



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF A WORKS APPROVAL W6304/2019/1 NEXUS RECYCLING, 8-10 WINCHESTER ROAD BIBRA LAKE

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(3)(a) of the *Environmental Protection Act 1986* in objection to the conditions applied to a works approval. 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:	Enirgi Power Storage Recycling
Proponent:	FTR Operations Pty Ltd
Proposal description:	The construction and commissioning of the Nexus Recycling facility for recycling of used lead acid batteries
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	3 July 2020

REASONS FOR MINISTER'S DECISION

An appeal was received on 23 April 2020 in objection to the conditions applied to works approval W6304/2019/1 issued by the Department of Water and Environmental Regulation (DWER) for the Nexus Recycling Facility.

In summary, the appellant raised concerns that DWER's assessment was not adequate in relation to the management of wastewater and stormwater, and air emissions. The appellant raised particular concerns about the shredder, the laundry and the diesel generator.

Having considered the information available, including DWER's response to the appeal and the Appeals Convenor's report, the Minister decided to dismiss the appeal on the basis that DWER has applied appropriate conditions to the works approval to control the identified risks. The full reasons for the Minister's decision follow.

In relation to wastewater, DWER advised that the wastewater system is a fully enclosed system and wastewater will be treated prior to reuse within the process. The wastewater system does not comprise ponds or tanks that are at risk of overtopping.

As such, DWER did not require a water balance or water quality study for the works approval application. As the risk of an emission from an enclosed system is related to the effectiveness of the construction of the system, DWER applied condition 1 to the works approval to ensure that the facility is constructed in accordance with the intended design.

The Minister was advised that the laundry is required to launder employees' workwear to minimise risk of contamination being carried offsite. The wastewater from the laundry will be treated in the wastewater treatment system.

The disposal of wastewater is regulated by the Water Corporation under the *Water Services Act 2012*. The Minister noted that the applicant has obtained the necessary approvals to dispose of wastewater.

In relation to stormwater, the regulation of uncontaminated stormwater drainage is considered to be outside the scope of regulation by DWER and sits with the relevant planning authority. The Minister understood that the construction of stormwater drainage external to the warehouse ensures that all uncontaminated stormwater received at the premises is directed to the City of Cockburn's stormwater system. The proposed facility will be fully enclosed in the warehouse and constructed within a bunded concrete area to prevent potential spills escaping from the facility.

In relation to air emissions, DWER advised that it undertook a risk assessment and based on the process design, found that there are no emissions to air from the shredder. In relation to emissions from the 320 kilowatt diesel generator, the Minister understood that this will be used in case of an emergency power outage. DWER considered that the level of emissions generated during a power outage is unlikely to result in adverse impacts to public health or the environment.

In regard to emissions monitoring, the monitoring locations are provided in condition 9, Table 3 and Schedule 1 of the works approval. DWER applied condition 9 to the works approval to monitor for potential emissions that may result from the construction and commissioning of the mist eliminator inlet pipe. The Minister understood that compliance with condition 9 will be assessed prior to the issue of a licence to operate.

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*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace

Perth WA 6000

Tel: (08) 6364 7990

Fax: (08) 6364 7999

www.appealsconvenor.wa.gov.au