



**Licence Number** L4328/1989/10

**Licence Holder** MARBL Lithium Operations Pty Ltd

**ACN** 637 077 608

**File Number:** DER2013/001044-1

**Premises** Wodgina Operations  
Mining Tenements  
M45/925, M45/381, M45/382, M45/365, M45/50, M45/886, M45/923, M45/353, M45/887, M45/888, M45/924, M45/383, M45/1252, M45/949, M45/254, M45/504 and G45/321  
MARBLE BAR WA 6760

**Date of Report** 26 February 2020

# 1. Definitions and interpretation

## Definitions

In this Amendment Report, the terms in Table 1 have the meanings defined.

**Table 1: Definitions**

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
ASIC	Australian Securities and Investments Commission
Amended Licence	the amended Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Amendment Report.
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer.
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	the Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Amendment
Licence Holder	MARBL Lithium Operations Pty Ltd
Minister	the Minister responsible for the EP Act and associated regulations
Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.

## 2. Amendment description

This amendment is limited to a transfer of Licence L4328/1989/10 from Wodgina Lithium Pty Ltd to MARBL Lithium Operations Pty Ltd (MARBL). This transfer has been made at the request of MARBL following its acquisition of the Premises on 1 November 2019.

The following guidance statements have informed the assessment and decision outlined in this Amendment Report.

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guideline: Decision Making (June 2019)*
- *Guidance Statement: Risk Assessment (February 2017)*

### 2.1. Purpose and scope of assessment

The assessment of the transfer application is limited to a review of ownership details and fitness and competency of operator to determine if a Licence transfer may occur. There are no proposed changes to the current approved Premises categories or design capacity.

Table 2 lists the documents submitted during the assessment process.

**Table 2: Documents and information submitted during the assessment process**

Document/information description	Date received
Licence transfer application form (DWER Document reference: A1846461)	28 November 2019
ASIC current company extract – MARBL Lithium Operations Pty Ltd (DWER Document reference: A1846463)	
Proof of ownership of Premises (DWER Document reference: A1846467)	

### 2.2. CEO initiated amendment

As part of the decision making process, the CEO has also amended the type and style of the licence and issued a revised licence consolidating changes made under Amendment Notices 1 through to 5 issued between 2016 to 2019 (as detailed in the instrument log below), where relevant. The obligations of the Licence Holder have not changed in making this amendment. During the consolidation of this amendment; DWER has not undertaken any additional risk assessment of the Premises.

In consolidating the licence, the CEO has:

- updated the format and appearance of the Licence;
- deleted the redundant AACR form set out in schedule 1 of the previous licence and advised the Licence Holder to obtain the form from the Department's website;
- revised licence condition's numbers, removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

## 2.3. Assessment of fitness and competency of the Licence Holder

As per the Asset Sale and Share Subscription Agreement (ASSS Agreement) between Wodgina Lithium Pty Ltd (WLPL), Albermarle Wodgina Pty Ltd (AWPL) and Albermarle Corporation, on 1 August 2019, Albermarle acquired 60% interest in the Wodgina Lithium Project. As part of the transaction, MARBL has been formed with WLPL holding 40% of the shares and AWPL holding 60% of the shares in MARBL. A joint venture agreement was executed by WLPL, MARBL and AWPL on 1 November 2019 as a result of which MARBL is in control and occupation of the prescribed premises regulated under licence L4328/1989/10 and works approval W6132/2018/1.

MARBL has been deemed to be a fit and competent operator. No records of the following have been found by DWER:

- Infringement notices or environmental field notices;
- Closure notices, stop work orders or environmental protection notices;
- Investigation reports or prosecution outcomes;
- Non-compliance history with controlled waste obligations and payment of fees;
- History of complaints received about the applicant or any other activities they have been involved with; and
- Past history of being unable to meet their financial obligations, for example unpaid licencing fees, current or past insolvency and bankruptcy proceedings.

WLPL was found non-compliant with regards to contravening some conditions of the works approval W6132/2018/1. A letter of warning was issued by the Department.

## 3. Licensing History

Table 3 provides the licensing history for L4328/1989/10.

**Table 3: Licence amendments**

Instrument log		
Instrument	Issued	Description
L4328/1989/3	13/09/2000	Licence reissue
L4328/1989/4	2/10/2001	Licence reissue
L4328/1989/5	2/10/2002	Licence reissue
L4328/1989/6	30/09/2003	Licence reissue
L4328/1989/7	1/10/2004	Licence reissue
L4328/1989/8	28/09/2006	Licence reissue
L4328/1989/9	18/09/2008	Licence reissue
W4530/2009/1	12/11/2009	New works approval for tailings storage facility
W4594/2009/1	7/01/2010	New works approval for Category 89 landfill
W5036/2011/1	1/12/2011	New works approval for Category 54 sewage facility
W4992/2011/1	28/06/2012	New works approval for new crushing facilities
L4328/1989/10	26/09/2013	Licence reissue
L4328/1989/10	12/12/2013	Licence amendment to amend submission date for Annual Environmental Report
L4328/1989/10	2/06/2016	Licence amendment for tyre disposal area
L4328/1989/10	7/02/2017	Licence transferred from Global Advanced Metals Wodgina Pty Ltd to Wodgina Lithium Pty Ltd.

Instrument log		
Instrument	Issued	Description
L4328/1989/10	18/08/2017	Amendment Notice 1: To construct a new tyre disposal area and to increase the Category 89 capacity from 1,850 tonnes per annum to 3,350 tonnes per annum.
L4328/1989/10	12/03/2018	Amendment Notice 2: Construction and operation of secondary fixed processing plant and 3 mobile crushing and screening plants.
L4328/1989/10	25/01/2019	Amendment Notice 3: Addition of category 52, amendment crushing and screening locations, increase in tyre disposal from 200 to 500 tpa and expansion of the current disposal facility area. Addition of a surface water monitoring point at the fixed screening plant. Commissioning of Lithium Beneficiation Plant, TSF3 expansion and Gas Power Station.
L4328/1989/10	10/06/2019	Amendment Notice 4: Extension of operational period of the Temporary 13MW Diesel Power Station. Inclusion of TSF3 MB Ext to the groundwater monitoring program.
L4328/1989/10	23/10/2019	Amendment Notice 5: Addition of categories 85B, landfill expansion area, 64MW gas power station and use of RO wastewater from Simulation 1 for dust suppression.
L4328/1989/10	26/02/2020	Licence transferred from Wodgina Lithium Pty Ltd to MARBL Lithium Operations Pty Ltd.  Licence amended for the consolidation of amendment notices issued for the licence and any other administrative amendments as per section 59(b) of <i>Environmental Protection Act 1986</i> . DWER has not revised risk assessment to manage emissions and discharges from prescribed premises categories currently authorised in the licence. The Premises has been placed under Care and Maintenance in November 2019.

## 4. Risk assessment

The Delegated Officer has determined that the transfer of the Licence is an administrative amendment which does not alter the risk profile of the Premises. Therefore, following the review of proof of ownership and ASIC business registration details, the Delegated Officer has determined to transfer the Licence to MARBL. The Premises must continue to operate in accordance with the original Licence conditions.

Wodgina Operations were placed under care and maintenance effective 1 November 2019. MARBL has submitted a licence amendment application which was received by the Department on 13 December 2019 requesting amendments to the licence on account of completion of works authorised under works approval W6132 and requesting transfer of conditions from W6132 relating to specified actions which cannot be complied with within the timeframe specified on account of the premises' care and maintenance status. The Department is currently assessing the amendment application separate to this licence transfer process.

## 5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that the Licence transfer will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Alana Kidd  
MANAGER, RESOURCE INDUSTRIES  
INDUSTRY REGULATION

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

## Appendix 1: Key documents

	Document title	Availability
1	Licence L4328/1989/10	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
2	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation.	
3	<i>Guidance Statement: Risk Assessment (February 2017)</i>	
4	<i>Guideline: Decision Making (June 2019)</i>	

## Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Report on 13 February 2020 for review and comment. The Licence Holder responded on 22 February 2020 waiving the remaining comment period until 10 March 2020.

Condition	Summary of Licence Holder comment	DWER response
n/a	Add Category 85B to the prescribed premises categories listed on front page of the licence and make it consistent with Schedule 2 of the licence	Prescribed Premises categories listed on front page of the licence updated.
n/a	Minor updates to premises description text	Suggestions accepted.
--	Delete duplicated definition for Annual Audit Compliance Report	Duplicated definition deleted.
Table 1.3.1	Remove Note 2 from Table 1.3.1 as the requirement relating to limiting TDNE3 borefield water in total reverse osmosis feed water composition to not more than 16%.	Agreed. This operational requirement is already specified in Table 1.3.1.