



Application for Licence Amendment

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

Licence Number	L8437/2010/3
Licence Holder	BHP Nickel West Pty Ltd
ACN	004 184 598
File Number	DWERVT16052
Premises	<ol style="list-style-type: none">1. Kwinana Nickel Refinery Lot 100 on Deposited Plan 423540 Patterson Road KWINANA BEACH WA 6167 Certificate of Title Volume 2958 Folio 2922. Baldivis Facility Lot 820 on Plan 77252 Miller Road BALDIVIS WA 6171 Certificate of Title Volume 2841 Folio 582
Date of Report	23 December 2024
Decision	Revised licence granted

1. Amendment Description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing licence L8437/2010/3 issued under the EP Act for a prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment is limited to changes to the licence operational and monitoring requirements to reflect that the requirements do not apply at times when the premises is not operational. The amendment was sought as a result of the premises operations being temporarily suspended (entering a period of care and maintenance).

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this amendment report, the Department of Water and Environmental Regulation (DWER, department) has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au).

2.2 Background

Licence L8437/2010/3 (the licence) is held by BHP Billiton Nickel West Pty Ltd (licence holder) applicable to the Kwinana Nickel Refinery and Baldvis Facility (NKW) (the premises), located at 270 Patterson Road Kwinana Beach.

In July 2024, BHP announced BHP Nickel West Operations (BHP NiW) will be temporarily suspended from October 2024. During this period:

- BHP NiW's mining and processing operations, including operations at NKW, will be suspended; and
- A care and maintenance program of work will be implemented to ensure the ongoing safety and integrity of BHP NiW's sites and related infrastructure.

2.3 Application summary

On 18 October 2024, the licence holder applied to the department to amend the licence under section 59B of the EP Act requesting administrative changes to a number of operational and monitoring conditions to ensure the licence holder is able to remain compliant with those conditions during care and maintenance periods, as operations have been temporarily suspended.

The licence holder amended the scope of application on the 28 November 2024 to remove proposed amendments to ambient monitoring conditions.

Based on the revised scope of the application the following amendments are being sought:

- Amend condition 1 (monitoring equipment calibration requirements) to replace the words "referred to in" to "required by" to ensure calibration requirements are only applicable to monitoring equipment when it is required to be used.
- Amend conditions 3(a) (stack monitoring), 4 (metals building baghouse operation), 7(a) (tail gas scrubber monitoring), and 12 (hydrogen sulfide plant ambient monitoring) to include "during operational periods" to clarify that the requirements of the condition only apply when the premises is operational.

The licence holder provided the following information relating to the temporary suspension of operation at the premises:

- Operation of the refinery was suspended in October 2024, with handover activities for temporary suspension planned to be completed by March 2025.
- Beyond October 2024, no nickel will be processed at the refinery. The primary focus during this interim phase will be to treat the effluent resulting from emptying and flushing vessels on the premises. Between October 2024 and March 2025 the boiler and Reverse Osmosis (RO) water treatment plant will be operated to treat / evaporate additional process water.
- From March 2025, only the RO water treatment plant will operate to assist in the management of stormwater captured on site.
- BHP NiW has indicated it will reassess the operational status of the wider asset by February 2027.

3. Consultation

The Licence Holder was provided with the draft Amendment Report on 5 December 2024. Comments were received from the Licence Holder on 19 December 2024, proposing a definition for “operational periods” and changes to licence condition 37 relating to pipeline monitoring frequency due to the premises operational status. The proposed changes were determined appropriate by the Delegated Officer on the basis of the premises operational status and amendments aligned with the proposed changes were made. The Delegated Officer noted that pipeline monitoring frequency will likely need to be reviewed should the premises recommence operation. The Delegated Officer considered the licence holder’s proposed definition for operational periods was not sufficiently clear in the context of relevant conditions therefore proposed an alternate definition.

4. Decision

The delegated officer has determined to grant the requested amendments to licence L8437/2010/3 to alter condition 1 and conditions 3(a), 4, 7(a) and 12 such that they only apply during the premises operational periods to ensure the licence holder is able to maintain ongoing compliance with the conditions of the licence through both operational and care and maintenance states. The delegated officer also determined to alter pipeline monitoring requirements in condition 37 to reduce the frequency of pipeline inspections and include operation of continuous leak detection monitoring due to the change to the premises operational status. In determining to make this amendment the delegated officer noted:

- BHP NiW has prepared a Temporary Suspension Environmental Operations Plan for NKW to provide internal guidance in relation to the ongoing environmental obligations that are required to be complied with by BHP NiW during the temporary suspension period as part of the care and maintenance program of work.
- When operations at the premises are suspended, the licence holder will not be able to:
 - Monitor discharges to air from stacks as no discharges will occur whilst the premises is not operating (condition 3a).
 - Operate and maintain dust detection probes in the Metals Building Baghouses as the baghouses will not be operational (condition 4).
 - Continuously monitor the 1-minute average ammonia concentrations from the Tail Gas Scrubber and maintain a log or database of data of the concentrations as there will be no discharges from the scrubber to monitor (condition 7a).
 - Operate and maintain ambient hydrogen sulfide monitors around the hydrogen sulfide plant as hydrogen sulfide levels will not be elevated while the plant is not operating (condition 12).

- The Tail Gas Scrubber and Hydrogen Sulphide plant will be operated at reduced volumes whilst effluent is managed across site. These operations will cease by mid-2025. The equipment will be considered “operational”, and conditions related to monitoring and reporting will be implemented until operations cease.

The delegated officer considers the requested changes appropriate on the basis they do not increase the risk profile of the premises emissions or change the reporting obligations of the licence holder.

The delegated officer decided to include an additional condition to ensure the department is notified in a timely manner when the premises recommences operation following a care and maintenance period. The delegated officer also included definitions for “care and maintenance” and “operational periods” due to these terms being included in the revised conditions of the licence.

5. Conclusion

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

5.1 Summary of amendments

The below Table 1 provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 1: Summary of amendment changes

Condition no.	Proposed amendments
Cover page	Premises details updated to align with current certificate of title
1	The words “referred to in” replaced by “required by”
3(a), 4, 7(a), and 12	Inclusion of the words “during operational periods”
21	New condition requiring CEO notification in writing within 30 calendar days of the commencement of operations following a care and maintenance period.
37	Addition of continuous leak detection monitoring requirement and effluent pipeline visual inspection frequency changed from twice daily to daily. (previously condition 36)
Adjusted condition numbers	With the additional condition, numbers following additional condition 21 have been amended.
Definitions	Added defined terms for “care and maintenance” and “operational periods” in Table 5