



Application to renew a licence

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

Licence Number	L8830/2014/2
Licence Holder	Lithco No.2 Pty Ltd
ACN	612 726 922
File Number	DER2014/001293-2
Premises	Bald Hill Tantalite Project Shire of Coolgardie Tenements M15/400, M15/1305, M15/1308 and M15/1470 WIDGEMOOLTHA WA 6443 As depicted in Schedule 1 of the licence
Date of Report	11 November 2022
Decision	To grant a licence

Neville Welsh
Senior Industry Regulation Officer,
Regulatory Services
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 L8830/2014/2 without conducting additional environmental risk assessment.

The licence will be issued for 8 years aligning with the mining tenement expiry of 2030.

The most recent completed risk assessments can be viewed by Amendment Notice 2 issued on 10 July 2017 and Amendment Notice 3 issued on 17 October 2018.

In renewing the licence the Delegated Officer has determined to

- update the format and appearance of the licence plus correct clerical mistakes and unintentional errors;
- incorporate conditions from licence amendment notices 1, 2 and 3;
- remove unenforceable and redundant conditions plus revise licence conditions and consolidate existing pollution control requirements;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- include all infrastructure into Condition 1 Table 1 titled '*infrastructure and equipment requirements*' and,
- transfer existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L8830/2014/2 subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 19 August 2022 Lithco No. 2 Pty Ltd (licence holder) applied to renew licence L8830/2014/1 as the licence is due to expire on 13 November 2022. The licence was granted to the licence holder for the premises located on Tenements M15/400, M15/1305, M15/1308 & M15/1470 known as Bald Hill Tantalite Project (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>)	Assessed production capacity
Category 5: Processing or beneficiation of metallic or non-metallic ore	1.5Mta
Category 89: Putrescible landfill site	250tpa

3. Regulatory framework

The Delegated Officer has not conducted a full review of the detailed risk assessment of emissions and discharges from the Premises but completed an administrative licence renewal in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2022.

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 five years. There have been no enforcement actions taken against the occupier in the last 5 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 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 Other approvals

Planning approval is not required for projects undertaken on mining tenements. The licence holder has provided evidence they have mining 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 summarizes 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	Summary of current condition	New condition / table (if relevant)	Description and rationale
Condition 1.1	Interpretation	Table 13: Definitions and Interpretation	Updated to latest format and split definitions into new Table 13 at end of licence
Condition 1.1.3	Reference to standards	Interpretation	Updated to latest format
Condition 1.1.4	Reference to guidelines	Interpretation	Updated to latest format
Condition 1.2.2	Spills management	Condition 8	Renumbered and removed reference to “environmentally hazardous materials”.
Condition 1.3.1	Pipeline maintenance	Condition 9	Renumbered and removed reference to “environmentally hazardous materials”.
Condition 1.3.2	Location-specified emissions	Condition 1	Merged into Condition 1

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
Condition 1.3.3	Inspections	Condition 2	Reformatted condition
Table 1.3.2	Inspections of infrastructure	Table 2	Updated table
Condition 1.3.4	Freeboard	Condition 3	Reformatted condition
Condition 1.3.5	Waste acceptance	Removed	Condition removed as it is not enforceable with no clear outcomes.
Condition 1.3.6	Waste disposal	Condition 4	Reformatted condition
Table 1.3.3	Management of waste	Table 3	Updated table
Condition 1.3.7	stockpiles	Condition 5	No change to condition
Table 1.3.4	Cover requirements	Table 4	Updated table
Condition 1.3.8	TSF 2 approved works	Condition removed	Infrastructure is constructed
Condition 1.3.9	TSF 2 works compliance	Condition removed	Compliance report accepted.
Table 1.3.5	Lithium processing plant requirements	Table 1	Merged into Table 1
Condition 1.3.10	TSF embankments	Condition 6	Reformatted condition
Table 1.3.7	TSF construction heights	Table 5	Updated table
Condition 1.3.11	Monthly TSF water balance	Condition 7	Reformatted condition
Condition 2.1.1	Investigate exceedances	Condition 16	Incorporated into Condition 19
Condition 3.1.1	Compliance with standard	Condition 10	Reformatted condition
Condition 3.1.2	Monitoring timeframes	Condition 11	Reformatted condition
Condition 3.1.3	Throughput data or CEMS data	Condition removed	Condition removed as it is not enforceable with no clear outcomes.
Condition 3.1.4	Calibration of monitoring equipment	Condition 12	Reformatted condition
Condition 3.1.5	Notification where calibration not met	Condition 14	Reformatted condition
Condition 3.2.1	Process monitoring	Condition removed	Condition removed as it has no clear outcomes.
Table 3.2.1	Process monitoring	Table 6	Updated table
Condition 3.3.1	Ambient monitoring	Condition 15	Reformatted condition
Table 3.3.1	Ambient air quality	Table 7	Updated table
Table 3.3.2	Ambient groundwater quality	Table 8	Updated table to include new monitoring point names and reference to previous names.
Condition 5.1.1	Recording of information	Condition 16	Reformatted condition
Condition 5.1.2	AACR	Condition 17	Reformatted condition
Condition 5.1.4	Complaints management system	Condition 18	Reformatted condition
Condition 5.2.1	AER reporting	Condition 19	Reformatted condition

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
Table 5.2.1	AER parameters and format	Table 9: AER	Updated table
Condition 5.2.2	AER further conditions	Condition 20	Reformatted condition
Condition 5.2.3	Non-annual reporting requirements	Condition 21	Reformatted condition
Table 5.2.2	Reporting table	Table 9	Updated table
Condition 5.3.1	Notification requirements	Condition 22	Reformatted condition
Table 5.3.1	Notifications table	Table 11	Updated table
Schedule 1- Premises Map	Map	Schedule 1	Updated premises map
Figure 1	Premises map	Figure 1	Map title changed to L8830/2014/2; Monitoring point label font changed to black and define the location with a darker periphery; Change label title from 'Production Bores' to 'Production & Monitoring Bores' in the map insert.
Schedule 2 – Reporting forms	Forms	-	Removed as form is redundant and no longer relevant to the licence.
Figure 4	Tailing storage facility - design drawings	Schedule 2	New title and now schedule 2: tailing storage facility

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 19 October 2022	No submissions were received by closing date of 9 November 2022	n/a
DMIRS advised of application on 20 October 2022	No comments received from DMIRS	n/a
Licence holder was provided with draft documents on 19 October 2022.	Licence Holder comments received on the 24, 26, and 28 of October 2022. See Appendix 1 below	Comments addressed by Delegated Officer in Appendix 1.

Appendix 1 – Licence Holder comments

Reference	Comments received	Delegated Officer's response
<i>Cover page</i>	<i>Category 5 and Category 89 need to be updated to reflect changes approved by previous amendment notices</i>	<i>Category capacities have been updated to capture amendment notice changes - category 5 is now 1.5Mta and category 89 is now 250tpa.</i>
<i>Condition 5 Table 3</i>	<i>Lithco requests the landfill locations be adjusted in-line with the Supporting Document or an explanation provided as to why this is not possible.</i>	<i>The changing of landfill locations outside of the approved location as depicted in Schedule 1 of the licence has not been risk assessed. The Delegated Officer recommends the Licence Holder applies for a licence amendment to apply for new landfill locations.</i>
<i>Monitoring Bores</i>	<i>Lithco requests the Monitoring Bore ID's and locations be adjusted in-line with the Supporting Document or an explanation provided as to why this is not possible.</i>	<i>The Delegated Officer has requested a conversion table showing old bore names and new bore names from the Licence Holder. This has been provided and included in the new Groundwater Monitoring Table of the licence.</i>
<i>Schedule 1 Figure 1</i>	<i>Lithco requests the updated Schedule 1 figure provided with the renewal Supporting Document be inserted in Schedule 1 or an explanation provided as to why this is not possible.</i>	<i>The Delegated Officer has requested a new Figure 1 map be provided that does not show multiple landfill locations as provided with this renewal application. This new map has been included in the Licence.</i>
<i>Condition 1.3.8</i>	<i>Infrastructure works described in Condition 1.3.8 table 1.3.5 have been constructed and completed. Condition should be removed from the licence.</i>	<i>The Delegated Officer agrees that the constructed infrastructure described in Table 1.3.5 has been constructed and is completed. Condition 1.3.8 can be deleted from new licence.</i>
<i>Condition 1.3.9</i>	<i>Infrastructure works have been compliance certified and should be removed from the licence</i>	<i>The Delegated Officer noted the compliance report for the works authorised by Condition 1.3.8 has been completed and accepted by the Department. Therefore, Condition 1.3.9 is deleted from the new licence.</i>
<i>Table 1.3.5</i>	<i>Infrastructure relating to the processing plant</i>	<i>The Delegated Officer agrees and has merged the infrastructure from Table 1.3.5 into the new licence Table 1 based on the 'infrastructure' constructed under Condition 1.3.8 and as confirmed by the compliance report required by Condition 1.3.9.</i>