



Licence Number	L7334/1995/8
Licence Holder	Fero Group Pty Ltd
ACN	009 073 572
File Number	DER2015002123
Duration	16/11/2015 to 15/11/2032
Date of issue	13 November 2015
Date of Amendment	12 September 2018
Prescribed Premises	Category 48A – Metal finishing Category 81 – Metal coating
Premises	Ferogalv 44 Chisholm Crescent KEWDALE WA 6105 Legal description - Lot 887 on Deposited Plan 403826

This Amended Licence is granted to the Licence Holder, subject to the following conditions, on 12 September 2018, by:

Paul Byrnes

Manager, Process Industries

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Explanatory notes

These explanatory notes do not form part of this Licence.

Defined terms

Definition of terms used in this Licence can be found at the start of this Licence. Terms which are defined have the first letter of each word capitalised throughout this Licence.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is 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 *Environmental Protection Act 1986* (WA) (EP Act). The Department also monitors and audits compliance with licences, takes enforcement action and develops and implements licensing and industry regulation policy.

Licence

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased, or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered, or permitted to be altered, from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987* (WA) (EP Regulations).

This Licence does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The Licence Holder must comply with the Licence. Contravening a Licence Condition is an offence under s.58 of the EP Act.

Responsibilities of a Licence Holder

Separate to the requirements of this Licence, general obligations of Licence Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Licence Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under section 61; and
- 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 (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Licence Holder has a duty to report to DWER all discharges of waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences, including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Licence Holder commits an offence if Emissions are caused, or altered from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a Closure Notice or an Environmental Protection Notice.

Defences to certain offences may be available to a Licence Holder and these are set out in the EP Act. Section 74A(b)(iv) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Licence Holder can prove that an Emission or Discharge occurred in accordance with a Licence.

This Licence specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of Specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The Specified and General Emissions and Discharges from Primary Activities conducted on the Prescribed Premises are authorised to be conducted in accordance with the Conditions of this Licence.

Emissions and Discharges caused from other activities not related to the Primary Activities at the Premises have not been conditioned in this Licence. Emissions and Discharges from other activities at the Premises are subject to the general provisions of the EP Act.

Amendment of licence

The Licence Holder can apply to amend the Conditions of this Licence under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Licence at any time on the initiative of the CEO without an application being made. Amendment Notices constitute written notice of the amendment in accordance with s.59B(9) of the EP Act.

Duration of Licence

The Licence will remain in force for the duration set out on the first page of this Licence or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

Suspension or revocation

The CEO may suspend or revoke this Licence in accordance with s.59A of the EP Act.

Fees

The Licence Holder must pay an annual licence fee. Late payment of annual licence fees may result in the licence ceasing to have effect. A licence that has ceased to have effect due to non-payment of annual licence fees continues to exist; however, it ceases to provide a defence to an offence under s.74A of the EP Act.

Late fees are a component of annual licence fees and should a Licence Holder fail to pay late fees within the time specified the licence will similarly cease to have effect.

Definitions and interpretation

Definitions

In this Licence, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Annual Period	means a 12 month period commencing from 1 January until 31 December of the same year.
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
Compliance Report	means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO (guidelines and templates may be available on the Department's website).
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
Department Request	means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Licence Holder in writing and sent to the Licence Holder's address for notifications, as described at the front of this Licence, in relation to: (a) compliance with the EP Act or this Licence; (b) the Books or other sources of information maintained in accordance with this Licence; or (c) the Books or other sources of information relating to Emissions from the Premises.
DWER	Department of Water and Environmental Regulation.
EP Act	means the <i>Environmental Protection Act 1986 (WA)</i> .
EP Regulations	means the <i>Environmental Protection Regulations 1987 (WA)</i> .
Hot dip process	means the period when an object is being lowered into the zinc kettle until after the object has been removed from the kettle and placed in the quench bath
Licence	refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions.
Licence Holder	refers to the occupier of the premises being the person to whom this Licence has been granted, as specified in the Licence.
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence.
Primary Activities	Refers to the activities listed in Schedule 2 of this licence.
Wet Galvanizing	means the process where materials for galvanizing are passed directly through a floating layer of molten flux on the surface of the molten zinc

Interpretation

In this Licence:

- (a) the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) any reference to an Australian or other standard, guideline or code of practice in this Licence means the version of the standard, guideline or code of practice in force at the time of granting of this Licence and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Licence; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Emissions

1. The licence holder must not cause any emissions from the primary activities on the premises except for the emission types described in Table 2, subject to the corresponding exclusions, limitations, and/or requirements.

Table 2: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Vapour emissions from pre-treatment baths White fume emissions from hot dip galvanizing process	Subject to compliance with Condition 2.
Other general emissions that arise from the carrying out of the primary activities set out in Schedule 2.	<p>Emissions excluded from general emissions are:</p> <ul style="list-style-type: none"> • unreasonable emissions; or • emissions that result in, or are likely to result in, pollution, material environmental harm, or serious environmental harm; or • discharges of waste in circumstances likely to cause pollution; or • emissions that result, or are likely to result in, the discharge or abandonment of waste in water to which the public has access; or • emissions or discharges which do not comply with an approved policy; or • emissions or discharges which do not comply with a prescribed standard; or • emissions or discharges which do not comply with the conditions in an implementation agreement or decision; or • emissions or discharges the subject of offences under regulations prescribed under the <i>Environmental Protection Act 1986</i>, including materials discharged under the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.

Infrastructure and equipment

2. The Licence Holder must ensure that the infrastructure and equipment specified in Column 1 of Table 3 is maintained in good working order and operated in accordance with the requirements specified in Column 2 of Table 3.

Table 3: Infrastructure and equipment controls table

Column 1	Column 2
Premises infrastructure and equipment	Operational requirements
Zinc stripping tank	<ol style="list-style-type: none"> 1. Tanks are to be inside an enclosed shed 2. Tanks are to be in secondary containment to contain spills. 3. All spills to be cleaned up and removed offsite or to recycled on site 4. All vapours to be captured and directed to acid vapour scrubbing tower.
2 x Acid Degreasing zinc tank	
After Degreasing Rinse Tank	
3 x Pickling tanks	

Column 1	Column 2
Premises infrastructure and equipment	Operational requirements
After Pickling rinse tank	5. The Licence Holder must ensure that solid flux materials are not dusted on the surface of the flux bath or onto items to be galvanized
Fluxing tank	
Water quenching tank	
Pre-treatment heating units (Hot water heat exchange)	NA
Acid Vapour scrubbing tower (P2)	To be maintained and inspected to ensure efficient operation
Flux recycling and regeneration Unit	NA
Drying tunnel with hot air generator	To be operational at all times hot dip galvanizing is occurring
Zinc kettle	<ol style="list-style-type: none"> 1. The Licence Holder must ensure that Wet Galvanizing does not occur 2. The Licence Holder must ensure that items removed from the flux bath are dry before being placed in the zinc kettle 3. The Licence Holder must ensure that the zinc kettle has a hood during the hot dip process so that all fumes emitted from the kettle are captured and directed to the baghouse
Drying tunnel for spin plant	To be operational at all times hot dip galvanizing is occurring
Spin plant Zinc Kettle	<ol style="list-style-type: none"> 1. The Licence Holder must ensure that Wet Galvanizing does not occur. 2. The Licence Holder must ensure that items removed from the flux bath are dry before being placed in the zinc kettle. 3. The Licence Holder must ensure that the zinc kettle has a hood during the hot dip process so that all fumes emitted from the spin plant zinc kettle are captured and directed to the baghouse.
White fumes baghouse filtering unit	<ol style="list-style-type: none"> 1. To be maintained and inspected to ensure efficient operation. 2. To be operating whenever hot dip galvanizing is occurring.
Process water recycling unit including collection and Homogenisation tank, neutralising tank and soda dosing unit	NA
Gas Exhaust Stack (P3)	Fan to be on during galvanizing operations
Overhead cranes and monorail hoists	NA

Record-keeping

3. The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:
 - (a) the calculation of fees payable in respect of this Licence;
 - (b) the maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition 2 of this Licence; and
 - (c) complaints received under Condition 4 of this Licence.

In addition, the Books must:

 - (d) be legible;
 - (e) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
 - (f) be retained for at least 3 years from the date the Books were made; and
 - (g) be available to be produced to an Inspector or the CEO.
4. The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:
 - (a) an accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
 - (b) the name and contact details of the complainant, if provided by the complainant;
 - (c) the date of the complaint; and
 - (d) the details and dates of the actions taken by the Licence Holder in response to the complaints.
5. The Licence Holder must submit to the CEO, no later than 28 January, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.
6. The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

Schedule 1: Maps

Premises map

The Premises are shown in the map below.



Schedule 2: Primary Activities

At the time of assessment, Emissions and Discharges from the following Primary Activities were considered in the determination of the risk and related Conditions for the Premises.

The Primary Activities are listed in Table 5:

Table 4: Primary Activities

Primary Activity	Premises production or design capacity
<i>Category 48A</i> – Metal finishing premises on which iron or steel is galvanized	N/A
Category 81 - Premises on which metal products (excluding vehicles) are spray painted, powder coated or enamelled.	N/A