

Decision Report

Application for Licence

Part V Division 3 of the Environmental Protection Act 1986

Licence Number	L9328/2022/1
Applicant ACN	AUSCON Metals Pty Ltd 108 260 939
File number	DER2021/000724
Premises	AUSCON Metals 26 Keates Road ARMADALE WA 6112 Legal description Lot 209 on Deposited Plan 98994 Certificate of Title Volume 2182 Folio 796 As defined by the premises map attached to the issued licence
Date of report	14 June 2022
Decision	Licence granted

Abbie Crawford A/Manager, Waste Industries REGULATORY SERVICES

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9328 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents which are available at https://dwer.wa.gov.au/regulatory-documents.

2.2 Application summary and overview of premises

The premises relates to the category and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9328/2022/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9328.

On 4 November 2021, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence relating to the operation of a scrap metal recovery facility at the premises. The premises is located at 26 Keates Road within the City of Armadale.

AUSCON Metals Pty Ltd (Auscon) has been operating since 1978. The facility receives scrap metal from commercial operators, local government and residents for sorting, processing and storage prior to transporting off site. The processes undertaken at the site include:

- Heavy metal sorting and cutting;
- Metal oxy acetylene cutting;
- Light gauge metal shredding;
- Floc extraction;
- End of life vehicle stripping;
- Non-ferrous sorting and recycling; and
- Processed metal loading and removal.

The premises is a Category 47: Scrap Metal Facility with an annual throughput of 150,000 tonnes per year.

2.2.1 Compliance history

A search of the department's Incident and Complaints Management System (ICMS) was conducted and has identified that the department's Pollution Watch team have received a number of complaints in relation to the operations conducted at the premises. Complaints have included emissions of odour, dust, smoke and fire and their impacts to human health and amenity to neighboring residents and businesses.

Between 2003 and 2019, Auscon has been issued with seven Environmental Field Reports (EFR). Details of the EFRs are as follows:

- EFR 1572 was issued in May 2003 to remove all rubber and hydraulic oils prior to flame cutting. Auscon was also directed to provide improved fire response equipment;
- EFR 2727 was issued in January 2012 to reduce the tyre stockpile onsite to below 100 tyres;
- EFR 2728 was issued in January 2012 to provide a system of storage for lead acid batteries that ensure that spilt battery acid is not allowed to enter storm-water drainage or soak to soil;
- EFR 9604 was issued in July 2013 to cease the discharge of fuel at the car stripping area and to remove contaminated soils;
- EFR 9605 was issued in July 2013 to prevent discharges of hydrocarbons and battery acid to the environment through the stormwater drainage system;
- EFR 9607 was issued in July 2013 to reduce the number of tyres stored on site from approximately 2000 tyres to under 100 tyres;
- EFR 6402 was issued in July 2019 to clean and wash the oil separator and wash areas and to install bunding onsite to minimise oil and water run off; and
- EFR 6403 was issued in June 2019 to cease the operation of the metal shredder until licensed and to begin the application for a category 47 licence.

Auscon have been issued with two infringement notices. Infringement #1507 was issued in 2013 for the unauthorised discharge of hydrocarbons into the environment and infringement #00351 was issued in 2020 for the unauthorised discharge of smoke from the burning of plastic and plastic coated wire.

Auscon were prosecuted in 2021 for causing an emission from a prescribed premises without a licence.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk Assessments* (DWER 2020).

To establish a risk event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this decision report are detailed in Table 1 below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Emission	Sources	Potential pathways	Proposed controls
Operation			
Noise / vibration	Shredding, baling, handling, cutting and shearing of metal wastes Unloading of metal wastes onto hardstand Truck movements on site	Air/windborne pathway	 Noise abatement cladding on the light gauge metal shredder; Site operating hours 0700 to 1600; and Site vehicles to be fitted with "croaker or low frequency" type beacons.
Dust	Light gauge metal shredding Unloading of metal wastes onto hardstand Truck movements on site	Air/windborne pathway	 Dust extraction system on the light gauge metal shredding; Water tanker used to wet down internal roads as required; Dust emissions monitored continuously by staff; and Dust complaint register maintained. If dust emissions are deemed unacceptable onsite: Vehicles will be slowed down by traffic calming methods (speed humps); Restrict dust generating activities to the appropriate time of day to reduce dust generation (weather dependent); Use of dust suppression agents to minimise dust emissions from road surfaces; and If possible, move dust generating activities further from the property boundary.
Odour	Oxy acetylene cutting	Air/windborne pathway	No proposed controls.
Asbestos	Acceptance of materials containing asbestos products	Air/windborne pathway causing impacts to health	 Each load inspected for non- conforming material on arrival.
Dangerous or hazardous waste materials	Spills / leaks of hydrocarbons from end of life vehicle decontamination or liquid waste storage Spills / leaks of	Overland runoff / migration into surface water Seepage into underlying	 Liquid waste stored in one of two bunded bulk storage tanks; Bulk storage tanks are emptied on a regular basis by a specialist liquid waste removal contractor;

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
	battery acid from storage of used lead acid batteries	soil Infiltration into groundwater	 Vehicle decontamination activities occur on a concrete hardstand that drains into a stormwater collection sump; and The stormwater collection sump incorporates a belt skimmer oil separator. Oils are collected in an intermediate bulk container (IBC) before being transported offsite by an approved oil disposal contractor.
Contaminated stormwater / firewater	Stormwater contaminated after coming into contact with waste material on site Firewater coming into contact with waste material on site	Overland runoff / migration into surface water Seepage into underlying soil Infiltration into groundwater	 Vehicle decontamination activities occur on a concrete hardstand that drains into a stormwater collection sump; The stormwater collection sump incorporates a belt skimmer oil separator. Oils are collected in an intermediate bulk container (IBC) prior to the discharge of stormwater; The site is to be developed to incorporate a hardstand across the entire site including a pit and pipe system leading to two stormwater basins.
Toxic gas / smoke	Oxy acetylene cutting Fire on premises	Air/windborne pathway	 No proposed controls.

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2 and Figure 1 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental Siting* (DWER 2020)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Residential receptors	60 m west of the premises boundary 160 m north west of the premises boundary 260 m east of the premises boundary
Groundwater users: Chiltern Reserve (bore water used for irrigation)	60 m west of the premises boundary and down hydraulic gradient from the premises

Industrial and commercial premises	Immediately adjacent to the north, east and south of the premises boundary
Environmental receptors	Distance from prescribed activity
Threatened ecological communities (TEC): Banksia dominated woodlands of the Swan Coastal Plain	Mapped 400m to the east and north of the premises boundary
Underlying groundwater: Perth groundwater area	Approximately 11 m to 21 m below ground level
Regional parks: Darling Range, including Bungendore park (DBCA legislated tenue)	460 m east of the premises boundary



Figure 1: Distance to sensitive receptors

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the applicant's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the controls.

Additional regulatory controls may be imposed where the applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9328 that accompanies this decision report authorises emissions associated with the operation of the premises.

The conditions in the issued licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Licence: L9328/2022/1

Risk events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls		
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood					
Construction	construction									
Construction of hardstand and stormwater basins Vehicle and plant movements and associated activities	Noise Dust	Air / windborne pathway causing impacts to human health and amenity	 Human: Residences 60m west, 160m north-west and 260 m east Industrial and commercial premises immediately adjacent north, east and south Ecological: TEC 400m east and north Bungendore park 460m east 	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Conditions 5, 10 <u>Condition 11</u>	Condition 11 has been added as a standard condition to ensure no visible dust crosses the premises boundary.		
Operation										
Shredding, baling, handling, cutting and shearing of metal wastes Unloading of metal wastes onto hardstand Truck movements on site	Noise / vibration	Air / windborne pathway causing impacts to human health and amenity	 Human: Residences 60m west, 160m north- west and 260 m east Industrial and commercial premises immediately adjacent north, east and south 	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Conditions 5, 9, 10	Noise verification monitoring was conducted and found that noise levels for normal operations on site complied with the EP Noise Regulations. Noise emissions can continue to be adequately managed under the Noise Regulations.		

Table 3: Risk assessment of potential emissions and discharges from the premises during operation

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IR-T13 Decision report template (short) v3.0 (May 2021)

Air / windborne pathway causing impacts to health and amenity to human and ecological receptors	Receptors Human: Residences 60m west, 160m north-west and 260 m east Industrial and commercial premises immediately adjacent north,	Applicant controls	C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
pathway causing impacts to health and amenity to human and	 Residences 60m west, 160m north-west and 260 m east Industrial and commercial premises immediately adjacent north, 	Refer to	C – Moderate			as a standard condition to ensure no visible dust crosses the premises boundary.
	east and south Ecological: • TEC 400m east and north • Bungendore park 460m east	Section 3.1	L = Unlikely Medium Risk	Y	Conditions 1, 5, 9 Condition 11	Complaints have been received regarding off site dust impacts in the past. The Delegated Officer considers that the risk of dust emissions will decrease as the site-wide hardstand is constructed. If dust complaints are received after the completion of the hardstand, the Delegated Officer may wish to reassess the risk and implement a dust monitoring program and/or additional dust controls.
Overland runoff potentially causing ecosystem disturbance or impacting stormwater quality or Seepage into underlying soils causing localised contamination Infiltration into groundwater potentially causing ecosystem disturbance or impacting groundwater quality	 Human: Residences 60m west, 160m north- west and 260 m east Industrial and commercial premises immediately adjacent north, east and south Recreational users of Chiltern Reserve 60m west 	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	Ν	Conditions 1, 5, 7, 8, 9 <u>Conditions 9,</u> <u>12, 13</u>	Condition 9 has been added to ensure that used lead acid batteries are stored in a manner that prevents the discharge of battery acid into the environment. Conditions 12 and 13 have been included as standard conditions for the recovery of spills on site.
	s or potentially causing ecosystem disturbance or impacting stormwater quality Seepage into underlying soils causing localised contamination Infiltration into groundwater potentially causing ecosystem disturbance or impacting	 potentially causing ecosystem disturbance or impacting stormwater quality or Seepage into underlying soils causing localised contamination Industrial and commercial premises immediately adjacent north, east and south Recreational users of Chiltern Reserve 60m west 	potentially causing ecosystem disturbance or impacting stormwater quality160m north- west and 260 m easts orSeepage into underlying soils causing localised contaminationIndustrial and commercial premises immediately adjacent north, east and southRefer to Section 3.1Infiltration into groundwater potentially causing ecosystem disturbance or impacting groundwater qualityRefer to Section 3.1Ecological:Ecological:	potentially causing ecosystem disturbance or impacting stormwater qualityof Minwest, 160m north- west and 260 m eastC = ModerateSeepage into underlying soils causing localised contaminationIndustrial and commercial premises immediately adjacent north, east and southRefer to Section 3.1C = Moderate L = PossibleInfiltration into groundwater potentially causing ecosystem disturbance or impacting groundwater qualityNecerceational users of Chiltern Reserve 60m westRefer to Section 3.1C = Moderate L = PossibleEcological:Necerceational users of Chiltern Reserve 60m westNecerceational users of Chiltern Reserve 60m westNecerceational Medium Risk	potentially causing ecosystem disturbance or impacting stormwater qualityIndustrial and commercial premises immediately adjacent north, east and southRefer to Section 3.1C = Moderate L = PossibleNS orSeepage into underlying soils causing localised contaminationRefer to Section 3.1C = Moderate L = PossibleN	potentially causing ecosystem disturbance or impacting stormwater qualityDoff West, 160m north- west and 260 m eastC = ModerateNConditions 1, 5, 7, 8, 9s orSeepage into underlying soils causing localised contaminationIndustrial and commercial premises immediately adjacent north, east and southRefer to Section 3.1C = ModerateNConditions 1, 5, 7, 8, 9Infiltration into groundwater potentially causing ecosystem disturbance or impacting groundwater qualityRecreational users of Chiltern Reserve 60m westRefer to Section 3.1C = ModerateNConditions 1, 5, 7, 8, 9Ecological:Image: conditional conditi

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Risk events					C = consequence cont	Applicant	controls	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls		controls sufficient?		
			groundwater 11m to 21m bgl					
Stormwater contaminated after coming into contact with waste material on site Firewater coming into contact with waste material on site	Contaminated stormwater / firewater	Overland runoff potentially causing ecosystem disturbance or impacting stormwater quality Seepage into underlying soils causing localised contamination Infiltration into groundwater potentially causing ecosystem disturbance or impacting groundwater quality	 Human: Residences 60m west, 160m north- west and 260 m east Industrial and commercial premises immediately adjacent north, east and south Recreational users of Chiltern Reserve 60m west Ecological: Underlying groundwater 11m to 21m bgl 	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	Z	Conditions 1, 5 <u>Conditions 9,</u> <u>14, 16, 17, 23</u>	Condition 9 has been added to ensure that stormwater runoff from the vehicle processing area which may be contaminated is not reused on site until the construction of the hardstand and stormwater management system has been completed. Condition 14 has been added as a standard condition to ensure no stormwater run-off becomes contaminated by the activities and operations undertaken on the premises and is able to enter the environment. Conditions 16, 17 and 23 have been added to control the discharge of stormwater on the premises once the construction of the site-wide hardstand and stormwater management system has been constructed/installed. Monitoring of the stormwater in Basin 1 is included to verify the effectiveness of the stormwater treatment system and ensure there are no off- site impacts. If surface monitoring results indicate high levels of contaminants or off-site impacts are observed, the delegated officer may wish to reassess the risk and apply additional controls.

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IR-T13 Decision report template (short) v3.0 (May 2021)

Risk events					Risk rating ¹	Applicant	Conditions ² of	Justification for additional
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood	controls sufficient?	licence	regulatory controls
Oxy acetylene cutting Fire on premises	Toxic gas / smoke / odour	Air / windborne pathway causing impacts to human health and amenity	 Human: Residences 60m west, 160m north- west and 260 m east Industrial and commercial premises immediately adjacent north, east and south 	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	Ν	<u>Conditions 5, 9,</u> <u>18, 19</u>	Condition 5 has been added to ensure fire prevention equipment is kept on site. Conditions 5 and 9 have been added to ensure oxy-cutting activities are performed in a manner that lowers the risk of toxic smoke and fire. Conditions 18 and 19 have been added as standard conditions to ensure no waste is burnt on the premises.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Guideline: Risk Assessments (DWER 2020).

Note 2: Proposed applicant controls are depicted by standard text. Bold and underline text depicts additional regulatory controls imposed by department.

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4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response	
Application advertised on the department's website on 30 March 2022	None received	N/A	
Local Government Authority advised of proposal on 13 April 2022	The City of Armadale provided an email response on 10 May 2022. The City of Armadale advised that the proposal is consistent with the City's Town Planning Scheme. The City also advised that the City's Health Services have received a total of 19 complaints regarding Auscon, seven of those being received in the last five years. Complaints have been in regard to fumes, burning plastic and rubber, unauthorised discharge, smoke and dust.	Noted. The department has taken the City's response into consideration while forming the risk assessment.	
Department of Biodiversity, Conservation and Attractions advised of proposal 30 March 2022	DBCA provided an email response on 5 April 2022. DBCA advised that they have no comment on the proposal.	Noted.	
Applicant was provided with draft documents on 9 June 2022	The applicant provided an email response on 9 June 2022 and advised that there were no comments on the draft documents.	Noted.	

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements. It is up to the Licence Holder to ensure that all necessary planning approvals and licenses are in place before commencing operations at the site.

References

- 1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
- 2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
- 3. DWER 2020, Guideline: Risk Assessments, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)						
Application type						
Works approval						
		Relevant works approval number:			None	\boxtimes
		Has the works approva with?	been complied Yes No			
Licence		Has time limited operations under the works approval demonstrated Acceptable operations?		□ No	□ N/A □	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes 🗆 No 🗆		
		Date report received:				
Renewal		Current licence number:				
Amendment to works approval		Current works approval number:				
Amendment to licence		Current licence number:				
Amenament to licence		Relevant works approval number:			N/A	
Registration		Current works approval number:			None	
Date application received		16 December 2021				
Applicant and premises details						
Applicant name/s (full legal name/s)		AUSCON Metals Pty Ltd				
Premises name		AUSCON Metals				
Premises location		26 Keates Road, ARMADALE WA 6112				
Local Government Authority		City of Armadale				
Application documents						
HPCM file reference number:		DER2018/001042-6~82				
Key application documents (additional to application form):		Licence application supporting documentation				
Scope of application/assessment						
Summary of proposed activities or changes to existing operations.		Licence application to authorise the ongoing operation of an existing scrap metal recycling facility.				

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises cat and description	tegory Proposed design ca	production or bacity	Proposed changes to the production or design capacity (amendments only)
Category 47: scrap metal	recovery 150,000 to	nnes per annum	

Legislative context and other approvals		· · · · · · · · · · · · · · · · · · ·		
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes 🗆 No 🖂	Referral decision No: Managed under Part V □ Assessed under Part IV □		
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes 🗆 No 🖂	Ministerial statement No: EPA Report No:		
Has the proposal been referred and/or assessed under the EPBC Act?	Yes 🗆 No 🖂	Reference No:		
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes 🛛 No 🗆	Certificate of title □ General lease ⊠ Expiry: 1 December 2041 Mining lease / tenement □ Expiry: Other evidence □ Expiry:		
Has the applicant obtained all relevant planning approvals?	Yes ⊠ No □ N/A □	Approval: TM22/910059 Expiry date: N/A If N/A explain why? Development approval issued in 1991 with no expiry.		
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes 🗆 No 🖂	CPS No: N/A No clearing is proposed.		
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes 🗆 No 🖂	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.		
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes 🗆 No 🖂	Application reference No: N/A Licence/permit No: N/A Licence / permit not required.		

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes 🗆 No 🗆	Name: N/A Type: Proclaimed Groundwater Area Has Regulatory Services (Water) been consulted? Yes □ No □ N/A ⊠ Regional office: Swan Avon		
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes □ No ⊠	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <u>WQPN 25</u>)? Yes □ No □ N/A ⊠		
Is the Premises subject to any other Acts or subsidiary regulations (e.g. Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx)	Yes □ No ⊠			
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes □ No ⊠			
Is the Premises subject to any EPP requirements?	Yes □ No ⊠			
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes ⊠ No □	Classification: possibly contaminated – investigation required (PC–IR) Date of classification: 3 September 2013		