



Department initiated Amendment

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

Licence Number	L6146/1990/12
Licence Holder	Meneghello Galvanizing Pty Ltd
ACN	008 897 729
File Number	DER2016/001399
Premises	MGalv 46 Rogers Way LANDSDALE WA 6065 Legal description – Lot 53 on Deposited Plan 60528 and Lot 149 on Deposited Plan 61311 As defined by the Premises maps attached to the Revised Licence
Date of Report	19/08/2022
Decision	Revised licence granted

Chris Malley
Manager Process Industries
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Table of Contents

1. Decision summary	3
2. Scope of assessment	3
2.1 Regulatory framework	3
2.2 Amendment summary	3
3. Consultation	3
4. Decision	4
5. Conclusion	4
References	4

1. Decision summary

Licence L6146/1990/12 is held by Meneghello Galvanizing Pty Ltd (licence holder) for a galvanizing facility in Landsdale (premises). The Department of Water and Environmental Regulation (department) is completing a review of air emission conditions on the existing licence to ensure the conditions are reasonable and adequate to manage the risk of air emission impacts.

As the review is incomplete and the licence expires on 31 August 2022, the department initiated an amendment and determined to amend the licence to extend its duration for six months to allow the review to be finalised.

2. Scope of assessment

2.1 Regulatory framework

In amending the licence, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Amendment summary

The department intended to complete a review of air emission conditions on the licence as part of renewing the licence in August 2021. As information requested from the licence holder was not received by the department in time, the licence was renewed for a 12 month period until 31 August 2022 in order to complete the review process.

While the review is near finalised, the department initiated an amendment to the licence in accordance with section 59(2) of the *Environmental Protection Act 1986 (EP Act)* to extend its duration as it expires on 31 August 2022. The scope of the initiated amendment is limited only to extending the duration of the licence so that the department has sufficient time to complete consultation processes on the review and any proposed licence amendments.

3. Consultation

The draft licence and draft amendment report was provided to the licence holder for comment on 4 August 2022. The licence holder responded on 17 August 2022. The licence holder's comments and delegated officer responses are summarised in Table 1 .

Table 1: Consideration of licence holder's comments

Condition	Summary of Licence Holder's comment	Department's response
5	The licence holder queries the need for condition 5 or seeks clarification on the meaning of visible dust as there are no dust generating activities on the site.	The scope of proposed changes was limited to an extension of duration. However, the delegated officer advises that conditions 4 and 5 are being considered as part of the review of air emissions conditions. The licence holder will have the opportunity to comment on further proposed amendments to the licence in due course.
6 and 7	Change the wording from the conditions to replace "The licence holder must ensure ..." to " <i>The licence holder must at all times demonstrate to the satisfaction of DWER that it has undertaken all genuine efforts to mitigate fugitive emission and ensure that.....</i> "	As above, the scope of proposed changes are limited to an extension of duration. While the delegated officer will further take this comment into account in further proposed changes to the licence, it is noted that the suggested wording is unlikely to be

Condition	Summary of Licence Holder's comment	Department's response
		consistent with the department's published <i>Guidance Statement: Setting conditions</i> . Terms such as "to the satisfaction" and "genuine efforts" are subjective. The suggested wording would likely render the condition unenforceable.

4. Decision

The delegated officer determined to amend the licence to extend its duration by six months. This decision to amend the licence and extend its duration takes into account the departments Guidance Statement: Licence Duration and was based on the following considerations:

- A review of air emission conditions on the licence is being finalised;
- Six months is expected to be sufficient time to finalise the review and complete any consultation processes on any proposed amendments to the licence, including the licence holder;
- The amendment is administrative in nature with no other changes to conditions of the licence beyond extending the licence duration;

5. Conclusion

Based on the assessment in this Amendment Report, the delegated officer has determined that an amended licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
3. DER 2016, *Guidance Statement: Licence Duration*, Perth, Western Australia