



Licence number	L9233/2020/1
Licence Holder	Downer EDI Works Pty Ltd
ACN	008 709 608
Registered business address	39 Dehli Road NORTH RYDE NSW 2113
DWER file number	DER2020/000018
Duration	04/03/2020 to 03/03/2033
Date of issue	04/03/2020
Premises details	Emoleum Gosnells Asphalt Plant 89 Cockram Road MARTIN WA 6110 Being Part of Lot 3 on Plan 14769 Certificate of Title Volume 1683 Folio 198; and Part of Lot 5003 on Plan 28867 Certificate of Title Volume 2521 Folio 509 As defined by the coordinates in Schedule 1

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production / design capacity
Category 35: Asphalt manufacturing	150,000 tonnes per annual period
Category 61A: Solid waste depot	25,000 tonnes per annual period

This licence is granted to the licence holder, subject to the attached conditions, on 04/03/2020, by:

Manager, Process Industries
Regulatory Services
an officer delegated under section 20 of the *Environmental Protection Act 1986 (WA)*

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Introduction

This Introduction is not part of the Licence conditions.

DWER's industry licensing role

The Department of Water and Environmental Regulation (DWER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DWER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DWER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DWER 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. DWER 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/Licence Holder 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: <https://legislation.wa.gov.au/>

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

Downer EDI Works Pty Ltd (Downer) operates an asphalt manufacturing plant (the Plant) located at 89 Cockram Road, Martin WA.

The Plant is designed to produce 150,000 tonnes of asphalt per year. Aggregate material is dried in a gas-fired rotary drum dryer then mixed with bitumen in a rotary mixer. Exhaust gases from the drum dryer are emitted to atmosphere via a baghouse which is designed to minimise particulate emissions. The key emissions and discharges from this plant are air emissions, namely particulates, combustion gases and Volatile Organic Compounds (VOCs). Potentially contaminated stormwater is passed through a triple interceptor for removal of contaminants then directed to a clay lined containment dam for evaporation.

The Plant has been operating since 10 October 2000 under licence L5882/1976/6 with the most recent version, L5882/1976/13, issued 29 January 2016. L5882/1976/13 ceased to have effect on 19 December 2019 due to the annual fee not being paid by the required date.

Downer subsequently submitted an application for a replacement licence on 7 January 2020.

New licence L9233/2020/1 is issued with all regulatory controls, conditions, record keeping and reporting requirements transferred but not reassessed from the previous licence L5882/1976/13.

The licences and works approvals issued for the Premises since 06/01/2011 are:

Premises regulatory history

Reference number	Date	Summary of changes
L5882/1976/13	06/01/2011	Licence re-issue
W5106/2011/1	12/03/2012	Relocation of the mobile plant to licenced facility in Martin

L5882/1976/12	23/08/2013	DER initiated licence amendment – conversion to a new format
L5882/1976/12	16/04/2014	Licence Holder initiated licence amendment – reduction in stack velocity limit
L5882/1976/13	28/01/2016	Licence re-issue and amendment to authorise processing of RAP. Note: Licence ceased on 19/12/2019 due to non-payment of annual fees
L9233/2020/1	04/03/2020	New licence issued for the Premises as previous licence (L5882/1976/13) ceased to have effect due to non- payment of annual fees.

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:

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

'AACR' means a report submitted in a format approved by the CEO (relevant guidelines and templates may be available on the Department's website).

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

'CEO' means Director General of the Department administering the *Environmental Protection Act 1986*;

'CEO' for the purpose of correspondence means:

Director General
Department administering the *Environmental Protection Act 1986*
Locked Bag 10
Joondalup DC WA 6919
Email: info@dwer.wa.gov.au

'Damp' means moist to the touch;

'Licence' means this Licence numbered L9233/2020/1 and issued under the Act;

'Licence Holder' means the person or organisation named as Licence Holder 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;

'Processed RAP' means RAP which has been crushed and/or screened to size for recycling into new asphalt;

'RAP' means reclaimed asphalt pavement;

'Schedule 1' means Schedule 1 of this Licence unless otherwise stated;

'Schedule 2' means Schedule 2 of this Licence unless otherwise stated;

'six monthly' means the two inclusive periods from 1 January to 30 June and 1 July to 31 December in the same year;

'stack test' means a discrete set of samples taken over a representative period at normal operating conditions;

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

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

'USEPA Method 5' means the promulgated Test Method 5 – Determination of Particulate Matter Emissions from Stationary Sources;

'USEPA Method 17' means the promulgated Test Method 17 – Determination of Particulate Matter Emissions from Stationary Sources; 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 any 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 Licence Holder 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 Licence Holder 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 Licence Holder shall ensure that automatic safeguards are incorporated within the process to prevent the ignition of bitumen within the drum.
- 1.3.2 The Licence Holder shall not produce asphalt at a rate exceeding 150 tonnes per hour.
- 1.3.3 No materials listed in Table 1.3.1 shall be subjected to the process in that table unless they comply with the relevant specifications in that table.

Table 1.3.1: Processing of materials		
Material	Process	Specification
Raw Materials (excluding RAP)	Storage	The Licence Holder shall ensure that material kept in open stockpiles are treated in one of the following ways to minimise the generation of airborne dust: i) covered with plastic sheeting or tarpaulins; ii) kept damp through the use of sprinklers or water trucks; or iii) treated with a surface binding agent to minimise the dust.
	Transfer	The Licence Holder shall ensure that all conveyors are enclosed with windshields, or otherwise appropriately designed to minimise the generation of airborne dust.
Bulk Filler (e.g. Lime)	Storage	Bulk filler shall only be stored (other than bagged storage) in a purpose built storage silo, which is designed and operated to meet the following requirements: i) Air discharged from any silo during filling shall pass through a filter-type dust collector fitted with either a mechanical rapping or reverse air-pulse filter cleaning system. ii) The air outlet from the dust collector shall either be piped to within one metre of the ground or ducted to a fully-enclosed space. iii) During the filling of the silo, if there is visible dust being emitted, the fault leading to that emission shall be rectified before the silo is filled from any additional trucks. iv) All inspection ports and hatches shall be sealed during silo filling such that no dust is emitted.
Unprocessed RAP	Receipt, storage and processing (crushing and screening)	The Licence Holder shall only: i) crush, screen and store unprocessed RAP within the area depicted on the Map of emission points and RAP processing area in Schedule 1; ii) screen RAP with a Powerscreen Warrior 1800 or a make/model that has equivalent manufacturers specifications for noise emissions and dust minimisation controls; and iii) crush and screen unprocessed RAP if it does not contain any of the following materials: a) granular pavement materials, clay, soil or organic matter; b) bricks, concrete, glass or building materials; or c) tar based products, geotextile fabrics, raised pavement markers or surface treatment such as high friction surfacing.

- 1.3.4 The Licence Holder is permitted to remove crushing and screening equipment for unprocessed RAP from the premises and relocate it back within the premises on an as needs basis, subject to the unprocessed RAP specifications in Table 1.3.1.

2 Emissions

2.1 General

2.1.1 The Licence Holder 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 Licence Holder shall ensure that where waste is emitted to air from the emission points in Table 2.2.1 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 Map of emission points	Emission Point	Emission point height (m)	Source, including any abatement
A1	Baghouse stack	13	Drum drier via baghouse dust collector

2.2.2 The Licence Holder 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) ^{1,2}	Averaging period
A1	PM	50 mg/m ³	Stack test (60 minute average)
	Stack velocity	>9 m/s	

Note 1: All units are referenced to STP dry

Note 2: Concentration units for A1 are referenced to 17% O₂

3 Monitoring

3.1 General monitoring

3.1.1 The Licence Holder 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 Licence Holder shall ensure that annual monitoring required in Condition 3.2.1 is undertaken at least nine months apart.

3.1.3 The Licence Holder shall record the current production rate and details of product being manufactured during any non-continuous monitoring undertaken.

3.1.4 The Licence Holder 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 and the requirements of the Licence.

3.1.5 The Licence Holder 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 Licence Holder shall undertake the monitoring in Table 3.2.1 according to the specifications in that table.

Emission point reference	Parameter	Units^{1,3}	Frequency²	Method
A1	PM	mg/m ³	Annually	USEPA Method 5 or USEPA Method 17
	Stack velocity	m/s		

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.

Note 3: Concentration units for A1 are referenced to 17% O₂.

3.2.2 The Licence Holder 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 Licence Holder shall ensure that all non-continuous sampling and analysis undertaken pursuant to condition 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 Licence Holder 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 Licence Holder shall complete an Annual Audit Compliance Report (AACR) indicating the extent to which the Licence Holder 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 Licence Holder 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 Licence Holder shall submit to the CEO an Annual Environmental Report within 60 calendar days after the end of the annual period. 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
Table 3.2.1	PM, stack velocity	
Condition 4.1.3	Compliance	AACR
Condition 4.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

4.2.2 The Licence Holder shall ensure that the Annual Environmental Report also contains:

- (a) any relevant process, production or operational data recorded under Condition 3.1.3; and
- (b) an assessment of the information contained within the report against previous monitoring results and Licence limits.

4.2.3 The Licence Holder shall submit the information in Table 4.2.2 to the CEO according to the specifications in that table.

Table 4.2.2: Non-annual reporting requirements				
Condition or table (if relevant)	Parameter	Reporting period	Reporting date (after end of the reporting period)	Format or form
-	Copies of original monitoring reports submitted to the Licence Holder by third parties	Not Applicable	Within 14 days of the CEO's request	As received by the Licence Holder from third parties

4.3 Notification

4.3.1 The Licence Holder 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

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 boundary of the prescribed premises is shown in the map below. The purple line depicts the Premises boundary.



The premises boundary is defined by the coordinates in table below.

Point	Latitude	Longitude
A	-32.065759	116.022117
B	-32.066586	116.023152
C	-32.067601	116.022802
D	-32.067658	116.021606
E	-32.067112	116.020557
F	-32.066783	116.020627
G	-32.066455	116.020290
H	-32.066276	116.020612
I	-32.066551	116.020949

Map of emission points and RAP processing area

The location of the emission point in condition 2.2.1 and RAP processing area in condition 1.3.3 are shown below.



Schedule 2: Notification form



Government of **Western Australia**
 Department of **Water and Environmental Regulation**

Licence: L9233/2020/1

Licence Holder: Downer EDI Works Pty Ltd

Form: N1

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	
Position	
Signature on behalf of Licence Holder	
Date	