



Amendment Notice 1

Licence Number	L7774/2000/6
Licence Holder	Robe River Mining Co Pty Ltd
ACN	008 694 246
File Number:	DER2014/000873
Premises	West Angelas Iron Ore Mine AML70/248 sections 71, 72 and 79, L47/50, L47/52, L47/53, L47/60, L47/409, E47/2963, G47/1236 and G47/1235
Date of Amendment	20/11/2018

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

Alana Kidd

Manager, Resource Industries

Regulatory Services – Environment

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

Amendment Notice

This amendment is made pursuant to 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.

This notice is limited only to an amendment for Category 6. No changes to the aspects of the Licence relating to Categories 5, 12, 52, 54, 64 or 73 have been requested by the Licence Holder or made.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles* (February 2017a)
- *Guidance Statement: Decision Making* (February 2017b)

Amendment description

This amendment notice reduces the production capacity for category 6 (mine dewatering discharge) from 11,840,000 tonnes per annual period to 6,000,000 tonnes per annual period. The amendment is to facilitate alignment and consistency between the assessment decisions made or under consideration with Parts IV and V of the *Environmental Protection Act 1986* (EP Act).

A development proposal under Part IV of the EP Act (Assessment No. 2132) for the West Angelas mine was lodged with the Environmental Protection Authority by the Licence Holder at the same time as an amendment to Licence L7774/2000/6 was under consideration under Part V of the EP Act. Both the Part IV and V proposals included an increase in dewatering from 6GL/year to 11.84GL/year among other things, with approval for the Part V Licence amendment subsequently being granted. However, under section 41 of the EP Act, a decision making authority is not to make a decision that may cause a project to be implemented while it is under assessment by the Environmental Protection Authority (EPA). Consequently, a revision to the Licence was required to ensure compliance with this requirement.

A review of Assessment 2132 along with L7774/2000/6 by the EPA Services Unit concluded that no other aspects of the Licence amendment are in conflict.

The timeline of events is below:

- 30 June 2017 - Application for amendment to L7774/2000/6 to enable increase in category 6 capacity and removal of some conditions.
- 11 July 2017- Referral of a proposal to the Environmental Protection Authority (EPA) for assessment.
- 23 August 2017 - Level of assessment set Public Environmental Review by the EPA under section 39(1) the EP Act (assessment number 2132).
- 31 October 2017 - Licence amendment notice for L7774/2000/6 granted by the Department of Water and Environmental Regulation approving the increase in dewatering discharge and other aspects as noted in table 1.

Amendment history

Table 1 provides the amendment history for L7774/2000/6.

Table 1: Licence amendments

Date of Amendment	Amendment Details
15/8/14	Inclusion into L7774/2000/6 of category 70 Prescribed Premises and nutrient loading rates for the waste water treatment plant
4/12/14	Revocation of Licence L7624/2000/7 and incorporation of the waste water treatment plant from L7624/2002/7 into Licence L7774/2000/6
31/3/16	Inclusion into L7774/2000/6 of a landfill constructed under Works Approval W5721/2014/1
31/10/17	<ul style="list-style-type: none"> • Increase in design capacity for Category 6 from 6GL/year to 11.84GL/year to allow for a dewatering discharge outlet at deposit B, which will discharge at 5.84GL/year • Approval for a waste dump landfill at deposit B to replace existing landfills that are nearing capacity. The design capacity for Category 64 has not changed. • Removal of previous condition 1 (requiring operating the mobile crushing and screening plant in accordance with a specific management plan) • Removal of previous condition 3 (requiring discharge of effluent only to approved irrigation areas) • Removal of previous condition 12 (referring to hydrocarbon management) • Removal of previous condition 22 for tyre storage and disposal • Removal of previous condition 25 relating to the monitoring of the extent of surface water discharge and replacement with new condition 24. • Removal of conditions 26 - 30 (Relating to construction of the West Angelas Power Station) • Updated definitions • Inclusion of new conditions 19 to 21 for the construction and operation of the deposit B dewatering discharge point • Administrative change to the reference of the element Boron • Inclusion of new condition 30 for the submission of a compliance document following construction of the deposit B dewatering discharge point • Update to condition 32 for the Annual Audit Compliance Report • Update of Attachments 4 (map of premises landfills) • Removal of Attachment 7 (form for submission of Annual Audit Compliance Reports)

Decision

The inconsistency with the requirements of the EP Act caused by the granting of the Licence amendment while assessment 2132 was under consideration is thought to have been caused by an administrative error due to dewatering being only in the Part V Licence previously.

The October 2017 Licence amendment evaluated and approved inclusion of an additional dewater discharge point (at Deposit B) with a capacity of 5.84GL/year, with this being in addition to the existing dewater discharge point at Turee Creek (capacity of 6GL/Year). The Licence Holder has advised that the Deposit B outlet has been constructed and that dewater is being discharged from both the deposit B outlet and the original outlet (at Turee Creek). The Licence

Holder has advised, however, that total discharge volumes across both outlets remains below the pre-amendment level (of 6GL/year), owing to capacity being constrained by its groundwater abstraction licences and onsite usage.

The EPA Services unit has advised that its principal concern relates to the increased dewater volume with the potential to enter Karijini National Park and not to the addition of the Deposit B as a discharge outlet. The discharge from this discharge point has previously been assessed via the licence (as amended 31/10/2017), hence this amendment to reduce the volume does not require reassessment.

The Licence has therefore been updated to ensure consistency with the Part IV assessment by reducing the total annual dewater discharge permitted to 6GL/year across both outlets.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 22 October 2018. Comments received from the Licence Holder have been considered by the Delegated Officer as shown in Appendix 2.

Amendment

1. The prescribed premises production or design capacity as described in Page 1, Schedule 1 of the Licence is amended by deletion of the text shown in strikethrough below and insertion of the text shown in bold underline below

CATEGORY NUMBER	CATEGORY DESCRIPTION	CATEGORY PRODUCTION OR DESIGN CAPACITY	PREMISES PRODUCTION OR DESIGN CAPACITY
6	Mine dewatering	50,000 tonnes or more per year	41,840,000 <u>6,000,000</u> tonnes per annual period

2. Condition 22 is amended by deletion of the text shown in strikethrough and insertion of the text shown in bold underline below.
- 22 The Licensee shall ensure that all ~~no more than 6 gigalitres per annum~~ **no more than 6 gigalitres per annum** of dewatering discharge to Turee Creek flows through the Turee Creek and Deposit B dewatering discharge points.

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L7774//2000/6 – West Angelas Iron Ore Mine	L7774	accessed at www.dwer.wa.gov.au
2	Assessment 2132: West Angelas Iron Ore Project Deposit C, D and G	Assessment 2132	accessed at www.epa.wa.gov.au/
3	West Angelas Part IV and V alignment: EPA Services advice	EPA Services Advice	DWER record DWERDT91836
4	DWER, February 2017. <i>Guidance Statement: Regulatory Principles</i> . Department of Water and Environmental Regulation, Perth.	DWER 2017a	accessed at www.dwer.wa.gov.au
5	DWER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Water and Environmental Regulation, Perth.	DWER 2017b	

Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 22 October 2018 for review and comment. The Licence Holder responded on 2 November 2018. The following comments were received on the draft Amendment Notice.

Condition	Summary of Licence Holder comment	DWER response
Condition 22	<p>The Licence Holder provided the following comments:</p> <p><i>“The licensee requests that the proposed additional text (which creates a hard limit on discharge volumes) be removed. Justification for the removal of this text is provided below:</i></p> <ul style="list-style-type: none"> • <i>The licensee considers that the risk to the environment does not warrant a hard limit on discharge volume given there are no significant environmental receptors within the maximum dewatering discharge extent;</i> <ul style="list-style-type: none"> ○ <i>Modelling, undertaken to support the existing Part IV and Part V assessments, was based on continuous discharge of the maximum discharge volume (up to 6 GL/a). However, discharge volumes are likely to vary on a day to day basis depending on on-site water requirements (dewatering water is used on-site to supply water for operational purposes such as processing and dust control in the first instance) and the expression of the discharge is further influenced by infiltration, evaporation and evapotranspiration and as such, this modelling is considered to be very conservative.</i> ○ <i>Potential hydrological and ecological impacts have been assessed for the entire length of the maximum dewatering discharge extent. No significant environmental receptors have been identified.</i> ○ <i>The maximum expression of discharge of up to 6 GL/year would not reach within 10km of Karijini National Park.</i> • <i>The Proposal to discharge up to 6 GL/a of surplus dewatering water was referred to the Environmental Protection Authority in August 2010. The EPA determined that the Proposal was not so significant as to require assessment</i> 	<p>The Delegated Officer has considered the comments received from the Licence Holder and determined to retain the limit for mine dewater discharge, however has updated Condition 22 to clarify that 6 GL <i>per annum</i> may be discharged, consistent with the prescribed premises table on Page 1 of the Licence.</p> <p>Pursuant to Section 59B (7) of the EP Act, DWER can consider an application to increase mine dewater discharge once the proposal to increase discharge from 6 GLpa to 11.84 GLpa has been determined under Part IV of the EP Act.</p>

Condition	Summary of Licence Holder comment	DWER response
	<p><i>by the EPA and issued the decision; ‘Not Assessed – No Advice Given’ in December 2010.</i></p> <ul style="list-style-type: none"> <i>A hard limit poses potential difficulty with regards to practically managing volumes and hence compliance. As mentioned above, discharge volumes are likely to vary on a day to day basis depending on on-site water requirements. A small exceedance in the total annual discharge volume could result in a non-compliance, despite the low risk of detrimental impact to the environment.</i> <p><i>If a hard limit were to remain, the licensee requests that text be amended so that it states that 6 GL of dewatering discharge “per annum” from the discharge points combined is authorised. Additional text is also requested to account for scenarios where maintenance activities may require non-significant exceedances of the discharge volume. Suggested additions are provided below in bold.</i></p> <p><i>22. The Licensee shall ensure that no more than 6 gigalitres (GL) per annum of dewatering discharge to Turee Creek flows through the Turee Creek and Deposit B dewatering discharge points under normal operating conditions.</i></p> <p><i>It is also noted that the West Angelas Deposits C, D and G Proposal (currently under assessment) proposes to include a hard limit on the discharge extent from dewatering discharge activities within the Ministerial Statement and as such, discharge will be regulated via Part IV of the EP Act, subject to approval of the Proposal.”</i></p>	