



Application to renew a licence

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

Licence Number	L8177/2007/3
Licence Holder	Downer EDI Works Pty Ltd
ACN	008 709 608
File Number	DER2014/001473-1
Premises	Narngulu Asphalt Plant 210 Goulds Road NARNGULU WA 6532 Legal description - Lot 131 on diagram 78117 Certificate of Title Volume 1880 Folio 798 As defined by the coordinates in Schedule 2
Date of Report	6 October 2022
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 L8177/2007/3 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, terms and appearance of the licence;
- remove redundant conditions and forms;
- transfer existing regulatory controls and conditions to the new licence;
- revise licence conditions;
- update condition numbering;
- incorporate licence amendment/s issued prior to the replacement licence;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- updated the premises boundary description.

As a result of the above, the Delegated Officer decided to grant Licence L8177/2007/3 subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 15 August 2022 Downer EDI Works Pty Ltd applied to renew licence L8177/2007/2 as the licence is due to expire on 7 October 2022. The licence was granted to the licence holder for the premises located at 210 Goulds Road Narngulu Western Australia (Premises).

The licence relates to prescribed premises category 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 places or premises other than those premises.	30,000 tonnes per annum

Infrastructure/equipment within the premises includes the asphalt manufacturing plant (ACP Titan 100), 1 x bitumen tank, CAT loader and material storage bays.

Asphalt is manufactured via a hot mix process where a mixture of aggregates, sand, filler and bitumen is blended and used hot. This process occurs in batches where an enclosed conveyor feeds aggregate from a cold feed unit into a sealed, insulated and clad rotary dryer. In the dryer aggregate is heated to 180°C and is transferred via bucket elevators to the top of the overhead mixing tower (also known as a pug mill). The remainder of the process occurs within the tower, which is fully insulated and enclosed.

At the top of the tower the aggregate is screened and distributed into individual hot storage bins according to size. Aggregates are directed to a weigh hopper where hot bitumen and filler are added. The mixture is transferred via an enclosed conveyor to heated storage vessels for

discharge to transport vehicles.

Exhaust gases from the process are directed to a reverse-air type bag filter (enclosed in a bag house) and then released through a 19m high stack. All potential waste products from the process (such as bag house dust, unused asphalt, waste bitumen etc) are recycled in the process.

The licence holder indicated in the renewal application that reclaimed asphalt pavement (RAP) may be screened and used in the asphalt manufacturing process in the future. During telephone conversations with the licence holder, it was clarified that currently only unprocessed RAP is accepted at the premises and then transported to Perth for processing. The assessment of the licence renewal *has not* considered the processing of RAP at the premises, neither has this been approved previously under the licence. Should the licence holder plan to store 1000 tonnes (or more) per year of RAP within the Premises, and/or screen and process RAP, the licence holder should apply for a licence amendment for this activity.

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>.

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 six years. There have been no enforcement actions taken against the occupier in the last six years regarding the licence.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.3 Categories of the licence

The requested prescribed premises category and the corresponding maximum production capacity for the renewal of the licence is consistent with the previously assessed category and production capacity.

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
1.1 Interpretation Condition 1.1.1	Not applicable	Condition removed and addressed in Interpretation section of the new licence template.
1.1 Interpretation Condition 1.1.2	Table 2: Definitions	Definitions listed in Condition 1.1.2 of the previous licence have been maintained or revised in accordance with the current licence template and appear under new heading titled "Definitions". Redundant definitions removed. Additional terms added in accordance with the current licence template.
1.1 Interpretation Condition 1.1.3	Not applicable	Condition removed – redundant condition. Addressed within the Interpretation section of the renewed licence.
1.2 General conditions – 1.2.1, 1.2.2, 1.2.3 and 1.2.4	Not applicable	Conditions removed – redundant conditions
Stormwater control Condition 1.2.5	Not applicable	Condition removed – redundant condition
1.3 Premises operation Condition 1.3.1	Condition 2	Change to condition number.
1.3 Premises operation Condition 1.3.2	Condition 3	Change to condition number.
Emissions 2.1 General Condition 2.1.1	Not applicable	Condition removed – redundant condition
Emissions 2.1 Point source emissions to air Condition 2.2.1	Condition 1	Change to condition number. Change to emission point height description to clarify the requirement.
2.3-2.4 Point source emissions to surface water and groundwater	Not applicable	Condition removed – redundant condition
2.5 Emissions to land	Not applicable	Condition removed – redundant condition
2.6 Fugitive emissions Condition 2.6.1	Not applicable	Condition removed – redundant condition

Current condition / table	New condition / table (if relevant)	Description and rationale
2.6 Fugitive emissions Condition 2.6.2	Condition 4	Change to condition number.
2.7 Odour	Not applicable	Removed odour condition as this is a redundant condition and reflects the general provisions of <i>Environmental Protection Act 1986</i> namely S49(1).
2.8 Noise	Not applicable	Condition removed – redundant condition
3 Monitoring	Not applicable	Condition removed – redundant condition
4 Improvements	Not applicable	Condition removed – redundant condition
5.1 Records Condition 5.1.1	Condition 7	Condition revised in accordance with current standards.
5.1 Records Condition 5.1.2	Not applicable	Condition removed – redundant condition
5.1 Records Condition 5.1.3	Condition 6	Condition revised in accordance with current standards.
5.1 Records Condition 5.1.4	Condition 5	Condition revised in accordance with current standards.
5.2 Reporting Condition 5.2.1	Not applicable	Condition removed in accordance with Notice of amendment of licence reporting requirements dated 16 May 2022 available on the DWER website.
5.3 Notification Condition 5.3.1	Not applicable	Condition removed – redundant condition, noting the provisions of the <i>Environmental Protection Act 1986</i> S72.
Schedule 1: Maps Premises map	Not applicable	Premises boundary map updated – i.e. the premises boundary area has been updated (reduced) to reflect the location of the prescribed premises activity within the western third of Lot 131 on diagram 78117. Added site layout map to clarify the location of the premises infrastructure and air emission point.
Schedule 2: Reporting and notification forms – Annual Audit Compliance Report form	Not applicable	Removed AACR form as this is available within the Department’s website.
Schedule 2: Reporting and notification forms – Form N1	Not applicable	Removed Form N1 as it is redundant.
Not applicable	Schedule 2: Premises boundary Table 3 – premises boundary coordinates	As the Premises boundary area has been updated (reduced) to reflect the location of the prescribed premises activity within the western third of Lot 131 on diagram 78117 – Schedule 2 Table 2 has been added to detail the premises boundary coordinates.

6. Consultation

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

Table 2: Consultation

Consultation method	Summary of comments received	Delegated Officer's response
Application advertised on the department's website on 1 September 2022	No comments received.	Noted.
City of Greater Geraldton advised of application on 25 August 2022	Comment received on 31 August 2022. The City of Greater Geraldton has no records of complaints regarding this operation and supports the renewal of the licence.	Noted.
Applicant was provided with draft decision report and licence documents on 14 September 2022.	Documents reviewed and no issues raised.	Noted.