



## Industry Regulation fact sheet

# Asphalt manufacturing

This fact sheet provides guidance on the Department of Water and Environmental Regulation’s (DWER) administration of works approvals and licences for asphalt manufacturing premises.

Under regulation 5 of the *Environmental Protection Regulations 1987* (EP Regulations), any premises specified in Schedule 1 to the EP Regulations are prescribed premises for the purposes of Part V of the *Environmental Protection Act 1986* (EP Act).

If the activity described in each category of prescribed premises in Schedule 1 of the EP Regulations is carried out at, or above, the specified production or design capacity those premises are regulated by DWER under Part V of the EP Act.

Prescribed premises require a works approval for their construction and will require either a licence or registration to operate the described activity.

### Activity

Description of Category 35 - asphalt manufacturing

Asphalt manufacturing is described in Category 35 of Schedule 1 to the EP Regulations:

### Category 35: Asphalt manufacturing

Description of Category	Production or design capacity
<b>Category 35</b>	
Asphalt manufacturing: premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at places or premises other than those premises.	Not applicable

Asphalt plants typically produce asphalt, macadam and other forms of coated road-stone by mixing aggregate (crushed stones, gravel and sand) with bitumen. Asphalt is usually mixed in either a drum-mix plant, which operate continuously and generally have a large-output, or a batch-mix plant, which has a smaller output. There are two main production types, hot-mix and cold-mix.

Many asphalt manufacturing plants use Reclaimed Asphalt Pavement (RAP) as a raw material. For a given premises, RAP is likely to be classed as a waste material and, therefore, the acceptance, storage, and processing of RAP may require other prescribed



premises categories to be considered, for example category 61A of the EP Regulations, as outlined below.

Asphalt manufacturing relates to the manufacture of asphalt for use at places or premises other than the premises where it is produced. As a guide, DWER considers that asphalt manufacturing under Category 35 may not apply if:

- the asphalt manufacturing plant is located on, adjacent to, or directly connected to the place, premises, or project area (e.g. road reserve) where the asphalt will be used; and
- the asphalt manufacturing plant will only supply asphalt to that place, premises, or project area.

#### Mobile asphalt equipment

Where mobile asphalt manufacturing equipment is proposed to be used at a location which is not an existing prescribed premises, section 52 of the EP Act requires that an occupier of any premises that carries out any work on or in relation to the premises which causes the premises to become, or to become capable of being, prescribed premises must do so in accordance with a works approval.

Therefore before work can commence, a works approval must be obtained. In recognition of the potentially short duration of work and site relocation factors associated with the use of mobile asphalt manufacturing equipment, DWER will aim to expedite works approval applications for mobile plant.

For established prescribed premises in frequent or continuous use, DWER will allow mobile asphalt manufacturing plants to move to and from the premises without requiring a works approval or licence amendment if:

- the occupier of the prescribed premises using the asphalt holds an active licence for the prescribed premises under the EP Act;
- the mobile plant used on the prescribed premises has the same, or better, environmental performance as that assessed under the licence application (e.g. the same make and model); and
- the mobile plant producing the asphalt is located at the same general location within the prescribed premises that uses the asphalt as assessed under the licence application.

#### Production/design capacity

There is no specified production or design capacity for this category. All asphalt manufacturing premises defined by Category 35 require a works approval and a licence.

#### Environmental risk

Asphalt manufacturing involves a risk of causing pollution or environmental harm unless prescribed premises are appropriately regulated and managed. The EP Act sets out a range of offences that specifically relate to occupiers of prescribed premises, in addition to general offences relating to pollution and environmental harm. For further information on these offences, refer to DWER's *Industry Regulation Guide to Licensing* and the EP Act.



Emissions and discharges from asphalt manufacturing can include:

- noise from fixed and mobile plant and vehicles;
- dust from open areas, material handling, and from the drying of aggregate;
- odour emissions from volatile organic compounds; and
- contaminated stormwater.

Contemporary plant design and careful consideration with respect to siting (e.g. proximity to sensitive receptors such as residential housing) can help mitigate the potential impacts of emissions and discharges.

### Monitoring

Stack emission monitoring is typically specified in a works approval for the purposes of emissions verification and quantification. Regular ongoing (e.g. annual) monitoring may also be specified in a licence.

Monitoring of ambient noise, odour and dust levels may be required where there is a risk of impacts from asphalt manufacturing on sensitive receptors, and in order to demonstrate compliance with prescribed standards, and provide assurance of the effectiveness of emission controls and management at the premises.

### Assessment

DWER applies a risk-based approach to its regulatory functions under the EP Act. DWER's publications [Guidance statement: Decision-making](#) and [Guidance statement: Risk assessments](#), detail the approach taken by DWER in assessing applications for works approvals and licences under Part V of the EP Act.

Where a prescribed premises has been assessed by the Environmental Protection Authority as a 'significant proposal' and is subject to a Ministerial Statement granted under Part IV of the EP Act, the conditions of a works approval or licence granted under Part V must not be contrary to the conditions of the Ministerial Statement.

### Other prescribed premises categories that may be relevant

The following activities are relevant to asphalt manufacturing and may constitute a separate prescribed premises category:

- crushing or cleaning of 1000 tonnes or more per year of waste building or demolition material (for example, bricks, stones or concrete) (Category 13: crushing of building material); and
- storing, reprocessing of, treating or discharging to land, 1000 tonnes or more per year of solid waste produced on other premises (Category 61A: solid waste facility).

### More Information

For further information, please contact DWER Regulatory Services on 6364 7000.

Additional publications about industry regulation are available online at [www.der.wa.gov.au/our-work/licences-and-works-approvals/publications](http://www.der.wa.gov.au/our-work/licences-and-works-approvals/publications) or can be requested by phoning 6364 7000.



## Legislation and limitations

This document is provided for guidance only. The information provided does not constitute legal advice. It should not be relied upon to address every aspect of the relevant legislation. Copies of the relevant legislation are available electronically from the Parliamentary Counsel's Office website at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au). Due to the range of legal issues potentially involved in this matter, DWER recommends that you obtain independent legal advice in relation to the interpretation of the relevant legislation.

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