



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF LICENCE L6825/1967/17 – BRISTILE ROOFING (AUSTRAL BRICKS), HARPER STREET, CAVERSHAM

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(1) of the *Environmental Protection Act 1986* in objection to the conditions of the above licence. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Austral Bricks (WA) Pty Ltd
Licence Holder:	Austral Bricks (WA) Pty Ltd
Proposal Description:	Bristile Roofing, Harper Street, Caversham
Minister's Decision:	The Minister allowed the appeal
Date of Decision:	14 September 2017

REASONS FOR MINISTER'S DECISION

Pursuant to section 106(1)(b) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the former Department of Environment Regulation (DER) on the matters raised in the appeal. The Appeals Convenor also reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeal.

In summary, the Minister understood the key issue raised by the appeal was the contention that the requirement for ambient monitoring of hydrogen fluoride should be removed from the licence. The basis of the appeal is that many years of ambient monitoring data have not shown any exceedance of relevant health standards, and given the limited product type and throughput at the facility, there is no justification for monitoring to continue.

In its initial response to the appeal, the former DER agreed to the licence holder's request, and recommended the appeal be allowed by removing ambient monitoring requirements for hydrogen fluoride. However, DER raised concerns that short-term peak emissions during bypass events may present a risk, and noted that it would review the need for additional

monitoring at the Caversham site once it had considered the results from the continuous emissions monitoring system (CEMS) at the Austral Bricks site in Bellevue (which was the subject of a separate appeal).

DER subsequently determined to delete the CEMS requirement at Bellevue, and in further discussions between the appellant and the Office of the Appeals Convenor, it was agreed that the appellant would provide additional information relevant to the Caversham site which supports the contention that further monitoring is not required.

This additional information was provided to the Office of the Appeals Convenor in July 2017, and was referred to the Department of Water and Environmental Regulation (DWER) for comment. As noted in the Appeals Convenor's report, DWER confirmed that the information provided is consistent with DER's earlier advice that ambient monitoring is no longer required at the premises. In addition, DWER also acknowledged that as Caversham operates without a scrubber, the results of the stack testing the licence holder has undertaken are reflective of all emissions from the facility, and that short-term spikes of the kind contemplated in DER's earlier advice are not relevant to this facility.

It follows from the above that the Minister allowed the appeal to the extent that requirements for ambient monitoring of hydrogen fluoride are removed from the licence in the manner recommended by DER.

DWER will give effect to this decision under section 110 of the *Environmental Protection Act 1986*.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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