



Application for licence amendment

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

Licence number	L4996/1993/9
Licence holder	Toll Energy and Marine Logistics Pty Ltd
ACN	009 129 060
File number	DER2013/000924
Premises	Dampier Supply Base BURRUP WA 6714 Legal Description – Part of Crown Reserve 41636
Date of report	22/03/2022
Decision	Revised licence granted

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an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

1. Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing licence issued in respect the prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment is limited to changing current reporting requirements, in addition to other administrative changes to update the licence that do not alter the obligations of the licence holder.

In completing the assessment documented in this report, the department has considered and given due regard to its regulatory framework and relevant policy documents which are available at <http://dwer.wa.gov.au/regulatory-documents>.

2. Purpose and scope of assessment

Toll Energy and Marine Logistics Pty Ltd (licence holder / Toll) is seeking to change current reporting requirements on their existing licence L4996/1993/9 for the Dampier Supply Base (the premises). An application for an amendment under section 57 of the EP Act was submitted to the department on 23 July 2021.

2.1.1 Background

Toll operates the Dampier Supply Base (DSB), a marine services facility located in King Bay, about 5 km north-east of Dampier. The prescribed premises relates to category 49: boat building and maintenance. The facility allows for 'slipping' of vessels up to 80 metres in length and up to 4,000 tonnes displacement with vessel maintenance including drydocking, sandblasting, and painting.

The DSB is also subject to the requirements of Ministerial Statement 535 (MS 535).

Condition 2-1 of MS 535 requires the proponent to implement the consolidated environmental management commitments documented in Schedule 2 of the statement. Commitment 7 of MS 535 requires the proponent to develop and implement a water and sediment quality monitoring program in King Bay which is to include provisions for re-evaluation and modification as seen appropriate by the proponent and/or DWER. This program was first submitted in June 2008 with an amendment approved in November 2010.

This program includes;

- annual water quality monitoring;
- annual bio-monitoring (oysters);
- annual sediment quality monitoring.

Results from the past 14 years of oyster biomonitoring indicate that marine operations at the DSB have not resulted in the bioaccumulation of contaminants in nearby sentinel biomonitoring oysters. Based on this, Toll is seeking to discontinue the biomonitoring program and to remove biomonitoring from the marine monitoring program under MS 535.

2.1.2 Reporting requirements

Proponent Commitment 8 of MS 535 commits Toll to reporting the results of the sediment and water quality monitoring program annually.

Under licence L4996/1993/9, Toll is required to report annually on the results of water and sediment water quality (including oyster biotoxicity) undertaken in accordance with MS 535.

2.1.3 Proposed amendment

Toll is seeking to remove the requirement for reporting on the annual oyster biomonitoring in King Bay that is required as part of the marine environmental monitoring program of MS 535.

The removal of Bilge Water Treatment Plant (BWTP) infrastructure from the licence is also being sought, as it is not operable.

3. Decision

3.1.1 Reporting requirements

The delegated officer considers that condition 1(ii) of L4996/1993/9 duplicates the reporting requirements of MS 535, and accordingly will remove this requirement from the licence. The Delegated officer also acknowledges the BWTP is not in use and may, along with monitoring requirements, be removed from the licence as this does not alter the risk profile of the Premises as it involves removing a discharge point.

3.1.2 Administrative changes

In amending the existing licence, the delegated officer has also determined to:

- update the format and appearance of the licence;
- remove redundant conditions and include additional conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- revise licence condition numbers and realign condition numbers for numerical consistency.

3.2 Consultation

The licence holder was provided with drafts of the amended licence and this report for comment on 15 December 2021 and was supportive of the changes made, also providing necessary additional information. The applicant requested that the BWTP be removed from the licence due to it being never fully commissioned, not operable and captured under MS 535. Waste wash and bilge water is removed from site by a contractor.

4. Conclusion

The delegated officer has determined to amend the existing licence, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

4.1.1 Summary of amendments

The below table provides a summary of the proposed updates and will act as a record of implemented changes. All proposed changes have been incorporated into the amended licence.

Existing condition	Condition summary	Revised licence condition	Conversion notes
Cover Page	NA	NA	Revised to current licensing format.
Preamble		N/A	Deleted: Revised to current licensing format
Definitions	N/A	Updated and revised to current licence format	New definitions added to align with new standard conditions included in the licence. New definitions are highlighted in yellow in “definitions” section.
Licence history	N/A	Licence history	Revised to current licensing format.

Existing condition	Condition summary	Revised licence condition	Conversion notes
Interpretation	N/A	Interpretation	Update based on departmental legal advice
1	Annual environmental reporting requirements	Condition 10	<p>Revised to current licensing format, The reporting date has not changed from the previous licence (1st August), being 31 days following the cessation of the annual period. Where possible to condition wording is transferred like for like into table 3.</p> <p>Part 1(ii) -- Deleted from licence - reporting results from water and sediment quality (including oyster biotoxicity). This part is adequately covered by requirements under Part IV of EP Act 1986 - Ministerial Statement 535, on advice from EPA services division.</p>
2	Annual audit compliance report	Condition 11	<p>Revised to current licensing format, the condition is split into two parts, being an audit of compliance with the licence conditions and the submission of the report to DWER. The reporting date has not been altered. (1 August).</p> <p>A new standard definition "annual period" has been included in the licence as part of this condition.</p>
3	General Abrasive blasting and Spray Painting requirements – clean up and disposal	Condition 1 – infrastructure and equipment	<p>Revised to current licensing format – The condition has been incorporated into the standard infrastructure and equipment requirements table in the new format licence. The intent of the condition is for works to be fully enclosed, as such the wording "shrouds, tarpaulins or other similar means" has been deleted.</p> <p>Additionally, the licence holder will be required to maintain the equipment/infrastructure and operate in accordance with the operational requirements in the table</p> <p>Part 3 (c) – abrasive blasting cleanup frequency has been incorporated into the infrastructure and equipment table. The clean up requirements for all vessels are duplicated in table 2, this has been streamlined in the new format licence.</p>
4	Dust control	Condition 2	Numbering change only, no change to wording, transferred like for like into the new format licence.
5	Corrosion inhibitors	Condition 3	Numbering change only, no change to wording, transferred like for like into the new format licence

Existing condition	Condition summary	Revised licence condition	Conversion notes
6(a) – 6(e)	Waste water control equipment	Condition 1	Revised to current licensing format. - The condition has been incorporated into the standard infrastructure and equipment requirements table in the new format licence. Wording has been transferred like for like where possible to fit the structure and intent of the table. Additionally the licence holder will be required to maintain the equipment/infrastructure.
6(f) & 7(a)	Waste water control monitoring and BWTP monitoring.	Condition 5	Revised to current licensing format. - The condition has been incorporated into the standard emissions and discharge monitoring table in the new format licence. BWTP monitoring excluded. No changes made to requirements for sediment and containment treatment systems monitoring location. Parameters required, frequency and units remain like for like transfer into the table. The relevant parts of the Australian Standards have been listed under the heading “Method” Relevant Australian standard definitions have been included in under the “definitions”. Section.
8 (a), 8 (b), 8(d)	Liquid chemical storage requirements	Condition 1 – infrastructure and equipment	Revised to current licensing format. - The condition has been incorporated into the standard infrastructure and equipment requirements table in the new format licence. Wording has been transferred like for like where possible to fit the structure and intent of the table. The licence holder will be required to maintain the equipment/infrastructure. To facilitate the conversion to a new format, the licence holder is requested to provide locations on the infrastructure to DWER on a map(s).
8(c)	Chemical spills	Condition 4	Numbering change only, no change to wording, transferred like for like into the new format licence.
9(a)	Collection and preservation of samples	Condition 5	Revised to current licensing format. - The condition has been incorporated into the standard emissions and discharge monitoring table in the new format licence under the table 2 heading “Method” The relevant parts of the Australian standard have been listed in the table as opposed to generically listing AS5667.

Existing condition	Condition summary	Revised licence condition	Conversion notes
9(b)	Records and reporting	Condition 6	Numbering change only, no change to wording, transferred like for like into the new format licence.
-	Records and reporting – complaint records	Condition 7	New standard licence condition This condition is included in all new format licences. It requires the licence holder to record information about complaints received about alleged emissions from the premises including name, contact details, details of the complaint, other issues raised and details of the investigations or response.
	Records and reporting – maintain records	Condition 8 and 9	New standard licence conditions These conditions relate to records and record keeping and are included in all new format licences. Condition 8 requires the licence holder to maintain accurate and auditable records, information, reports and data required by the licence. Condition 9 has been included to ensure the information required by condition 8 is legible, accessible, and available for inspection by an Inspector or CEO.
Schedule 1: Map	Premises boundary map	Schedule 1: Maps	New naming convention, map updated with reference to site infrastructure
Schedule 1: Map	Monitoring locations map	Schedule 1: Maps	Addition of map of the emissions and discharges monitoring
Schedule 1	Premises boundary map	Premises Boundary co-ordinates	Co-ordinates unreadable in premises boundary map and now included in standalone table 5.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. DWER, 2019, *Guideline, Decision making*, Perth, Western Australia