



Manager
Main Roads Western Australia
Don Aitken Crescent
EAST PERTH WA 6004

Dear Sir

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE

Premises

Lot 626 on Plan 25932 within GPS co-ordinates

Longitude	Latitude
123.6474°E	17.3128° E
123.6476°E	17.3128° E
123.6479°E	17.3144° E
123.6475°E	17.3144° E

Derby WA 6728

Licence Number: L8225/2008/2

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment and Conservation 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 Carmen Standing on 9195 5500.

Yours sincerely



Daryl Moncrieff
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Friday, 31 May 2013

Kununurra
Lot 248 Ivanhoe Rd
Kununurra WA 6743
Phone: +61 8 9168 4200
Fax: +61 8 9168 2179
www.dec.wa.gov.au



Licence

Environmental Protection Act 1986, Part V

Licensee: Main Roads Western Australia

Licence: L8225/2008/2

Registered office: Don Aitken Centre
1 Waterloo Crescent
East Perth WA 6004

Premises address: Lot 626 on Plan 25932 within GPS co-ordinates:
Longitude Latitude
123.6474°E 17.3128°S
123.6476°E 17.3128°S
123.6479°E 17.3144°S
123.6475°E 17.3144°S
Derby WA 6728 as depicted in Schedule 1.

Issue date: Friday, 31 May 2013

Commencement date: Sunday, 2 June 2013

Expiry date: Friday, 1 June 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
35	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 a place or premises other than those premises.	Not applicable	900 tonnes/year

Conditions of Licence

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


.....
Daryl Moncrieff
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

Environmental Protection Act 1986
Licence: L8225/2008/2
File Number: DEC 7064



Contents

Licence	1
Contents	2
Introduction	2
Licence conditions	5
1 General	5
2 Emissions	6
3 Monitoring	7
4 Improvements	8
5 Information	8
Schedule 1: Maps	10
Schedule 2: Reporting & notification forms	11

Introduction

This Introduction is not part of the Licence conditions.

Who we are

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

Our industry licensing role

DEC has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. We 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 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. These 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 should comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply. Additional guidance on pollution prevention can be found in the Department of Water's Water Quality Protection Guidelines and Codes of Practice accessed through:

<http://www.water.wa.gov.au/Managing+water/Water+quality/Water+quality+protection+guidelines/default.aspx>

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

Main Roads Western Australia (MRWA) Derby source 7mm and 5mm aggregate from companies such as Kimberley Quarries P/L. The aggregate and hot liquid bitumen (trucked in and sourced from bitumen spray contractor) are layered on the bitumen pad at the site. After sufficient layering, a grader is used to mix the aggregate and bitumen to ensure that all the aggregate is coated to produce cold mix asphalt.

Wind rows are then formed that are typically 50 metres long by 1.5 metres wide by 1 metre high. The asphalt is stockpiled for no longer than 3 months on the premises after it has been manufactured, and is then be carted to various aggregate stockpile sites (lay down areas) throughout the region for immediate use in maintenance of the road network.

The amount of asphalt produced is minimal and is usually only produced once or twice a year. No asphalt is stored or produced during the wet season (November to March).

The closest residence to Derby Asphalt Manufacturing is located approximately 150 metres from the Premises.

This licence has been re-issued on expiry incorporating conversion of the operating licence to a new format REFIRE licence.

The licences and works approvals issued for the Premises since 29/05/2008 are:

Instrument log		
Instrument	Issued	Description
L8225/2008/1	29/05/2008	New application
L8225/2008/1	16/06/2011	Licence transfer
L8225/2008/2	31/5/2013	Licence re-issue (in 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 In the Licence, unless the contrary intention appears:

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

“annual” 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;

“Cold Mix” means spraying bitumen on to the mixture of sand and aggregate that has been deposited on the existing bitumen hardstand pad on-site. The resultant material is blended using a grader which simply folds the material onto itself to absorb the bitumen;

“Contact Address” for the purpose of correspondence and advice means:

Regional Leader, Kimberley Regional Office
Department of Environment and Conservation
PO Box 942
KUNUNURRA WA 6743
Telephone: (08) 9168 4200
Facsimile: (08) 9168 2179
Email: kununurra@dec.wa.gov.au

“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 and Conservation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

“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;

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

“Licence” means this Licence numbered L8225/2008/1 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;

“waste” has the meaning defined in the *Environmental Protection Act 1986*;

- 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.

1.2 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 internal management system.
- 1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall only store substances that are classed as dangerous goods below placard quantities or environmentally hazardous materials not classified as dangerous goods if they 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.

Stormwater control

- 1.2.5 The Licensee shall ensure that uncontaminated stormwater is kept separate from contaminated or potentially contaminated stormwater. Where stormwater has come into contact with a possible source of contamination, it should be treated as contaminated.

1.3 Premises operation

- 1.3.1 The licensee shall only produce asphalt paving mixes on the premises using a Cold Mix method.

2 Emissions

2.1 General

There are no specified conditions relating to emissions 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 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 ensure that no visible dust 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 groundwater.

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 year.

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 at the Contact Address an annual environmental report within 90 calendar days after of 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 year and any action taken	None specified
5.1.3	Compliance	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 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 requirement ¹	Format or form ²
-	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 1: Maps

Premises map

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





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.

Copies of the original monitoring reports must also be submitted.

Licence: L8225/2008/1

Form: AACR

Name: Annual audit compliance report

Licensee: Main Roads Western Australia

Period :

Annual audit compliance report

Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the reporting 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) b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DEC verbally Date <input type="checkbox"/> Reported to DEC in writing Date	<input type="checkbox"/> No
d) Has DEC 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 initialised by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

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

_____/_____/____

Seal (if signing under seal)

Signature:

Name: (printed)

Position:

Date:

_____/_____/____



Licence: L8225/2008/1
Form: N1

Licensee: Main Roads Western Australia
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

To be notified as soon as practicable and no later than 5PM of the next working day

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

To be notified as soon as practicable and no later than 5PM of the next working day

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 - to be submitted as soon as practicable

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 unauthorised emissions from the installation in the preceding 24 months.	

Name*	
Post	
Signature on behalf of Main Roads Western Australia	
Date	



LICENCE NUMBER: L8225/2008/2
LICENCE FILE NUMBER: DEC7064
APPLICATION DATE: 21/2/2013
EXPIRY DATE: 1/6/2018

PREMISES DETAILS

LICENSEE

Main Roads Western Australia
20 Wodehouse Street
Derby WA 6728
ABN: 50 860 676 021

PREMISES

Derby Asphalt Manufacturing
Lot 626 on Plan 168902 Wodehouse Street within Co-ordinates (Datum GDA 1994):
Longitude Latitude
123.6474°E 17.3128°S
123.6476°E 17.3128°S
123.6479°E 17.3144°S
123.6475°E 17.3144°S
Derby Western Australia 6728

PRESCRIBED PREMISES SUMMARY

Table 1: Prescribed premises summary

Category number*	Category Description*	Category Production or Design Capacity*	Premises Production or Design Capacity#	Premises Fee Component**
35	Asphalt Manufacturing	N/A	Approximately 900 tonnes per year	Not more than 2,000 tonnes per year

* From Schedule 1 of the Environmental Protection Regulations 1987

From application

** From Schedule 4 of the Environmental Protection Regulations 1987

This Environmental Assessment Report (EAR) has been drafted for the purposes of detailing information on the management and mitigation of emissions and discharges from the prescribed premises. The objective of the EAR is to provide a risk assessment of emissions and discharges, and information on the management of other activities occurring onsite which are not related to the control of emissions and discharges from the prescribed premises activity. This does not restrict the Department of Environment and Conservation (DEC) to assessing only those emissions and discharges generated from the activities that cause the premises to become prescribed premises.

Basis of Assessment

Derby Asphalt Manufacturing has been assessed as a "prescribed premises" under category number 35, within Schedule 1 of the *Environmental Protection Regulations 1987*.



Category 35: 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.

Main Roads Western Australia (MRWA) operates the Derby MRWA Depot which is the centre of regional road maintenance operations. The Derby Asphalt Manufacturing premises is located at the rear of the Derby MRWA Depot, and is operated by MRWA to produce cold mix asphalt using crushed rock aggregates mixed with bituminous materials for use on roads within Derby and the wider area. They have a nominated throughput of approximately 900 tonnes per year.

1.0 BACKGROUND

1.1 GENERAL COMPANY DESCRIPTION

Main Roads Western Australia (MRWA) is the State Government agency responsible for the management of National and State roads. MRWA Kimberley Regional head office is based in Derby and is located at the same depot in which the asphalt manufacturing will occur (see Attachment 1). The MRWA depot has been based in Derby since the Region was first established in the mid 1960's.

1.2 LOCATION OF PREMISES

The Derby Asphalt Manufacturing premises is located within Lot 626 on Plan 168902 Wodehouse Street, as shown in Attachment 1. The premises is within the Derby town site and between the residential and industrial areas.

Derby Asphalt Manufacturing is located in an area that has a climate with two distinct seasons: the wet season (November to March) and the dry season (April to October). Average climate data for the two seasons is as follows:

	<u>Wet</u> <u>Season</u>	<u>Dry</u> <u>Season</u>
Average maximum temperature	36 °C	33 °C
Average minimum temperature	26 °C	19 °C
Percentage of total rainfall	88%	12%

During the wet season the average relative humidity at 9am and 3pm is 68% and 34% respectively; during the dry season the average relative humidity is approximately 45%.

The wind direction during both the wet and dry season is predominantly a north-westerly; however, at 9am from April to July, an easterly is favoured. The average monthly wind speed is generally 11 km/hr throughout most of the year.

The closest buildings to Derby Asphalt Manufacturing are:

- a workshop located 50 m W;
- Main Roads workshops located 130 m E; and
- Main Roads Office located 225 m E.

The prevailing winds throughout the majority of the year would see any odour blown away from these premises.

The closest residence to Derby Asphalt Manufacturing is located approximately 150 metres north. This is not consistent with the recommended buffer distance of 1000 metres for asphalt manufacturing outlined in the Environmental Protection Authority's Guidance Statement No. 3: *Separation Distances between Industrial and Sensitive Land Uses*. Due to the direction of prevailing winds throughout the majority of the year blowing odour away from



the residence and the amount of asphalt manufactured is minimal, occurring approximately twice a year, little or no impacts on the residence is anticipated.

No Ramsar or ANCA wetlands or public drinking water source areas are located on or nearby the premises. Coastal mudflats are situated 1 km northeast of the premises.

No threatened or priority flora are located on the premises, the closest being threatened birds, *Rostratula benghalensis australis* (Australian Painted Snipe) located 1.5 km west-southwest.

Aboriginal Site of significance, named Maradja, exist over the premises. This site of significance is 'closed' therefore the 2km² buffer applies. The 2 km boxes act as indicators for the presence of sites rather than as the exact boundaries of the sites.

1.3 PROCESS DESCRIPTION

MRWA Derby source 7mm and 5mm aggregate from companies such as Kimberley Quarries P/L. The aggregate and hot liquid bitumen (sourced from bitumen spray contractor Downer EDI) are layered on the bitumen pad at the site. After sufficient layering, a grader is used to mix the aggregate and bitumen to ensure that all the aggregate is coated to produce cold mix asphalt.

Wind rows are then formed that are typically 50 metres long by 1.5 metres wide by 1 metre high.

Asphalt is removed offsite by MRWA and used with emulsion for creating and upgrading roads within the West Kimberley District. Roads that MRWA typically use the asphalt on are the Great Northern Highway, Victoria Highway, Gibb River Road, Derby and Broome area.

The asphalt will be stockpiled for no longer than 3 months on the premises after it has been manufactured, and will then be carted to various aggregate stockpile sites (lay down areas) throughout the Region for immediate use in maintenance of the road network.

The emulsion is stored in 1000 L pods at the Derby MRWA Depot. This emulsion is not used in the manufacture of cold mix asphalt. Emulsion is used to promote adhesion of cold mix asphalt to the road when patching potholes / sections of roads.

Some of the asphalt that is manufactured by MRWA may be used by the Shire of Derby West Kimberley (SDWK). MRWA will cover this asphalt with plastic tarps until it is removed offsite by SDWK.

The asphalt manufacturing is not a large part of MRWAs work. They will produce approximately 900 tonnes of asphalt per year which typically corresponds to two mixings per year. No asphalt is produced or stored on site between November and March inclusive.

1.4 REGULATORY CONTEXT

1.4.1 Part V Environmental Protection Act 1986, Environmental Management

An *Environmental Protection Act 1986* licence for category 35 Asphalt Manufacturing was issued to BGC Contracting Pty Ltd on Thursday 29 May 2008, who were originally contracted by MRWA to provide regional road maintenance services. An application was made to DEC to transfer the licence to MRWA on 16 June 2011, as MRWA resumed regional road maintenance services and therefore became the occupiers of the Derby



Asphalt Manufacturing premises. This licence expires in 1 June 2013, and as such, DEC has prepared a new version of the licence to be re-issued. The new version has been drafted using DEC's new REFIRE format licences, as part of a state-wide licensing reform process.

1.4.3 Other Decision Making Authorities' Legislation which applies

Other legislation that may be relevant includes:
Occupational Safety and Health Regulations 1996
Aboriginal Heritage Act 1972

1.4.4 Rights in Water Irrigation Act 1914

MRWA holds a Groundwater Licence, GWL 163532, under the *Rights in Water Irrigation Act 1914*. The use of groundwater on the premises is not related to the prescribed activity.

1.4.5 Local Government Authority

The Shire of Derby West Kimberley is the local government authority. The area is zoned as "public purposes" and the shire has no issues with the manufacturing of the asphalt at this location.

2.0 STAKEHOLDER AND COMMUNITY CONSULTATION

SUBMISSIONS RECEIVED DURING 21 DAY PUBLIC COMMENT PERIOD

The Application for Licence details for this facility was advertised in the West Australian newspaper on Monday, 25 March 2013 as a means of advising stakeholders and to seek public comments. No submissions were received.

3.0 EMISSIONS AND DISCHARGES RISK ASSESSMENT

DEC considers that conditions should focus on regulating emissions and discharges of significance. Where appropriate, emissions and discharges which are not significant should be managed and regulated by other legislative tools or management mechanisms.

The following section assesses the environmental risk of potential emissions from the Derby Asphalt Manufacturing premises. In order to determine the site's appropriate environmental regulation, an emissions and discharges risk assessment was conducted of the Derby Asphalt Manufacturing premises using the environmental risk matrix outlined in Appendix B. The results of this are summarised in Table 2.



ENVIRONMENTAL ASSESSMENT REPORT

Table 2: Risk assessment and regulatory response summary table.

Risk factor	Significance of emissions	Socio-Political Context of Each Regulated Emission	Risk Assessment	DEC Regulation (EP Act - Part V)	EAR Reference	Other management (legislation, tools, agencies)
Dust emissions	<p>Significance of 2 – There is potential for dust emissions associated with the placing of the aggregate in wind rows and from trafficked areas.</p> <p>The aggregate used is 7mm and 5mm of crushed rock containing approximately 2% fine particles.</p> <p>Due to the coarseness of the aggregate, fugitive dust emissions would not travel over a long distance. Similarly, dust emissions are unlikely to impact on nearby residences and industrial premises due to the direction of the prevailing winds. All trafficked areas are sealed. Dust from vehicle movements on roads are subject to regulation by Local Government Authorities.</p>	<p>Low – The closest residence to Derby Asphalt Manufacturing is located approximately 150 metres N. There have not been any complaints from residents or nearby industrial premises.</p>	<p>D = EIPs, other management mechanisms / licence conditions (monitoring / reporting) / other regulatory tools</p>	<p>LIC – Standard licence conditions to manage dust on the premises.</p>	N/A	<p>General provisions of the <i>Environmental Protection Act 1986</i></p>
Odour emissions	<p>Significance of 2 – There is potential for odour emissions associated with the mixing of the asphalt.</p> <p>The amount of asphalt produced is minimal and is usually only produced once or twice a year. In addition, the prevailing winds for the majority of the year would blow any odour away from these premises. Therefore, these emissions are not considered significant.</p>	<p>Low – The site is located approximately 50 m from the nearest building and 150 m from the nearest residence. There have not been any complaints from residents or nearby industrial premises.</p>	<p>D = EIPs, other management mechanisms / licence conditions (monitoring / reporting) / other regulatory tools</p>	<p>LIC – Standard licence condition to manage odour from the premises.</p>	N/A	<p>General provisions of the <i>EP Act 1986</i></p>



ENVIRONMENTAL ASSESSMENT REPORT

Risk factor	Significance of emissions	Socio-Political Context of Each Regulated Emission	Risk Assessment	DEC Regulation (EP Act - Part V)	EAR Reference	Other management (legislation, tools, agencies)
Noise emissions	<p>Significance of 1 –</p> <p>There is potential for noise emissions from on-site vehicles associated with the construction of the windrows and mixing of the asphalt. Asphalt is only mixed during daylight hours with approximately two mixings per year.</p> <p>Due to the operating times, noise emissions are not considered to be significant.</p>	<p>Low –</p> <p>The site is located approximately 50 m from the nearest building and 150 m from the nearest residence. No complaints have been received regarding operations on site.</p>	E - No regulation, other management mechanisms	LIC – No conditions	N/A	<i>Environmental Protection (Noise) Regulations 1997.</i>
Discharges to land	<p>Significance of 2 –</p> <p>There is potential for indirect discharges to land associated with contaminated stormwater runoff entering municipal drains.</p> <p>However, the amount of asphalt produced is minimal and it is usually only produced once or twice a year. No asphalt is stored or produced during the wet season (November to March), during which time approximately 88% of the total rainfall is received.</p> <p>MRWA cannot maintain roads during rainfall; therefore asphalt is not produced during times when rainfall is occurring or predicted to occur. If rain did occur while a stockpile of asphalt was present, the water would not penetrate the pile, instead it would sheet off containing a minimal amount of hydrocarbons. Therefore, it is very unlikely that there would be any offsite emissions from this activity.</p>	<p>Low –</p> <p>The site is located approximately 50 m from the nearest building and 150 m from the nearest residence.</p>	D = EIPs, other management mechanisms / licence conditions (monitoring / reporting) / other regulatory tools	LIC – Standard licence condition to manage stormwater discharges from the premises.	N/A	<p>General provisions of the <i>EP Act 1986</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p>



ENVIRONMENTAL ASSESSMENT REPORT

Risk factor	Significance of emissions	Socio-Political Context of Each Regulated Emission	Risk Assessment	DEC Regulation (EP Act - Part V)	EAR Reference	Other management (legislation, tools, agencies)
Hydrocarbon/chemical storage	<p>Significance of 2 – Bitumen Emulsion is stored at the MRWA Derby Depot in 1,000 L pods. Emulsion is used when patching roads to achieve adhesion of the cold mix asphalt. Emulsion is not corrosive, hazardous or flammable and provided it is stored in a cool dry area will not present a risk to the environment.</p> <p>No hydrocarbons or chemicals are stored on site.</p>	<p>Low – The site is located approximately 50 m from the nearest building and 150 m from the nearest residence.</p>	<p>D = EIPs, other management mechanisms / licence conditions (monitoring / reporting) / other regulatory tools</p>	<p>LIC – Standard licence condition to manage storage of chemicals (eg. Emulsion) on the premises.</p>	<p>N/A</p>	<p>General provisions of the <i>EP Act 1986</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p>



4.0 GENERAL SUMMARY AND COMMENTS

This Environmental Assessment Report is for Derby Asphalt Manufacturing located within the Derby town site. All discharges and emissions have been determined to have a low environmental risk. The Department of Environment and Conservation consider the location is acceptable given that:

- it is located 50 metres from the nearest building and 150 metres from the nearest residence;
- the majority of the prevailing wind throughout the year would blow any odour and dust emissions away from the above premises rather than closer;
- asphalt is only manufactured a few times a year and in small quantities;
- no complaints have been received by DEC regarding the site and SDWK have no objections to the operation; and
- no asphalt is manufactured or stored during the wet season.

Due to this site being assessed as having a low environmental risk, the associated licence will be re-issued to MRWA for a period of five years. The licence is due to expire on 1 June 2018. The operating licence has been reviewed and amended to incorporate standard conditions for management of emissions and discharges of significance from the premises. The new version has been drafted using DEC's new REFIRE format licences, as part of a state-wide licensing reform process.

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ATTACHMENT 1

DERBY ASPHALT MANUFACTURING – PREMISES BOUNDARY (IN GREEN)





APPENDIX A: EMISSIONS AND DISCHARGES RISK ASSESSMENT MATRIX

Table 3: Measures of Significance of Emissions

Emissions as a percentage of the relevant emission or ambient standard		Worst Case Operating Conditions (95 th Percentile)			
		>100%	50 – 100%	20 – 50%	<20%*
Normal Operating Conditions (50 th Percentil	>100%	5	N/A	N/A	N/A
	50 – 100%	4	3	N/A	N/A
	20 – 50%	4	3	2	N/A
	<20%*	3	3	2	1

*For reliable technology, this figure could increase to 30%

Table 4: Socio-Political Context of Each Regulated Emission

		Relative proximity of the interested party with regards to the emission				
		Immediately Adjacent	Adjacent	Nearby	Distant	Isolated
Level of Community Interest or Concern*	5	High	High	Medium High	Medium	Low
	4	High	High	Medium High	Medium	Low
	3	Medium High	Medium High	Medium	Low	No
	2	Low	Low	Low	Low	No
	1	No	No	No	No	No

Note: These examples are not exclusive and professional judgement is needed to evaluate each specific case

*This is determined by DEC using the DEC "Officer's Guide to Emissions and Discharges Risk Assessment" May 2006.

Table 5: Emissions Risk Reduction Matrix

		Significance of Emissions				
		5	4	3	2	1
Socio-Political Context	High	A	A	B	C	D
	Medium High	A	A	B	C	D
	Medium	A	B	B	D	E
	Low	A	B	C	D	E
	No	B	C	D	E	E

PRIORITY MATRIX ACTION DESCRIPTORS

A = Do not allow (fix)

B = licence condition (setting limits + EMPs - short timeframes)(setting targets optional)

C = licence condition (setting targets + EMPs - longer timeframes)

D= EIPs, other management mechanisms/licence conditions (monitoring/reporting)/other regulatory tools

E = No regulation, other management mechanisms

Note: The above matrix is taken from the DEC Officer's Guide to Emissions and Discharges Risk Assessment May 2006.