



Government of **Western Australia**
Department of **Environment Regulation**

Your ref: L6946/1970/11
Our ref: SWB1965
Enquiries: Margaret Redfern
Phone: (08) 9621 3401
Fax: (08) 9621 3410
Email: Margaret.Redfern@der.wa.gov.au

Clive Ross Page
Narrogin Brick
99 Ensign Street
NARROGIN WA 6312

Dear Sir,

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED

Premises: Lots 706, 707, 708, 711 and 712 on Plan 222889 Marsh Street,
Narrogin WA 6312
Licence Number: L6946/1970/11

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment Regulation will advertise the issuing of this licence in the public notices section of *The West Australian* newspaper.

The licence includes attached conditions. Under section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1)(c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal, contact the Office of the Appeals Convenor on 6467 5190 or by email at admin@appealsconvenor.wa.gov.au.

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date.

If you have any queries regarding the above information, please contact Margaret Redfern on (08) 9621 3401.

Yours sincerely

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

3 October 2013

Copy: CEO, Town of Narrogin

The Atrium, 168 St Georges Terrace, Perth WA 6000
Phone (08) 6467 5000 Fax (08) 6467 5562
Postal Address: Locked Bag 33,
Cloisters Square, Perth WA 6850
www.der.wa.gov.au





Licence

Environmental Protection Act 1986, Part V

Licensee: Clive Ross Page

Licence: L6946/1970/11

Registered office: 99 Ensign Street
NARROGIN WA 6312

Premises address: Narrogin Brick
Lots 706, 707, 708, 711 and 712 on Plan 222899 Marsh Street
NARROGIN WA 6312

Issue date: Thursday, 3 October 2013

Commencement date: Saturday, 5 October 2013

Expiry date: Thursday, 4 October 2018

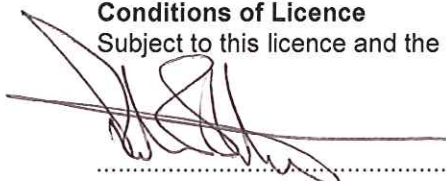
Prescribed premises category

Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
41	Clay bricks or ceramic products manufacturing: premises on which refractory products, tiles, pipes or pottery are manufactured	1,000 tonnes or more per year	5,000 tonnes per annual period

Conditions of Licence

Subject to this licence and the conditions set out in the attached pages.


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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.

DER's industry licensing role

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.

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.



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. Operating without a licence is an offence under the Act.

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

The premises manufactures clay bricks and is licenced to manufacture up to 5,000 tonnes per annum. It is currently only producing 800 tonnes per annum due to labour shortages. The Premises is located to the south-west of the Narrogin townsite in the Town of Narrogin, adjacent to the Narrogin Brook. It abuts the Narrogin wastewater treatment plant to north, agricultural land to the east and residential areas in all other directions. The nearest sensitive receptor is less than 80 m from the Premises boundary.

The manufacture of bricks involves four main steps:

- Clay preparation;
- Product shaping;
- Drying;
- Firing.

Clay preparation involves grinding and crushing of clays and shale, blending of different clay types and addition of water. Colorants or materials to improve the mechanical properties of the finished product may also be added.

Product shaping covers shaping the raw material mix into shapes using moulds or by extrusion. During or after shaping, additives may be applied to the surface of the raw clay shapes to achieve desired colour or texture effects.

Shaped products are air-dried under cover.

The dried shapes are fired in a traditional style draft kiln at this premises. This type of kiln has no chimney so it is impossible to monitor pollutant concentrations in the emissions that are direct to atmosphere. The kiln has firing ports along each long side and is fired with recycled and used oil (maximum fuel consumption of 150 L/ tonne).

The principle emissions to air from manufacturing clay bricks are acidic gases, (HCl, HF) oxides of nitrogen, oxides of sulphur, VOCs and particulates. The burning of oils to fire the kiln has unknown emissions which need to be determined.

Dust emissions may arise from raw materials handling and odour can result from the use of sugar for decalcification.



There are no licensed discharges to water or land from the premises. All stormwater is diverted and contaminated water captured on site and used in processing.

This Licence is the successor to licence L6946/1970/10 and includes changes to ensure environmentally hazardous materials are stored in accordance with the appropriate code of practice, and that the emissions from the premises are verified as part of an improvement program for the premises.

The licences and works approvals issued for the Premises since 22/04/2010 are:

Instrument log		
Instrument	Issued	Description
L6946/1970/10	22/04/2010	Licence amendment to the Licensee details
L6946/1970/10	5/10/2010	Licence reissue
L6946/1970/11	04/10/2013	Licence reissue and conversion 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 July until 30 June in the following 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;

“**dark smoke**” means smoke that, if compared with a chart known as the Australian Miniature Smoke Chart (AS 3543 1989), would appear darker than shade 1 on that chart.

“**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 correspondence means:

Regional Leader, Industry Regulation, Wheatbelt Region
Department of Environment Regulation
75 York Road
NORTHAM WA 6401
Telephone: (08) 9621 3400
Facsimile: (08) 9621 3410
Email: WheatbeltIR@der.wa.gov.au;

“**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 identified in Sections 2.2, 2.3;

“**hardstanding**” means a surface with a permeability of 10^{-9} metres/second or less;



“**Licence**” means this Licence numbered L6946/1970/11 and issued under the *Environmental Protection Act 1986*;

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

“**PM**” means total particulate matter including both solid fragments of material and miniscule droplets of liquid;

“**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;

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

“**usual working day**” means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia;

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 operate and 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 only store environmentally hazardous materials if:

- (a) they are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods; or
- (b) they are stored within compounds or vessels that:
 - (i) were constructed prior to 04/10/2013;
 - (ii) have not previously met the requirements of conditions 1.2.3(a); and
 - (iii) are the subject of improvement requirements IR1 and IR2 in section 4.

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

There are no specified conditions relating to Premises operation in this section.

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 Point source emissions to air

2.2.1 The licensee shall ensure that the normal operations of the plant do not cause or contribute to the emission of dark smoke from any part of the licensed premises.

2.2.2 If, as a result of a non-normal operation, any dark smoke is emitted then:

- (a) the emission of dark smoke shall not continue for greater than a period of 4 minutes in aggregate in any one hour period; and
- (b) the emission of dark smoke from the entire licensed premises shall not continue for greater than a period of 20 minutes in aggregate in any 24 hour period.

2.3-2.4 Point source emissions to surface water and groundwater

There are no specified conditions relating to point source emissions to 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 use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.

2.6.2 The Licensee shall:

- (a) if notified by DER that the activities are giving rise to pollution, submit to DER for approval within the period specified, a dust management plan;
- (b) implement the approved dust management plan, from the date of approval, unless otherwise agreed in writing by DER.

2.7-2.8 Odour and noise

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



3 Monitoring

3.1 General monitoring

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

3.2-3.4 Monitoring of point source emissions to air, surface water and groundwater

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

3.5 Monitoring of emissions to land

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

3.6 Monitoring of inputs and outputs

3.6.1 The Licensee shall undertake the monitoring in Table 3.6.1 according to the specifications in that table.

Input/Output	Parameter	Units	Average period	Frequency
Recycled Oil	Volume of bulk recycled oil delivered by tanker	L	Monthly	Annually
Used Oil	Volume of oil delivered in drums	L	Monthly	Annually

3.7 Process monitoring

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

3.8-3.9 Ambient environmental quality and Meteorological monitoring

There are no specified conditions relating to ambient environmental quality and meteorological monitoring in this section.



4 Improvements

4.1 Improvement program

4.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date specified.

4.1.2 The Licensee, for improvements not specifically requiring a written submission, shall write to the Director stating whether and how the Licensee is compliant with the improvement within one week of the completion date specified in Table 4.1.1.

Table 4.1.1: Improvement program		
Improvement reference	Improvement	Date of completion
IR1	The Licensee shall submit to the Director a report on all existing tanks holding dangerous goods or environmentally hazardous materials identifying whether are compliant with the standards in Condition 1.2.3 for new tanks. The report will include a list of actions for each non-compliant tank required to meet these requirements.	01/02/2014
IR2	The Licensee shall submit to the Director a report detailing a program of improvements to bring those non-compliant tanks identified in the response to IR1. These improvements should ensure those tanks are brought up to the standards in Condition 1.2.3 based on the environmental risk from each tank.	01/04/2014
IR 3	The licensee shall provide to the Director the chemical specification of all fuel types and raw materials to be used at the premises and the amounts of each used per batch of bricks fired. The data shall include mass balance calculations as described in VIC EPA Guidelines for Fluoride.	01/03/2014
IR 4	The licensee shall undertake an assessment of the emissions to air from the premises during kiln firing operations. This shall: <ul style="list-style-type: none">• identify the substances likely to be emitted• estimate the emissions in terms of concentrations and mass release rates• identify the locations of any human receptors that may be affected• review the air quality standards for the substances that may be released and compare them to the predicted or actual impacts from the premises OR In the absence of any pollution abatement equipment, the licensee shall provide an improvement plan on the elimination of waste oil firing.	01/12/2014
IR 5	The licensee shall not produce more than 5,000 tonnes of clay product in any given year unless the study requested in IR 4 proves that receptor impacts are below relevant thresholds.	05/10/2013
IR 6	The licensee shall justify the raw material and fuel types used to demonstrate that they represent the best option for preventing and minimising emissions, while considering the age of the plant and installed technologies and accounting for the environmental setting of the premises.	01/10/2014
IR 7	The licensee shall review techniques available to reduce emissions to air from the premises by improving combustion efficiencies of the fuel used in firing the kiln(s).	01/10/2014



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:

- (a) implement a complaints management system that shall record the following information (if known or provided) about complaints received at the Premises concerning any environmental impact of the activities undertaken at the Premises:
 - (i) name and address of the complainants (if consented);
 - (ii) date and time of complaint;
 - (iii) date and time of alleged incident;
 - (iv) alleged source of the incident;
 - (v) general description of the alleged incident, including any environmental or health impacts reported by the complainant;
 - (vi) wind direction, wind speed and temperature at time of alleged incident;
 - (vii) likely source of the alleged incident; and
 - (viii) actions taken by licensee to address complaint, including the outcome of any investigation(s) and action(s) to verify any impacts.
- (b) complete an annual analysis and review of complaints recorded under 5.1.4(a) to identify any common factors and root cause of complaints and proposals to address these.



5.2 Reporting

5.2.1 The Licensee shall submit to the Director an Annual Environmental Report within 31 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 form¹
-	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
2.2.2, 2.2.3	Emissions of dark smoke	None specified
Table 3.6.1	Volumes of recycled and used oil used in process	None specified.
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

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 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
2.1.1	Breach of any limit or condition specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day.	N1
-	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	Part B: As soon as practicable	

Note 1: Notification requirements in the licence shall not negate the requirement to comply with s72 of the Act

Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

The Premises is shown in the map below. The red line depicts the Premises boundary.





Section B: Details of non-compliance with Licence condition

a) Licence condition not complied with?	
b) Date(s) 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"/>	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:

Signature:

Name: (printed)

Name: (printed)

Position:

Position:

Date:

Date:

Seal (if signing under seal)



Licence: L6946/1970/11 Licensee: Clive Ross Page

Form: N1 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 Clive Ross Page	
Date	

