



Application to renew a licence

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

Licence Number	L6265/1983/9
Licence Holder	Boral Resources (WA) Ltd
ACN	008 686 904
File Number	DWERVT2698
Premises	Boral Asphalt 90 McDowell Street WELSHPOOL WA 6106 Legal description – Lot 43 on Plan 3217
Date of Report	01/08/2023
Decision	To grant a licence

Senior Environmental 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 L6265/1983/8 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:

- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence; and
- undertake the amendments requested by the licence holder which relate to the removal of the wastewater treatment plant and discharge of treated stormwater from the premises to a Water Corporation compensation basin.

As a result of the above, the Delegated Officer decided to grant Licence L6265/1983/9, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 1 May 2023, Boral Resources (WA) Ltd (licence holder) applied to renew licence (L6265/1983/8), as the licence is due to expire on 2 August 2023. The licence was granted to the licence holder for the premises located at 90 McDowell Street, Welshpool (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 35: Asphalt manufacturing: premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at a place or premises other than those premises	330,000 tonnes per annual period
Category 61A: Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated or discharged onto land	110,000 tonnes per annual period

The licence holder operates an asphalt plant in which raw materials are ground and mixed with liquid bitumen to produce asphalt. It also undertakes the crushing and screening of unprocessed reclaimed asphalt pavement (RAP) which is used in the asphalt manufacturing process. As a result of these activities the plant generates air emissions such as particulates, sulfur dioxide, nitrogen dioxide, carbon monoxide and odour.

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.

As part of the licence renewal application, the licence holder has also advised of the following changes to the Premises.

The proposed removal of the existing wastewater treatment plant (WWTP) designed to treat wastewater generated from the wash bay before discharging to filtration beds. The wash bay wastewater will be collected and stored in a tank within the Premises prior to being transported offsite for appropriate disposal. Given the removal of the WWTP reduces the risk associated with emissions and discharges from the Premises a detailed risk assessment is not necessary and current conditions relating to this infrastructure, discharge to land and monitoring will be omitted from the licence.

The licence will not include conditions regarding the contaminated stormwater run-off from the Premises to a Water Corporation compensation basin located approximately 30m north of the Premises. Stormwater is collected onsite via an existing underground stormwater network which passes through a triple interceptor to remove hydrocarbons prior to discharge. The wash bay area and areas with potential contamination such as hydrocarbon storage areas are excluded. As this is adequately covered by the *Environmental Protection (Unauthorised discharges) Regulation 2004* conditions relating to stormwater discharge are not required in the licence.

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>.

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There have been three incidents or complaints identified at the Premises by the department in the last five years in which no enforcement actions were taken against the occupier in regard to the licence.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.3 Categories of the licence

The requested categories 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.

4.4 Planning approval

The licence holder has informed the department that it has planning approval for the activities on the Premises.

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 1 summarises 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 1: Licence conditions changes, description and rationale

Current condition / table	New condition / table (if relevant)	Description and rationale
Condition 1	1	Transfer of existing condition. Reference to Wastewater Treatment Plant in Table 1 has been removed as the infrastructure has been decommissioned.
Conditions 2 - 5	2 - 5	Transfer of existing conditions.
Conditions 6	N/A	Redundant condition removed as no longer relevant. Adequately covered by <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> .
N/A	6	New condition included which relates to the relocation of the mobile plant to and from the premises on a need's basis.
Conditions 7 - 8	7 - 8	Transfer of existing conditions relating to authorised discharge points and emission/ discharge limits.
Conditions 9 - 10	N/A	Conditions relating to discharge to land have been removed as WWTP has been decommissioned and treated wash bay water is no longer discharged via filtration beds.
Conditions 11 - 17	9 - 15	Transfer of existing conditions relating to general monitoring and monitoring discharges to air. New note (5) included noting stack test is not required should the mobile plant not be operated in WA within the annual period.
Conditions 18 – 20	N/A	Conditions relating to monitoring of discharge to land have been removed as WWTP has been decommissioned and treated wash bay water is no longer discharged via filtration beds.
Conditions 21 - 26	16 - 21	Transfer of existing conditions except the requirement to provide monitoring results for pH, surfactants and TRH – this has been removed as this relates to discharge to land which no longer occurs due to the WWTP being decommissioned.
Definitions	Definitions	Transferred as is.
Schedule 1: Maps	Schedule 1: Maps	Updated map provided by licence holder has been included in Schedule 1.

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 2.

Table 2: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 29 June 2023.	No comments received.	N/A
City of Canning advised of application on 29 June 2023.	On 20 July 2023, the City of Canning advised that the use of the asphalt plant and associated infrastructure is consistent with the City's Town Planning Scheme.	N/A
Applicant was provided with draft documents on 4 July 2023.	On 21 July 2023 the licence holder requested that reference to authorised discharge point A2 be removed from the licence and premises map as the mobile asphalt plant is no longer located on site. Further communication with the representative of the licence holder determined that it would be good to keep on the licence.	The Delegated Officer has determined to retain all conditions relating to authorised discharge point A2 within the licence and the premises map, as this allows the licence holder the flexibility to relocate the mobile plant to and from the premises on a need's basis. Monitoring condition for the mobile plant will be amended to only be required to submit a monitoring report when the mobile plant either is operating on this Premises or on any other licenced Premises within Western Australia.