



Licence

Environmental Protection Act 1986, Part V

Licensee: Downer EDI Works Pty Ltd

Licence: L9140/2018/1

Registered office: Level 2
39 Delhi Road
NORTH RYDE NSW 2113

ACN: 008 709 608

Premises address: Cannington Emulsion Plant
73 Bickley Road
BECKENHAM WA 6107
Being Lot 7 on Diagram 46278
as depicted in Schedule 1.

Issue date: 16 August 2018

Commencement date: 16 August 2018

Expiry date: 15 August 2023

Prescribed premises category
Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
36	Bitumen manufacturing: premises on which bitumen is mixed or prepared for use at places or premises other than those premises	Not Applicable	50,000 tonnes per annual period

Conditions

This Licence is subject to the conditions set out in the attached pages.

Date signed 16/08/2018

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Paul Byrnes
Manager Process Industries
Officer delegated under section 20
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

DWER's industry licensing role

The Department of Water and Environmental Regulation (DWER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DWER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DWER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DWER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DWER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within the Licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the owner or occupier of the premises the intention is not to replicate them in the licence. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.



You must comply with your licence and the conditions attached to it. Non-compliance with it is an offence and financial penalties may apply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

The premises is located on Lot 7 Bickley Road, Beckenham in an area zoned industrial. The nearest residential premises is 150m to the north-west.

The site produces approximately 15,000 tonnes of bitumen emulsion and 7,500 tonnes of polymer modified bitumen (PMB) a year. Materials used in the process are, hydrochloric acid, caustic soda, bitumen emulsifiers, bituflex, europrene, intene, polybilt and sulphur and are stored in bunded areas.

The PMB process entails refining a courser form of bitumen, mixed with water, chemicals and polymer in mills and blending tanks to produce a ready to use surface spray. Storage, delivery, manufacturing and dispatch takes place within bunded areas.

The main emissions from the process are odour and wastewater. The main potential source of odour is from the PMB. Vapour from the PMB process passes through a wet scrubber and then an activated carbon filter. Stormwater from the premises is treated by a triple interceptor prior to discharging to a drain to the west of the premises.

The premises has been classified under the *Contaminated Sites Act 2003* as 'contaminated – restricted use' due to contamination of soil on the premises from historical practices.

This licence does not authorise the discharge of stormwater from the premises.

This is a replacement licence for L8938/2015/1 due to late payment of annual fee. Licence conditions relating to the new licence L9140/2018/1 have not been updated as there are no changes to emissions or regulatory controls in the licence. Minor administrative changes include;

- consolidation of amendment notices dated 14 March 2017 and 28 February 2018;
- updating the licence to be in line with the most recent licence template including reference to Department of Water and Environmental Regulation (DWER); and
- the removal of Schedule 2 – the Annual Audit Compliance Report (AACR) template where the new template can be found on DWER's website www.dwer.wa.gov.au.



The licences and works approvals issued for the Premises since 2/03/2016 are:

Instrument log		
Instrument	Issued	Description
L8938/2015/1	1/03/2016	New application
L8398/2015/1	14/03/2017	Amendment Notice 1 Amendment to include additional odour controls
L8398/2015/1	28/02/2018	Amendment Notice 2 Amendment to extend the expiry date of the licence
L8398/2015/1	24/04/2018	Licensee notified licence L8938/2015/1 ceased to have effect
L9140/2018/1	23/05/2018	New licence application
L9140/2018/1	16/08/2018	Licence granted

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

‘**Act**’ means the *Environmental Protection Act 1986*;

‘**annual period**’ means the inclusive period from 1 January 31 December in the same year;

‘**CEO**’ means Chief Executive Officer;

‘**CEO**’ for the purpose of correspondence means;

Director General
Department Administering the *Environmental Protection Act 1986*
Locked Bag 33 Cloisters Square
PERTH WA 6850
info@dwer.wa.gov.au

‘**Department**’ means the department established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the EP Act;

‘**DWER**’ Department of Water and Environmental Regulation;

‘**Licence**’ means this Licence numbered L9140/2018/1 and issued under the Act for the replacement of previously ceased licence L8938/2015/1 including amendment notices 1 and 2;

‘**Licensee**’ means the person or organisation named as Licensee on page 1 of the Licence;

‘**Premises**’ means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence; and

‘**Schedule 1**’ means Schedule 1 of this Licence unless otherwise stated;

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.



- 1.1.5 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:
- (a) pollution;
 - (b) unreasonable emission;
 - (c) discharge of waste in circumstances likely to cause pollution; or
 - (d) being contrary to any written law.

1.2 General conditions

- 1.2.1 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.
- 1.2.2 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

2 Emissions

2.1 Point source emissions to air

- 2.1.1 The Licensee shall ensure that where waste is emitted to air from the emission points in Table 2.1.1 and identified on the map of emission points in Schedule 1 it is done so in accordance with the conditions of this Licence.

Table 2.1.1: Emission points to air			
Emission point reference and location on Map of emission points	Emission Point and source	Emission point height (m)	Source, including any abatement
A1	Polymer Modified Bitumen Plant	6.4	Wet scrubber and activated carbon filter

- 2.1.2 The Licensee must ensure that the activated carbon filter is replaced after every 25 batches of polymer modified bitumen that contains sulphur additive.

3 Information

3.1 Records

- 3.1.1 All information and records required by the Licence shall:
- (a) be legible;
 - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
 - (c) except for records listed in 3.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
 - (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.



- 3.1.2 The Licensee shall ensure that:
- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
 - (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.
- 3.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.
- 3.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

4.2 Reporting

- 4.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 28 calendar days after the end of the annual period. The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table.

Table 4.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
2.1.2	Date when each activated carbon filter change and the number of PMB batches (with and without sulphur additive) completed since previous filter change.	None specified
3.1.3	Compliance	Annual Audit Compliance Report (AACR). The AACR template can be found on the DWER's website www.dwer.wa.gov.au
3.1.4	Complaints summary	None specified



Schedule 1: Maps

Premises map

The Premises is shown in the maps below. The pink line depicts the Premises boundary.

