



## Application for Licence Amendment

### Part V Division 3 of the *Environmental Protection Act 1986*

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<b>Licence Number</b>	L6033/1972/10
<b>Licence Holder</b>	Shinagawa Refractories Australasia Pty Ltd
<b>ACN</b>	082 371 891
<b>File Number</b>	2010/007008
<b>Premises</b>	Shinagawa Refractories 1 Beard Street NAVAL BASE WA 6165  Legal description –  Lot 34 on Deposited Plan 74007  As defined by the Premises maps attached to the Revised Licence
<b>Date of Report</b>	26/07/2022
<b>Decision</b>	Revised licence granted

## Table of Contents

<b>1. Decision summary</b> .....	<b>3</b>
<b>2. Purpose and Scope of assessment</b> .....	<b>3</b>
<b>3. Consultation</b> .....	<b>3</b>
<b>4. Decision</b> .....	<b>3</b>
4.1 Summary of amendments.....	4
<b>References</b> .....	<b>5</b>
<b>Appendix 1: Application validation summary</b> .....	<b>6</b>
Table 1: Summary of licence amendments .....	4

## 1. Decision summary

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing licence issued in respect the prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment is limited to a change of prescribed premises category in addition to other administrative changes to update the licence that do no alter the obligations of the licence holder.

In completing the assessment documented in this report, the department has considered and given due regard to its regulatory framework and relevant policy documents which are available at <http://dwer.wa.gov.au/regulatory-documents>.

## 2. Purpose and Scope of assessment

Shinagawa Refractories Pty Ltd (licence holder) is seeking to change the prescribed premises category of the existing licence for their premises in Kwinana Beach.

### Background

The licence holder manufactures speciality refractory and insulating products for heat intensive processes. The process involves blending various alumino-silicate based raw materials to form either dry products packaged in paper sacks of bulk bags or wet patching mixes packaged in plastic pails.

Some raw materials are received in bulk form and kept in bays inside a shed. These materials are crushed and sized into fractions by a mill. Product is tested in a laboratory by forming bricks in a laboratory sized kiln and subjecting them to force to test for compressive and transverse strength. The throughput of the kilns is approximately 1 tonne per year.

### Proposed Amendment

The licence holder has proposed to change the prescribed premises category from 41:

*Clay bricks or ceramic products manufacturing: premises on which refractory products, tiles, pipes or pottery are manufactured.*

to category 43:

*Cement or lime manufacturing: premises on which —*

- (a) *clay, limes and or limestone material is used in a furnace or kiln in the production of cement clinker or lime; or*
- (b) *cement clinker, clay, limestone or similar material is ground.*

The licence holder provided information describing its manufacturing process and activities to support its application to amend the prescribed premises category.

## 3. Consultation

The department provided the licence holder with drafts of the amendment report and licence for comment. The licence holder responded on 25 July 2022 accepting the proposed amendments.

## 4. Decision

### Premises Category

The basis for category 41 on the existing licence is likely related the general business of the site to produce monolithic (specialty) refractory and insulating products for heat intensive processes. Typically category 41 applies to premises such as large-scale brickworks. While

the licence holder does have a laboratory kiln, it reports processing only approximately 1 tonne per year through the kiln

The licence holder requested category 43 believing it more applicable as it grinds aluminosilicate fireclay aggregates in a grinding and sizing plant where it is crushed and sieved into fractions. The delegated officer notes category 43 doesn't have a minimum specified threshold in Schedule 1 of the *Environmental Protection Regulations 1998*.

The delegated officer is of the view that either category 41 or 43 could apply to the premises, however agreed that category 43 is more appropriate. Noting the small-scale kilns when compared to the clay grinding activities, the delegated officer agrees that category 43, more specifically category 43(b) was a more appropriate fit. The change in category is administrative and does not alter the risk profile of emissions from the premises, or impact the conditions on the licence.

The delegated officer therefore determined to grant an amended licence to change the prescribed premises category from 41 to 43.

### Administrative changes

In amending the existing licence, the delegated officer has also determined to:

- update the format and appearance of the licence;
- remove redundant conditions and include additional conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- revise licence condition numbers and realign condition numbers for numerical consistency.

Generic fugitive dust conditions 2.6.1 and 2.6.2 were removed from the licence. The delegated officer considered the conditions were redundant as there was no risk based reason to replace these conditions. The main source of particulate matter is associated with the baghouse and that storage of materials occurs inside.

Air emission point source A1 (rotary dryer dust collector stack) was also removed from the amended licence. The licence holder confirmed that the equipment/plant is no longer in service and was demolished and removed in 2019. Source A1 will be removed from the licence.

## 4.1 Summary of amendments

Table 1 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

**Table 1: Summary of licence amendments**

Condition no.	Proposed amendments
Cover page	Revised to current licence format clearly indicating what prescribed activities are being conducted at the premises.
Introduction	Previous introduction section removed, consistent with current DWER licence format. This guidance is now available in the Guide to Licensing (June 2019)
Interpretation	Updated, consistent with current DWER template. Replaces previous conditions 1.1.3 and 1.1.4
Note	Added, consistent with current DWER template. Replaces previous condition 1.2.1

Condition no.	Proposed amendments
*1.2.2	Amended to condition 1
*1.2.3 -1.2.5	General conditions removed because they are considered redundant.
*2.1.1	Removed as redundant as there are no numerical limits
*2.2.1	Amended to remove A1 as an emission source and renumbered to fit current licence format (see previous discussion)
*2.6.1, *2.6.2	Dust emissions condition removed as considered a generic condition that is not supported by a risk assessment (see previous discussion)
*5.1.1	Amended to current licence format and renumbered conditions 5 and 6
*5.1.2	Removed as a redundant condition
*5.1.3	Amended to current licence format and renumbered to condition 4
*5.1.4	Complaints condition amended consistent with current licence format and renumbered condition 3
*5.2.1, *5.2.2	Annual reporting condition removed by amendment notice on 16 May 2022
*5.3.1	Removed as redundant condition because there are no numerical limits and otherwise duplicates the requirements of section 72 of the <i>Environmental Protection Act 1986</i>

\*denotes condition number of previous licence

## References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

## Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY		
<b>Application type</b>		
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number: L6033/1972/10
Date application received	1 June 2022	
<b>Applicant and Premises details</b>		
Applicant name/s (full legal name/s)	Shinagawa Refractories Australasia Pty Ltd	
Premises name	Shinagawa Refractories Australasia	
Premises location	Lot 34 on Plan 74007, Naval Base WA 6165	
Local Government Authority	City of Kwinana	
<b>Application documents</b>		
HPCM file reference number:	DWERDT611892	
Key application documents (additional to application form):	Process description grinding plant location	
<b>Scope of application/assessment</b>		
Summary of proposed activities or changes to existing operations.	<p><i>Licence amendment</i></p> <p>The licensee has applied to change the category of the premises from Category 41 to Category 43 on the grounds that they do not fire materials in a kiln. They mill materials to make cement products in bags for applications in high temperature environments in resource and process industries</p>	
<b>Category number/s (activities that cause the premises to become prescribed premises)</b>		
<b>Table 1: Prescribed premises categories</b>		
Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 41: Clay Brick manufacture Proposed change to: Category 43: Cement and Lime Manufacture	10,000 tonnes per annum.	NA
<b>Legislative context and other approvals</b>		
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	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"/>

Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: NA EPA Report No: NA
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No: NA
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/>
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any other Acts or subsidiary regulations	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"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date of classification: N/A