



Industry Regulation fact sheet

Bitumen manufacturing

This fact sheet provides guidance on the Department of Water and Environmental Regulation’s (DWER) administration of licences and works approvals for bitumen 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 36 – bitumen manufacturing

Bitumen manufacturing is described in Category 36 of Schedule 1 to the EP Regulations:

Category 36: Bitumen manufacturing

Description of Category	Production or design capacity
Category 36	
Bitumen manufacturing: premises on which bitumen is mixed or prepared for use at places or premises other than those premises.	Not applicable

Bitumen is produced by refining crude oil. Once refined, bitumen may be mixed or prepared with binders, emulsifiers, polymers and colouring agents to create various products.

Category 36 includes the mixing and preparation of bitumen. DWER does not consider it to include:

- the refining of crude oil to create bitumen;
- the storage of bitumen in tanks only (i.e. no mixing or preparation); or
- the use of bitumen in the manufacturing of asphalt (Category 35).



Category 36 relates to the mixing or preparation of bitumen for use at places or premises other than the premises where it is mixed or prepared. As a guide, DWER considers that bitumen manufacturing under Category 36 may not apply if:

- the bitumen plant is located on, adjacent to, or directly connected to the place, premises, or project area where the bitumen will be used; and
- the bitumen plant will only supply bitumen to that place, premises, or project area.

Production/design capacity

There is no specified production or design capacity for this category. All bitumen manufacturing premises defined by Category 36 require a works approval and a licence.

Environmental risk

Bitumen 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 bitumen manufacturing may include:

- noise from operations and vehicles;
- 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

Monitoring of ambient noise or odour may be required where there is a risk of impacts from bitumen 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.

Monitoring of groundwater levels and quality may also be required where there is a risk of groundwater contamination from seepage of residues from raw material storage or waste materials.

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 may be relevant to bitumen manufacturing and may constitute a separate prescribed premises category:

- premises on which crude oil is refined or processed (Category 34: oil or gas refining); and
- production of hot or cold mix asphalt using crushed or ground rock aggregates mixed with bituminous or asphaltic material (Category 35: asphalt manufacturing).

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 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. 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.

Changes in circumstances after the time of publication may impact on the quality of information in the document. Confirmation of the information may be sought from DWER. The State Government of Western Australia reserve the right to amend the content of this document at any time without notice.

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