



Application for Licence

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 Plan 60528 and Lot 149 on Plan 61311
Date of report	27/08/2021
Proposed Decision	Licence granted

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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 Application summary	3
3. Consultation	3
4. Decision	4
4.1 Summary of amendments to the conditions	4
References	6
Appendix 1: Summary of Licence Holder’s comments on risk assessment and draft conditions	7

1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L6146/1990/12 has been granted with a licence period of 1 year to allow for a review focused on the risk of air emissions to be completed and to identify any necessary changes to air emission controls on the licence.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (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 Application summary

On 18 May 2021, the Licence Holder applied for a licence renewal to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The premises relate to the category 48A and assessed production capacity of 25,000 tonnes per annum under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L6164/1990/12. The infrastructure and equipment relating to the premises category and any associated activities which the Delegated Officer has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L6146/1990/12.

The application is for a renewal of licence L6146/1990/11 which expires 31 August 2021.

The renewal is limited to extending the licence expiry date, updates to format and appearance, definitions, amalgamation of licence and Amendment Notice 1 and replacement of outdated hyperlinks and references.

The licence holder included supporting information required by the department in relation to the reviewing the risk of emissions to air. As there was insufficient time for the department to properly assess this information prior to licence expiry, the delegated officer deferred review of this information to be completed in the next 12 months. The scope of assessment is therefore limited to administrative updates to the licence.

3. Consultation

Table 1 provides a summary of the consultation undertaken by the Delegated Officer.

Table 1: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website 23 July 2021	None received	N/A
Local Government Authority advised of proposal 26 July 2021 – City of Wanneroo	Response received 10 August 2021 citing history of complaints and advising	The licence has been renewed for a period of 1 year to allow for a review of the air emissions risk profile. Where necessary, the

Consultation method	Comments received	Department response
	<ul style="list-style-type: none"> • Conditions should ensure protection of neighbouring properties • DWER should monitor site to ensure compliance with licence • Conditions should include periodic testing of emissions • The licence is time limited to allow reassessment of licence. 	department will initiate a licence amendment.
Applicant was provided with draft documents on 13/08/2021	Reply received 26 August 2021	See Appendix 1.

4. Decision

The Licence Holder's renewal application included supporting documentation required by the department so that it can complete a review of the licence focused on the risk profile of air emissions and update any controls on the licence as needed. However, the information was provided to the department with insufficient time to assess the information as part of this renewal process.

The Delegated Officer taken into consideration that:

- changes in the renewed licence will be administrative in nature;
- The licence duration will be for a 12 month period; and
- The department intends to complete a review of the licence focused on the air emissions risk profile and initiate amendments to the licence if required within that 12 month period.

Based on the assessment in this decision report, the Delegated Officer has determined that a renewal to licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Administrative changes to the licence conditions are summarised in section 4.1 below. The changes include updating the licence to the latest format, consolidating the licence with amendments via previously granted amendment notices and removing redundant conditions where requirements were time limited and the Licence Holder has completed the requirement.

4.1 Summary of amendments to the conditions

Table 1 below provides a summary of the amendments made to the conditions and will act as a record of implemented changes.

Table 2: Summary of amendments to the conditions

Old condition no.	New condition no.	Amendments
Cover page	NA	Restructured to clearly indicate what prescribed activities have been risk assessed
Duration	NA	Licence valid for 1 year with an expiry date of

Old condition no.	New condition no.	Amendments
		30/08/2022
Explanatory notes	NA	Deleted. This guidance is available in the department's Guideline: Industry Regulation Guide to Licensing (June 2019)
Interpretation	Interpretation	Updated based on departmental legal advice.
Licence history	Licence history	Added to licence
Amendment Notice 1	NA	Amalgamated to single document with licence
Conditions 1.1.1 to 1.1.3	Interpretation and definitions	Interpretation and definitions revised to current licence format
Conditions 1.2.1 and 1.2.2	Interpretation and condition 1	Redundant conditions renumbered and revised to current licence format
Condition 1.2.3	NA	Redundant condition. Adequately regulated by the <i>Dangerous Goods Safety Act 2004</i> . Deleted from licence.
Condition 1.2.4	3	Renumbered and revised to current licence format
Conditions 1.2.5	NA	Redundant conditions. Adequately covered by EP (Unauthorised Discharges) Regulations 2004. Deleted from licence
Condition 1.3.1	Condition 1	Replaced by condition 1
Condition 2.1.1	NA	Redundant conditions deleted
Condition 2.7.1	NA	Redundant condition duplicates parts of section 49 of EP Act. Deleted from licence.
Condition 5.4.1 to 5.4.7	NA	Redundant conditions deleted reports submitted
Conditions 5.5.1 and 5.5.2	NA	Redundant conditions deleted reports submitted
Definitions		CEO definition updated
		Environmental Auditor, Noise Regulations, Code of Practice for the storage of dangerous goods, controlled waste, Director, and fugitive emissions definitions removed because no longer listed in licence
Premises map		Updated with a more recent aerial photo

References

1. Department of Environment Regulation (DER) 2015, Guidance Statement: Setting Conditions, Perth, Western Australia.
2. Meneghellos Application for licence renewal and supporting documentation Meneghello 2021

Appendix 1: Summary of Licence Holder’s comments on risk assessment and draft conditions

Condition	Summary of Licence Holder’s comment	Delegated Officer’s response
Condition 6	<p>Replace the words “must ensure...” with “Must at all times demonstrate to the satisfaction of DWER that it has undertaken all genuine efforts mitigate fugitive emissions and ensure that...”</p> <p>Because this is an old plant not designed with separate sealed enclosures and the licence holder has worked collaboratively with DWER to reduce fugitive emissions over the past 12 months and there has been no recent complaints.</p>	<p>The Delegated Officer considered the wording change, however concluded that it did not confirm to the condition setting principles in DWER’s <i>Guidance Statement: Setting Conditions</i>. This is because terminology such as “to the satisfaction of DWER” and “all genuine efforts” is subjective and vague. The Delegated Officer determined that the proposed change would result in conditions that were invalid, unenforceable and unlikely to be outcome-based.</p> <p>While the Delegated Officer is of the view that the existing conditions are reasonable and appropriate, commensurate to risk, the department intends to undertake a target review of air emissions within the next 12 months as discussed in section 4. The department will further consider these conditions through that process.</p>
Condition 7		
NA	Request that DWER would reconsider the need for air testing and monitoring	Consistent with the previous licence, there are no requirements for monitoring of emissions to air in the renewed licence.