

# Operating licence

*Environment Protection Act 2017*

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Licence number	OL000008693
Issue date	30 November 2012
Last amended	22 December 2022
Expiry date	31 December 9999
Licence holder	AQUASURE PTY LTD
ACN	135956393
Activity site(s)	434 Lower Powlett Rd, Dalyston, VIC, 3992, AU
Prescribed permission activities	K04 (Water desalination)

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Issued under section 74(1)(a) of the *Environment Protection Act 2017* (the Act).



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Team Leader, Licensing  
Delegate of Environment Protection Authority Victoria (EPA)

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Environment Protection Authority Victoria  
GPO BOX 4395 Melbourne VIC 3001  
1300 372 842

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## Context

Environment Protection Authority Victoria (EPA) is Victoria's environmental regulator acting in accordance with the *Environment Protection Act 2017* (the Act). Our regulatory role is to work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

### **Why we issue operating licences**

A range of operating activity types are prescribed in the Environment Protection Regulations 2021 (the Regulations) because they give rise to risks of harm to human health or the environment. We issue operating licences so applicants can lawfully undertake prescribed operating activities. Section 45 of the Act provides that a person must not engage in a prescribed operating activity except as authorised by an operating licence in respect of that activity.

### **When we issue operating licences**

EPA can issue an operating licence under section 74(1) of the Act. When issuing an operating licence, EPA takes into account a number of factors, including the measures an applicant has taken or proposes to take in order to comply with the Act when engaging in the prescribed permission activity.

EPA can amend, suspend or revoke a licence for a range of reasons. This can include in response to changes in activities, risks or licence holder performance. All operating licence details are publicly accessible via the EPA Public Register.

## Key information and obligations

### **Interpretation**

For the purposes of this operating licence "You" means the "licence holder" identified on the first page. Unless a contrary intention appears, words or terms used in the conditions of your licence have the same meaning as in the Act, and in any regulations made pursuant to the Act.

### **Compliance**

Your licence is subject to conditions. These conditions confer legal obligations on you as the licence holder. Some of these are general in nature, while others require you to do (or not to do) specific things. The requirements of these conditions do not detract from each other in any way, nor do they affect any other duties or obligations with which you are required to comply by law. You must fulfil all duties and perform all obligations set out in this licence or otherwise required by law.

Strict penalties apply for non-compliance with any part of your .

You must comply with the Act and regulations administered by EPA. This includes, but is not limited to, compliance with the general environmental duty (GED).

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## **Duties under the Act**

Under the Act, you have legal obligations in relation to your prescribed and non-prescribed activities. These legal obligations exist to minimise risks of harm to human health and the environment from pollution and waste.

You may be committing an offence and be liable to a penalty under the Act if your actions or omissions constitute a breach of these legal obligations.

## **General environmental duty**

The Act places the onus on you to understand the risks associated with your operation or activity and requires you to minimise the risk of harm. This is called the general environmental duty (GED).

Sections 6 and 25 of the Act provide the legal basis for the GED. These sections state that a person engaging in an activity which may give rise to risks of harm to human health or the environment from pollution or waste must eliminate or minimise those risks, as far as reasonably practicable.

## **Duty to notify EPA of notifiable incidents**

A notifiable incident is a pollution incident that causes or threatens to cause material harm to human health or the environment or is a prescribed notifiable incident. Under section 32 of the Act, you have an obligation to notify EPA of a notifiable incident as soon as practicable after you become aware of the incident.

## **Duty to take action to respond to harm caused by pollution incident**

Under section 31 of the Act, if a pollution incident has occurred as a result of an activity (whether by act or omission) and the pollution incident causes or is likely to cause harm to human health or the environment, a person who is engaging in that activity must, so far as reasonably practicable, restore the affected area to the state it was in before the pollution incident occurred.

## **Duty to notify of contaminated land**

Under section 40(1) of the Act, a person in management or control of land must notify EPA if the land has been contaminated by notifiable contamination as soon as practicable after the person becomes aware of the notifiable contamination.

Notifiable contamination means contamination which is prescribed in the Regulations, or contamination for which the cost of action to remediate the land is likely to exceed \$50,000, or any other prescribed amount.

## **Duties relating to industrial waste, priority wastes and reportable priority wastes**

Under parts 6.4 and 6.5 of the Act, a person has obligations in relation to the generation, receiving, recording, managing, transporting, and disposal of industrial, priority wastes and reportable priority wastes. These duties include:

- Duties of persons depositing industrial waste.

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- Duties of persons receiving industrial waste.
- Duty of persons involved in transporting industrial waste.
- Duties of persons managing priority waste.
- Duty to investigate alternatives to waste disposal.
- Duty to notify of transaction in reportable priority waste.
- Duty of persons transporting reportable priority waste.

For further information on waste classifications see schedule 5 of the Regulations.

## **Further information and resources**

To aid compliance with the Act and the Regulations, Environment Reference Standards (ERS), Compliance Codes, Position Statements and Guidelines have been developed to address a range of environmental objectives, permitted and non-permitted activities and risks.

You should understand how the Victorian environment protection framework applies to you and your activity, operation or business by making yourself familiar with the Act, Regulations, Compliance Codes and other relevant guidance material.

To assist you with understanding your obligations refer to [www.epa.vic.gov.au](http://www.epa.vic.gov.au).

## **Amendment**

You can apply at any time to EPA for an amendment to your licence under section 57 of the Act. EPA may also decide to amend a licence under its own initiative according to section 58 of the Act.

## **Transfer**

A person may apply to EPA for the transfer of this licence to a new licence holder pursuant to section 56 of the Act.

## **Duration of licence**

This operating licence is subject to the expiry date identified on the first page. It will remain in force until that time unless it is first surrendered by the licence holder (with consent from EPA), or it is suspended or revoked by EPA.

## **Operating licence structure**

Your operating licence has multiple parts:

- Conditions
- Appendix 1 – locality plan
- Appendix 2 – activity plan
- Appendix 3 – contour plan
- Appendix 4 – waste acceptance table
- Appendix 5 – air discharge table
- Appendix 6 – water discharge table

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- Appendix 7 – landfill cell table

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## Conditions

### General conditions

OL_G1	A copy of this licence must be kept at the activity site and be easily accessible to persons who are engaging in an activity conducted at the activity site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.
OL_G2	You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of: a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment; b) A malfunction, breakdown or failure of risk control measures at the activity site which could reasonably be expected to give rise to actual or potential harm to human health or the environment; or c) Any breach of the licence.
OL_G3	You must notify the Authority within 48 hours of the occurrence of any the following: (a) Any change to your name or address (including your registered address and activity site as applicable); (b) You become, or are likely to become, an insolvent under administration; (c) You become, or are likely to become, an externally administered company under the Corporations Act; or (d) A change to an officer (as defined in the Act). You must update your information in the EPA Interaction Portal if any other relevant administrative details for your business change.
OL_G4a	You must provide to the Authority with a Permission Information and Performance Statement (PIPS) in the form determined by the Authority within 2 months of receiving notification in writing from the Authority. The PIPS may be released to the public (in whole or in part).
OL_G4b	Information and monitoring records used for the preparation of, inclusion in, or support of, any reporting or notification that is required of you by the Authority (including data reporting, performance reporting, documents evidencing any risk and monitoring program) must be: a) retained for five years; and b) made available to the Authority on request.
OL_G5	1. You must develop a risk management and monitoring program for your activities which: (a) identifies all the risks of harm to human health and the environment which may arise from the activities you are engaging in at your activity site; (b) clearly defines your environmental performance objectives; (c) clearly defines your risk control performance objectives; (d) describes how the environmental and risk control performance objectives are being achieved; (e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable (SFARP); and (f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity. 2. The risk management and monitoring program must be: (a) documented in writing; (b) signed by a duly authorised officer of the licensed entity; and (c) made available to the Authority on request.

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OL_G7	You must: (a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority; (b) provide the decommissioning plan to the Authority upon request; (c) supply to the Authority an updated detailed decommissioning plan 40 business days prior to commencement of decommissioning, if you propose to divest a section of the licensed site, cease part or all of the licensed activity or reduce the basis upon which the licence was granted to a point where licensing is no longer required; and (d) decommission the licensed site in accordance with the detailed decommissioning plan, to the satisfaction of the Authority and within any reasonable timeframe which may be specified by the Authority.
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## Standard conditions

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OL_DW2.13	Turbidity in NTU of the discharge must be less than the background level in the receiving surface water plus the limit specified in Appendix 6.
OL_WM14	All plant and equipment must be maintained and operated in proper working condition, in accordance with the manufacturer's specifications.

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## Specific conditions

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OL_DW2	Discharge of waste to surface waters must be in accordance with Appendix 6.
OL_DW2.11	Discharge limits in Appendix 6 must be based on 24 hour averages.
OL_DW2.12	Minimum discharge flow rate from the activity site must be 2.09 kilolitres/second when the plant is discharging brine more than the background salinity.
OL_DW3	The mixing zone extends 180 metres radius from the 2 risers relative to the licensed waste discharge point.
OL_WM13	Notwithstanding the discharge limits set out in this licence, the licence holder's risk management and monitoring program must address: (a) Causes of short-term variation in emissions (which may include equipment or process failures and replacement of components); (b) Opportunities to reduce long term and event-driven emissions through practices or controls; and (c) Key indicators of emission variation including process and system indicators.

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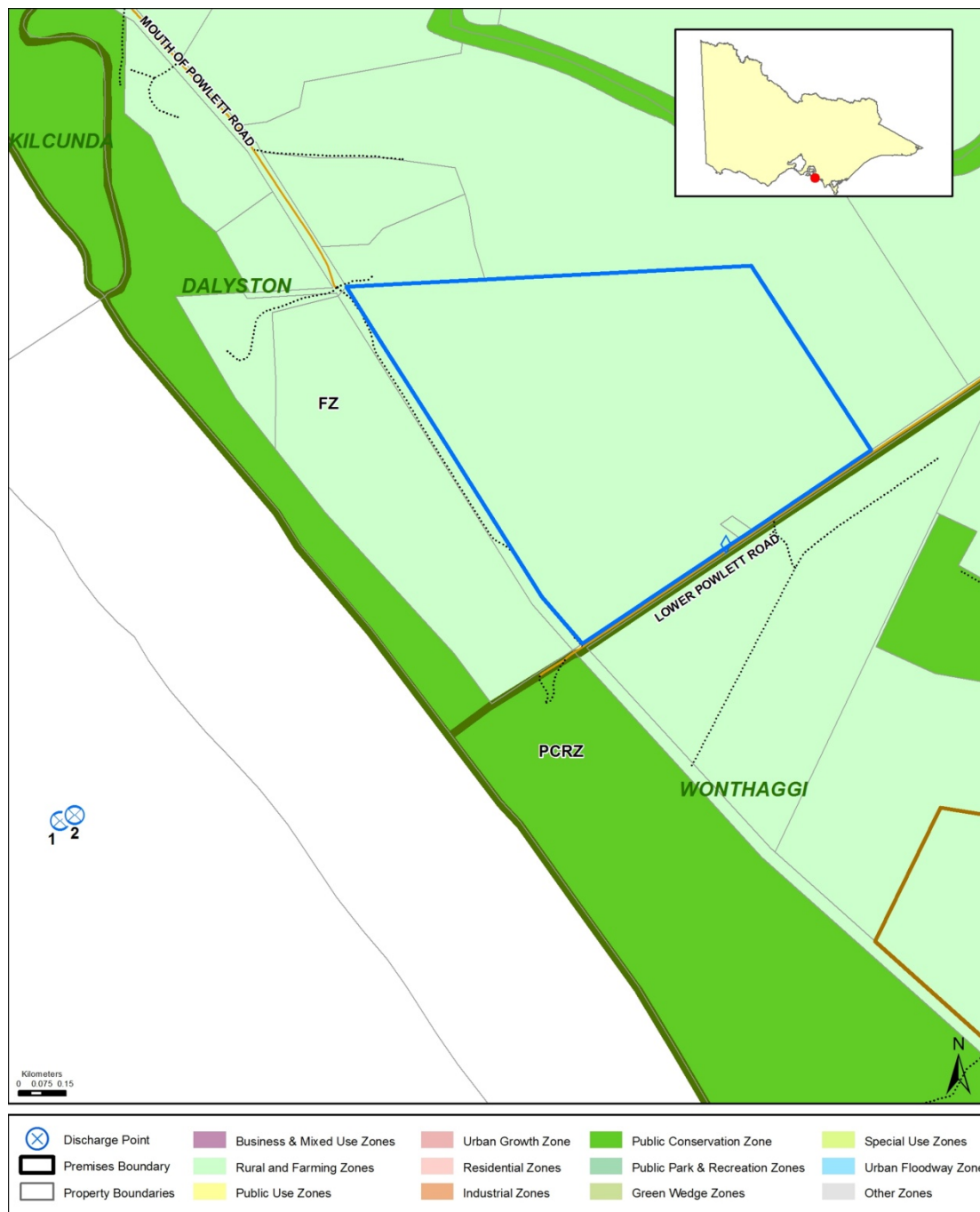
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## Appendices

### Appendix 1 – locality plan



Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

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## Appendix 2 – activity plan



Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

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## **Appendix 3 – contour plan**

*There is no contour plan for this licence.*

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## **Appendix 4 - waste acceptance table**

*There is no waste acceptance for this licence.*

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## **Appendix 5 – air discharge table**

*There are no air discharge points for this licence.*

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## Appendix 6 –water discharge table

Discharge Point ID	Discharge Point Name	Indicator	Limit Type	Unit	Discharge Limit
1 & 2	Bass Strait Outfall	Flow Rate	Max	ML/day	1164
1 & 2	Bass Strait Outfall	Dissolved oxygen as mg/L	Minimum	mg/L	4
1 & 2	Bass Strait Outfall	Electrical conductivity	Maximum	µS/cm	100000
1 & 2	Bass Strait Outfall	pH	Maximum	pH	9
1 & 2	Bass Strait Outfall	Turbidity	Maximum	Ntu	6
1 & 2	Bass Strait Outfall	pH	Minimum	pH	6

ML/d = megalitres per day

mg/L = milligrams per litre

µg/L = micrograms per litre

µS/cm = microsiemens per centimetre

pH = pH Units

Org/mL = organisms per 100 millilitre

pg/L = picograms per litre

Ntu = Nephelometric Turbidity Units

% sat = percent saturation

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pcu = Platinum-Cobalt Units

ADMI = American Dye Manufacturers' Institute

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## **Appendix 7 – landfill cells**

*There are no landfill cells for this licence.*