



**Licence Number** W6090/2017/1

**Works Approval Holder** BMT Australia Pty Ltd

**ACN** 614 363 647

**File Number:** DER2017/001541

**Premises**  
Kwinana Mercury Treatment Plant  
Lot 101 Donaldson Rd  
KWINANA BEACH WA 6167  
Part of Lot 101 on Plan 7374

**Date of Report** 10 January 2020

**Decision** Amendment Issued

# Definitions and interpretation

## Definitions

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

**Table 1: Definitions**

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
Amended Works Approval	the amended Works Approval issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Amendment Report.
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer of the Department. "submit to / notify the CEO" (or similar), means either: Director General Department administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 Joondalup DC WA 6919 or: <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
Delegated Officer	an officer under section 20 of the EP Act
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.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Works Approval	The Works Approval issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Amendment
MCW	Mercury contaminated waste
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

## Works Approval Amendment

The amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend Works Approval W6090/2017/1 granted under the EP Act for the BMT Australia Pty Ltd Kwinana Mercury Treatment Plant in Kwinana Beach.

Details of the amendment are set out in the form of an amended works approval document and includes the consolidation of previous amendments to Works Approval W6090/2017/1.

The Works Approval Holder applied to amend the works approval on 2 January 2020 (the Application) to change the storage capacity for mercury contaminated waste (MCW) and stabilised mercury sulphide on the premises from 400 tonnes to 500 tonnes.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Decision Making (June 2019)*
- *Guideline: Industry Regulation Guide to Licensing (June 2019)*

## Background

The Works Approval Holder is constructing a mercury contaminated waste treatment plant located in Kwinana Beach within the Kwinana Industrial Area. The works were previously assessed under the original works approval application. The works approval was originally issued on 8 May 2018 and was amended by Amendment Notice 1 on 22 May 2019.

## Amendment description

Table 2 lists the documents submitted during the assessment process.

**Table 2: Documents and information submitted during the assessment process**

Document/information description	Date received
Works Approval amendment application (DWER records DWERDT239894 and DWERDT239894)	2 January 2020

The amendments requested by the Works Approval Holder are as follows:

1. Increase the maximum storage capacity for MCW and stabilised mercury sulphide in the Infrastructure and Equipment Requirements table in Schedule 2 of the works approval, from 400 tonnes to 500 tonnes. No change to the amount of MCW to be processed was applied for.

## Amendment history

Table 3 provides the works approval history for W6090/2017/1.

**Table 3: Recent Works Approval history**

Instrument	Issued	Description
W6090/2017/1	08/05/2018	Works Approval issued
W6090/2017/1	22/05/2019	<u>Amendment Notice 1</u> Amendment to: <ul style="list-style-type: none"><li>• increase the storage capacity for MCW from 200 to 400 tonnes</li><li>• increase throughput from 1,000 tonnes per year to 2,000 tonnes per year; and</li><li>• authorise commissioning and time limited operation of the premises infrastructure.</li></ul>

## Risk assessment

The decision report for W6090/2017/1 (Appendix 2), and Amendment Notice 1 (Appendix 3), assessed the risk of impacts from storage of MCW as low and the potential for impacts from fire outbreak (smoke and fire water) as medium. Conditions to mitigate risks from the storage of MCW and fire prevention were included in the Works Approval and Amendment Notice 1.

The Delegated Officer has determined the increase to the storage capacity for MCW and stabilised mercury sulphide does not change the emission or risk profile for the premises and no further assessment or controls are required.

The Delegated Officer has determined that the current Works Approval controls are appropriate to manage the risk from the increase in storage capacity including the potential for fire outbreak.

As part of the amendment application the Works Approval Holder provided documentation which confirmed the premises infrastructure has the capacity to store up to 539.5 tonnes of MCW waste.

## Works Approval Holder's comments

The draft Amendment Report and the draft Amended Works Approval were sent to the Works Approval Holder for comment on 8 January 2020. The Works Approval Holder advised that there were two minor administrative errors in the works approval, these have been corrected in the final works approval.

## Decision

The Works Approval has been amended to:

1. include minor formatting changes; and
2. include changes to allow an increase in the amount of MCW authorised to be stored on the premises to 500 tonnes.

The previous amendments made under Amendment Notice 1, as listed in Table 3, have also been consolidated into the amended works approval together with the amendments described above. The changes to the works approval are summarised in Table 4.

**Table 4: Works Approval amendments**

Condition No.	Proposed amendments
Definitions	Updated as per Amendment Notice 1
1 (on original works approval)	Removed as per Amendment Notice 1
6 - 23	Added as per Amendment Notice 1
Schedule 2: Table 12	Updated as per Amendment Notice 1; and Increase of the Warehouse storage capacity from 400 to 500 tonnes

In accordance with section 59 of the EP Act, the Delegated Officer has granted amendments to Works Approval W6090/2017/1. Details of the amendments are set out in the form of an Amended Works Approval.

**Amine Callegari**

**A/Manager, Process Industries**

*An officer delegated by the CEO under section 20 of the EP Act*

## Appendix 1: Key documents

	Document title	In text ref	Availability
1	Works Approval W6090/2017/1	W6090/2017/1	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
2	Decision report for W6090/2017/1	Decision report	Appendix 2 to this document
3	Amendment notice 1 for W6090/2017/1	Amendment Notice 1	Appendix 3 to this document
4	Application for amendment to works approval W6090/2017/1	Application	DWER records (DWERDT239894 DWERDT239894)
5	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	N/A	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
6	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.		
7	DER, May 2016. <i>Guidance Statement: Publication of Annual Audit Compliance Reports</i> . Department of Environment Regulation, Perth.		
8	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.		
9	DWER, June 2019. <i>Guideline: Decision Making</i> . Department of Water and Environmental Regulation, Perth.		
10	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environmental Regulation, Perth.		

**Appendix 2: Decision report for Works Approval W6090/2017/1  
Issued 8 May 2019**

## Appendix 3: Amendment Notice 1 for W6090/2017/1