

## Flora and Fauna Division

The Flora and Fauna Division has reviewed the referral in accordance with the Environment Protection Regulations 2020 and considers that it provides sufficient information to make an assessment decision on the proposal's risks to terrestrial flora and fauna.

Based on a search of DENR flora and fauna database records within 10km of the tenement, expert knowledge of species' habitat requirements, and information about habitats occurring within the proposed locality, the following threatened species may occur within or immediately adjacent to the application area.

**Table 1.** Species listed as threatened under the *Territory Parks and Wildlife Conservation Act 1976* / *Environment Protection and Biodiversity Conservation Act 1999*

Common Name	Scientific Name	TPWC Act	EPBC Act
Partridge Pigeon	<i>Geophaps smithii smithii</i>	Vulnerable	Vulnerable
Black-footed Tree-rat	<i>Mesembriomys gouldii</i>	Vulnerable	Vulnerable
Northern Quoll	<i>Dasyurus hallucatus</i>	Critically Endangered	Endangered
Red Goshawk	<i>Erythrotriorchis radiatus</i>	Vulnerable	Vulnerable
Masked Owl (northern subspecies)	<i>Tyto novaehollandiae kimberli</i>	Vulnerable	Vulnerable
Pale Field-rat	<i>Rattus tunneyi</i>	Vulnerable	
Mitchell's Water Monitor	<i>Varanus mitchelli</i>	Vulnerable	
Mertens' Water Monitor	<i>Varanus mertensi</i>	Vulnerable	
Floodplain Monitor	<i>Varanus panoptes</i>	Vulnerable	
Bare-rumped Sheath-tail Bat	<i>Saccolaimus saccolaimus</i> ( <i>nudicluniatus</i> )		Vulnerable
Trigger Plant	<i>Stylidium ensatum</i>	Endangered	Endangered
Typhonium	<i>Typhonium praetermissum</i>	Vulnerable	

### *Stylidium ensatum*:

Habitat modelling indicates a high likelihood of suitable habitat for this species occurring within the clearing footprint and along the haul road. Potential impacts to this species include destruction of habitat through clearing and indirect effects from alteration of surface water flow. *Stylidium ensatum* has specific seasonal moisture requirements and any alteration to local surface water flow may impact on population viability. The proponent has identified that surveys for the species are planned for June -July 2020. Should surveys detect the species, potential impacts should be evaluated using the Significant Impact Guidelines for Matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), including off-site and indirect impacts.

### *Typhonium praetermissum*:

Surveys for the species were undertaken by the proponent within areas mapped by DENR as having a 'high likelihood' of occurrence (Cuff and Green 2019). The Division is satisfied that the surveys were undertaken at an appropriate time of year and with an adequate survey effort to detect the species. Given the absence of the species from the site, the risk from the proposal to *T. praetermissum* is considered low.

### Partridge Pigeon, Black-footed Tree-rat, Northern Quoll, Red Goshawk, Masked Owl (northern subspecies), Pale Field-rat, Bare-rumped Sheath-tail Bat:

The Flora and Fauna Division agree with the assessment in the referral that the habitat for these threatened fauna species within the proposed development area is sub-optimal, and that the removal of a relatively small area of habitat is not likely to result in a significant impact to populations of any of the threatened fauna species potentially occurring in or near the project area.

### Floodplain Monitor, Mertens' Water Monitor, Mitchell's Water Monitor:

While there is potential for individuals to occupy the proposal area, the proposal poses a low risk to regional populations of these species due to the small area of suitable habitat being disturbed, compared to the regional extent.

### Significant and Sensitive Vegetation

The proposal is located adjacent to a minor drainage line that discharges from Observation Hill Dam before flowing southwest into the Charlotte River. The proponent has sited the proposal in a manner that avoids direct impacts to the watercourse and associated riparian vegetation.

Land unit mapping in the referral documentation identifies the RoM Pad, stockpiles and box-cut waste rock dump pad on alluvial plains (Land Unit 5a) and drainage systems (Land Unit 6b) which are poorly drained and waterlogged during the Wet season. The presence of hydrophytes within these land types suggests that these areas are subject to seasonal inundation, and may be considered a wetland. The Flora and Fauna Division provides the following assessment of the alluvial plains and drainage systems:

- Aerial imagery and land unit mapping suggests that similar drainage systems occur throughout the Charlotte River catchment and are not considered a restricted or unique feature in the landscape.
- The alluvial plain system potentially affected by the development is not likely to provide important refugial habitat for wetland-dependent species.
- The area is not within a Site of Conservation Significance.
- The threatened Mertens' Water Monitor has been recorded within the catchment and may use the drainage systems for foraging and movement when inundated. The site is not considered essential habitat and is unlikely to contain a significant population of this species.
- The alluvial plain is not known to provide important foraging, aggregation or staging habitats for threatened, migratory or significant species.

Based on the above assessment, the land units, even if considered to be a wetland, are 'Low' value using the criteria in the Northern Territory Planning Scheme Land Clearing Guidelines (LCG).

The referral suggests that the proposal may alter the hydrology of the sub-catchment which discharges into the headwaters of Charlotte River. These changes are considered to be small due to riparian vegetation already being adapted to the highly variable hydrology downstream of Observation Hill Dam. Any impacts from cumulative changes in hydrology should also be accounted for or rehabilitated by the proponent as part of the closure options for the site.

### Summary

The Flora and Fauna Division considers that there is uncertainty around the presence of *S. ensatum* within the project footprint and potential risks to the species. The Division supports the commitment by the proponent to undertake targeted surveys for *S. ensatum* in June -July 2020. If the species is confirmed to be present, then an adequate risk assessment and appropriate avoidance or mitigation measures will be required.

The risks to other threatened species known to or likely to occur in the project area (Table 1) are considered to be low.

The proposal area contains areas of alluvial plain and drainage systems which are consistent with the definition of a wetland under the LCG. The Flora and Fauna Division considers that these areas are of 'Low' value using the criteria outlined in the LCG. Hydrological changes resulting from the proposal may place additional stress on downstream sensitive vegetation. Any such impacts from this proposal should be rehabilitated or accounted for in the final closure of the site (as per Recommendation 16 of Assessment Report 89).

**Water Resources Division**

Referral Submission Template - Finniss Lithium Project BP33 Underground Mine	
Agency Name:	<b>Water Resources Division</b>
Proponent and Action:	(NT EPA to complete)
Does the action require a statutory approval/ licence/ permit under legislation administered by your agency? If so, please list and/or explain.	<p>Yes – a water extraction licence (groundwater).            Use of bores for extraction identified as a supplementary supply. However Figure 3-9 - Primary water source contributions identifies 864kL/day extraction from BP33 bores which suggests an ongoing supply, not supplementary.</p> <p>A review of satellite imagery indicates that the proposed footprint may intersect ephemeral waterways and/or wetland areas. This includes the BP33 project components, specifically the mine site dam, and the proposed haul road route. A more detailed assessment of the impact of the proposed work will inform any requirement for a permit to interfere with a waterway process.</p>
Does the proposed action meet relevant legislation, accepted standards, plans or policies administered by your agency? Please explain.	Not applicable.
Future involvement of the agency if the action proceeds through environmental impact assessment:	Provide for advice.
<ul style="list-style-type: none"> <li>• No further involvement</li> <li>• Provide for information only</li> <li>• Provide for advice</li> </ul>	
Has your agency had prior dealings with the proponent? If so, is there knowledge of the proponent's compliance (or non-compliance) with approvals and legislation?	Yes, in relation to licensing and permitting requirements. No non-compliance issues to be addressed at this early stage.
Does the referral provide adequate information for your agency to provide comment on the action?	For surface water yes. For other areas – there are gaps. See Table 1 attached.

**Referral Submission Template - Finniss Lithium Project BP33 Underground Mine**

Does the referral provide adequate information of surrounding land uses and other potential pressures on the environment?	Gaps or deficiencies in the information supplied have been identified. See Table 1 attached.
Does the referral present an adequate level of information of the environment likely to be impacted?	No –comments which identify gaps or deficiencies in the information supplied.
Have all environmental factors with the potential to be significantly impacted by the action been identified in the referral?	No, there are gaps. See Table 1 attached.
Is the referral accurate in its preliminary identification and assessment of likely significant impacts?	No, there are gaps. See Table 1 attached.
Are the claims and findings of the referral supported by adequate information?	No, there are gaps in relation to water resource management as outlined in this document.
Has the referral provided information to support any assumptions/ conclusions made about the cultural and social environments that may be impacted by the action?	Not applicable to Water Resources Division.
Does the referral provide adequate information to demonstrate claims about opportunities and impacts to the NT economic environment?	Not applicable to Water Resources Division.
Does your agency have additional information about the locality, action or circumstances of the action that has not been provided in the referral that will contribute to the NT EPA's decision on significant impact?	<p>The proposed BP33 Project is situated to the south of the approved Grants Project. Both areas overlie the Burrell Creek Formation; however they relate to different sub-catchments and therefore different groundwater resources. BP33 overlies the Charlotte River sub-catchment and the Grants Project overlies the West Arm sub-catchment. The groundwater assessment undertaken by the proponent in the referral does not acknowledge this nor does it quantify the anticipated peak dewatering requirements for BP33. As the Grants Project has already been approved the water availability comments below are made as they are relevant to BP33. The DENR Technical Report 2/2018D - A preliminary assessment of groundwater use in parts of the Darwin Rural Water Control District and Palmerston municipality August 2017 is relevant.</p> <p>The Charlotte River sub-catchment of the Burrell Creek Formation Groundwater Resource has a consumptive pool of 4,420ML p.a. There are currently no groundwater extraction licences issued for this groundwater resource and there are a total of 15 properties which intersect it. This means the rural stock</p>

Referral Submission Template - Finnis Lithium Project BP33 Underground Mine

	<p>and domestic estimate for this resource is 52.5ML p.a. Therefore, there is water available for further development in this area.</p> <p>The total estimated water consumption is 1,047.5kL/day and is proposed to be sourced from a combination of surface water (Observation Hill Dam) and groundwater, sourced from dewatering. The proposal includes a bore field which will require licensing; however, the proposed volume of extraction and the extent of drawdown is not yet known. The referral also states that approximately 2,478.2kL/day will be lost due to evaporation from surface infrastructure.</p>
<p>Does the action have the potential for significant impact on the environment?</p>	<p>Difficult to assess for reasons stated.</p>
<p>If yes, can the action be assessed based on the information in the referral?</p>	<p>No.</p>
<p>If no, should the action be assessed as a SER, EIS or by assessment by inquiry?</p>	<p>SER. There is information missing concerning the impact of taking water and impact on water dependent values. As the Water Resources Division does not have a role in assessing and approving mine management plans and given the level of uncertainty generated by the referral, a SER is recommended.</p>
<p>If a SER is recommended please describe the matter that the proponent is required to further investigate</p>	<p><u>Assessment of dewatering requirements:</u> Quantification of the dewatering requirements is needed to inform predictions on the extent of drawdown. This is needed to assess the significance of the project in relation to:</p> <ul style="list-style-type: none"> <li>• Water availability</li> <li>• Impact on other groundwater users</li> <li>• Impact on groundwater dependent ecosystems</li> <li>• Potential impacts on riparian vegetation (alluvial plains).</li> </ul> <p><u>Modelling of aquifer drawdown:</u> Need to assess the impact on aquatic and groundwater dependent ecosystems.</p> <p><u>Water use and supply:</u> This section does not quantify the sources of water or provide an adequate water balance. It is a series of statements that are very general and doesn't deal with changing water availability from different sources or the likely impact on the various water sources, for example the portion of water being taken and its alignment with the NT Water Allocation Planning Framework (as the relevant NT Government water allocation policy) should be addressed.</p>

**Referral Submission Template - Finnis Lithium Project BP33 Underground Mine**

<p>If an EIS is recommended, please describe the matters the proponent is required to further investigate (to be included in draft terms of reference for the EIS)</p>	<p><u>Water sources:</u> More detail is required about the 1,728kL/day (20L/s) seepage into the underground void calculated from Burrell Creek Formation aquifer.</p>
<p>If an assessment by inquiry is recommended, please describe the issue to be examined by the inquiry (for inclusion in draft terms of reference)</p>	<p>A SER is recommended.</p> <p>Not recommended.</p>

**Environment Division**

**Referral Submission Template - Finnis Lithium Project BP33 Underground Mine**

<p>Agency Name:</p>	<p><b>Environment Division – Environmental Authorisations Branch</b></p>
<p>Proponent and Action:</p>	<p>(NT EPA to complete)</p>
<p>Does the action require a statutory approval/ licence/ permit under legislation administered by your agency? If so, please list and/or explain.</p>	<p>Yes. The proponent has stated their intention to discharge waste water from the mine site. This will require a waste discharge licence (WDL).</p>
<p>Does the proposed action meet relevant legislation, accepted standards, plans or policies administered by your agency? Please explain.</p>	<p>No. The proponent has indicated that it will seek a WDL for a discharge that will occur when a dam overtops. A WDL will not authorise uncontrolled discharge from the site. Introduction of waste to water without a licence is an offence under the <i>Water Act 1992</i>. A proponent must take all reasonable measures to ensure waste does not enter water.</p> <p>No management options have been presented to prevent discharge if water quality is not suitable. The proponent is required to provide further information on waste water management onsite specifically as it relates to ensuring uncontrolled discharges of waste water do not occur, and that appropriate measures</p>

and treatment of water are in place to ensure that if there is a need to discharge, that the quality of waste water meets minimum prescribed environmental standards.

The proponent needs to ensure wastewater is managed and treated appropriately onsite to preclude the need to discharge wastewater and to prevent uncontrolled discharge of wastewater (including discharges as a result of seepage to surface or groundwater, runoff or overtopping water management facilities).

Should there be a need to discharge wastewater to the receiving environment the proponent must have a WDL. Applications for a WDL can take up to three months to process. Grant of a WDL is subject to consideration by the Controller of Water Resources. There is no guarantee a licence will be granted.

In submitting an application for a WDL, the proponent should consider and address the following matters:

- Generally, wastewater discharge under a WDL for mining activities requires that wastewater quality is suitable to ensure 95% species protection in accordance with ANZECC guidelines with a predefined mixing zone. This typically is to occur no further than 6 kilometres from the point of discharge.
- Treatment of wastewater should be such that the proponent does not rely on dilution of wastewater in the receiving environment to meet 95% species protection; i.e. pre-treatment prior to discharge is required.
- Wastewater discharge to a receiving environment during the Dry season is not supported unless the wastewater quality discharged is better than the water quality to which it is to be discharged and is comparable to upstream water quality reference monitoring locations which are not impacted by any wastewater discharges.
- The proponent will be required to demonstrate that the receiving environment is not adversely impacted by the discharge. This will require at a minimum:
  - site specific trigger values (or ANZECC 95% species protection) for all key contaminants
  - demonstration through predictive modelling that the discharge will not exceed the total assimilative capacity of the receiving environment
  - that the potential cumulative impacts of all discharges in the receiving environment in the immediate vicinity is such that it does not exceed the total assimilative capacity of the receiving environment.
  - That the loads of key contaminants of concern do not exceed the carrying capacity of the receiving system
  - Monitoring programs (biota, sediment, surface and groundwater) are developed and implemented to assess if management is appropriate in preventing environmental harm

**Referral Submission Template - Finniss Lithium Project BP33 Underground Mine**

<p>Future involvement of the agency if the action proceeds through environmental impact assessment:</p> <ul style="list-style-type: none"> <li>• No further involvement</li> <li>• Provide for information only</li> <li>• Provide for advice</li> </ul>	<ul style="list-style-type: none"> <li>• The mine site water balance must be monitored and contingency measures ready to enact to prevent uncontrolled discharge.</li> <li>• A water quality monitoring program, including source monitoring will be required.</li> <li>• Discharge volumes and quality will need to be measured and recorded.</li> </ul> <p>The application for the WDL will need to consider Declared Beneficial Uses under the <i>Water Act 1992</i> and water quality values in the receiving environment.</p> <p>Yes.</p> <p>Provide for advice.</p>
<p>Has your agency had prior dealings with the proponent? If so, is there knowledge of the proponent's compliance (or non-compliance) with approvals and legislation?</p>	<p>No.</p>
<p>Does the referral provide adequate information for your agency to provide comment on the action?</p>	<p>No.</p> <p>The following areas of the referral do not provide adequate information to fully understand the risks associated with the project:</p> <ul style="list-style-type: none"> <li>• waste rock characterisation</li> <li>• mine water balance</li> <li>• surface water quality</li> <li>• groundwater quality</li> <li>• wastewater management and treatment.</li> </ul>
<p>Does the referral provide adequate information of surrounding land uses and other potential pressures on the environment?</p>	<p>Not applicable.</p>
<p>Does the referral present an adequate level of information of the environment likely to be impacted?</p>	<p>No.</p> <p><u>Surface Water Quality</u></p>

	<p>The document states that water quality monitoring has been undertaken in Charlotte River since February 2017. A summary of water quality is provided and shows it has variable pH values but typically has very low EC, very low turbidity and low dissolved metals. As such it is likely that discharges from the mine site will influence water quality. The information provided consists of:</p> <ul style="list-style-type: none"> <li>• only two sample locations used for the baseline. The locations were not provided. Two baseline monitoring locations is typically not sufficient to ascertain baseline surface water quality.</li> <li>• water quality data is not provided; hence it is not understood how many samples the summary is based on.</li> </ul> <p>More detail on surface water monitoring is required.</p> <p><u>Ground water quality</u></p> <p>The document provides a summary of the shallow laterite aquifer and the deep Burrell Creek formation. As with surface water, the document provides limited information outside of the summary, however it shows that the deeper aquifer has detectible concentrations of Al, As, Li, Fe, Ni and Zn. These might not be in concentrations above ANZECC default guideline values (DGVs) however, consideration will need to be given if evapo-concentration in storages should occur through the Dry season or if concentrations increase seasonally or over time.</p> <p>The shallow aquifer also has detectible concentrations of metals with some such as Cu and Zn above ANZECC DGVs. It is important that the mine site water balance considers water quality from various sources when directing it for storage and end use to ensure contaminants are appropriately managed.</p> <p>Further detail is required on the groundwater monitoring undertaken thus far and groundwater quality detail will need to feed into the mine water balance and management to ensure poor quality water, if generated, is managed appropriately.</p>
<p>Have all environmental factors with the potential to be significantly impacted by the action been identified in the referral?</p>	<p>No.</p> <p>Inadequate baseline information is provided on surface water quality.</p> <p>The information provided consists of:</p> <ul style="list-style-type: none"> <li>• only two sample locations used for the baseline of Charlotte River. The locations were not provided. Two baseline monitoring locations is typically not suitable to ascertain baseline surface water quality.</li> </ul>

	<ul style="list-style-type: none"> <li>• water quality data is not provided; hence it is not understood how many samples the summary is based on.</li> </ul> <p>More detail on surface water monitoring is required.</p> <p>Further water quality data is required for Bynoe Harbour.</p> <p>Inadequate information is provided for groundwater.</p> <p>Further detail is required on the groundwater monitoring undertaken thus far, and groundwater quality detail will need to feed into the mine water balance and management, to ensure poor quality water, if generated, is managed appropriately.</p> <p>This should also include groundwater flow direction, hydraulic conductivity and seasonal variability. More detail is required on groundwater dependant ecosystems.</p>
<p>Is the referral accurate in its preliminary identification and assessment of likely significant impacts?</p>	<p>No.</p> <p><u>Waste Rock Characterisation</u></p> <p>The potential to generate poor quality water from runoff of waste rock was examined in the document. Whilst there appears to be a low risk of the waste rock producing acidic, metalliferous or saline drainage, there remain some uncertainties, including:</p> <ul style="list-style-type: none"> <li>• The figure showing the location of the drill holes used for waste characterisation does not show NRC129.</li> <li>• None of the samples analysed are from the location of the box cut or the decline.</li> <li>• The maximum depth of the samples is 226m yet the figure detailing the drill holes appears to show them stopping well short of this depth. This makes it difficult to interpret where the results are located.</li> <li>• The volumes of waste rock that the sample represents are not provided. Hence it is difficult to understand the importance of some of the results without understanding the proportion of waste rock to be managed that the sample represents.</li> <li>• Whilst the characterisation provided leachability, water solubility and ABA/NAG testing, it did not provide the concentrations of contaminants of concern present in the waste rock, such as comparison with the geochemical abundance index.</li> </ul>

- It is not clear what the quality of the water will be running off of the waste rock. Based on the evidence provided so far, it is likely to be neutral to alkaline, low in metals concentrations and electrical conductivity. There is potential for slightly elevated aluminium, arsenic and zinc; however further work needs to be undertaken to confirm this. Kinetic testing takes time and thus results will not be ready before the assessment of the proposal is complete. This dictates that the AMD management plan must be a living document that is regularly updated as the results of further work come in and as observations in-field are made during the life of mine.
- It is not clear how all of the waste rock will be placed underground. When rock is mined, it expands and will not fit back into the same void. It might be that the combined void from the ore body and decline is sufficient to accept the waste rock; however this should be confirmed. The proponent should provide volumes to demonstrate that all waste rock will be placed underground otherwise provide details of where excess waste rock will be placed.

#### Mine site water balance

- The total area of the proposed infrastructure is approximately 31.4ha and the referral states that it includes best practice procedures for all infrastructure, such as to be water-shedding, and include water channels, diversion banks and sediment retention basins. The document states that there will be retention of all water onsite. No volumes or dimensions for storage ponds and retention basins are provided, nor has the mine site water balance. There is considerable uncertainty around the volume of groundwater that will be intercepted. All of the hydrological model simulations in the document were run assuming that all rainfall on the infrastructure is retained and there is no direct runoff from the infrastructure to undisturbed parts of the catchments. For simulations it was assumed that the boxcut was empty at the start of simulations and that all direct rainfall to the boxcut was lost from the system. But the model treated the water as being stored in the boxcut.
- These assumptions are suitable to model the impact of water volumes in the receiving environment but are not adequate to understand if the proposed water storages are adequate to retain poor quality water and also meet the water volume requirements of the mine during the Dry season. There is also no indication of what resident times will be required in the mine settlement dam to meet water quality objectives.
- A comprehensive mine site water balance is required that models multiple scenarios of rainfall and assumes various precincts within the mine will generate poor quality water not suitable for discharge.

## Referral Submission Template - Finniss Lithium Project BP33 Underground Mine

Are the claims and findings of the referral supported by adequate information?	No. Refer to matters discussed above.
Has the referral provided information to support any assumptions/ conclusions made about the cultural and social environments that may be impacted by the action?	Not applicable.
Does the referral provide adequate information to demonstrate claims about opportunities and impacts to the NT economic environment?	Not applicable.
Does your agency have additional information about the locality, action or circumstances of the action that has not been provided in the referral that will contribute to the NT EPA's decision on significant impact?	Yes. The placement of the contractor area and the mine site dam are on a drainage line, identified as alluvial plains. Seepage from the contractor area and the mine site dam will migrate following the flowpath and towards the Charlotte River. The proponent should avoid drainage lines and floodplains with mine infrastructure to assist with the containment of contaminants generated by the site.
Does the action have the potential for significant impact on the environment?	Yes.
If yes, can the action be assessed based on the information in the referral?	No.
If no, should the action be assessed as a SER, EIS or by assessment by inquiry?	SER.
If an SER is recommended please describe the matter that the proponent is required to further investigate	The following areas of the referral do not provide adequate information to fully understand the risks associated with the project: <ul style="list-style-type: none"> <li>• waste rock characterisation</li> <li>• mine water balance</li> <li>• surface water quality</li> <li>• groundwater quality.</li> </ul> Refer to comments raised above.
If an EIS is recommended, please describe the matters the proponent is required to further investigate (to be included in draft terms of reference for the EIS)	Not applicable.

## Referral Submission Template - Finnis Lithium Project BP33 Underground Mine

If an assessment by inquiry is recommended, please describe the issue to be examined by the inquiry (for inclusion in draft terms of reference)

Not applicable.

### Environmental Operations Branch

The *Waste Management Pollution Control Act 1998* (WMPC Act) applies in relation to a contaminant or waste (as defined in the Act) that results directly or indirectly from the carrying out of a mining activity by a person on land on which the activity is authorised by or under the *Mining Management Act 2001*, where the contaminant or waste is not confined within the land on which the activity is being carried out.

If a contaminant or waste is emitted or discharged from land on which an extractive mineral permit exists, it will be considered an incident as defined by the WMPC Act if it threatens or may threaten to cause pollution resulting in material or serious environmental harm. Where an incident causes, or threatens to cause, pollution resulting in material environmental harm or serious environmental harm, the person conducting the activity must notify the Northern Territory Environment Protection Authority (NT EPA) in accordance with section 14 of the WMPC Act.

The definitions of environment, environment harm, general environmental duty, defences to offences and regulation of waste under the WMPC Act are all relevant to this activity.