



## Application to renew a licence

### Part V Division 3 of the *Environmental Protection Act 1986*

---

<b>Licence Number</b>	L8802/2013/2
<b>Licence Holder</b>	Recochem Inc
<b>ACN</b>	010 485 999
<b>File Number</b>	2013/003997-1
<b>Premises</b>	Recochem 4 Norlin Street KEWDALE WA 6105  Legal description - Being Lot 570 on Plan 74523 as depicted in Schedule 1.
<b>Date of Report</b>	26 April 2024
<b>Decision</b>	To grant a licence

Lesley Hart  
Senior Environmental Officer  
Industry Regulation

An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

## 1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L8802/2013/1 without conducting any additional risk assessment.

The licence duration will be extended for a further five years with an expiry date of 27 April 2029. This is consistent with the *Guidance Statement on Licence Duration 2016*. In limiting this renewal to five years the Delegated Officer has taken into consideration expansion of the tank farm on the premises that has not been risk assessed (See Section 4 below).

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions; and
- transfer all remaining relevant regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L8802/2013/2 subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary

On 19 March 2024 Recochem Inc (licence holder) applied to renew licence L8802/2013/1, as the licence is due to expire on 27 April 2024. The licence was granted to the licence holder for the premises located at 4 Norlin Street, Kewdale (Premises).

The licence relates to prescribed premises categories as described in Table 1.

**Table 1: Premises category description and production design capacity**

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i> )	Production / design capacity
Category 33: Chemical blending or mixing: premises on which chemicals or chemical products are mixed, blended or packaged in a manner that causes or is likely to cause a discharge of waste to the environment.	10 000 tonnes per annual period
Category 73: Bulk storage of chemicals, etc: premises on which acids, alkalis or chemicals that – (a) Contain at least one carbon to carbon bond; and (b) Are liquid at standard temperature and pressure, are stored.	1 000 cubic metres in aggregate

The Premises is primarily a Class 3 Dangerous Goods site with a capacity for storing approximately one million litres of chemicals on site at any one time. The site currently mixes and repackages approximately 6,000 tonnes of chemicals per year to produce household and transportation fluids such as Coolant/Anti-freeze, Windshield Washer Fluid, Diesel Exhaust Fluid, Household Solvents, Car Care, Winterizing Treatments, Rust preventatives, Performance Fluids, EV Fuel Cell Technology, and Thermal Management Fluids. Recochem commenced trading at Norlin St in 2001 but did not apply for a licence until 2013.

Recochem holds a Dangerous Goods Site Licence (DGS016430) with the Department of Mines, Industry Regulation & Safety and a Petroleum and a Poisons Act 1986 Permit (13665) issued by the Department of Health to supply Sodium Nitrite.

### 3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2022.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 4. Considerations for issuing a new licence

#### 4.1 Additional tanks

As part of the application to renew the existing licence the licence holder submitted maps of the site that included detail of the tank farm layout (Figure 3, Schedule 1 in the renewed licence). The Delegated Officer determined that the tank farm included three new tanks that had not previously been risk assessed by the department via a works approval or a licence amendment, noting they were not part of the premises infrastructure when the licence was first issued on 24 April 2014.

In accordance with Section 53 (1)(e) of the EP Act if the occupier of a prescribed premises installs or alters industrial plant (e.g. chemical storage tanks) that may cause an emission, or alter the nature or volume of the waste, noise, odour or electromagnetic radiation emitted, from the prescribed premises, they may be considered to have committed an offence unless such alterations are carried out in accordance with a works approval or licence.

Due to the limited timeframe to expiry of the licence, the Delegated Officer has not conducted a full risk assessment and therefore the new tanks have not been included as part of the licence renewal. A licence amendment application is required to have these new tanks included on the licence.

#### 4.2 Compliance and enforcement actions

There have been no incidents or complaints identified at the Premises by the department in the last five years. There have been no enforcement actions taken against the occupier in the last 5 years regarding the licence.

#### 4.3 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

## 4.4 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence and which was previously assessed.

## 4.5 Planning approval

The licence holder has informed the department that it has planning approval for the activities on the Premises.

## 5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Table 2 summarises the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

**Table 2: Licence conditions changes, description and rationale**

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
Contents and Introduction	Summary of the licence and operations	-	Removed to be consistent with DWER current licence format. Conditions no longer relevant.
1.2.1 General conditions	Interpretation General Conditions	No conditions were specified in the previous licence.	No conditions to be transferred. Removed to be consistent with DWER current licence format.
1.3 Premises operation	Premises operation		
2. Emissions	Emissions General		
3. Monitoring	Monitoring requirements		
4. Improvements	Changes to site		
1.2.2	Pollution control and monitoring equipment operation	3	Modified to specify that the key relevant 'pollution control equipment' for this Premises are all the containment bunds, both in the warehouse and located within parts of the tank farm.

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
1.2.3	Storing environmentally hazardous materials	-	Condition removed as it duplicates the licence holder's obligations to operate in accordance with their Dangerous Goods Site Licence.
1.2.4	Recovery and disposal of spills	1 & 2	Applied current DWER spills recovery, storage & disposal condition set.
1.2.5	Stormwater – preventing contamination	4	Updated to current DWER condition wording.
2.7	Odour	5	Direct transfer to new licence.
5.1.1	Records & information	8 & 9	Current licence template books conditions applied.
5.1.2			
5.1.3	Annual Audit Compliance Report	7	Updated to reflect DWER current reporting guidelines.
5.1.4	Complaints	6	Direct transfer to new licence.
5.2.1, Table 5.2.1	Annual Environmental Report	-	Removed Annual Environmental Reporting requirements consistent with the <i>Notice of amendment and schedule of licences with amended reporting conditions (2022)</i> .
Schedule 1	Maps/Plans	Premises map – Figure 1	Updated to current aerial image.
		Site Plan – Figure 2	New plans included to show site layout & detail chemicals storage within the tank farm.
		Tank Farm Layout – Figure 3	
Schedule 2	Reporting and Notification	-	Removed Notification Form N1, to be consistent with current licence format.
Definitions	N/A	Located as per current template	Definitions removed: AS/NZS 5667.10, NATA and NATA accredited.

## 6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

**Table 3: Consultation**

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 8 April 2024	N/A	N/A
City of Belmont received a copy of the application on 27 March 2024	<p><b>Response received 3 April 2024</b></p> <p>City noted discrepancies with the location of offsite stormwater drainage to Norlin Street road reserve as shown in the site plan, which had not appeared in previous applications for planning approval and therefore had not been approved.</p> <p>City further noted a potential issue with relocation of, or possible covering of, a stormwater pit as a result of expansion of the tank farm infrastructure, raising concern that up to 2 stormwater pits may currently be under or too close to tanks.</p>	<p>The Delegated Officer notes that the matters raised relate to local government planning issues to be resolved by the City of Belmont.</p> <p>Any future licence amendment will require an update to the current site plan layout, including the stormwater pits, connecting pipelines and points of offsite discharge, noting the plan provided is dated December 2020.</p>
	<p><b>Further response received 4 April 2024</b></p> <p>City of Belmont raised concerns about contaminants potentially ending up in the stormwater drainage system, including contaminated rainwater resulting from a leak or spill in the unroofed tank farm, or water used to clean hardstand or associated drains where a spill or leak has occurred.</p> <p>Ambiguity with existing condition wording and requirements for appropriate disposal of liquid wastes were raised.</p>	<p>The Delegated Officer notes that no emissions to land are authorised in this licence and that the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> make it an offence to discharge certain materials into the environment.</p> <p>Premise operations conditions have been upgraded to apply both current standard condition wording and be more specific e.g in relation to the operation and maintenance of bunded areas.</p>
Applicant was provided with draft documents on 11 April 2024	No response received.	N/A