



Section 73A
Environmental Protection Act 1986.

PREVENTION NOTICE

Reference No: NOTICE 202401

Person to whom this Prevention Notice is issued:

Cleanaway Co Pty Ltd, (ACN127 853 561)
In its capacity as *occupier* of the premises
441 St Kilda Road
Melbourne
VIC 3004

In its capacity as occupier of Lot 126 on Plan 183297, Known as Lot 609, Wargul Road, Cooy Pooya WA 6714

Premises (the Premises) to which this Prevention Notice relates:

The Premises the subject of this Prevention Notice (Notice) is located at:

Karratha Liquid Waste Treatment Plant and Waste Transfer Station
Lot 126 on Plan 183297,
COOYA POOYA WA 6714

Reasons for which this Prevention Notice is issued:

This Notice is given under section 73A (1)(a) of the *Environmental Protection Act 1986 (WA)* (EP Act) to **Cleanaway Co Pty Ltd**, the occupier of the Premises Karratha Liquid Waste Treatment and Waste Transfer Station and subject to Licence L8332/2009/3 (granted under section 57 of the EP Act), because waste has been deposited on the premises otherwise than in accordance with a works approval or licence.

I am satisfied that because:

Cleanaway Co Pty Ltd is the Occupier of the Premises from which waste has deposited on the premises, not in accordance with a works approval or licence and that you are the appropriate person to whom to give this Notice.

Requirements of this Notice:

1. Within 14 days from the date this **Notice** is given the person to whom this **Notice** is given must identify an approved waste facility that can accept and dispose of the 36 International Organization for Standardization (ISO) containers containing Hydrocarbon sludge impacted by mercury (known as the 'Hotpad Sludge').
2. In accordance with Requirement 1 of this Notice, within 21 days from the date this Notice, the person to whom this **Notice** is given must confirm in writing the following information to issuing **Inspector or Authorised Person** :

- a) location and the name of the premises where the waste will be disposed of; and
 - b) written confirmation from the premises that they are authorised to accept and dispose of the waste.
3. Within 90 days from the date this **Notice** is given, the person to whom this Notice is given must remove Hydrocarbon sludge impacted by mercury (known as the 'Hotpad Sludge') to an authorised waste facility in accordance with Requirement 1 of this **Notice**.
 4. Prior to disposal of Hydrocarbon sludge impacted by mercury (known as the 'Hotpad Sludge') being transported offsite, the person to whom this **Notice** is given must remove any free-flowing water from the 36 ISO container and dispose of it to an appropriate authorised facility.
 5. The person to whom this **Notice** is given must ensure that all waste handling and decanting processes are conducted safely and in a manner that prevents discharge of waste into the environment.
 6. The Person to whom this **Notice** is given must notify the issuing **Inspector or Authorised Person** every 30 days and provide the following information:
 - a. the mass (tonnes) and volume (m³) of waste removed from the Premises under Requirement 2 of this Notice;
 - b. the authorised Premises where the waste was taken and copies of any controlled waste tracking forms.
 - c. copies of Consignment Authority for any waste transported inter-state.
 - d. where waste is transported to more than one authorised Premises, the mass (tonnes) and volume (m³) of waste taken to each authorised Premises.
 7. The Person to whom this Notice is given must immediately notify the issuing **Inspector or Authorised Person** when all waste has been removed from the Premises as required by Requirements 3.
 8. The Person to whom this Notice is given must, within 14 days from the date all waste is removed from the **Premises** as required by Requirements 4 and 6, provide the following information to the issuing **Inspector or Authorised Person**:
 - a. The total mass (tonnes) and volume (m³) of waste and removed from the Premises under Requirement 2 of this **Notice**;
 - b. Authorised Premises where the waste was taken and copies of any controlled waste tracking forms.
 - c. copies of Consignment Authorisation for any waste transported inter-state.
 - d. where waste was transported to more than one authorised Premises, the mass (tonnes) and volume (m³) of waste taken to each authorised Premises.

9 The requirements and timeframes stipulated in this Notice may be amended by an **Inspector or Authorised Person** in writing on application by **Cleanaway Co Pty Ltd** or their authorised representative, with reasonable justification.



Paul Newell

***Inspector and Authorised Person
under section 87(1) and 88 of the Environmental Protection Act 1986***

Thursday 27 June 2024

With approval from Executive Director Assurance as per delegation 172.

Important Information:

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

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this prevention 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; and
- any other person who disagrees with a requirement contained in this prevention 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 PREVENTION 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 –

‘Authorised person’ means a person or member of a class of persons appointed under section 87(1) of the *Environmental Protection Act 1986*

‘CEO’ means Chief Executive Officer, Department of Water and Environmental Regulation.

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: info@dwer.wa.gov.au

‘Days’ means working day means 0800 – 1700 hours, Monday to Friday, excluding public holidays in Western Australia.

‘DWER’ means the Department of Water and Environmental Regulation.

‘EP Act’ means the *Environmental Protection Act 1986* (WA).

‘Person’ to whom this notice is given’ means **Cleanaway Co Pty Ltd**, ACN 127 853 561 the holder of prescribed premises licence L8332/2009/3 under Part V Division 3 of the *Environmental Protection Act 1986*.

‘Premises’ means Lot 126, Plan 183297, COOYA POOYA WA 6714 as defined by the red line on the map in Appendix 2

‘Provide in writing’ means includes by email with an authorised signature.

‘ISO’s’ means International Organization for Standardization tanks

‘Inspector’ means’ a person appointed to be an inspector under section 88 of the *Environmental Protection Act 1986*

‘Waste’ means as defined under Section 3 of the *Environmental Protection Act 1986*.

‘Discharge’ means as defined under Section 3 of the *Environmental Protection Act 1986*.

Appendix 2:

Premises Map

