxygen, nitrogen oxides, temperature, and flowrate;
- iii. reliability and life cycle cost;
- d) evaluate potential installation locations. As a minimum, feasibility analysis must be undertaken for installing monitors at each stack outlet at a location capable of achieving a representative measurement of analytes being emitted from that stack.
- e) Where it is considered generally feasible to install a CEMS, the Report must:
  - i. include proposed actions for the implementation of CEMS;
  - ii. identify the proposed locations for monitor installations;
  - iii. include proposed timing for the installation of CEMS;
  - iv. include a proposed installation and commissioning plan for the CEMS; and
  - v. detail procedures for evaluating the performance of the CEMS following installation.
- f) Where it is considered not feasible to install a CEMS, the Report must:
  - i. provide a detailed explanation and robust justification of why installation and operation of CEMS is not feasible; and
  - ii. detail proposed alternative monitoring and reporting options that ensure ongoing representativeness of emission monitoring and reporting at the Premises. Alternative options must have suitable temporal resolution to ensure all significant emission variability is accounted for.
- g) The continuous emissions monitoring feasibility study must be provided to the EPA at [regops.metroregulation@epa.nsw.gov.au](mailto:regops.metroregulation@epa.nsw.gov.au) **by no later than 8 weeks following the date of issue of this notice.**

## Air Quality & Odour Impact Assessment

8. The objective of the Air Quality & Odour Impact Assessment (AQOIA) is to investigate, nominate and implement air quality and odour mitigation activities and works to ensure compliance with s129 of the *Protection of the Environment Operations Act 1997*. The directions provided in (9), (10), (11) and (12) below form the scope of works for the AQOIA and must be carried out strictly in accordance with the methodologies set out in the following documents:
  - a) NSW DEC, 2006, Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW;
  - b) NSW DEC, 2006, Technical Notes, Policy: Assessment and Management of Odour from Stationary Sources in NSW;
  - c) NSW EPA, 2022, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW;
  - d) NSW EPA, 2017, Approved Methods for the Modelling and Assessment of Air Pollutants in NSW
  - e) NSW EPA, 2021 Guide to conducting field odour surveys
9. The licensee must undertake an odour audit of all facility operations to identify all potential sources of air pollutants arising from activities undertaken and materials used on the site. The odour audit must be conducted by a suitably qualified person(s). The audit must, as a minimum:
  - a) Identify emission sources as point or fugitive sources;
  - b) Include a detailed site plan clearly showing the layout of the site and all emission sources;

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- c) Consider both complex mixtures of odorous air pollutants and individual odorous air pollutants;
  - d) Include the operational parameters of all emission sources, including all operational variability, i.e. location, release type (stack, volume or area) and release parameters (e.g. stack height, stack diameter, exhaust velocity, temperature, emission concentration and rate);
  - e) Identify and describe all currently installed emission controls, including a process flow diagram and descriptions that clearly identify and explain all pollution control equipment and control techniques for all activities occurring on the premises; and
  - f) Evaluate the effectiveness of currently installed controls at controlling pollutant emissions from all activities. The effectiveness must be determined based on:
    - i. achieved emission performance and removal efficiency of the installed controls
    - ii. results of emission testing for pollutants listed in condition L2.2 of the Licence including odour and volatile organic compounds (VOC's).
10. The licensee must assess the likely off-site impact of all odour sources identified under requirement (9). The assessment must:
- a) Be carried out in accordance with guidance and methods specified in reference documents identified in (8);
  - b) Include complex mixtures of odorous air pollutants and individual odorous air pollutants;
  - c) Include robust justification for the adopted emissions inventory supported by emissions test data and/ or data which evaluates the likely composition of odorous air pollutants based on process conditions and waste types;
  - d) Include contemporary emissions data collected in 2022;
  - e) Include modelling scenarios to reflect all treatment configurations under normal conditions and worst-case conditions (e.g. peak emission rates, low foul-air extraction rates);
  - f) Consider impacts at nearby ground level and elevated receptors; and
  - g) Identify the main sources contributing to off-site odour impacts
11. Based on findings from (9) the licensee must:
- a) Conduct a technical review of all practicable odour mitigation options applicable to the main odour sources at the facility. The technical review must consider all relevant best management practices and best available technology for odour mitigation at the facility;
  - b) Include both immediate (short term) and long-term control measures;
  - c) Quantitatively evaluate the potential reduction in odour impacts associated with each odour mitigation option;
  - d) Identify and nominate the preferred odour mitigation option(s), including:
    - i. Merit based selection for the preferred option(s);
    - ii. An outline of implementation works required for the preferred option(s); and
    - iii. Nomination of contingency options for implementation in the event that the preferred odour mitigation option is not effective in achieving the objective of the AQOIA as nominated in Direction (8).
  - e) Provide a detailed timeline for implementation of all nominated mitigation work and activities proposed in requirement (11d).
12. The licensee must submit a comprehensive Odour Mitigation Options Report to the EPA at [regops.metroregulation@epa.nsw.gov.au](mailto:regops.metroregulation@epa.nsw.gov.au) **by no later than 8 weeks following the date of issue of this notice**. The Odour Mitigation Options Report must document all investigations and actions proposed from works completed in (9), (10) and (11).

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## Noise Impact Assessment

13. The Licensee must engage a competent person to undertake noise measurements for the purpose of determining compliance or otherwise with the noise limits outlined in EPL 4560, conditions L4.1 and L4.2.
14. As a minimum the noise measurements and reporting must:
  - a) Subject to any express provisions to the contrary in the licence, satisfy the requirements for the measurement, analysis and reporting of noise stipulated in the Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (NSW, EPA, 2022) and the Noise Policy for Industry (NSW, EPA, 2017).
  - b) Noise measurement must be undertaken on the reasonably most noise affected point from operations on the licensed premises on each of the premises northern, eastern, southern and western boundaries for the purposes of condition L4.1.
  - c) Noise measurements must be undertaken at the reasonably most noise affected point from operation on the licensed premises at residential locations to the south of the premises i.e. Ovation Quarter, Honeyeater Street / Fantail Street Lidcombe and residential locations to the west of the premises i.e. Devitt Street Newington for the purposes of condition L4.2.
  - d) Noise measurements shall be undertaken at times and for sufficient durations to enable an assessment against noise limits outlined in license conditions L4.1 and L4.2.
  - e) Siting requirements for the location, height etc of noise monitoring instruments for the purposes of this condition are outlined in the documents cited in condition a) above.
  - f) Furnish the EPA with a Noise Impact Assessment (NIA) report satisfying the requirements stipulated in this condition

The NIA report must be provided to the EPA at [regops.metroregulation@epa.nsw.gov.au](mailto:regops.metroregulation@epa.nsw.gov.au) **by no later than 8 weeks following the date of issue of this notice.**

## FEE TO BE PAID

- You are required by law to pay a fee for the administrative costs of issuing this notice. An invoice for the fee has been attached to this notice.
- It is an offence not to pay this fee. However you can apply for an extension of time to pay the fee or for the fee to be waived. At the end of this notice there is information about how and when to pay the fee and how to apply for an extension or a waiver of the fee.

A handwritten signature in black ink, appearing to read 'Shelley Nancarrow'.

**Shelley Nancarrow**

**Acting Unit Head**

(by Delegation)

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## WARNINGS AND INFORMATION ABOUT THIS PREVENTION NOTICE

- This notice is issued under section 96 of the Act.
- It is an offence against the Act not to comply with this notice.
- Details provided in this notice will be available on the Public Register in accordance with section 308 of the Act.
- If this notice is issued to a corporation and the notice is not complied with by the date specified, the EPA may, under s 96A(2) of the Act, issue a supplementary prevention notice to a current or former director or manager, or a related body corporate, directing them to carry out, or ensure the carrying out of, preventative action specified in the supplementary notice.

### Penalty for not complying with this notice

- The maximum penalty that a court may impose for a corporation is \$1,000,000 and a further \$120,000 for each day the offence continues. The maximum penalty that a court may impose for an individual is \$250,000 and a further \$60,000 for each day the offence continues.

### Appeals against this notice

- You can appeal to the Land and Environment Court against this notice. The deadline for lodging your appeal is 21 days after you were served with the notice.

### When this notice begins to operate

- This notice operates from the day the notice is given, unless a later date is specified in the notice.
- If an appeal is made against the notice, and the Land and Environment Court directs that the notice is stayed, the notice does not operate until the stay ceases to have effect, or the Land and Environment confirms the notice, or the appeal is withdrawn (whichever occurs first).

### Continuing obligation

- Under section 319A of the Act, your obligations to comply with this notice continue until the notice is complied with in full, even if the due date for compliance has passed.

### Occupier's duty

- If you are given this notice as the occupier of the Premises but you are not the person carrying on the activity giving rise to this notice, this notice is taken to require you to take all available steps to cause the action to be taken.

### Deadline for paying fee

- The fee must be paid by **no later than 30 days after the date of this notice unless you appeal** to a court against the notice, or unless the EPA extends the time for payment of the fee or waives the fee. If you do appeal this notice the fee does not have to be paid unless and until the court confirms the notice.

### How to pay the fee

- Possible methods of payment are listed on the last page of the attached invoice/statement.
- Please include the payment slip from the attached invoice/statement with your payment.

### How to apply for extension of time to pay/waive the fee

# Prevention Notice

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- Any application for an extension of time to pay the fee, or for the fee to be waived must be made in writing to the EPA. The application should set out clearly why you think your application should be granted.

## **Other costs**

- The Act allows the EPA to recover from you reasonable costs and expenses it incurs in monitoring action taken under this notice, ensuring the notice is complied with and associated matters.
- If you are required to pay these other costs and expenses you will be sent a separate notice called a "Notice Requiring Payment of Reasonable Costs and Expenses".

## **Variation or revocation of this notice**

- The requirements of this notice may only be varied or revoked by written notice issued by the EPA.