



Section 73A  
*Environmental Protection Act 1986.*

## PREVENTION NOTICE

Reference No: NOTICE 202402

### **Person to whom this Prevention Notice is issued:**

**Cleanaway Pty Ltd, (ACN 000 164 938)**  
In its capacity as *occupier* of the premises  
441 St Kilda Road  
Melbourne  
VIC 3004

In its capacity as occupier of Lot 609 on Plan 66691, 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 Waste Handling Facility  
Lot 609 on Plan 66691, Wargul Way  
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 Pty Ltd, the occupier of the Premises Cleanaway Karratha Waste Handling Facility and subject to Licence L8848/2014/1 (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.

Cleanaway Karratha Waste Handling Facility is storing 57 International Organisation for Standardisation (**ISO**) tanks containing mercury-impacted flammable hydrocarbon sludge. Each **ISO** tank contains approximately 22 tonnes of sludge waste that has not been approved for treatment or storage on the premises.

Two specific types of waste streams have been identified onsite:

**Waste stream 1** - Flammable Oily Sludge (known as the 'WA Oil Sludge'), characterised as flammable oil layered over hydrocarbon sludge. Approximately three-quarters of the ISO contents consist of hydrocarbon sludge on average. About half of the **ISOs** have a layer of water between the flammable oil and sludge. Testing of previously decanted sludge showed mercury levels ranging from 0 to 700ppm. There is in the order of 35 **ISOs** of this waste stream deposited on the premises.

**Waste stream 2** - Hydrocarbon sludge impacted by mercury (known as the 'Hotpad Sludge'), characterised as contaminated water over mercury-impacted hydrocarbon sludge. There is in the order of 22 **ISO** containers of this waste stream deposited on the premises, 5 of these ISOs have a small flammable oil layer at the top.

I am satisfied that because:

**Cleanaway Pty Ltd** is the occupier of the **Premises** from which waste has been 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 57 ISO containers contaminated with hydrocarbons and mercury.
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 the **CEO of DWER**:
  - 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.

#### **Waste Stream 1 Requirements**

3. Within 90 days from the date this **Notice** is given, the person to whom this Notice is given must remove the flammable oily layer from **Waste Stream 1** (35 ISO tanks) and comply with AS 1940-2004 to ensure the material is classified as non-flammable.
4. Within 60 days of completion of Requirement 3 Flammable oily waste removed from **Waste Stream 1** must be disposed to appropriately 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. Within 60 days from completion of Requirement 3 the person to whom this **Notice** is given must remove remaining oily sludge from **Waste Stream 1** (35 ISO tanks) to an authorised facility identified in accordance with Requirement 1 of this **Notice**.

#### **Waste Stream 2 Requirements**

7. Within 90 days from the date this **Notice** is given the person to whom this **Notice** is given must remove, 22 **ISOs** of the **Waste Stream 2** to an authorised waste facility.
8. Prior to disposal offsite, 22r **ISOs** of **Waste Stream 2** the person to whom this **Notice** is given must remove any free-flowing water from the 22 ISO container and dispose of it to an appropriately authorised facility.
9. 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 (m<sup>3</sup>) of waste and removed from the Premises under Requirements 3 and 6 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 (m<sup>3</sup>) of waste taken to each authorised Premises.

10. The Person to whom this Notice is given must immediately notify the issuing **Inspector or Authorised Person** when all have been removed from the Premises as required by Requirements 3 and 6.

11. The Person to whom this Notice is given must, within 14 days from the date of all waste removed from the **Premises** as required by Requirements 4,6 and 7, provide the following information to the issuing **Inspector or Authorised Person**:

- a. the mass (tonnes) and volume (m<sup>3</sup>) of waste and 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 was transported to more than one authorised Premises, the mass (tonnes) and volume (m<sup>3</sup>) of waste taken to each authorised Premises.

12. The requirements and timeframes stipulated in this Notice may be amended by an **Inspector or Authorised Person** in writing, on application by **Cleanaway Solid Waste 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](mailto:info@dwer.wa.gov.au)

**‘Days’** means working days and excludes public holidays.

**‘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 Pty Ltd**, ACN 000 164 938 the holder of prescribed premises licence L8848/2014/1 under Part V Division 3 of the *Environmental Protection Act 1986*.

**‘Premises’** means Lot 609 on Plan 66691, Wargul Way 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*.

**‘Flammable liquids’ means** as defined in AS 1940-2004 - Australian standards The storage and handling of flammable and combustible liquids.

**‘Waste stream 1’** means Flammable Oily Sludge (known as the ‘WA Oil Sludge’), characterised as flammable oil layered over hydrocarbon sludge.

**‘Waste stream 2’** means Hydrocarbon sludge impacted by mercury (known as the ‘Hotpad Sludge’) characterised as contaminated water over mercury-impacted hydrocarbon sludge.

Appendix 2:

Premises Map

