



The Manager
Mephalene Rust Control (1995) Pty Ltd
175 Barrington Street
BIBRA LAKE WA 6163

Dear Sir/Madam

ENVIRONMENTAL PROTECTION ACT 1986 – AMENDMENT TO LICENCE

Licence: L5551/1988/11
Premises: Mephalene Rust Control

Further to my letter dated 22 August 2013, please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 6467 5158 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment, you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely

Tony Wynne
Officer delegated under section 20
of the *Environmental Protection Act 1986*

19 September 2013



Licence

Environmental Protection Act 1986, Part V

Licensee: Mephalene Rust Control (1995) Pty Ltd

Licence: L5551/1988/11

Registered office: c/- Turco and Co
Level 1, Wesley Central
8-12 Market Street
FREMANTLE WA 6160

ACN: 071 187 221

Premises address: Mephalene Rust Control (1995) Pty Ltd
Lot 505 on Diagram 60413 Barrington Street
BIBRA LAKE WA 6163
Being Lot 505 on Diagram 60413 as depicted in Schedule 1.

Issue date: Friday, 25 January 2013

Commencement date: Friday, 25 January 2013

Expiry date: Wednesday, 24 January 2018

Prescribed Premises Category
Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Premises production or design capacity
48	Metal finishing: premises on which metals are chemically cleaned or metals, plastics or metal or plastics products are plated, electroplated, anodized, coloured or otherwise coated or finished.	Not applicable	800 tonnes per annual period

Conditions of Licence

Subject to the conditions of the licence set out in the attached pages.

Officer delegated under section 20
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

Who we are

The Department of Environment Regulation (DER) is a Government Department for the State of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to protect and conserve the State's environment on behalf of the people of Western Australia.

Our industry licensing role

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- Environmental Protection (Unauthorised Discharges) Regulations 2004 – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- Environmental Protection (Controlled Waste) Regulations 2004 - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.



- Environmental Protection (Noise) Regulations 1997 – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.
- Environmental Protection (Abrasive Blasting) Regulations 1998 – these Regulations place obligations on you when carrying out abrasive blasting activities.

You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence Fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for the Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

Mephalene Rust Control (1995) Pty Ltd operates a metal finishing premises in Bibra Lake, Western Australia. Activities on site are the descaling of steel in a bath of weak sulphuric acid, degreasing by non hazardous products, metal coating, and abrasive blasting. The premises is registered for metal coating under registration R836/1988/1 and abrasive blasting activities are controlled via the Environmental Protection (Abrasive Blasting) Regulations 1998. The main environmental risk is emission to land if integrity of tanks and bunds are compromised. The metal finishing line consists of two tanks that sit in concrete lined impenetrable bunds. The tanks are lined with 20mm high grade chemical resistant rubber which is spark tested and integrity tested every 8 – 12 months. Liquid levels are monitored daily. This activity also has the potential for fumes and odour to cross the boundary of the premises, however they are managed via a dust recovery system and the use of an airless spraying technique.

This Licence is the result of an amendment sought by DER to convert the existing licence to a new format REFIRE licence.

The licences issued for the Premises since 01/10/2000 are:

Instrument log		
Instrument	Issued	Description
L5551/1988/5	01/10/2000	Licence re-issue
L5551/1988/6	15/05/2002	Licence re-issue
L5551/1988/7	10/02/2003	Licence re-issue
L5551/1988/8	15/03/2004	Licence re-issue
L5551/1988/9	25/01/2005	Licence re-issue
L5551/1988/10	25/01/2008	Licence re-issue
L5551/1988/11	25/01/2013	Licence re-issue
L5551/1988/11	19/09/2013	Licence amendment to REFIRE format



Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

“**the Act**” means the *Environmental Protection Act 1986*;

“**annual period**” means the inclusive period from 1 January to 31 December in the same year;

“**Code of Practice for the Storage and handling of dangerous goods**” means the Storage and handling of dangerous goods, Code of Practice, Department of Mines and Petroleum, Government of Western Australia;

“**dangerous goods**” has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;

“**Director**” means Director, Environmental Regulation Division of the Department of Environment Regulation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

“**Director**” for the purpose of correspondence means;

Regional Leader, Industry Regulation, Swan Region
Department of Environment Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7550

“**environmentally hazardous material**” means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

“**fugitive emissions**” means all emissions not arising from point sources.

“**Licence**” means this Licence numbered L5551/1988/11 and issued under the *Environmental Protection Act 1986*;

“**Licensee**” means the person or organisation named as Licensee on page 1 of the Licence;

“**placard quantity**” has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;



“**Premises**” means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

“**Schedule 1**” means Schedule 1 of this Licence unless otherwise stated; and

“**Schedule 2**” means Schedule 2 of this Licence unless otherwise stated;

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the current version of that standard.

1.1.4 Any reference to a Guideline or Code of Practice in the Licence means the current version of the Guideline or Code of Practice.

1.2 General conditions

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The Licensee shall maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.

1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.5 The Licensee shall:

- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
- (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.¹

Note1: The Environmental Protection (Unauthorised Discharges) Regulations 2004 make it an offence to discharge certain materials into the environment.

1.3 Premises operation

1.3.1 The Licensee shall manage the wastewater settling pond in such a manner that:

- (a) All wastewater from the abrasive blasting dust suppression system shall be discharged to the contained wastewater settling pond;
- (b) All uncontaminated stormwater run-offs shall be directed away from the wastewater settling pond; and
- (c) There shall be no discernible seepage loss from the wastewater settling pond.



2 Emissions

2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit, and/or target in this section.

2.2-2.4 Point source emissions to air, surface water and groundwater

There are no specified conditions relating to point source emissions to air, surface water or groundwater in this section.

2.5 Emissions to land

There are no specified conditions relating to emissions to land in this section.

2.6 Fugitive emissions

- 2.6.1 The Licensee shall ensure that no visible fumes generated by the activities of the Premises crosses the boundary of the Premises.

2.7 Odour

- 2.7.1 The Licensee shall ensure that odour emitted from the Premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the Premises.

2.8 Noise

There are no specified conditions relating to noise in this section.

3 Monitoring

3.1 General monitoring

There are no specified conditions relating to monitoring in this section.

4 Improvements

4.1 Improvement programme

There are no specified improvement conditions in this section.



5 Information

5.1 Records

5.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.

5.1.2 The Licensee shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.

5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.

5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

5.2 Reporting

5.2.1 The Licensee shall submit to the Director an Annual Environmental Report within 28 calendar days after the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the annual period and any action taken	None specified
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified
-	Throughput in tonnes per year	Tabular format: Annual total

Note 1: Forms are in Schedule 2

5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the Director at the Contact Address and in accordance with the notification requirements of the table.



Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	Part A: As soon as practicable but no later than 5PM of the next usual working day. Part B: As soon as practicable	N1

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

Note 2: Forms are in Schedule 2



Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

Licence: L5551/1988/11 Licensee: Mephalene Rust Control (1995) Pty Ltd
Form: AACR Period :
Name: Annual Audit Compliance Report

Annual Audit Compliance Report

Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the annual period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



Section B: Details of non-compliance with Licence condition

a) Licence condition not complied with?	
b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DER?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DER verbally Date <input type="checkbox"/> Reported to DER in writing Date	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR must only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is		The AACR must be signed and certified:
an individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual Licence holder, or by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or by two directors of the Licensee; or by a director and a company secretary of the Licensee, or if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the Licensee; or by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the Licensee; or by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the CEO of the Licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature: _____
 Name: (printed) _____
 Position: _____
 Date: _____/_____/_____

Signature: _____
 Name: (printed) _____
 Position: _____
 Date: _____/_____/_____

Seal (if signing under seal)



Licence: L5551/1998/11
Form: N1

Licensee: Mephalene Rust Control (1995) Pty Ltd
Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Mephalene Rust Control (1995) Pty Ltd	
Date	

