



Licence

Environmental Protection Act 1986, Part V

Licensee: **BGC (Australia) Pty Ltd**

Licence: **L8505/2010/2**

Registered office: Lot 4 Stirling Crescent
 HAZELMERE WA 6055

ACN: 005 736 005

Premises address: BGC Asphalt Plant
 Part of Lot 370 on Plan 35619 within coordinates 7747352N, 666054E;
 7747351N, 666256E; 7747227N, 666256E; and 7747229N, 666056E;
 WEDGEFIELD WA 6721
 as depicted in Schedule 1

Issue Date: Thursday, 10 March 2016

Commencement Date: Monday, 14 March 2016

Expiry Date: Tuesday, 13 March 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
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.	Not more than 10 000 tonnes per annual period.

Conditions

This Licence is subject to the conditions set out in the attached pages.

Date signed: 10 March 2016

.....
 Jonathan Bailes
 Manager Licensing (Process Industries)
 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 advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained within 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.

Ministerial conditions

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

Premises description and Licence summary

The BGC Asphalt Plant is a mobile plant located in the Wedgefield Industrial Estate approximately 3.6km south-south east of South Hedland. Port Hedland Port Authority owns the property but has a lease agreement with BGC allowing them to use a part of Lot 370 for the operation of the asphalt plant. The nearest water body to the premises is the Indian Ocean, approximately 2 km to the north and the Turner River Water Reserve - Public Drinking Water Source Area (PDWSA) is approximately 9 km south-west of the premises (Department of Water).

The plant operates in a continuous batching type process. Dust and gaseous discharges from the process are force fed to a cyclone dust filter and baghouse from where all removed particulates are recycled back to the mixing process. The baghouse is fitted to a stack where it controls dust emissions to air.

This Licence is the successor to the previous Licence L8505/2010/1.

The licences and works approvals issued for the Premises since 04/11/2010 are:

Instrument log		
Instrument	Issued	Description
W4770/2010/1	04/11/2010	New application
L8505/2010/1	14/03/2011	New application
L8505/2010/1	02/08/2013	Converted to new format
L8505/2010/1	12/12/2013	Licence amended to correct registered address and delete condition 2.6.2
L8505/2010/2	10/03/2016	Licence renewal and update to current licence template

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:

'Act' means the *Environmental Protection Act 1986*;

'annual period' means the inclusive period from 1 January until 31 December in that year;

'AS 4323.1' means the Australian Standard AS4323.1 *Stationary Source Emissions Method 1: Selection of sampling positions*;

'averaging period' means the time over which a limit is measured or a monitoring result is obtained;

'biennial' means every second year;

'CEO' means Chief Executive Officer of the Department of Environment Regulation;

'CEO' for the purpose of correspondence means:

Chief Executive Officer
The Department administering the *Environmental Protection Act 1986*
Locked Bag 33
CLOISTERS SQUARE WA 6850
Email: info@der.wa.gov.au;

'dark smoke' means smoke which, when viewed from any point outside the premises boundary, at a distance of not less than 5 metres from its source, and compared with a chart known as the Australian Miniature Smoke Chart (AS 3543 1989) or, the BS Ringlemann Chart (BS 2742C), would appear darker than shade one on those charts;

'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;

'Licence' means this Licence numbered L8505/2011/1 and issued under the Act;

'Licensee' means the person or organisation named as Licensee on page 1 of the Licence;

'NATA' means the National Association of Testing Authorities, Australia;

'NATA accredited' means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;

'normal operating conditions' means any operation of a particular process (including abatement equipment) excluding start-up, shut-down and upset conditions, in relation to stack sampling or monitoring;



'**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;

'**STP dry**' means standard temperature and pressure (0°Celsius and 101.325 kilopascals respectively), dry;

'**USEPA**' means United States (of America) Environmental Protection Agency; and

'**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 standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include an amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.1.5 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 General conditions

1.2.1 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.

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

1.3 Premises operation

1.3.1 The licensee shall ensure that automatic safeguards are incorporated within the process to prevent fires within the drum.

1.3.2 The Licensee shall ensure that:

- (a) the baghouse is operational prior to start-up of the drier and operated continuously whilst the drier is operating;
- (b) the baghouse filters are regularly inspected; and
- (c) when detected, blocked, frayed or leaking baghouse filters are immediately replaced.

2 Emissions

2.1 General

2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit specified in any part of section 2 of this Licence.



2.2 Point source emissions to air

2.2.1 The Licensee shall ensure that where waste is emitted to air from the emissions points in Table 2.2.1 and identified on the premises map in Schedule 1 it is done so in accordance with the conditions of this licence.

Table 2.2.1 Emission points to air			
Emission point reference and location on premises map	Emission point	Emission point height	Source, including any abatement
A1	Stack	7m	Drum drier via baghouse dust collector.

2.2.2 The Licensee shall not cause or allow point source emissions to air greater than the limits listed in Table 2.2.2.

Table 2.2.2: Point source emission limits to air			
Emission point Reference	Parameter	Limit (including units) ¹	Averaging period
A1	PM	150 mg/m ³	1 hour

Note 1: All units are referenced to STP dry

2.2.3 The Licensee shall take all practical measures to ensure that the process control parameters in Table 2.2.3 comply with the relevant requirement in that table.

Table 2.2.3: Process controls for emissions to air		
Parameter	Requirement ¹	Averaging period
Exit velocity of exhaust gases from stack	>12 m/s	Continuous

Note 1: A cone on top of the stack may be used to achieve the required velocity.

2.2.4 The licensee shall ensure that the emission of dark smoke from all stacks on the entire premises shall not continue for greater than a period of 20 minutes in aggregate in any 24 hour period.

3 Monitoring

3.1 General monitoring

- 3.1.1 The Licensee shall ensure that all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured.
- 3.1.2 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications.
- 3.1.3 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

3.2 Monitoring of point source emissions to air

3.2.1 The Licensee shall undertake the monitoring in Table 3.2.1 according to the specifications in that table.



Table 3.2.1: Monitoring of point source emissions to air

Emission point reference and location on premises map	Parameter	Units ¹	Frequency ²	Method
A1	Volumetric flow rate	m/s	Biennial	USEPA Method 2
	PM	mg/m ³		USEPA Method 5

Note 1: All units are referenced to STP dry,

Note 2: Monitoring shall be undertaken to reflect normal operating conditions and any limits or conditions on inputs or production;

3.2.2 The Licensee shall ensure that sampling required under condition 3.2.1 of the Licence is undertaken at sampling locations in accordance with the AS 4323.1.

3.2.3 The Licensee shall ensure that all non-continuous sampling and analysis undertaken pursuant to condition 3.2.1 for the parameters specified in Table 3.2.1 is undertaken by a holder of NATA accreditation for the relevant methods of sampling and analysis.

4 Information

4.1 Records

4.1.1 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 4.1.1(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.

4.1.2 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.

4.1.3 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.

4.1.4 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.

4.2 Reporting

4.2.1 The Licensee shall submit to the CEO an Annual Environmental Report by the 31 March of each year. The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table.



Table 4.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
1.2.1	Baghouse servicing or maintenance records	
3.2.1	Emissions to air monitoring results (if undertaken in the annual period)	Tabular and/or graphical format
4.1.3	Compliance	Annual Audit Compliance Report (AACR)
4.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

4.2.2 The Licensee shall ensure that the Annual Environmental Report also contains an assessment of the information contained within the report against previous monitoring results and Licence limits.

4.2.3 The Licensee shall submit the information in Table 4.2.3 to the CEO according to the specifications in that table.

Table 4.2.3: Non-annual reporting requirements				
Condition or table (if relevant)	Parameter	Reporting period	Reporting date (after end of the reporting period)	Format or form ¹
-	Copies of original monitoring reports submitted to the Licensee by third parties	Not Applicable	Within 14 days of the CEO's request	As received by the Licensee from third parties

4.3 Notification

4.3.1 The Licensee shall ensure that the parameters listed in Table 4.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 4.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form ²
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day. Part B: As soon as practicable	N1
3.1.3	Calibration Report	As soon as practicable	None specified

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.

The location of the emission point and monitoring point defined in Tables 2.2.1 and 3.2.1 is shown below.





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.

SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the licence complied with within the reporting period? (please tick the appropriate box)

Yes Please proceed to Section C

No Please 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.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes <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 the 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:	

Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



SECTION C

SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) must only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out 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 Annual Audit Compliance Report 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 of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<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 Chief Executive Officer of the Department of Environment Regulation.
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 Chief Executive Officer of the Department of Environment Regulation.
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 Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer 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 annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME:
(printed) _____

NAME:
(printed) _____

POSITION: _____

POSITION: _____

DATE: ____/____/____

DATE: ____/____/____



Licence: L8505/2010/2
Form: N1

Licensee: BGC (Australia) Pty Ltd
Date of breach:

Notification of detection of the breach of a limit

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	

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 BGC (Australia) Pty Ltd	
Date	



Decision Document

Environmental Protection Act 1986, Part V

Licensee: **BGC (Australia) Pty Ltd**

Licence: **L8505/2010/2**

Registered office: Lot 4 Stirling Crescent
HAZELMERE WA 6055

ACN: 005 736 005

Premises address: BGC Asphalt Plant
Part of Lot 370 on Plan 35619 within coordinates 7747352N, 666054E;
7747351N, 666256E; 7747227N, 666256E; and 7747229N, 666056E
WEDGEFIELD WA 6721

Issue Date: Thursday, 10 March 2016

Commencement Date: Monday, 14 March 2016

Expiry Date: Tuesday, 13 March 2018

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue a licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by: Fiona Roser
Licensing Officer

Decision Document authorised by: Jonathan Bailes
Delegated Officer



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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/>	New Licence <input checked="" type="checkbox"/>
	Licence amendment <input type="checkbox"/>	Works Approval amendment <input type="checkbox"/>
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	35	40 tonnes per hour
Application verified	Date: 29/1/2016	
Application fee paid	Date: 5/2/2016	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Commercial-in-confidence claim outcome	Information pertaining to Part 5 of the Application Form and annual production figures accepted as commercial-in-confidence.	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes include details of which EPP(s) here.		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, include details here, e.g. Site is subject to SO ₂ requirements of Kwinana EPP.		



3 Executive summary of proposal and assessment

The BGC Asphalt Plant is a mobile plant located in the Wedgefield Industrial Estate approximately 3.6km south-southeast of South Hedland. Port Hedland Port Authority owns this property but has a lease agreement with BGC allowing them to use a part of Lot 370 for the operation of the asphalt plant. The nearest water body to the premises is the Indian Ocean, approximately 2km to the north and the Turner River Water Reserve - Public Drinking Water Source Area (PDWSA) is approximately 9 km south-west of the premises (Department of Water).

This plant operates in a continuous batching type process. Dust and gaseous discharges from the process are force fed to a cyclone dust filter and baghouse from where all removed particulates are recycled back to the mixing process. The baghouse is fitted to a stack where it controls dust emissions to air.

The plant does not operate continuously throughout the year. It is generally operational intermittently during the dry season with asphalt being produced as required for local projects.

This licence replaces its predecessor Licence L8505/2010/1. The licence has been updated to the current licence template. DER has considered whether the risk profile of emissions and discharges from the premises has significantly changed since the previous licence was granted. No changes have occurred and, therefore, DER has not reassessed emissions and discharges. All changes in the licence are directly related to administrative and template changes and no additional changes have been made.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision, they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	Previous L1.2.2 and L1.2.5	<p>Guidance Statement: Setting conditions stipulates that licences may be granted subject to conditions that are valid, enforceable and risk-based. General conditions 1.2.2 and 1.2.5 are not considered to be consistent with the <i>Guidance Statement: Setting Conditions</i> as they are not sufficiently clear or certain. Accordingly, these conditions have been removed from the Licence.</p> <p>There are no discharges to water associated with the operation of the plant and there are no drainage lines or creeks within the vicinity of the premises (within 500m). Unauthorised discharges of environmentally hazardous materials and contaminated stormwater are subject to the provisions of the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>. The general provisions of the <i>Environmental Protection Act 1986</i> relating to causing pollution and environmental harm also apply.</p>	<p>DER Guidance Statement: Setting conditions</p> <p><i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p>
Fugitive emissions	Previous L2.5.1	<p>Condition 2.5.1 relating to dust has been removed from the licence. Emissions were originally assessed as no regulation required, as other management mechanisms were sufficient to control the risk. However, standard generic fugitive emission conditions were added to the licence. In accordance with administrative changes implemented within DER, generic fugitive emission conditions will not be used in relation to dust, which can constitute a substantive offence under the EP Act. Given the low risk, no specific regulatory controls are required in the licence and the fugitive emissions of dust can be sufficiently regulated under section 49 of the EP Act</p>	<i>Environmental Protection Act 1986</i>
Odour	Previous L2.6.1	<p>Condition 2.6.1 relating to odour has been removed from the licence. Emissions were originally assessed as no regulation required, as other management mechanisms were sufficient to control the risk. However, standard generic fugitive emission conditions</p>	<i>Environmental Protection Act 1986</i>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		were added to the licence. In accordance with administrative changes implemented within DER, generic fugitive emission conditions will not be used in relation to odour, which can constitute a substantive offence under the EP Act. Given the low risk, no specific regulatory controls are required in the licence and odour emissions can be sufficiently regulated under section 49 of the EP Act.	
Monitoring general	Previous L3.1.2	Guidance Statement: Setting conditions stipulates that licences may be granted subject to conditions that are valid, enforceable and risk-based. Previous condition 3.1.2 is not considered to be consistent with the Guidance Statement: Setting Conditions as it is not sufficiently clear or certain. Accordingly, this condition has been removed from the Licence. Production and operating data relevant to monitoring is normally recorded as part of the stack testing and made available in the test reports.	Guidance Statement: Setting conditions
Licence Duration	N/A	The premises is classified as low risk. The Licence has been issued until March 2018 to align with the planning approval which is valid until 19 March 2018 (Planning Approval Reference 2015/128).	Guidance Statement: Licence Duration



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
15/2/2016	Application advertised in The West Australian (or other relevant newspaper)	No comments received.	N/A
15/2/2016	Application referred to interested parties listed: <ul style="list-style-type: none">• Town of Port Hedland	No comments received.	N/A
26/2/2016	Proponent sent a copy of draft instrument	No comments received.	N/A



6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High