Government of Western Australia
Department of Environment Regulation

Amendment Notice 1

Licence Number	L6162/1986/15
Licence Holder	Austral Bricks (WA) Pty Ltd
ACN	079 711 603
Registered business address	738 – 780 Wallgrove Road HORSLEY PARK NSW 2175
Date of amendment	28 November 2016
Prescribed Premises	Category 41: Clay bricks or ceramic products manufacturing
Premises	Austral Bricks Bellevue Lot 1 on Plan 16497 Military Road BELLEVUE WA 6056

Amendment

The Chief Executive Officer (CEO) of the Department of Environment Regulation (DER) has amended the above licence in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice.

Date signed: 28 November 2016

Jonathan Bailes

A/Senior Manager – Industry Regulation (Process Industries)

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

Amendment Notice

This notice is issued under section 59 of the *Environmental Protection Act* 1986 (EP Act) to amend the licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

Amendment Description

Licence L6162/1986/15 was granted by DER on 29 June 2015. Conditions of the licence were subsequently appealed by Austral Bricks (WA) Pty Ltd (the Licence Holder) under section 102 of the EP Act. Outcomes sought by the Licence Holder are:

1. Alteration of the wording in condition 2.2.3 (abatement plant bypass management actions) to be consistent with the previous version of licence;
2. Correction of inconsistent averaging periods specified between conditions 2.2.2 and 3.2.1;
3. Removal of ambient air quality monitoring requirements in condition 3.8.1;
4. Removal of improvement requirements IR1, IR2, IR3 and IR4 in condition 4.1.1; and
5. Alteration of Annual Environmental Report requirements in condition 5.2.1 to be consistent with other brick manufacturing licences in the State (specifically the removal of Abatement Plant Bypass events summary reporting).

The Delegated Officer has initiated amendments to licence L6162/1986/15 to address the outcomes sought by the Licence Holder.

Decision

The Delegated Officer has considered the matters raised by the appeal and has determined that:

1. It is not considered that a heightened risk has been identified that is sufficient to warrant a more onerous condition regarding abatement plant bypass management actions being imposed at this time. The Delegated Officer has reinstated the wording from the previous licence.
2. The averaging period in condition 3.2.1 is incorrect and has been changed to match condition 2.2.2.
3. The Delegated Officer has removed ambient air monitoring from the licence on the basis that expert advice has recommended that the existing ambient HF monitoring is no longer suitable.
4. The decision to include improvement requirements IR1, IR2, IR3 and IR4 in condition 4.1.1 of the licence was not supported by adequate risk-based assessment at the time of the decision. Therefore condition 4.1.1 has been deleted from the licence.

5. The decision to include the reporting and notification requirements for bypass events in conditions 5.2.1 and 5.3.1 of the licence was not supported by adequate risk-based assessment at the time of the decision. Therefore bypass reporting requirements have been amended in Table 5.2.1 to require the Licence Holder to report on an annual basis the date, time, duration, reason and potential contaminants for each bypass event. Notification requirements for planned bypass events have been deleted from Table 5.3.1. Notification of failures or malfunctions of any pollution control equipment or any incident which has caused, is causing, or may cause pollution has also been deleted from Table 5.3.1 as it duplicates reporting requirements already required under section 72 of the EP Act (duty to notify CEO of discharges of waste).

In making the above changes, the Delegated Officer has determined that a full risk-based reassessment of emissions and discharges from the premises will be carried out in accordance with DER's Regulatory Framework. If the outcome of the reassessment identifies risks that warrant the inclusion of additional conditions on the licence, the CEO will initiate an amendment to the licence. The reassessment of emissions and discharges will be completed within six months of the date of this licence amendment.

Amendment History

Instrument	Issued	Amendment
L6162/1986/15	29/06/2015	Licence renewal
L6162/1986/15	29/04/2016	Licence amendment by notice to extend the licence duration to 30 June 2032
L6162/1986/15	28/11/2016	Amendment Notice 1 Licence appeal amendments

Works Approval Holders Comments

The Licence Holder was provided with the draft Amendment Notice on 13 October 2016.

The Licence Holder commented that they did not agree with DER amending the conditions of the licence until the appeal is determined.

The Delegated Officer has amended the licence as the amendments resolve the issues raised by the Licence Holder in the appeal.

Amendments

1. Table 2.2.3 of the licence is amended by deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

Table 2.2.3: Management actions			
Emission point reference	***Event / action reference***	***Event***	***Management action***
~~*A1*~~	~~*EA1*~~	~~*Abatement Plant Bypass for essential maintenance, operational or safety reasons*~~	~~*If the Abatement Plant Bypass is expected to occur for more than 30 minutes, the Licensee shall notify DER in accordance with Condition 5.3.1*~~ ~~*The Licensee shall take all practical measures to ensure that the HF emissions do not exceed the Limit specified in Condition 2.2.2 and the mass emission rate of 1g/s.*~~
~~*A1*~~	~~*EA2*~~	~~*Failure or malfunction of plant or equipment leading to Abatement Plant Bypass*~~	~~*The Licensee shall take all practical measures to ensure that the HF emissions do not exceed the Limit specified in Condition 2.2.2 and the mass emission rate of 1g/s.*~~
~~*A1*~~	~~*EA3*~~	~~*Abatement Plant Bypass during start-up and shut down*~~	~~*The Licensee shall take all practical measures to minimise emissions during start-up and shut-down*~~ ~~*The Licensee shall take all practical measures to ensure that the HF emissions do not exceed the Limit specified in Condition 2.2.2 and the mass emission rate of 1g/s.*~~
A1	*EA1*	*By-pass of abatement plant for essential maintenance, operational or safety reasons. This excludes by-pass during start up and shut down periods*	*If the by-pass has not ceased after 30 minutes the Licensee shall take immediate action to adjust the kiln throughput as necessary to ensure the calculated emissions of hydrogen fluoride do not exceed 1 g/sec for the remainder of the by-pass event.*

2. Table 3.2.1 of the licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

Table 3.2.1: Monitoring of point source emissions to air					
Emission point reference	***Parameter***	***Units[1]***	***Frequency***	***Method***	***Averaging period***
A1	*Total particulates*	*mg/m^3* / *g/s*	*Quarterly*	*USEPA Method 5 or 17*	*Stack test (Minimum 60 minute average)*
	Total oxides of sulphur (as SO_2)	*mg/m^3* / *g/s*	*Quarterly*	*USEPA Method 8*	*Stack test (Minimum 60 minute average)*
	Oxides of nitrogen (as NO_2)	*mg/m^3* / *g/s*	*Quarterly*	*USEPA Method 7E*	*Stack test (Minimum 30 minute average)*
	Hydrogen chloride	*mg/m^3* / *g/s*	*Quarterly*	*USEPA Method 26 or 26A*	*Stack test (Minimum ~~60~~ 30 minute average)*
	Hydrogen fluoride	*mg/m^3* / *g/s*	*Quarterly*	*USEPA Method 26 or 26A*	*Stack test (Minimum ~~60~~ 30 minute average)*
	Carbon monoxide	*mg/m^3* / *g/s*	*Quarterly*	*USEPA Method 10*	*Stack test (Minimum 30 minute average)*

Note 1: The reference conditions of substances in releases to air from the kiln stack are: Temperature 273.15 K (0^oC, pressure 101.3 kPa (1 atmosphere) 18% oxygen, measured dry.

3. The licence is amended by the deletion of the following conditions 3.8.1 and 3.8.2:

3.8.1 The Licensee shall undertake the monitoring in Table 3.8.1 according to the specifications in that table.

Table 3.8.1: Monitoring of ambient air quality					
Monitoring point reference and location on Premises map	***Parameter***	***Units***	***Averaging period***	***Frequency***	***Method***
AQ1 and AQ2 (Clayton St / Wildon St junction)	*Hydrogen fluoride[1]*	*$\mu g/m^3$*	*7 days*	*Continuous*	*AS3580.13.2*

Note 1: Samples may be submitted to a laboratory without current NATA accreditation for the parameter to be measured.

3.8.2 The Licensee shall ensure that, where practicable, the siting of ambient air monitoring equipment is in accordance with AS 3580.1.1.

4. The licence is amended by the deletion of the following condition 4.1.1:

4.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date of completion in Table 4.1.1.

Table 4.1.1: Improvement program		
Reference	***Improvement***	***Date of completion***
IR1	*The Licensee shall submit to the CEO an Abatement Plant Bypass Management Plan. The Plan shall include but not be limited to:* *(i) Identification of root-causes which may lead to Abatement Plant Bypass;* *(ii) Procedures for estimation of the characteristics and quantity of the emission and assessment of potential environmental impact from each bypass event. This should consider:* *(a) concentration or mass flow of contaminants and duration of bypass;* *(b) assessment of worst case emission scenario during the bypass event, comparison of potential emissions during bypass with current licence limits;* *(c) criteria for assessment of significance of potential bypass emissions, likely impact on the environment and measures to be implemented to minimise duration and frequency of the bypass;* *(d) identification of receptors and their geographical location; and* *(e) complaints management procedure; and* *(iii) Recordkeeping procedures for identifying all Abatement Plant Bypass events including the date, time, duration, reason for the bypass, characteristics of the emissions;*	*30 September 2015*
IR2	*The Licensee shall review their kiln management operations and procedures to identify and investigate any mechanisms whereby kiln gases could be released to the environment. As a minimum, the investigation shall include monitoring of following emission sources:* *(i) Dryer 1 stack and Dryer 2 stack;* *(ii) High temperature take-off duct;* *(iii) Low temperature take-off duct;* *(iv) Vestibule fan exhaust;* *(v) Kiln stack; and* *(vi) Kiln exhaust pre-scrubber.* *For each potential emission source, the Licensee shall estimate:* *(i) the potential frequency and duration of a release; and* *(ii) the mass emission rate of pollutants in the release.* *The Licensee shall undertake assessment of mass emission rates based on a comprehensive emissions monitoring programme for the emission sources identified above. Monitoring of emissions shall be conducted in compliance with requirements specified in Section 3.1 and Section 3.2 of the Licence.*	*31 December 2015*

Table 4.1.1: Improvement program		
Reference	***Improvement***	***Date of completion***
	At the conclusion of the above investigation, the Licensee shall submit to the CEO an assessment of the data collected, monitoring reports used in the assessment and include proposals, with timescales, to undertake any reasonably practicable improvements to ensure unauthorised releases are prevented or minimised.	
IR3	*The Licensee shall submit a Continuous Emissions Monitoring System (CEMS) Implementation Plan for monitoring temperature, flow rate, oxygen, HF, HCl, particulates, SO_2, opacity, CO and NOx emissions from emission point A1. The Plan shall include but not be limited to the following:* *(i) Identification of the CEMS technology of choice in accordance with the CEMS code; and* *(ii) Timeframe for installation, calibration and operation of the CEMS; and* *Proposed action plan, which addresses any constraints identified, with the objective of having the CEMS technology identified above operational as early as possible.*	*31 December 2015*
IR4	*The Licensee shall submit to the CEO a Stormwater Management Plan. The Plan shall include but not be limited to:* *(i) Identification of activities that could cause stormwater to become contaminated and any potential contaminants;* *(ii) Operational measures to prevent contamination of stormwater;* *(iii) Measures for containment or treatment of contaminated or potentially contaminated stormwater generated from activities on the Premises;* *(iv) Diagram or plan identifying existing stormwater management drains on the premises and containment ponds;* *(v) Assessment of adequacy of existing infrastructure to prevent or minimise stormwater contamination;* *(vi) Information on maintenance schedule and procedures for existing infrastructure for stormwater conveyance and containment; and* *(vii) Identification of improvements required to stormwater management on the Premises, including requirement of any monitoring regimen, implementation proposal for the improvements identified and timeframe for the same.*	*30 September 2015*

5. Table 5.2.1 of the licence is amended by deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	***Parameter***	***Format or form[1]***
-	*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*
Table 2.2.3	*Abatement Plant Bypass events including the date, time, duration, reason for the by-pass and potential contaminants in the emission~~, estimation of the quantity of each identified contaminant emitted and assessment of potential environmental impact~~*	*None specified*
-	*Summary of dust management plan review*	*None specified*
Table 3.2.1	*Summary and review of emissions to air monitoring results*	*Include a graphical presentation of quarterly monitoring data collected over a minimum 3 year period*
~~Table 3.8.1~~	*~~Summary and review of ambient air monitoring results~~*	
5.1.3	*Compliance*	*Annual Audit Compliance Report (AACR)*
5.1.4	*Complaints summary*	*None specified*

Note 1: Forms are in Schedule 2

6. Table 5.3.1 of the licence is amended by deletion of the text shown in strikethrough below:

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	***Parameter***	***Notification requirement[1]***	***Format or form[2]***
3.1.5	*Calibration report*	*As soon as practicable.*	*None specified*
2.1.1	*Breach of any limit specified in the Licence*	*Part A: As soon as practicable but no later than 5pm of the next usual working day after becoming aware of the exceedance* *Part B: As soon as practicable but within seven days of becoming aware of that exceedance.*	*Form N1*
~~-~~	*~~Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution~~*		
~~-~~	*~~Scheduled/ Planned by-pass of the Abatement Plant for testing~~*	*~~At least 7 days before~~*	*~~None specified~~*
-	*Any failure or malfunction of plant or equipment resulting in the Abatement Plant Bypass*	*As soon as practicable but no later than 5pm of the next usual working day when the Abatement Plant Bypass occurs*	*None specified*