



Application to replace expiring licence

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

Licence Number	L8631/2012/2
Applicant	Enaex Australia Pty Ltd
File Number	2011/011299-1
Premises	<p>Collie ANE Manufacturing Facility Part of Mining Tenement M70/262 Powerhouse Road, COLLIE WA 6225</p> <p>Legal description Part of State Forest No. 4 As defined by the map in Schedule 1 plus coordinates depicted in Schedule 2.</p>
Date of Report	24 September 2021
Proposed Decision	Licence granted

Neville Welsh
Senior Industry Regulation Officer

An officer delegated by the CEO under section 20 of the EP Act

1. Application summary

On 17 June 2021, Enaex Australia Pty Ltd (Licence Holder) applied to renew the licence L8631/2012/1 as the licence is due to expire on 27 September 2021. The Premises is located on part of Mining Tenement M70/262, Powerhouse Road, Collie located 12.5 km from the Collie townsite in the Shire of Collie. The licence relates to prescribed premises categories as described below in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production capacity
Category 33: Chemical blending or mixing: premises on which chemicals or chemical products are mixed, blended or packaged in a manner that causes or is likely to cause a discharge of waste in the environment.	40,000 tonnes per year.

The Licence has been assessed at a design capacity of 40,000 tonnes per year which remains unchanged.

The Collie facility manufactures ammonium nitrate emulsion which is used as a precursor for explosives used in mining operations for blasting.

The manufacture process at the facility starts with ammonium nitrate solution (ANSol) transported to site. The solution is classified as a dangerous goods of UN2426, Division 5.1 Oxidizing Agent and is transported at elevated temperatures of around 120°C to maintain the product in a solution state.

At site the ANSol is transferred to a dedicated surge tank, from which it is then transferred in batches to the blending or oxidising solution tank inside the plant. All ANSol delivered to site is used completely each day.

Water is added to the solution tank to dilute the ANSol and reduce the temperature to around 80°C. A diesel fired boiler is used to maintain optimum temperatures to prevent the products from crystallising and blocking pipe-works and pumps. The boiler is used intermittently, turned on and off for short periods to heat the lines.

In a separate blending or fuel phase tank, fuel oil (diesel) is added along with emulsifiers and other chemicals in controlled quantities to achieve the correct formulation ratios.

The oxidising and fuel phases are then combined by running through a further process which blends the two phases to form the final product, Ammonium Nitrate Emulsion (ANE). The ANE is passed through a heat exchanger which reduces the temperature to approximately 50°C before it is transferred to an external storage tank.

2. Regulatory framework

The department has determined to undertake an administrative renewal of the licence and has not conducted a full review and risk assessment of emissions and discharges from the premises in line with the Department's *Work Instruction: Regulatory Services, COVID-19 licensing position*.

In replacing the licence, 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>.

3. Complaints and Incident History

The last incidents or complaints identified at the premises occurred greater than five years ago on 16 June 2015. The incident required further information being reported in the Annual

Environmental Report. The incident was resolved and closed on 8 October 2015. No further incidents have been recorded.

4. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L8631/2012/2 without conducting any additional assessment or risk assessment.

The existing prescribed premises category and licence conditions have not been reviewed as part of this renewal. When previous licence conditions required a report or plan and that has been provided and accepted by the Department then those licence conditions have been removed from this renewal.

The licence requires review, including an updated risk assessment to accurately reflect current groundwater monitoring, review of groundwater intervention parameters plus surface water monitoring. Therefore, the replacement licence will be issued for 10 years.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant definitions and conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- correct clerical mistakes and unintentional errors; and
- transfer all relevant existing regulatory controls and conditions to the renewed licence.

As a result of this decision, a renewed Licence L8631/2012/2 has been granted subject to conditions set out in the attached licence and summarised below.

4.1 Summary of administrative changes

Section 62 of the EP Act provides general power to impose conditions on licences. All licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) for the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm.

Table 2 indicates the transfer and rational of all appropriate conditions from the expiring licence into the renewed licence including changes made to licence conditions where required and the rationale for the changes.

Table 2: Licence conditions description and rationale

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
Cover page	Licence Holder and Registered Business Address changed to "Eneax Australia Pty Ltd" and "8 Melva Place Mount Thorley NSW 2330" respectively.	Changed to reflect new Licence Holder and registered business address.	N/A
	Legal Description of the premises address.	Updated to accurately reflect mining tenement access and legal access agreement with Premier Coal.	
N/A	Definitions.	Relocated to end of licence conditions in new licence format and replaced with Licence history and Interpretation.	N/A
New Condition	Infrastructure and Equipment	New condition 1 identifying the waste containment infrastructure, treatment ponds, bunding containers and monitoring bores.	1 - New
1	Stormwater pond having sufficient retention time to reduce	Incorporated into Table 1 site infrastructure for the 300 kL surface water containment pond operational	1

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
	suspended solids discharging offsite.	requirements.	
2	Stormwater pond liner permeability and construction requirement.	Incorporated into Table 1 site infrastructure for the 300 kL surface water lining system plus construction guidance.	1
3	Quality assurance construction report requiring qualified engineer certification.	Condition removed from licence as the Quality assurance construction report was provided on 7 February 2014. (A722385)	N/A
4	This condition describes the contents of the quality assurance construction report 2014.	Condition removed as the report presented for condition 3 satisfies condition 4 requirement and demonstrates certification of the pond liner.	N/A
5, 6 & 7	Storm water management conditions.	Condition transferred to licence renewal with minor adjustment to definitions and renumbering the table.	2, 3 & 4
8	Groundwater Monitoring program.	Condition removed as the groundwater monitoring program was provided as a draft on 10 January 2013 and Final plan on 19 February 2013. (A588196 & A2044488)	N/A
9	Groundwater Monitoring program.	Condition amended to name the title of the approved Groundwater monitoring program until a full licence review is completed.	5
10	Monitoring Bore installation.	Condition removed as Monitoring Bore have been constructed and included on Premise Plans.	N/A
11	Hydrocarbon and chemical storage report.	Condition removed as Hydrocarbon and chemical storage report was submitted with Licence Renewal application dated 14 September 2021. (A2044407 & A2044412)	N/A
12	Spills and leaks recovery, removal and disposal.	Condition transferred to licence renewal with minor adjustment to definitions and removal of term "environmentally hazardous".	6
13	Annual Environmental Report requirements and annual period defined from 1 July to 30 June following year.	Condition transferred to licence renewal with minor adjustment to definitions and same submission date of 31 August every year.	7
14	Annual Audit Compliance Report requirements for submission including annual period defined from 1 July to 30 June following year.	New standard current licence condition for Annual Audit Compliance Report (AACR) has been applied. AACR due by 31 August every year.	8 - New
Definitions	Relocated to end of licence conditions	Updated current and relevant definitions and terms. Redundant definitions were removed from the licence renewal..	Table 3
	Attachment 1 – PLAN OF PREMISES – Old premises Boundary map deleted.	Premises map reproduced to include boundary coordinates and locate monitoring bores plus surface water discharge point.	Schedule 1 & 2 – Premises Map and coordinates

4.2 Additional conditions

The administrative licence renewal has been updated to include two new standard condition for;

Describing the infrastructure and equipment at the Premises (Condition 1 and Table 1), plus the preparation and submission of an annual audit compliance records (conditions 8) aligning with DWER's *Guidance Statement – Setting Conditions* 2015. These are standard condition to allow for the effective administration of the renewed licence.

5. Consultation

The draft licence and this decision report were provided to the licence holder on 16 September 2021 for comment. The licence holder reviewed the draft documents and made comments on 23 September 2021. The comments confirmed the volumes of the ANE tanks and bunding that have been addressed in new condition number 1, table 1 titled “infrastructure and equipment”.

6. Conclusion

Based on the assessment in this Decision Report, the Delegated Officer has determined that the renewed licence L8631/2012/2 will be granted to commence on 28/09/2021 and expire on 27/09/2031. The licence is subject to conditions commensurate with the determined controls as well as conditions necessary for administration and annual reporting requirements.