



Application to renew a licence

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

Licence Number	L6969/1995/10
Licence Holder	CJ Scott & FS Scott
ACN	46 886 915 148
File Number	2010/003218-1~2
Premises	Esperance Treated Timbers Part of Lot 105 on Plan 27862 Coolgardie-Esperance Highway GIBSON WA 6448 as depicted in Schedule 1 of the Licence.
Date of Report	11 May 2022
Decision	To grant a licence

**SENIOR INDUSTRY REGULATION OFFICER
INDUSTRY REGULATION**

An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L6969/1995/10 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- incorporate Amendment Notice 1;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L6969/1995/10, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 14 March 2022, CJ and FS Scott (licence holder) applied to renew licence L6969/1995/9 as the licence is due to expire on 13 May 2022. The licence was granted to the licence holder for the premises located at Lot 105 Coolgardie-Esperance Highway (Premises).

The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 29: Timber preserving: premises on which timber is preserved for commercial purposes by the use of chemicals.	Not more than 5,000 tonnes per annum

Esperance Treated Timbers has been operating supplying timber and since 1997. Esperance Treated Timbers is located at Lot 105 Coolgardie Esperance Highway 12 kilometres north of Gibson or 38 Kilometres north from Esperance.

Vacuum Pressure Impregnation (VPI) is used to treat timber with Copper Chromate Arsenic (CCA). This is done inside an enclosed and fully contained low pressure autoclave system. The system is filled with CCA liquor under vacuum and then after filling, slightly elevated pressure above atmosphere is applied to introduce CCA treatment into the timber logs. After treatment the liquor is pumped from the treatment cylinder back into the chemical work tank.

Any liquid waste is directed towards a collection sump and then recycled back into the work tank and reused in subsequent treatments. This entire process is contained in the bunded area of the treatment plant facility.

Once the poles are treated, they are placed on the drying area for 48 hours. The drying area is graded towards the work area and the drying area is roofed. Any liquid waste enters the work area and collects in the sump and is recycled back through the treatment plant. Once the timber is dry it is stockpiled awaiting sale and transported off site.

3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2021.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

3.1 Other approvals

Esperance Treated Timbers holds a licence with the Timber Preservers Association of Australia for Preservative Treatment Brand (549 01 H4). This is renewed annually.

Esperance Treated Timbers holds a permit (Number 22142) from Department of Health – for Authority to purchase arsenic or arsenic salts poison for their treatment process.

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There have been no incidents or complaints identified at the Premises by the department in the last five years. There have been no enforcement actions taken against the licence holder in the last 5 years regarding the licence.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.3 Category of the licence

The requested category and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence and which was previously assessed.

5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Table 2 summarizes the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions changes, description, and rationale

Current condition / table	New condition / table (if relevant)	Description and rationale
Condition 1.2.2		Removed conditions referencing maintaining air pollution control equipment as there are no air monitoring conditions related in this licence.
Condition 1.3.1 and Table 1.3.1	Condition 1 Table 1	Renumbered and updated to latest format
Condition 1.3.2 and Table 1.3.2	Condition 2 Table 2	Renumbered and updated to latest format
Conditions 1.2.1, 1.2.3, 1.2.4, and 1.2.5	Conditions 3, 4, 5, and 6 respectively	Renumbered only
Condition 2.2 to 2.8		These conditions were part of the old REFIRE template that mirrored legislation. As these are now redundant, they have been removed.
Condition 3.1 to 3.9		These conditions were part of the old REFIRE template that mirrored legislation. As these are now redundant, they have been removed.
Condition 5.1.1	Condition 11	Renumbered and changed to new condition wording
Condition 5.1.2	Condition 7	Renumbered only
Condition 5.1.3	Condition 9	Renumbered and changed to new condition wording in line with new template
Condition 5.1.4	Condition 8	Renumbered and changed to new condition wording in line with new template
Condition 5.2.1	Conditions 9, 10 & 11	Removed from licence and replaced with wording in conditions 9,10, and 11.
Schedule 1 - Maps	Schedule 1 - Maps	Updated map to delineate cadastral boundary from Premises boundary – Figure 1 map is in new format. Figure 2 demonstrates infrastructure layout.
Schedule 2 – Reporting and Notification Forms		Removed AACR form, Notification Form N1, to be consistent with current licence format.

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
<i>Application advertised on the department's website on 31 March</i>	<i>None received</i>	<i>N/A</i>

Consultation method	Comments received	Delegated Officer's response
<i>2022</i>		
<i>Local Government Authority advised of application on 30 March 2022</i>	<i>The Shire of Esperance replied on 6 April 2022 stating they had no objection to the renewal of the licence.</i>	<i>Comments noted by the Delegated Officer.</i>
<i>Applicant was provided with draft documents on 27 April 2022</i>	<i>The Licence holder replied on 9 May 2022 with no comments and waived the remainder of the consultation period</i>	<i>Noted by the Delegated Officer</i>