



Department initiated Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Works Approval Number	W6510/2021/1
Works Approval Holder	Blue Phoenix Western Australia Pty Ltd
ACN	641 506 318
File Number	DER2018/001042-4
Premises	Hope Valley IBA Facility Lot 1049 Investigator Drive HOPE VALLEY WA Legal description – Lot 1049 on Deposited Plan 405177 Certificate of Title Volume 2868 Folio 994
Date of Report	13/08/2022
Decision	Revised licence granted

Steve Checker
SENIOR 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

On 9 March 2022, The Minister for Environment made his determination of a third party appeal (Appeal number 023 of 2021) against the granting of the works approval W6510/2021/1 on 25 May 2021 authorising the construction and time limited operation of an incinerator bottom ash (IBA) handling and processing facility.

The appeal raised a number of concerns in regard to the construction requirements for infrastructure and equipment, and requirements relating to the commissioning and time-limited operations phases. The appellant also submitted that conditions should be included in the works approval which regulate and offset greenhouse gas emissions from the premises.

The Minister determined that while the requirements of the works approval are generally appropriate, consistent with the advice of the Department of Water and Environmental Regulation (DWER) and the Appeals Convenor, the following changes are required:

- Inclusion of monitoring of ambient air concentrations of total suspended particulates with a diameter of less than 50 micrometres (TSP) in Table 4 of Condition 20.

The appeal was otherwise dismissed. Changes have been made to align the works approval with the Minister's recommendations, and follows the standards specified in Schedule 2 to the *Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992* for TSP standards in Area B. As the amendment is given effect to an appeal decision, no further risk assessment to justify these changes is required or provided within this Decision Report.

2. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 28 March 2022. Comments received from the Works Approval Holder on 18 July 2022 have been considered by the Delegated Officer as detailed in Appendix 1.

3. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

3.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised works approval as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
20	Inclusion of monitoring of ambient air concentrations of TSP with a diameter of less than 50 micrometres

Appendix 1: Summary of Works Approval Holder's comments on draft amendment

Condition	Summary of Works Approval Holder's comment	Department's response
20	<p>The inclusion of the requirement to monitor TSP was accepted, however the proposal to include a 90 µg/m³ TSP trigger value was not accepted due to a number of reasons, namely;</p> <ul style="list-style-type: none"> • Not being identified in the Minister's determination • The location of dust monitors • The distance to nearest sensitive receptors • Differences in the way the trigger value has been applied to other licences; and • Setting a trigger level incongruent with the PM10 trigger level. 	<p>The Delegated Officer notes that the 90 µg/m³ TSP trigger value was derived from the <i>Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992</i> as discussed within the Ministerial Determination, however the Delegated Officer has reviewed the specific wording relating to the Determination and agrees that a TSP trigger level is not explicitly called for.</p> <p>The Delegated Officer also notes the site specific details which may call for a nuanced approach to the application of the trigger value should one be required.</p> <p>Therefore, the Delegated Officer accepts the Works Approval Holder's comments and the TSP trigger value is replaced with N/A.</p> <p>The Delegated Officer notes that the works approval conditions relate to time limited operations, and any monitoring results will be reviewed as part of a future licence application where ongoing licence controls will be determined which may differ from those in the Works Approval.</p>