



Environmental Protection Act 1986

**Hon Albert Jacob MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST AMENDMENT OF WORKS APPROVAL W5391/2013/1 – ALCOA WAGERUP ALUMINA REFINERY, WILLOWDALE RD, WAROONA

Purpose of this document

This document sets out the Minister's decision on nine appeals lodged under section 102 of the *Environmental Protection Act 1986* in relation to the amendment of a works approval issued by the Department of Environment Regulation. 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.

Appellants:	Various (9 appellants, as listed in the Appeals Convenor's Report)
Licence Holder:	Alcoa of Australia Ltd
Premises:	Alumina refinery (Wagerup), Waroona
Minister's Decision:	The Minister dismissed the appeals
Date of Decision:	19 December 2014

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986*, the Minister obtained a report from the Department of Environment Regulation (DER) on the matters raised in the appeals. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeals.

It was noted that a number of matters raised in appeal did not relate to the amendments to Works Approval W5391/2013/1. The appeal right in this case arises under section 102(3)(b) of the Act which provides that any person who disagrees with an amendment of a works approval may lodge an appeal with the Minister for Environment. The Minister noted that section 109(2) of the Act also provides that the Appeals Convenor shall not consider or make recommendations in respect of a matter that is not directly related to, or consequential to, that amendment.

The Minister noted that the Appeals Convenor considered the appeals raise two broad concerns relating to the amendments to the works approval.

By the first ground of appeal, the Minister noted that concern was raised that emissions from the 50B Tank Vent should be tested at current production levels, and that testing for mercury and organo-mercury compounds should be carried out before and after commissioning as part of the works approval.

In relation to emissions from the 50B tank vent, the Minister was advised that condensate discharge from this tank vent is channelled through the Calciner 1-3 Low Volume Vent (LVV) and that the volatile organic compound (VOC) reduction project, the subject of Works Approval W5391/2013/1, will not change this discharge process. The Minister was also advised that quarterly sampling of Calciner 1-3 LVV is a requirement of the conditions contained in Licence 6217/1983/15 and will be tested during the VOC reduction project verification monitoring, as required by the conditions of the works approval.

In relation to the testing of mercury and organo-mercury compounds, the Minister was advised that the commissioning of the air emissions monitoring program which is specified in Condition 3.2.2 of the amended works approval, replicates the monitoring program specified in the conditions of Licence L6217/1983/15, and that this program does not include monitoring of mercury or organo-mercury compounds. The Minister noted that this is based on an understanding of investigations, monitoring and verification of changes to mercury emissions throughout the Refinery from the recommissioning of the oxalate kiln, which is operating under Licence 6217/1983/15. In this regard the DER had advised that it was unnecessary to assess mercury emissions from calcination related to the VOC reduction project as changes to total mercury emissions are not expected.

By the second ground of appeal, the Minister noted that appellants queried how the DER will verify reductions in emissions, particularly under the three-step proposal implementation introduced under the amended works approval.

The Minister understood that the VOC reduction project is a targeted project for the redirection of air emissions from the Calciner 1-3 LVV into the combustion zone of Calculiners 1, 2 or 3 for the destruction of VOCs. The Minister noted that only air emissions from these sources are affected by the works approval. In relation to the introduction of the three-step proposal implementation, the DER advised that it was satisfied that a staged approach to Calciner commissioning and monitoring would not impact on the proponent's ability to use the data to calculate the post-commissioning VOC reduction.

In this regard, the Minister noted that the proponent submitted an Air Emissions Verification Plan to DER, as required under Works Approval W5391/2013/1. The Minister was advised that the DER has reviewed this plan and found that the results of the VOC reduction project comply with the specifications of condition 3.2.2. of Works Approval W5391/2013/1, and that DER is satisfied that the plan provides an adequately detailed methodology for verifying VOC emission reductions through the staged commissioning process.

Taking into account the information presented in the appeals, the Minister considered that the conditions of Works Approval W5391/2013/1 amended by the DER are justified and appropriately relate to the works the subject of the approval, being for the purpose of reducing VOC emissions. The Minister therefore dismissed the appeals.

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) 6467 5190

Fax: (08) 6467 5199

www.appealsconvenor.wa.gov.au