



Application to renew a licence

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

Licence Number	L6950/1997/12
Licence Holder	Pilbara Iron Company (Services) Pty Ltd
ACN	107 210 248
File Number	DER2014/000487
Premises	7 Mile Rail Yard Gap Ridge WA 6714 Crown Lease GE I - 123612 Lot 175 on Deposited Plan 26146 As defined by the Premises map attached to the issued licence
Date of Report	
Decision	To grant a licence

Senior Environmental Officer, Process Industries
An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L6950 /1997/11 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence, the Delegated Officer determined to:

- update the format and appearance of the licence;
- incorporate licence amendment/s issued prior to the replacement licence;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- include all infrastructure into condition 1, *Table 1: infrastructure and equipment requirements*;
- correct clerical mistakes and unintentional errors;
- transfer all existing regulatory controls and conditions to the new licence; and
- amalgamate Amendment Notice 1 in the new instrument.

As a result of the above, the Delegated Officer decided to grant Licence L6950/1997/12, subject to conditions set out in the attached licence.

2. Application summary

On 25 February 2022 Pilbara Iron Company (Services) Pty Ltd (licence holder) applied to renew licence L6950/1997/11 as the licence is due to expire on 31 May 2022. The licence was granted to the licence holder for the premises located at Crown Lease GE I – 123612, Lot 175 on Deposited Plan 26146 (Premises).

The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 61: Liquid waste facility	25,500 tonnes per annum
Category 73: Bulk storage of chemicals, etc	1,072 cubic metres
Category 85: Sewage Facility	24 cubic metres

Pilbara Iron Company (Services) Pty Ltd (Pilbara Iron) operate a bioremediation facility (biofarm) at 7 Mile approximately 3 kilometres (km) west of Karratha and 8 km south-east of Dampier in the Pilbara region of Western Australia. The biofarm has been in operation since 1991.

This facility uses microbial activity to treat oily water liquid waste that has been transferred to the biofarm from the onsite oily water separator (OWS), an Ultraspin ES3500 hydrocyclone. Sludge from the Dampier wastewater treatment plant (WWTP), also operated by Pilbara Iron, is disposed of at the biofarm.

Oily water from the 7 Mile workshops, locomotive wash bay and 6 Mile bunded aprons is treated by the OWS, prior to being pumped to the biofarm, or when this is not feasible (extreme rainfall events) to the evaporation ponds. The biofarm comprises of a soil bed area of approximately 200 metres (m) by 300 m, where soil is tilled and nutrients are added monthly.

At maximum pumping rates the biofarm may receive 25 500 kilolitres (kL) of waste liquid per year, with some of this being directed to the evaporation ponds. The evaporation ponds are designed to hold an inflow of up to 68 kL per hour of treated water plus a 1 in 10 year flood event.

The Wastewater Treatment Plant was replaced in 2018, for which the licence holder received a licence amendment. The maximum treatment capacity of the new WWTP is 24m³ per day, and as such Category 85 sewage facility was added to the licence during this amendment.

3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2021.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There have been no incidents or complaints identified at the Premises by the department in the last five years. There have been no enforcement actions taken against the occupier in the last 5 years regarding the licence.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.3 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence and which was previously assessed.

4.4 Planning approval

The licence holder has informed the department that it has planning approval for the activities on the Premises.

5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Table 2 summarises the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions changes, description, and rationale

Current condition / table	New condition / table (if relevant)	Description and rationale
Amendment Notice 1		Incorporated category 85, infrastructure, and operational/monitoring requirements from Amendment Notice 1 into the new licence conditions including new Table 1 (old conditions 10 – 22).
Table 1		Moved to first page of licence – removed Table number.
Conditions 1	Condition 20	Renumbered, updated to latest format wording and updated to reflect a recent amendment to reduce the reporting requirement to biennially.
Condition 2	Condition 17	Renumbered and updated to the latest format wording.
Condition 3	Condition 3	No change
Condition 4a	Condition 2	Renumbered only
Condition 4b	Condition 4	Renumbered only
Condition 5	Condition 5	No change
Condition 6	Condition 20	Merged with old condition 1, updated to latest format wording.
Condition 7a	Condition 10	Renumbered only
Table 2	Table 2	No change
Condition 7b	Condition 11	Renumbered only
Condition 7c	Condition 12	Renumbered only
Condition 7d	Condition 13	Renumbered only
Condition 8a	Condition 6	Renumbered only
Condition 8b	Condition 7	Renumbered only
Condition 8c	Condition 8	Renumbered only
Condition 9	Condition 9	No change
Attachment 1	Schedule 1 – Figure 1	New map provided with renewal application
Attachment 2 - Forms		Removed forms as no longer part of new template
Attachment 3 - Infrastructure and monitoring locations maps	Schedule 1 – Figures 2 and 3	New maps provided with renewal application

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 12 May 2022	No comments received	
Local Government Authority advised of the application on 13 May 2022	The City of Karratha responded on 24 May 2022 stating: The City advises that no planning/development approval is required to be issued by the City in this instance.	The Delegated Officer noted this response and concluded that the licence can be granted from a planning point of view.
Applicant was provided with draft documents on 10 May 2022	Applicant provided comments on 17 May 2022. These comments related to corrections of numbering and a correction of the category description. Also requested the AACR to be due on 30 April.	The Delegated Officer accepts the corrections and the suggested change of the due date.