



## Application for Licence Amendment

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

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<b>Licence Number</b>	L8026/2004/6
<b>Licence Holder</b>	RATCH-Australia Kemerton Pty Limited
<b>ACN</b>	106 619 112
<b>File Number</b>	2010/010534
<b>Premises</b>	Kemerton Power Station Treasure Road WELLESLEY WA 6233  Legal description – Lot 505 on Deposited Plan 39528 As defined by the coordinates in Schedule 1 of the licence
<b>Date of Report</b>	1 October 2025
<b>Decision</b>	Revised licence granted

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# 1. Decision summary

Licence L8026/2004/6 is held by RATCH-Australia Kemerton Pty Limited (Licence Holder) for the Kemerton Power Station (the Premises), located on Lot 505 on Deposited Plan 39528, Wellesley.

This Amendment 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, Revised Licence L8026/2004/6 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises. The Revised Licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

## 2. Scope of assessment

### 2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, 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 9 April 2025, the Licence Holder submitted an application to the department to amend Licence L8026/2004/6 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is to add infrastructure and atmosphere emission limits previously regulated by Ministerial Statements (MS) 645 and 745 under Part IV of the EP Act, which have been superseded by MS 1241. Specifically, the infrastructure to be added are:

- 1x 2 Megalitre (ML) diesel storage tank
- 2x Evaporation ponds with a combined capacity of 20.8ML
- Demineralised Water Plant
- Wet Compression System

This amendment is limited only to changes to Category 73 activities from the Existing Licence. No changes to the aspects of the existing Licence relating to Category 52 have been requested by the Licence Holder.

Table 1 below outlines the proposed changes to the existing Licence.

**Table 1: Proposed design capacity changes**

Category	Current design capacity	Proposed design capacity	Description of proposed amendment
73	N/A	2,000 m <sup>3</sup> in aggregate	2,000 m <sup>3</sup> in aggregate being stored on the Premises, triggers category 73 under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) (more than 1,000 m <sup>3</sup> in aggregate)

## 2.3 Part IV of the EP Act

As stated above, the Licence Holder holds Ministerial Statement 1241 under Part IV of the EP Act for the premises, which supersedes Ministerial Statements 645 and 745. This was the result of a significant amendment to the Kemerton Power Station to increase operation hours. As part of this amendment, some existing infrastructure that had previously been regulated under either MS 645 or MS 745 was not transferred onto MS 1241 to be instead regulated under the Part V licence.

MS 1241 is accompanied by EPA Report 1772 which outlines the environmental outcomes expected to be achieved through Part V licensing in Table C1 of Appendix C. Specifically, the Report states that the Part V licence is to regulate emissions and discharges through specifications and requirements for air and surface water monitoring.

Limits for atmospheric emissions were provided in Appendix 6 of MS 645. These limits were not transferred onto MS 1241 and have been incorporated into the licence.

## 2.4 Consolidation of Licence

As part of this amendment package the department has consolidated the licence by incorporating changes made under the Amendment Notices as summarised in Table 2.

**Table 2: Licences consolidated in this amendment**

Instrument	Issued	Summary of approval
L8026/2004/6	27/11/2011	Licence granted
L8026/2004/6	26/04/2016	Notice of Amendment 1 for Licence Expiry Dates
L8026/2004/6	26/02/2018	Amendment Notice 2 to install and operate four diesel powered generators for black out conditions
L8026/2004/6	16/05/2022	Notice of Amendment 2 for Amended Reporting Conditions

The obligations of the Licence Holder have not changed in consolidating the licence. The department has not undertaken any additional risk assessment of the Premises related to previous Amendment Notices.

In consolidating the licence, the CEO has:

- updated the format and appearance of the Licence; and
- revised licence condition's numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency.

The full consolidation of licence conditions as they relate to this Revised Licence are detailed in Section 6.1. Previously issued Amendment Notices will remain on the department's website for future reference and will act as a record of the department's decision making.

## 3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

## 3.1 Source-pathways and receptors

### 3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in

Table 3 below.

Table 3 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

**Table 3: Licence Holder controls**

Emission	Sources	Potential pathways	Proposed controls
Air emissions (NO <sub>x</sub> , SO <sub>x</sub> , CO, PM, PAH, NMVOC)	Operation of gas turbine generators	Air/windborne	Monitoring of point source emissions to air from these turbine generators is an existing requirement of Licence L8026/2004/6 (Condition 3.2.1).
Contaminated stormwater	Leaks or spills from storage and/or movement of hydrocarbons	Overland runoff	<p>All spills are managed with KPS Spill Cleanup Procedure.</p> <p>Hydrocarbons are managed with KPS Hydrocarbon Management and Hazardous Materials Management Plan.</p> <p><u>2ML Diesel storage tank</u></p> <p>Storage tank is self-bunded in line with AS 1940 and fitted with leak monitoring, high level alarm and alarm shutdown system.</p> <p>Tank drainage is controlled manually so that any spills or contaminated stormwater are directed to oily water separator.</p> <p>Drainage valves are kept closed at all times unless authorised to open by the Plant Manager.</p> <p>All fuel tanks and bunded areas inspected weekly for evidence of spills or leakage.</p> <p><u>Oils and lubricants</u></p> <p>All hydrocarbons are stored in adequately sized bunded pallets.</p> <p><u>Tanker unloading station</u></p> <p>Refuelling of diesel tank conducted within a designated unloading station.</p> <p>The loading station is located on a sealed and graded hardstand area, with any spillage directed to oily water separator.</p> <p>Refuelling tanks and associated infrastructure and equipment (e.g. hoses, pumps, valves) are maintained and are fitted with relevant level alarms, shutdown and dry beak systems to reduce risk of</p>

Emission	Sources	Potential pathways	Proposed controls
			spillage.
Contaminated stormwater	Soakwell overflow from oily water separator	Overland runoff	<p>Surface water managed with KPS Surface and Stormwater Management Plan.</p> <p>High level alarm on oily water treatment system (separator and collection pit).</p> <p>Six monthly system maintenance.</p> <p>Oil collection pits, drainage systems and bunded areas inspected at least weekly.</p> <p>Only treated stormwater is discharged to the environment.</p> <p>Excess contaminated stormwater is pumped out and removed from site by licenced contractor upon request.</p>
Contaminated stormwater	Leaks or spills from demineralised water plant	Overland runoff	Demineralised water tank and filtrate tank regularly inspected.
Contaminated stormwater	Leaks or spills from evaporation ponds	Overland runoff	<p>Ponds fitted with 1.5mm HDPE liner and designed with sufficient freeboard to prevent overtopping in extreme rainfall events.</p> <p>Six monthly visual inspections and assessments of each pond liner during pond clean out.</p> <p>Monthly visual inspections of fauna egress points in each corner of evaporation ponds.</p>

### 3.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 4 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental siting* (DWER 2020)).

**Table 4: Sensitive human and environmental receptors and distance from prescribed activity**

Human receptors	Distance from prescribed activity
Residential Premises	1.7km west and 2.4km east from premises boundary
Environmental receptors	Distance from prescribed activity
Geomorphic wetlands	Intersects with premises
Wellesley River	1.6km east of premises boundary

Gwalia Nature Reserve (P3 TECs)	Adjacent (north) to premises boundary
Threatened fauna	500m south of premises boundary

## 3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 5.

The Revised Licence L8026/2004/6 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. electric power generation at the Kemerton Power Station.

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).



**Table 5. Risk assessment of potential emissions and discharges from the Premises operation**

Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions <sup>2</sup> of licence	Reasoning
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Operation								
Operation of gas and diesel generators	Air emissions (NOx, SOx, CO, PM, PAH, NMVOC)	Air/windborne pathway causing impacts to health and amenity	Residences 1.7km west and 2.4km east  Threatened fauna (closest 240m south-east)	Refer to Section 5.1	C = Moderate  L = Unlikely  <b>Medium Risk</b>	N	<u><b>Condition 2.4</b></u>  Condition 3.2.1	The delegated officer considers the existing monitoring requirements in the licence are fit for purpose. The delegated officer has decided to add the atmospheric emission limits to the licence as they have been removed from the Part IV Ministerial Statement. These limits are for both gas and diesel generators and are same values from Ministerial Statement 645.
Operation of wet compression system, demineralised water system, oily water separator and evaporation ponds	Contaminated stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Adjacent (north) nature reserve  Geomorphic wetland overlapping premises  Wellesley River – heritage site (1.6km east)  Threatened fauna (closest 240m south-east)	Refer to Section 5.1	C = Minor  L = Rare  <b>Low Risk</b>	Y	Condition 2.2.2	The delegated officer considers the existing infrastructure adequately manages stormwater on the premises. The delegated officer considers the controls that applicant has imposed such as regular inspection, high level alarms and liners to be adequate in managing risk of contaminated water impacting the surrounding environment and has imposed no further controls.
Storage of diesel	Leaks/spills of hydrocarbons	Direct discharge to ground	Adjacent (north) nature reserve  Geomorphic wetland overlapping premises  Threatened fauna (closest 240m south-east)	Refer to Section 5.1	C = Minor  L = Rare  <b>Low Risk</b>	Y	Condition 2.2.2	The licence holder has specified that the diesel storage tanks are self-bunded, fitted with leak monitoring, high-level alarm and alarm shutdown system, and regularly inspected. The delegated officer considers this to be suitable controls for containment and has imposed no further controls.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk assessments* (DWER 2020).

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

## 4. Consultation

The licence holder was provided with a draft of the amended licence and this decision report for comment on 19 September 2025. Refer to Appendix 1 for a summary of the licence holder's comments on the draft amendment and the department's response.

## 5. Decision

The delegated officer has determined that the addition of one diesel storage tank, wet compression system, demineralised water plant, oily water separator and two evaporation ponds to the licence does not pose an unacceptable risk of impacts to vegetation on site, as well as off-site receptors. The delegated officer has determined that the operational controls proposed the licence holder are adequate in maintaining the risk profile of the premises.

In addition to the licence holder's proposed controls, the delegated officer has determined to impose on the licence the atmospheric emissions limits originally set in MS 645, which were removed from the consolidated MS 1241.

The delegated officer has therefore amended licence L8026/2004/6 in accordance with section 59(1) of the EP Act by adding one diesel storage tank, wet compression system, demineralised water plant, oily water separator and two evaporation ponds to the licence with appropriate operational requirements.

### Licence updates

As part of this amendment the delegated officer has also updated and consolidated the licence to include relevant amendment notices and align the instrument with the current licence format. In amending the licence, the delegated officer has:

- updated the format and appearance of the licence;
- revised condition numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- updated reporting requirements consistent with the 2022 *Notice of amendment and schedule of licences with amended reporting conditions*.

The obligations of the licence holder have not changed in updating and consolidating the licence therefore no additional risk assessment relating to previously assessed activities has been undertaken. The full details of the amendments to the licence are included in section 6.1.

## 6. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

### 6.1 Summary of amendments

Table 6 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 6: Summary of licence amendments**

Condition no.	Proposed amendments
2.2.2	New condition detailing site infrastructure operational requirements.

2.4.1	New condition detailing authorised atmospheric emissions limits.
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**Table 7: Consolidation of licence conditions in this amendment**

Existing condition	Condition summary	Revised licence condition	Conversion notes
Expiry Date	Expiry Date: 31 October 2016	Expiry Date: 31 October 2028	In accordance with the Notice of Amendment of Licence Expiry Dates (29/04/2016)
Definitions	Definitions	Definitions	Definitions updated to current wording and format.
1.2.2	Pollution control and monitoring equipment	N/A	Redundant condition. Adequately covered by alternative existing conditions. Deleted from licence.
1.2.3	Storage of environmentally hazardous materials	N/A	Redundant condition. Adequately regulated by the Dangerous Goods Safety Act 2004. Deleted from licence.
1.2.4	Recovery and removal of spills	N/A	Redundant condition. Adequately covered by EP (Unauthorised Discharges) Regulations 2004. Deleted from licence.
1.2.5 1.2.6	Stormwater control	1.3.1 1.3.2	New numbering
1.3	Premises operation	N/A	Redundant condition. Deleted from licence.
New	Site infrastructure operational requirements	2.2.2	New condition
2.2.1	Point source emissions to air	2.2.1	Generators from Amendment Notice 2 added.
2.3 2.4	Point source emissions to surface waters and groundwater	N/A	Redundant condition. Deleted from licence.
2.5	Emissions to land	N/A	Redundant condition. Deleted from licence.
2.6	Fugitive emissions	2.3	New numbering
New	Authorised atmospheric emissions limits	2.4	New condition
2.7 2.8	Odour and noise	N/A	Redundant condition. Deleted from licence.
3.2.1	Monitoring of point source emissions to air	3.2.1	Emission point references for generators from Amendment Notice 2 added.
3.3 3.4	Monitoring of point source emissions to surface water and groundwater	N/A	Redundant condition. Deleted from licence.
3.5	Monitoring of emissions to land	N/A	Redundant condition. Deleted from licence.

Existing condition	Condition summary	Revised licence condition	Conversion notes
3.6 3.7	Monitoring of inputs and outputs and process monitoring	N/A	Redundant condition. Deleted from licence.
3.8	Ambient environmental quality monitoring	3.3	New numbering.
3.9	Meteorological monitoring	N/A	Redundant condition. Deleted from licence.
4	Improvements	N/A	Redundant section. Deleted from licence.
5	Information	4	Section renumbered.
Schedule 1, Figure 2	Map of emission points	Schedule 1, Figure 2	Map updated to reflect generators from Amendment Notice 2.
Schedule 2: Reporting and notification forms	Annual Audit Compliance Report  Form N1 Notification	N/A	Redundant attachment. Deleted from Licence. Forms accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>

## 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.
4. Worley 2025, RATCH-Australia Kemerton Pty Ltd Licence Amendment Supporting Document, Perth, Western Australia.

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

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Condition	Summary of Licence Holder's comment	Department's response
Table 2.4.1: Authorised atmospheric emissions limits	The nitrogen and sulphur oxides emissions limits for diesel fuel are not consistent with Ministerial Statement 645.	The department has fixed this error. Sulphur dioxide emissions limits have been revised to be consistent with MS 645. The limits imposed are for diesel fuel with a maximum sulphur content of 50ppm, as ultra-low sulphur diesel fuel is specified in the licence.