



Our reference: Doc19/266534  
Contact: Winston Wickremeratne 02 9995 5424

29 March 2019

Mr Simon Sherwood  
Site Operations Manager  
Honeycomb Drive  
EASTERN CREEK NSW 2766

Dear Mr Sherwood,

**Re: Environmental Compliance Audit – Dial-a-Dump (EC) Pty Ltd – Environment Protection Licence Number 13426**

The Environment Protection Authority (EPA) is pleased to present you with a copy of the Final Compliance Audit Report containing the summary of Audit Findings for Dial-a-Dump (EC) Pty Ltd.'s Eastern Creek landfill. The audit was undertaken as part of an audit program of facilities licensed under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). As part of the audit, the licensee's Environmental Pollution Incident Response Management Plan (PIRMP) was also assessed.

The audit inspection was undertaken by officers of the EPA on 17 December 2018. A draft summary of audit findings was emailed on 28 February 2019. Your response to the draft audit findings provided in email correspondence dated 25 March 2019 has been considered when finalising the audit findings and has been attached as Appendix A to the final audit report. The EPA notes your comments that you have and are implementing actions to address the issues of non-compliance identified in the Draft Audit Report. The EPA's response to this and other specific comments are provided in Attachment A to this letter.

To ensure that all non-compliances in the report are addressed, we request that you provide an update on your progress against each of the items in the Action Program (Table 6) of the Final Audit Report with supporting evidence (copies of documentation, photos etc. showing how the action was implemented to address the identified non-compliance) by 1 May 2019 to [winston.wickremeratnelucy@epa.nsw.gov.au](mailto:winston.wickremeratnelucy@epa.nsw.gov.au). Please also note any comments in the Final Audit Report against assessments of "Not determined" and the comments under Section 3 "Further Observations".

A copy of this letter and the Final Compliance Audit Report will be made available on the POEO Public Register (<http://www.epa.nsw.gov.au/prpoeoapp/>).

I would like to take this opportunity to thank you and your staff for the co-operation during the audit. If you require further information or clarification on any matters regarding the audit, please do not hesitate to contact me on 02 9995 5424.

Sincerely

A handwritten signature in blue ink, appearing to read 'Winston'.

**DR WINSTON WICKREMERATNE**  
**Head Environmental Audit Unit**  
**Environment Protection Authority**

Attachment A: EPA's response to your comments

Attachment B: Final Compliance Audit Report – Dial-a-Dump (EC) Pty Ltd.

**Phone** 131 555 131 555**Fax** +61 2 9995 5999  
**Phone** +61 2 9995 5555 **TTY** 133 677  
+61 2 9995 5555**ABN** 43 692 285 758  
(from outside NSW)

PO Box A290  
Sydney South  
NSW 1232 Australia

59-61 Goulburn St  
Sydney NSW  
2000 Australia

**[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)**  
**[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)**



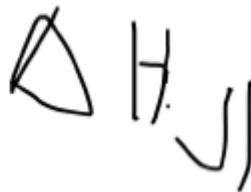
## **ATTACHMENT A: EPA response to Genesis Pty Ltd email dated 25 March 2018**

### **Condition L1.3**

The EPA acknowledges that after the audit, the licensee has taken steps towards ensuring compliance with the condition by desilting the swales and the two dams and is in the process of developing a maintenance schedule for desilting the dams.

The explanation given by the licensee does not offer any additional evidence that could change the assessment made in the audit report.

The condition requires the sediment ponds to be maintained to ensure appropriate freeboard to minimise the potential for any turbid discharge. On the 28 November 2018, the licensee's Daily Visual Inspection Report (as seen in the excerpt provided below) indicated that the south west sediment dam was full (and the north west dam), turbid and that there is sediment build up in dams, swales and drains. The licensee discharged from the south west dam, the following day on the 29 November 2018.

Question	Response	Details
Post significant weather event checks - Section 3 (to be completed when over 40mm of rain is received in any 3 consecutive day period)		
Post significant weather event 1		
3.1 All Onsite Detention Dams, drains and vegetation Swales are free of litter and sediment build up.	Non - Compliant (See Comment Section)	Sediment build up
<b>Dam Water Turbidity - Note: If dams are discharging please notify Site Manager and Environmental Consultant.</b>		
3.1a Water Turbidity OSD 1 - North West	50	
OSD 1 - North West Dam Level (Metres)	Full	
3.1b Water Turbidity OSD 2 - South West	100	
OSD 2 - South West Dam Level (Metres)	Full	
3.2 All berms, the landfill and bin yard are free of new erosion / slips	Non - Compliant (See Comment Section)	Erosion is starting
Comments Section 3		
Pictures Section 3		
Name and signature of person conducting the checks	Andrew	28/11/18 10:20 am
		

The rainfall data from the Bureau of Meteorology's Erskine Park Station (used by the licensee) indicates that the rainfall for five consecutive days of the day of this inspection was:

24 November 2018 – 0 mm  
25 November -2018 – 0 mm  
26 November 2018 - 0 mm  
27 November 2018 - 0 mm  
28 November 2018 – 14 mm

The licensee's statement in their response that at the time of the visual inspection "the site has received significant amounts of water" is not substantiated with any evidence. The only evidence available indicates that prior to 9am on 28/11/2018 there had been only 14 mm of rainfall.

#### **Condition L2.1/L2.2**

The explanation given by the licensee does not provide any verifiable evidence to change the EPA's assessment of the condition as being non-compliant.

As indicated in the draft report, compliance with conditions L2.1/L2.2, requires the fulfilment of two criteria:

1. The discharge has occurred solely as a result of a rainfall event at the premises exceeding a total of 45mm over any consecutive five-day period; **and**
2. The licensee has taken all practical measures to avoid or minimise water pollution.

As indicated in the draft report, the licensee has only complied with criteria 1 and has not complied with criteria 2. It is clear from the daily visual inspection report (see report above) that the dams were full, which indicated that the licensee had not taken all practical measures to keep the sedimentation dams in a drawn down state, to prevent water pollution (see also EPA response and assessment of condition L1.3 regrading desilting the dams and the licensee's response about "working on a program for the desilting", which conflicts with their explanation in response to the assessment of conditions L2.1/L2.1 regarding desilting dams).

#### **Condition L3.4**

The licensee has not provided any evidence to change the EPA's assessment of this condition.

Condition L3.4 states:

"Except for the following, the Proponent shall dispose of all outputs produced from the waste processing and/or recovery facility on site, subject to the EPL 20121, to the landfill:

- a) Recyclables extracted and delivered off-site for resource recovery purposes;
- b) Hazardous wastes extracted from the input waste stream and lawfully disposed of off-site; and
- c) Output waste derived materials approved for use under the *POEO Act, 1997* and Regulations."

The condition requires all waste outputs from the processing facility to be disposed of at the on-site landfill.

The licensee is disposing of waste outputs at an off-site landfill.

#### **Condition L5.2**

The EPA acknowledges that the chute does not generate tickets and that they have been manually filled in. however, there is no plausible reason why the dockets would be manually entered to indicate **5.21am** and **5.57am**, when the general rubbish referenced in the report was transported through the chute into the landfill, taking into account that the processing plant is allowed only to operate between 7am and 6pm Monday to Friday and 8am and 4pm Saturday, Sunday and Public holidays.

No change has been made to the assessment of compliance.

#### **Condition O4.2 b)**

The reference to the Vegetation Management Plan (VMP) submitted to the Department of Planning has no bearing on the assessment of the condition relating to the control of noxious weeds and pests in the EPL. The VMP only provides recommendation on weed control techniques that could be used at the facility. The plan does not provide any recommendations on the frequency of weed control, removal and monitoring. The VMP does not provide any evidence of the implementation of any pests and weed management control measures at the landfill. As described in the draft report, any pests and weed management activities undertaken at the landfill appear to have not been effective.

No change has been made to the assessment of compliance.

#### **Condition O5.4 (a) i)**

##### **Covering of Waste**

On the day of the audit inspection the area with the uncovered waste was first observed from the viewing platform at **9.37am** by the auditors. It was clear *that no waste was being disposed of* in the area referenced at that time or on the day of the audit inspection, which can be seen clearly in attached photo.



On the day of the audit inspection, filling operations were concentrated at the north-east portion of the landfill. It is also noted that very little waste had been disposed even in that area, due to a truck transporting waste to the tipping face getting stuck in the mud formed from the heavy rain experienced during the weekend. There was a long queue of truck that had formed, awaiting their turn to dispose of waste (attached photos).





Waste filling operation at 9:37am on the day of the audit inspection indicating where filling operations were taking place in the north-east areas of the landfill



Close-up of vehicles queuing up.

It is also noted that at the time of the audit inspection the licensee's representative did not disagree with the auditors, when they showed him the area where the waste had not been covered in a previously covered area.

**Condition 05.9**

See EPA comments on condition L3.4.

**Condition 05.10**

Noted



**Condition E4.1 a. d. &e.**

The licensee's representative was present and as stated in the draft report, measured the alternative cover material and at no time did he disagree with the auditors at that time. The attached photos clearly indicate that this material is alternative cover material consisting of crushed concrete, crushed bricks, crushed clay tiles and crushed glass.







The EPA would also like to point out that the specification for the drainage material as referenced in condition O5.23 requires that the material be a minimum of 20mm and a maximum of 40mm and must not be angular. If this was drainage material, then the licensee is in breach of the specification of the drainage material.

#### **Condition 153F – Pollution Incident Response Management plan (PIRMP)**

The licensee has disputed the assessment that they did not implement the PIRMP.

What the EPA indicated in the draft report in the assessment was that the licensee did not implement the ***PIRMP as required by the legislation.***

Legislation specifies that that when the licensee becomes aware of a pollution incident, the licensee must immediately implement the PIRMP by notifying all the following agencies:

EPA; Fire & Rescue NSW or Rural Fire Service; SafeWork NSW; Ministry of Health and Local Council.

Notification does not always require all agencies contacted to attend the pollution incident. The Authorities themselves will decide on whether they require attendance or not, depending on the circumstances of the pollution incident.