



Licence Number	L6951/1997/13
Licensee	Pilbara Iron Pty Ltd 107 216 535
Registered business address	Pilbara Iron Pty Ltd Level 22, Central Park 152-158 St Georges Terrace PERTH WA 6000
Date of amendment	17 June 2016
Prescribed Premises	Category 5 - Processing or beneficiation of metallic or non-metallic ore; Category 58 - Bulk material loading or unloading; Category 61A - Solid waste facility; and Category 73 - Bulk storage of chemicals, etc
Premises	Dampier Port Operations. Lease Number L3116/3469, L3116/3807, L3116/3471, L3116/5503, L3116/5552 and L3116/4596 BURRUP WA 6714

Amendment

The Department of Environment Regulation (DER) has amended the above licence in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice.

Jane Clarkson

EXECUTIVE ADVISOR LICENSING AND APPROVALS

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

Amendment Notice

This Notice is issued under section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

Amendment Description

Licence L6951/1997/13 was reissued on 21 May 2015 and amended on 19 May 2016 and included a number of conditions relating to noise and dust.

The prescribed premises are also subject to conditions set out in Ministerial Statement 770 under Part IV of the EP Act.

The following conditions in the Licence duplicate conditions set out in the Ministerial Statement. The conditions and the duplication with the Ministerial Statement are set out in the following table.

Licence Condition Number	Condition in Ministerial Statement
Condition 5 (requires dust monitoring at specified locations)	Conditions 6-1 to 6-4 and Schedule 2 of MS770.
Conditions 6 and 7 (requires reporting and actions in relation to exceedances of limits)	Conditions 6-7 to 6-12 and Schedule 3 of MS770.
Condition 8 (specifies meteorological data)	Conditions 6-1 to 6-4 of MS770.
Condition 26 (specifies an improvement program for dust emissions and dust monitoring)	Conditions 6-1 to 6-4, 6-7 to 6-12, Schedules 2 and 3 of MS770.
Condition 30 (relates to dust)	Conditions 6-1 to 6-4, 6-7 to 6-12, Schedules 2 and 3 of MS770.
Conditions 30 and 31 (relates to noise)	Condition 7 of MS770.

Decision

DER's *Guidance Statement: Setting Conditions* provides that conditions will not unnecessarily duplicate requirements imposed on licensees directly by the EP Act or another written law. The Delegated Officer has determined that conditions in the Licence should be removed so that there is no duplication with the requirements imposed under MS770.

A section 46 inquiry under the EP Act has been requested to be undertaken to consider the amendment to MS770 to determine whether noise and dust can be appropriately regulated under Part V of the EP Act and, on that basis, whether conditions may be removed from the Ministerial Statement.

Following the Minister's consideration of the inquiry, in the event that MS770 is amended, then these issues will be reviewed by DER under Part V of the EP Act. Following DER's review, the Licence will then be amended to reflect appropriate risk-based conditions in accordance with DER's *Guidance Statement: Regulatory Principles*.

Amendment History

Instrument	Issued	Amendment /Renewal
L6951/1997/13	21 May 2015	Reissue of Licence. Amalgamated the East Intercourse Island and the Parker Point Operations into one licence.
L6951/1997/13	19 May 2016	Increase the Category 73 design capacity from 45,000 cubic metres (m ³) to 107,000 m ³ .
L6951/1997/13	17 June 2016	Amendment. Removal of duplicate conditions.

Amendment

- Condition 5 is deleted in full by the deletion of the text shown in strikethrough below.

~~AIR MONITORING CONDITIONS~~

~~The Licensee shall conduct ambient air monitoring at the locations listed in column 1 of Table 1 and depicted in Attachment 2, using the corresponding monitoring techniques, sample frequency and methodology in columns 2, 3 and 5 respectively of Table 1, to measure the corresponding parameters in column 4 of Table 1.~~

Table 1: Ambient air monitoring requirements

Column 1	Column 2	Column 3	Column 4	Column 5
Monitoring Location (Attachment 2)	Monitoring Technique	Frequency	Parameter ($\mu\text{g}/\text{m}^3$)	Methodology
Dampier Primary School (Dampier Central)	TEOM	10 minutes	PM ₁₀	AS 3580.9.8
		24 hours		
Karratha	TEOM	10 minutes	PM ₁₀	AS 3580.9.8
		24 hours		

- Condition 6 is deleted in full by the deletion of the text shown in strikethrough below.

~~The Licensee shall, upon becoming aware that the concentration of the parameter stated in column 4 of Table 2 exceeds the target stated in column 5 of Table 2, at the location stated in column 1 of Table 2 when using the monitoring techniques and sample frequency in columns 2 and 3 respectively of Table 2 and is attributable to the Licensee's Port Operations, investigate and provide a written exceedance report to the CEO within 5 business days.~~

Table 2: Ambient air quality target

Column 1	Column 2	Column 3	Column 4	Column 5
Monitoring Location	Monitoring Technique	Frequency	Parameter	Target ($\mu\text{g}/\text{m}^3$)
King Bay	EBAM	24 hours	TSP	150
Dampier Primary School (Dampier Central)	TEOM	24 hours	PM ₁₀	50

- Condition 7 is deleted in full by the deletion of the text shown in strikethrough below.

~~The written exceedance report required by condition 6 shall include, but not be limited to:-~~

- ~~The date and time the exceedance was recorded;~~
- ~~The period over which the exceedance occurred;~~
- ~~The cause of the exceedance;~~
- ~~Justification for any conclusions including analysis of real time TEOM data from other monitoring locations in Attachment 2, regional influences and background (Bureau of Meteorology) monitoring locations;~~
- ~~The corrective action taken or planned to reduce the likelihood of a recurrence if appropriate, including a timeline for implementation;~~

- (f) The number of exceedances in that annual period; and
 (g) Actions taken to progress towards meeting the target of zero (0) exceedances attributable to Dampier-Port Operations.

4. Condition 8 is deleted in full by the deletion of the text shown in strikethrough below.

~~The Licensee shall undertake the meteorological monitoring at the location listed in column 1 of Table 3 for the parameters and units specified in columns 2 and 3 of Table 3 using the methodology in column 4 of Table 3.~~

Table 3: Meteorological monitoring

Column 1	Column 2	Column 3	Column 4
Monitoring Station (Attachment 2)	Parameter	Units	Method
Dampier Primary School TEOM	Wind speed	km/hr	AS 3580.14
	Wind direction	Degrees	
	Air temperature	°C	

5. Condition 26 is deleted in full by the deletion of the text shown in strikethrough below.

~~IMPROVEMENT CONDITIONS~~

~~The Licensee shall complete the improvements detailed in column 1 of Table 6 by the date of completion stated in column 2 of Table 6.~~

Table 6: Improvement program

Column 1	Column 2
Improvement	Date of Completion
The Licensee shall provide to the CEO an Air Quality Monitoring Plan for the premises. The Air Quality Monitoring Plan shall include, but not be limited to:- (a) A clearly labelled map of the premises showing proposed air quality monitoring sites at the premises and two ambient monitoring locations (sited in accordance with relevant Australia Standards); (b) Details and justification on the monitoring techniques to be used; (c) An achievable timeframe within which the air quality monitoring can be implemented; (d) Proposed boundary trigger levels and detailed response procedures when boundary triggers are activated, to reduce the likelihood of an ambient impact; (e) Details on the management of the dust monitoring regime including, but not limited to, how the dust monitoring regime will be integrated into the current dust management strategy for the premises; and (f) Procedures for reviewing and reporting trigger levels with monitoring at ambient locations.	30 April 2016
The Licensee shall submit to the CEO an Environmental Improvement Plan that contains an independent assessment of the design, operation and emissions at the premises against current leading industry practice	30 April 2016

~~for preventing or abating dust emissions.~~

~~The Environmental Improvement Plan shall contain an achievable improvement timetable of priorities to be implemented to reduce dust emissions and achieve current leading industry practice, as a result of the independent assessment. Where improvements cannot be implemented, justifications must be provided outlining why these cannot be achieved and any alternate measures which may be able to be implemented.~~

6. Condition 30 is deleted in full by the deletion of the text shown in strikethrough below.

~~The Licensee shall by 30 April in each year, prepare and provide to the CEO a Dust and Noise Control Strategy Report. The report should detail the dust and noise control strategies and plans for the prescribed premises, including key performance indicators.~~

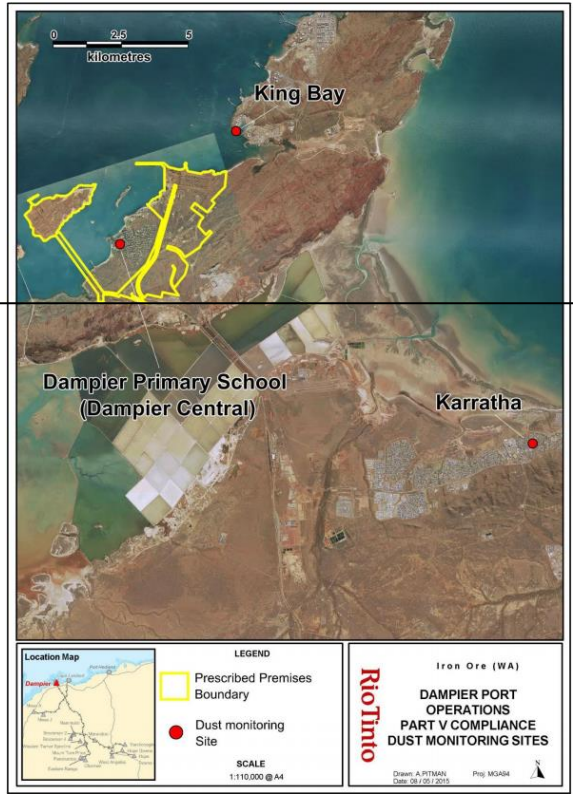
7. Condition 31 is deleted in full by the deletion of the text shown in strikethrough below.

~~The Licensee shall ensure the report required by condition 29 details, but is not limited to:-~~

- ~~(a) The number and location of all dust control equipment on the prescribed premises, including, but not limited to:-~~
- ~~(i) all dust extraction units and bag houses;~~
 - ~~(ii) water sprays on conveyors, transfer points, stackers, reclaimers and ship loaders;~~
 - ~~(iii) belt scrapers and belt wash stations;~~
 - ~~(iv) stockpile sprinklers; and~~
 - ~~(v) covers on conveyors and transfer points.~~
- ~~(b) Details of all dust control procedures on the prescribed premises, including, but not limited to:-~~
- ~~(i) bulk ore moisture control including moisture analysis;~~
 - ~~(ii) removal of spilled material from underneath conveyors, transfer points, screening plants and the wharf area including schedule and dates of work;~~
 - ~~(iii) operation of water trucks on site; and~~
 - ~~(iv) use of chemical suppressants.~~
- ~~(c) Maintenance strategies and records for dust control equipment;~~
- ~~(d) Key performance indicators for the dust control equipment, procedures and showing actual equipment availability;~~
- ~~(e) An update on Improvement Condition 26;~~
- ~~(f) Annualised PM₁₀ data including trend analysis;~~
- ~~(g) Annualised TSP data including trend analysis;~~
- ~~(h) A summary of target exceedances and values above target, as per condition 5, over the reporting period;~~
- ~~(i) Comparison of annualised PM₁₀ data, and the number of target exceedances, as per condition 6, against the current air quality model;~~
- ~~(j) Details of any community complaints and actions taken;~~
- ~~(k) The number of noise complaints received by the Licensee, detailing the date, time, reported reason and licensee responsive action;~~
- ~~(l) Details of all noise control procedures on the prescribed premises;~~
- ~~(m) Key performance indicators for noise control equipment and procedures; and~~
- ~~(n) An update on the investigation and implementation of new technologies and systems to improve noise emissions from the premises with particular attention to old infrastructure.~~

8. Attachment 2 is deleted in full by the deletion of the text and imagery shown in strikethrough below.

~~ATTACHMENT 2 — DAMPIER PORT OPERATIONS DUST MONITORING LOCATIONS~~



9. The numbering for the deleted conditions is retained so that the condition and table numbering for existing conditions and tables remain.