



Application for Licence Amendment

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

Choose an item.	L6092/1972/11
Licence Holder	Nufarm Australia Limited
ACN	004 377 780
File Number	DER2015/002191-1~4
Premises	Nufarm Australia Limited 1 Mason Road KWINANA BEACH WA 6167 Legal description – Being Part Lot 51 on Diagram 46722 As defined by the Premises map attached to the Revised Licence
Date of Report	14 June 2024
Decision	Revised licence granted

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1. Decision summary

The Delegated Officer has determined to make amendments to Licence L6092/1972/11. The amendments do not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act) and will remain on the department's website for future reference as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report and amending the licence, the Department of Water and Environmental Regulation (department) has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary and background

Licence L6092/1972/11 is held by Nufarm Australia Limited (licence holder) for the self-named premises, Nufarm Australia Limited (the premises), located at 1 Mason Road, Kwinana Beach.

The premises relates to Category 32: Pesticides manufacturing with an assessed capacity of 125,000 tonnes per annual period under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Licence L6092/1972/11.

On 22 December 2023, the licence holder submitted an application to the department to amend licence L6092/1972/11 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment sought is limited to:

- The removal of groundwater monitoring bores No. 7 and No. 8 from Licence L6092/1972/11 Table 3.4.1, as they do not form part of the original monitoring network and were added in error as part of a historic licence amendment. Monitoring bore No. 7 has collapsed due to tree root invasion therefore would require replacement for continued monitoring.

Groundwater monitoring bore No.7 is located near the premises stormwater infiltration pond and monitoring bore No. 8 is located at the south of the premises adjacent to the drum preparation building. The monitoring bores were established by the licence holder in 2005 due to the licence holder's concerns about contaminated water in the aquifer upstream entering the premises (No.8), and due to no groundwater monitoring occurring near the premises infiltration pond, which receives stormwater and process wastewater which has undergone treatment via the onsite wastewater treatment plant (No.7). Prior to installation of these monitoring bores the licence specified ambient groundwater monitoring at monitoring bores No. 1 to No. 6.

Monitoring requirements on the licence between 2004 to 2014 required a monitoring program but did not specify locations or parameters. Defined groundwater monitoring requirements including locations and parameters were specified when the licence was amended in 2015 to include the newly installed wastewater treatment plant. This included monitoring bore No.7 and No.8 which had not previously been specified on the licence.

Ten years of monitoring data for the two monitoring bores indicates over 90% of chemical monitoring results for the bores are below detectable levels and that where detected they are:

- lower than the discharge to land limits specified for the Infiltration Pond for monitoring bore No. 7; and
- reflect the contamination legacy of the aquifer located closer to the operational area of the premises for monitoring bore No. 8.

2.3 Contaminated Sites Act 2003

Lot 51 on Diagram 46722 on which the premises is located was classified under the *Contaminated Sites Act 2003* (CS Act) as remediated for restricted use on 4 July 2019. The site has been remediated such that it is suitable for the current land use, subject to implementation of the sub-surface management plan and the asbestos management plan.

The groundwater beneath the site is contaminated by phenolic compounds originating from premises activities since the 1990s. The contamination extends beyond the site boundaries in the form of a contamination plume, and therefore the site is considered a source site under the CS Act.

Under the classification, biennial groundwater monitoring is required as outlined in the site management plan titled 'Sub-Surface Management Plan - Lot 51 Mason Road, Kwinana Beach (Aurora Environmental Pty Ltd, August 2018).

The most recent groundwater monitoring report dated October 2021 was received in June 2022; the sub-surface management plan and groundwater monitoring report have been reviewed by a contaminated site auditor. The report recommended continuation of groundwater monitoring to October 2025. The list of monitoring bores specified in the approved sub-surface management plan does not include the bores proposed for removal from the licence (No. 7 and 8).

2.4 Licence consolidation

As part of the amendment the delegated officer has updated and consolidated the licence to:

- include relevant amendment notices;
- remove redundant conditions; and
- align the instrument with the current licence format.

In amending the licence the delegated officer has:

- updated the format and appearance of the licence;
- updated the licence expiry date consistent with the 2016 *Notice of amendment and schedule of licences with amended expiry dates*.
- revised licence condition numbering, and removed any redundant conditions and realigned condition numbers for numerical consistency;
- removed redundant conditions relating to deep well injection on the premises (2.3.1, 2.3.2, 2.3.3, 3.2.1, 3.2.1, 4.1.1 and 4.1.2) due cessation (2015) and decommissioning of the activity having been completed in accordance conditions 4.1.1 and 4.1.2 (decommissioning report submitted to DWER in 2019);
- deleted the redundant AACR form set out in schedule 2 of the licence and advise the Licensee to obtain the form from the department's website, and
- corrected clerical mistakes and unintentional errors.

These changes along with the requested amendments are detailed in Table 1.

3. Consultation

The licence holder was provided with the draft amended licence and Amendment Report on 13 May 2024. The licence holder responded on 7 June 2024 and supplied a revised premises map depicting the premises discharge points. The map was subsequently revised by the licence holder to also include the monitoring bore network with the revised map supplied on 12 June 2024 which was incorporated at Figure 2 in Schedule 1 of the licence.

4. Decision

The delegated officer has assessed the application and determined that the request to remove monitoring bores No. 7 and No. 8 is appropriate and will not impact the risk profile of the premises. In reaching this conclusion the delegated officer has considered the following:

- Ten years of monitoring results for both bores demonstrate chemical contaminants are predominantly below the limit of detection or where detected are less than discharge to land limits for the infiltration pond (relevant to bore No. 7), or reflect the contamination legacy of the premises (relevant to bore No. 8). There are no evident trends in the monitoring data supplied.
- The licence includes discharge to land limits and monitoring for the infiltration pond with submission of data annually.
- The location of bore No.8 is not in proximity to the primary activity area of the premises (next to a storage building) with the original premises bores 1-6 located within the areas of the premises where contamination is more likely to occur.

5. Conclusion

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

5.1 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 licence as part of the amendment process.

Table 1: Summary of licence amendments

Original condition no.	Revised condition number	Proposed amendments
Cover page	Cover page	Revised to current format. Duration updated to reflect 2016 Amendment Notice and date of amendment inserted
Licence history	Licence history	Summary of this amendment inserted.
All	All	References to "Licensee" changed to "licence holder".
1.2.1	1	New numbering
1.2.2	2	New numbering and grammatical error corrected.
2.1.1	3	New numbering and revised condition wording for clarity.

Original condition no.	Revised condition number	Proposed amendments
2.2.1 (emissions to air)	4	New numbering
2.3.1 - 2.3.3 3.2.1 – 3.2.2 4.1.1 - 4.1.2	NA	Deleted. Related to decommissioned deep well injection.
2.4.1-2.4.2 (emissions to land)	5-6	New numbering
3.1.1 – 3.1.2 and 3.3.1-3.4.1 (monitoring)	7-10	New numbering with Bore 7 and 8 removed from ambient groundwater monitoring.
5.1.1	13 and 14	New numbering and amended condition wording to current format
5.1.2	NA	Removed as a redundant condition.
5.1.3	12	New numbering and amended condition wording to current format
5.1.4	11	
5.2.1-5.2.3 5.3.1	15-18	New numbering
Schedule 1, Figure 1	Schedule 1, Figure 1	No change
Schedule 1, Figure 2	Schedule 1, Figure 2	Revised monitoring and emission point location map included.
Schedule 2, AACR Proforma	NA	Removed due to template availability on the department's website.
Schedule 2, GR1	NA	Removed due to deep well injection no longer occurring on the premises
Schedule 2, LR1	NA	Removed as form is not required for submission of monitoring results
Schedule 2, N1	Schedule 2, N1	Retained, no change
Definitions	n/a	Defined terms updated to current format and wording.

References

1. Department of Environment Regulation (DER) 2015, Guidance Statement: Setting Conditions, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, Guideline: Environmental Siting, Perth, Western Australia.
3. DWER 2020, Guideline: Risk Assessments, Perth, Western Australia.
4. Nufarm 2023, Application for licence amendment and supporting information, Kwinana, Western Australia.