



Licence Holder	A.C.N. 065 925 402 Pty Limited
ACN	065 925 402
Licence Number	L8411/2010/2
Prescribed Premises	Category 58 : Bulk material loading or unloading
Premises	Silica Sand Storage Facility 1576 Princess Royal Drive PORT ALBANY WA 6330 Part of Lot 1576 on Plan 38810
Date of amendment	28 March 2017

Amendment

The Chief Executive Officer (CEO) of 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. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act and follows.

Date signed: 28 March 2017

Caron Goodbourn

A/Manager Licensing (Process Industries)

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 58 to increase the premises production or design capacity. No other changes to the aspects of the original licence relating to Category 58 have been requested by the Licence Holder.

The following DER Guidance Statements have informed the decision made on this amendment

- *Guidance Statement: Regulatory Principles* (July 2015)
- *Guidance Statement: Setting Conditions* (October 2015)
- *Guidance Statement: Decision Making* (November 2016)
- *Guidance Statement: Risk Assessment* (November 2016)

Amendment Description

On 14 February A.C.N. 065 925 402 Pty Limited (the Licence Holder) submitted an application to DER for an amendment to the Port Albany Silica Sand Storage Facility (the Premises) licence (L8411/2010/2).

The amendment application relates to a proposal to increase the premises production or design capacity for category 58 Bulk material loading or unloading from 14,000 tonnes per day conveyor capacity to 18,000 tonnes per day conveyor capacity. The Licence Holder has advised that the increase is required to improve the efficiency of ship loading to reduce ship berthing time within the Port of Albany. The existing conveyors have the capacity to increase throughput to up to 750 tonnes per hour which is equivalent to the proposed daily design capacity increase. The Licence Holder has proposed that the volume of each ship loading event will remain the same (approximately 45,000 tonnes) and the number of ship loading events per annual period will also remain unchanged (3 to 5 shipments) therefore there will be no increase to annual production capacity (250,000 tonnes per year). The Licence Holder has also requested that compliance reporting frequency be reduced from annually to biennially.

Table 1 below outlines the proposed changes to the premises design capacity.

Table 1: Proposed design capacity changes requested in amendment

Category	Current Design Capacity	Proposed Design Capacity	Description of proposed amendment
58	14,000 tonnes per day conveyor capacity and a total maximum annual capacity of 250,000 tonnes per year	18,000 tonnes per day conveyor capacity and a total maximum annual capacity of 250,000 tonnes per year	Reduce ship berthing time by increasing the daily rate of ship loading.

Risk assessment

Table 2 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. The table identifies whether the emissions present a material risk to human health or the environment, requiring regulatory controls.

Table 2: Risk assessment for proposed amendments

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning
Source/Activities	Potential Emissions	Potential Receptors	Potential Pathway	Potential Adverse Impacts				
<p>Cat 58 Bulk material loading or unloading</p>	<p><i>Increased dust emissions</i></p>	<p><i>Residences within the town of Albany approximately 340m north northeast of the premises boundary.</i></p>	<p><i>Air/wind dispersion</i></p>	<p><i>Health/amenity impacts</i></p>	<p><i>Minor</i></p>	<p><i>Unlikely</i></p>	<p><i>Medium</i></p>	<p><i>A previous dust investigation undertaken for the premises found that the primary source of dust emissions for the premises is the silica stockpile not ship loading activities. There is no record of any dust complaints relating to the premises.</i></p> <p><i>Ship loading involves two front end loaders transferring silica from the stockpile to a reclaim hopper from which it is transferred via two conveyors to a telescoping ship loader. The ship loader transfers silica to the ship directly within the hold.</i></p> <p><i>Controls which are implemented by the Licence Holder to minimise dust emissions during ship loading include:</i></p> <ul style="list-style-type: none"> - <i>Removal of the majority of the fines fraction (<50µm) at the mine site prior to transporting silica to the premises.</i> - <i>Programmable sprinkler system on the storage stockpile to suppress dust and maintain moisture content.</i> - <i>Belt scrapers and belt sprays on the conveyors to keep product moist during loading.</i> - <i>Dust collection and capture system on the ship loader</i> - <i>Shade cloth fencing around the premises boundary to capture dust emissions.</i>

								<p><i>Existing licence conditions 2.3.1 and 2.3.2 requiring clean-up of spillages after ship loading are intended to minimise dust emissions occurring after a ship loading event.</i></p> <p><i>The Delegated Officer considers that as there will be no change to the process of ship loading, only an increase in the work rate of the involved equipment, dust emissions are unlikely to noticeably increase as a result of the proposed increase to premises production capacity.</i></p> <p><i>The Delegated Officer has reviewed current regulatory controls within the Licence and considers that the fugitive dust control condition is not in line with Guidance Statement: Setting Conditions. Additional Licence Holder controls for dust management have therefore been included in this amendment notice.</i></p>
		<i>Increased noise emissions</i>			<i>Slight</i>	<i>Unlikely</i>	<i>Low</i>	<p><i>The Delegated Officer considers that as there will be no change to the process of ship loading, and no additional equipment required to increase the premises production capacity , noise emissions are likely to be in line with current levels and of shorter duration and therefore unlikely to increase .</i></p> <p><i>The EP Noise Regulations 1997 apply to noise emissions..</i></p>

Decision

Increase premises production or design capacity for category 58 Bulk material loading or unloading

Based on the Licence Holder's application, the Delegated Office has determined that there is unlikely to be any noticeable increase in noise or dust emissions as a result of increasing the premises daily production capacity. The increase in production will be achieved through increased work rate of existing ship loading equipment. The premises production capacity has been increased to 18,000 tonnes per day conveyor capacity via this amendment notice. The Delegated Officer has reviewed existing regulatory controls related to dust management and considers that they do not adequately manage the risk of dust emissions. The Delegated Officer has therefore granted this amendment notice with the inclusion of Licence Holder control for dust emissions.

Reduce the frequency of compliance reporting to biennially

The Delegated Officer has considered the Licence Holder's request to reduce the frequency of compliance reporting from annually to biennially. In considering this request the Delegated Officer has referred to the DER *Guideline: Annual Audit Compliance Reports 2016* and *Guidance Statement: Publication of Annual Audit Compliance Reports 2016*. The Guideline states that "The requirement for licence holders to audit and report on their environmental compliance is an integral part of the DER's wider compliance management framework". DER review and publish incoming reports "in order to increase transparency of licensees' environmental performance, in line with DER's Regulatory Principals" (DER 2016b). The Delegated Officer has therefore determined that the frequency of compliance reporting will remain unchanged as it provides a regular opportunity for the Licence Holder and DER to review the environmental performance and compliance for the premises. In accordance with the Guideline the template for the Annual Audit Compliance Report (AACR) has been updated and is now available on the DER website. The AACR template in Schedule 2 of the licence has therefore been removed through this amendment notice and a definition included for the AACR.

DER intends to commence, within the next six months, a detailed risk review of the licence to align it with the DER's risk based Regulatory Framework. The review will incorporate these amendments into the Revised Licence.

Amendment History

Table 3 provides the amendment history for L8411/2010/2.

Table 3: Licence amendments

Instrument	Issued	Amendment
L8411/2010/2	27/06/2013	Licence reissued
L8411/2010/2	27/03/2017	Amendment Notice 1 Increase premises daily production or design capacity

Licence Holder's Comments

The Licence Holder was provided with the draft Amendment Notice on 10 March 2017. The Licence Holder responded on 28 March 2017 advising that they had no comments on the draft Amendment Notice.

Amendment

1. The approved premises production or design capacity for category 58 Bulk material loading or unloading is amended from *14,000 tonnes per day conveyor capacity to 18,000 tonnes per day conveyor capacity.*

2. The Definitions of the licence are amended by the insertion of the following definitions: below.

“Annual Audit Compliance Report” means a report in a format approved by the CEO as presented by the Licensee or as specified by the CEO from time to time and published on the Department’s website;

“CEO” for the purposes of notification means:

Chief Executive Officer
 Department Div. 3 Pt. V EP Act
 Locked Bag 33
 CLOISTERS SQUARE WA 6850
 Email: info@der.wa.gov.au

3. The licence is amended by the insertion of the following condition 1.3.1:

1.3.1 *The Licensee must ensure that the infrastructure and equipment specified in column 1 of Table 1.3.1 are maintained and operated in good working order in accordance with the requirements specified in column 2 of Table 1.3.1.*

Table 1.3.1: Infrastructure Controls

Column 1	Column 2
Site infrastructure	Operation details
<i>Silica stockpile programmable sprinkler system</i>	<ol style="list-style-type: none"> <i>The sprinkler system shall as a minimum be operated twice per 24 hour period and at any time visible dust occurs from the stockpile.</i> <i>The sprinkler system shall be programmed to operate at any time wind velocity exceeding 10 knots is detected by the system’s wind sensor.</i>
<i>C2 and C3 conveyors</i>	<ol style="list-style-type: none"> <i>Belt scrapers and belt sprayers shall be in operation at all times when the conveyors are loading product onto a ship.</i>
<i>Ship Loader</i>	<ol style="list-style-type: none"> <i>The ship loader shall deliver product within the ship’s hold.</i> <i>The ship loader dust collection system shall be in operation at all times when the ship loader is in use.</i>

3. The licence is amended by the deletion of the following Condition 2.6.1:

2.6.1 *The Licensee shall ensure that no visible dust or sand generated by the loading, storage and unloading of silica sand leaves the boundary of the Premises.*

4. The licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:

- 5.2.1 The Licensee shall submit to the ~~Director~~ **CEO** ~~at the Contact Address~~ an annual environmental report within 28 calendar days after of the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.
5. The licence is amended by removal of the Annual Audit Compliance Report template in Schedule 2

Appendix 1: Key Documents

	Document Title	In text ref	Availability
1	Licence L8411/2010/2 – Silica Sand Storage Stockpile	L8411/2010/2	accessed at http://www.der.wa.gov.au
2	Licence Amendment Application: ACN Pty Limited Silica Sand Storage Stockpile	ACN 2017	DER records (A1377156)
3	Phase 1 of an air quality investigation for AustSand at Albany Port. Environ, 2007	Environ 2007	DER records (A643175)
4	DER, July 2015. <i>Guidance Statement: Regulatory principles.</i> Department of Environment Regulation, Perth.	DER 2015a	accessed at http://www.der.wa.gov.au
5	DER, October 2015. <i>Guidance Statement: Setting conditions.</i> Department of Environment Regulation, Perth.	DER 2015b	
6	DER, August 2016. <i>Guideline: Annual Audit Compliance Report.</i> Department of Environment Regulation, Perth.	DER 2016a	
7	DER, May 2016. <i>Guidance Statement: Publication of Annual Audit Compliance Reports.</i> Department of Environment Regulation, Perth.	DER 2016b	
8	DER, November 2016. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	DER 2016c	
9	DER, November 2016. <i>Guidance Statement: Decision Making.</i> Department of Environment Regulation, Perth.	DER 2016d	