



# Amendment Notice 1

<b>Licence Number</b>	L8788/2013/1
<b>Licensee</b>	Atlas Iron Limited
<b>ACN</b>	110 396 168
<b>Registered business address</b>	Level 18 Raine Square 300 Murray Street PERTH WA 6000
<b>Date of amendment</b>	31 March 2017
<b>Prescribed Premises</b>	Category 05: Processing or beneficiation of metallic or non-metallic ore Category 54: Sewage facility Category 89: Putrescible landfill site
<b>Premises</b>	Mt Webber DSO Project M 45/1209-1 and L 45/280 NULLAGINE WA 6758

## 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.

Date signed: 30 March 2017

**Alana Kidd**

MANAGER LICENSING (RESOURCE INDUSTRIES)

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 Licence L8788/2013/1 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 to change the category 5 assessed premises production or design capacity and to incorporate relevant *Administrative Changes implemented within the Department of Environment Regulation* (Administrative Changes).

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

- *Guidance Statement: Setting Conditions* (October 2015)
- *Guidance Statement: Decision Making* (February 2017)
- *Guidance Statement: Risk Assessments* (February 2017)
- *Guidance Statement: Environmental Siting* (November 2016)

## Amendment Description

Atlas Iron Limited (Atlas Iron) (the Licensee) operates the Mount Weber DSO Project under existing licence L8788/2013/1. The prescribed activities currently occurring on the premises include Category 5: Processing or beneficiation of metallic or non-metallic ore; Category 54: Sewage facility; and Category 89: Putrescible landfill site.

The Licensee applied on 25 November 2016 for an amendment to Licence L8788/2013/1 to increase the Category 5: processing or beneficiation of metallic or non-metallic ore assessed throughput, from 7,000,000 tonnes per annum (tpa) to 9,000,000 tpa.

Atlas Iron has stated in its application for the amendment that no modification to the existing infrastructure is required.

## Dust, stormwater drainage, and hydrocarbon and chemical storage

The controls in place to manage dust, stormwater drainage, and hydrocarbon and chemical storage are summarised below (from Application, 2016; Application, 2014; and Email, 2017):

Dust controls:

- Ore product conditioned to the dust extinction moisture content during processing;
- Transfer chutes fitted with dust covers;
- Dust suppression undertaken using water sprays on the crushing circuit, with regular inspection undertaken to assess the effectiveness of the water sprays; and
- A mobile truck with a water canon and/or spray bar utilised to manage dust as required.

Hydrocarbon and chemical management includes:

- Hydrocarbons stored and handled in accordance with the *Dangerous Spill Goods (storage and Handling of Non Explosives) Safety Regulations 2007*, and AS1940: The Storage and Handling of Flammable and Combustible Liquids;
- Storage facilities for hydrocarbon/hazardous materials are contained with impervious bunds and inspected for evidence of leaks and spills;
- Refueling pads bunded;
- Washdown facility equipped with oily water separators and grit interceptors;
- Spill recovery and clean up materials maintained at all hydrocarbon/hazardous material storage area, with hydrocarbon contaminated soil taken to the onsite bioremediation farm; and
- Contamination managed and reported in accordance with the *Contaminated Sites Act 2003*.

Stormwater management includes:

- Processing plant located approximately 2 kilometres (km) from the Shaw River;
- Areas containing hazardous materials are bunded and hydrocarbons and chemicals managed as described above;
- Uncontaminated stormwater is diverted around the processing area; and
- Stormwater from the ROM area is diverted to a sedimentation pond sized to accommodate a 5 year Average Recurrence Interval rainfall volume and with a spillway for overflow.

## Premises boundary

The premises boundary includes M45/1209-1, L45/280 and *Land Administrative Act 1997* Section 91 Licence Area (LIC00200/2013\_A3227408). The Section 91 Licence Area was included in the premises boundary to include Category 12 mobile crushing and screening of gravel, during construction of the Hillside – Woodstock Road and Woodstock – Marble Road.

Category 12 was removed from the Licence L8788/2013/1 at an amendment issued on 11 February 2016 because the construction of the road was complete, and crushing and screening activities had ceased. Therefore, the Delegated Officer has determined that the *Land Administrative Act 1997* Section 91 Licence Area (LIC00200/2013\_A3227408) be removed from the premises boundary.

## Administrative Changes

Administrative Changes require the removal of conditions that do not meet the requirements for conditions in DER's *Guidance Statement: Setting Conditions, October 2015*. The conditions required to be removed by Administrative Changes are outlined in Table 1 below:

**Table 1: Conditions removed by Administrative Changes**

Condition number	Condition	Reason Removed
1.1.5	<i>Nothing in this Licence shall be taken to authorise any emission that is not mentioned in this licence, where the emission amounts to:</i> (a) <i>pollution;</i> (b) <i>unreasonable emission;</i> (c) <i>discharge of waste in circumstances likely to cause pollution; or</i> (d) <i>being contrary to any written law.</i>	This condition is not valid, enforceable or risk based as it is an explanatory statement.
1.2.1	<i>The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.</i>	This condition is not enforceable as it is not sufficiently clear or certain.
1.2.2	<i>The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.</i>	This condition is not enforceable as it is not sufficiently clear or certain.
1.2.3	<i>The Licensee shall:</i> (a) <i>Implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and</i> (b) <i>Treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.'</i> <i>Note 1: The Environmental Protection (Unauthorised Discharges) Regulations 2004 make it an offence to discharge certain materials to the environment.</i>	This condition is not enforceable as it is not sufficiently clear or certain.
4.1.2	<i>The Licensee shall ensure that:</i> (a) <i>any person left in charge of the Premises is aware of the conditions of this Licence and has access at all times to this Licence or copies thereof; and</i> (b) <i>any person who performs tasks on the Premises is informed of all of the conditions of this Licence that relate to the tasks which that person is performing.</i>	This condition is not enforceable as the requirements for compliance are not clear.

## Minor Administrative Changes

The following minor administrative changes are also made as part of this amendment:

- The definition of 'CEO' for the purposes of correspondence has been updated;
- Schedule 2 Annual Audit Compliance Report Proforma has been removed. The current Compliance Report format is downloadable from the DER website.

## Location, environmental siting and potential receptors

The Mount Weber DSO Project is located within the Shire of East Pilbara approximately 170 km south-southeast of Port Hedland, and 60 km southwest of Marble Bar.

Table 2 below lists the relevant sensitive land uses in the vicinity of the prescribed

premises which may be receptors relevant to the proposed amendment.

**Table 2: Receptors and distance from prescribed premises**

Residential and sensitive premises	Distance from Prescribed Premises
Pilaga Homestead	15 km northwest of the premises boundary.

Table 3 below lists the relevant environmental receptors in the vicinity of the prescribed premises which may be receptors relevant to the proposed amendment.

**Table 3: Environmental receptors and distance from prescribed premises**

Environmental receptors	Distance from Prescribed Premises
Pilbara Groundwater Management Area	Premises is located within the proclaimed area.
Groundwater	Approximately 20 metres below ground level (mbgl). Considered fresh to saline. Used on site as potable water after reverse osmosis.
Pilbara Surface Water Area	Premises is located within the proclaimed area.
Shaw River	Located 2 km west of the premises boundary

There are no other specified ecosystems as defined in DER's *Guidance Statement: Environmental Siting, November 2016* identified in the vicinity.

## Risk assessment

Table 4 below describe the Risk Events associated with the amendment, including the Administrative Changes consistent with the *Guidance Statement: Risk Assessments, February 2017* and identifies whether the emissions present a material risk to human health or the environment, requiring regulatory controls.

**Table 4: Risk assessment for the amendment to increase assessed category 5 throughput and implement Administrative Changes**

Source/Activities		Risk Event				Consequence rating	Likelihood rating	Risk	Reasoning
		Potential Emissions	Potential Receptors	Potential Pathway	Potential adverse Impacts				
Category 5– processing or beneficiation of metallic or non-metallic ore	Processing plant, and transfer and storage of ore material.	Dust	Pilaga Homestead 15 km northwest	Air / wind dispersion	Loss of amenity and health impacts	Slight	Rare	Low	The Delegated Officer considers the distance to sensitive receptors too great for dust impacts to occur.
		Noise	Pilaga Homestead 15 km northwest	Transport through air or other physical medium	Loss of amenity and health impacts	Slight	Rare	Low	The Delegated Officer considers the distance to sensitive receptors too great for noise impacts to occur.  <i>The Environmental Protection (Noise) Regulations 1997 apply.</i>
	Use and storage of hydrocarbon	Contaminated stormwater (sediment and hydrocarbons)	Surrounding soils and vegetation.  Shaw River (2 km east of the premises).  Potable groundwater (with reverse osmosis) 20 mbgl	Direct discharge and infiltration through ground.	Contamination of soil and groundwater	Minor	Unlikely	Medium	The Delegated Officer considers the potential impacts from elevated sediment loads in overflow during a flood or high rainfall event is considered minor as natural sediment loads are likely to be high. Low level onsite impacts are possible with offsite impacts minimal at a local scale.  The distance to sensitive environmental receptors is considered too great by the Delegated Officer.  The risk event will probably not occur in most circumstances given the Licensee's controls and regulatory controls in place for hydrocarbon management (below).
		Hydrocarbons - spills and breach of containment systems	Surrounding soils and vegetation.  Shaw River	Direct discharge and infiltration through	Contamination of soil and groundwater	Minor	Unlikely	Medium	Given the distance to sensitive environmental receptors, the Delegated Officer considers that low level onsite impacts are possible with offsite impacts minimal at a local scale.

			(2 km east of the premises).  Potable groundwater (with reverse osmosis) 20 mbgl	ground.					<p>The risk event will probably not occur in most circumstances given the Licensee's controls, and regulatory controls in place for hydrocarbon management (below).</p> <p>Regulatory controls by:</p> <ul style="list-style-type: none"> <li>• <i>Dangerous Goods (storage and Handling of Non Explosives) Safety Regulations 2007.</i></li> <li>• <i>Contaminated Sites Act 2003.</i></li> <li>• <i>The Environmental Protection (Unauthorised Discharges) Regulations 2004.</i></li> </ul> <p>Environmentally hazardous materials above placard quantity are regulated by the Department of Mines and Petroleum.</p>
<b>Category 54 – Sewage facility</b>	<b>Wastewater treatment plant</b>	Contaminated stormwater	Surrounding soils and vegetation.  Shaw River 2 km east of the premises.  Potable groundwater (with reverse osmosis) 20 mbgl	Direct discharge and infiltration through ground.	Contamination of soil and groundwater	Minor	Unlikely	Medium	Risk was assessed for L8788/2013/1 issued on 27 March 2014. Conditions were imposed for management of the treatment vessels.

Category 89 – putrescible landfill site	Burial of putrescible waste	Contaminated stormwater	Surrounding soils and vegetation.  Shaw River 2 km east of the premises.  Potable groundwater (with reverse osmosis) 20 mbgl	Direct discharge and infiltration through ground.	Contamination of soil and groundwater.	Minor	Rare	Low	The landfill is managed in accordance with the <i>Environmental Protection (Rural Landfill) Regulations 2002</i> .  Risk was assessed as low for L8788/2013/1 issued on 27 March 2014.
---	-----------------------------	-------------------------	--	---	--	-------	------	-----	--



## Decision

The Licence is amended to increase the assessed category 5 throughput capacity from 7,000,000 tonnes per annum to 9,000,000 tonnes per annum.

The Delegated Officer has determined that the key emissions associated with increasing the throughput of the processing plant are dust and noise. The Delegated Officer considers that the risks associated with these emissions are low due to the distance to sensitive receptors. No conditions for dust and noise are required to be added to the Licence.

The previous conditions for management of stormwater and hydrocarbon spills and storage have been removed, as they are not in accordance with DER's *Guidance Statement: Setting Conditions, October 2015*. The Delegated Officer has determined that the risks associated with stormwater and hydrocarbons are either low or adequately managed by other Acts and Regulations, and no additional conditions are required on the Licence.

The Delegated Officer has noted that category 12 activities have ceased on *Land Administrative Act 1997* Section 91 Licence Area (LIC00200/2013\_A3227408) and determined the premises boundary be amended to remove this Area. The premises location description on page 1 of the Licence and Schedule 1 Premise map has been amended.

## Amendment History

Table 5 provides the amendment history for L8788/2013/1.

**Table 5: Licence amendments**

Instrument	Issued	Amendment
L8788/2013/1	3/7/2014	Licence amendment to include Category 5, Category 12 and the MOC WWTP.
L8788/2013/1	05/02/2015	Licence amendment to change monitoring frequency of the WWTP.
L8788/2013/1	11/02/2016	Licence amendment to include tyre disposal at waste rock dump and remove Category 12.
L8788/2013/1	29/04/2016	Notice of Amendment by administrative notice to extend duration of the Licence to 30 March 2030.
L8788/2013/1	31/03/2017	Amendment Notice 1 – Licence amendment to increase assessed production capacity to 9,000,000 tonnes per annum.

## Licence Holder's Comments

The Licence Holder was provided with the draft Amendment Notice on 21 March 2017. The Licence Holder waived the 21 day comment period on 27 March 2017 with no comments.

## Amendment

1. The licence is amended by the deletion of the text shown in strike though below from the premises description on Page 1.

Mt Webber DSO Project

M 45/1209-1, L 45/280 and ~~Land Administrative Act 1997~~ Section 91 Licence

Area (LIC00200/2013\_A3227408)

NULLAGINE WA 6758

2. 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 in the Prescribed premises category table on page 1 of the Licence:

Category number	Category description	Category production or design capacity	Approved <del>Assessed</del> Premises production or design capacity
5	Processing or beneficiation of metallic or non-metallic ore: premises on which – (a) metallic or non-metallic ore is crushed, ground, milled or otherwise processed; (b) tailings from metallic or non-metallic ore are reprocessed; or tailings or residue from metallic or non-metallic ore are discharged into a containment cell or dam.	50,000 tonnes or more per year	<del>7,000,000</del> <u>9,000,000</u> tonnes per annual period
54	Sewage facility: premises – (a) on which sewage is treated (excluding septic tanks); or (b) from which treated sewage is discharged onto land or into waters.	100 cubic metres or more per day	119 cubic metres per day
89	Putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer, as amended from time to time) is accepted for burial.	More than 20 but less than 5,000 tonnes per year	500 tonnes per annual period

3. The licence is amended by the deletion of the text shown in strikethrough below and the insertion of the bold text shown in underline below, in condition 1.1.2:

**'CEO'** for the purpose of correspondence means;  
Chief Executive Officer  
~~Department Administering the Environmental Protection Act 1986~~  
**Department Div.3 Pt. V EP Act 1986**  
Locked Bag 33  
CLOISTERS SQUARE WA 6850  
Email: [info@der.wa.gov.au](mailto:info@der.wa.gov.au)

4. The licence is amended by the deletion of the following condition 1.1.5 shown in strikethrough below:

~~1.1.5 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:~~  
~~(e) pollution;~~  
~~(f) unreasonable emission;~~  
~~(g) discharge of waste in circumstances likely to cause pollution; or~~  
~~(h) being contrary to any written law.~~

5. The licence is amended by the deletion of the following condition 1.2.1 shown in

strikethrough below:

~~1.2.1 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.~~

6. The licence is amended by the deletion of the following condition 1.2.2 shown in strikethrough below:

~~1.2.2 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.~~

7. The licence is amended by the deletion of the following condition 1.2.3 shown in strikethrough below:

~~1.2.3 The Licensee shall:~~

- ~~(a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and~~
- ~~(b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.<sup>4</sup>~~

~~Note1: The Environmental Protection (Unauthorised Discharges) Regulations 2004 make it an offence to discharge certain materials into the environment.~~

8. The licence is amended by the deletion of the following condition 4.1.2 shown in strikethrough below:

~~4.1.2 The Licensee shall ensure that:~~

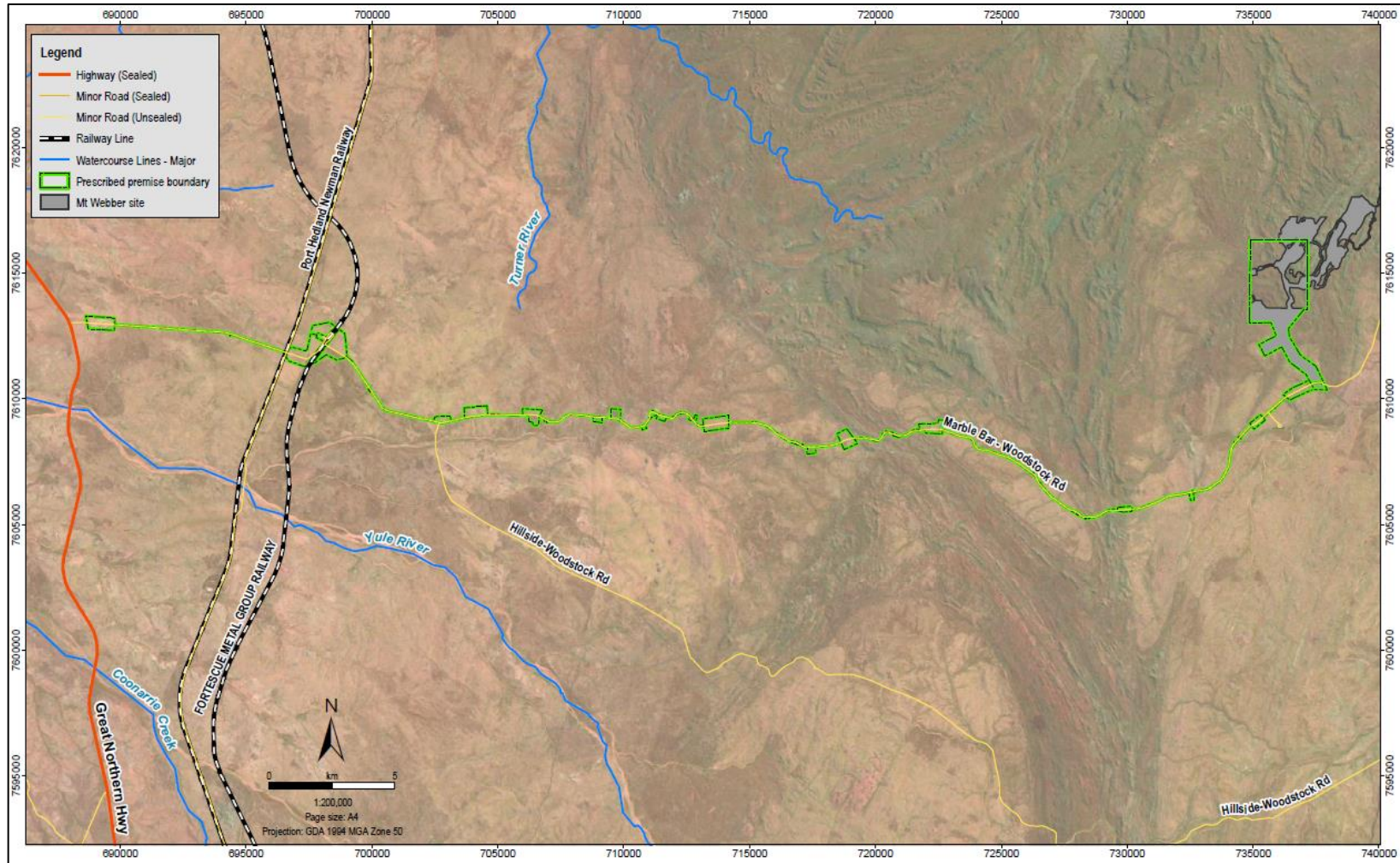
- ~~(a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and~~
- ~~(b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.~~

9. The licence is amended by the deletion of the Schedule 2: Annual Audit Compliance Report Proforma.

10. The licence is amended by the deletion of the map titled in strike-through below and the addition of the map titled in bold underline below, in Schedule 1: Premises Map.

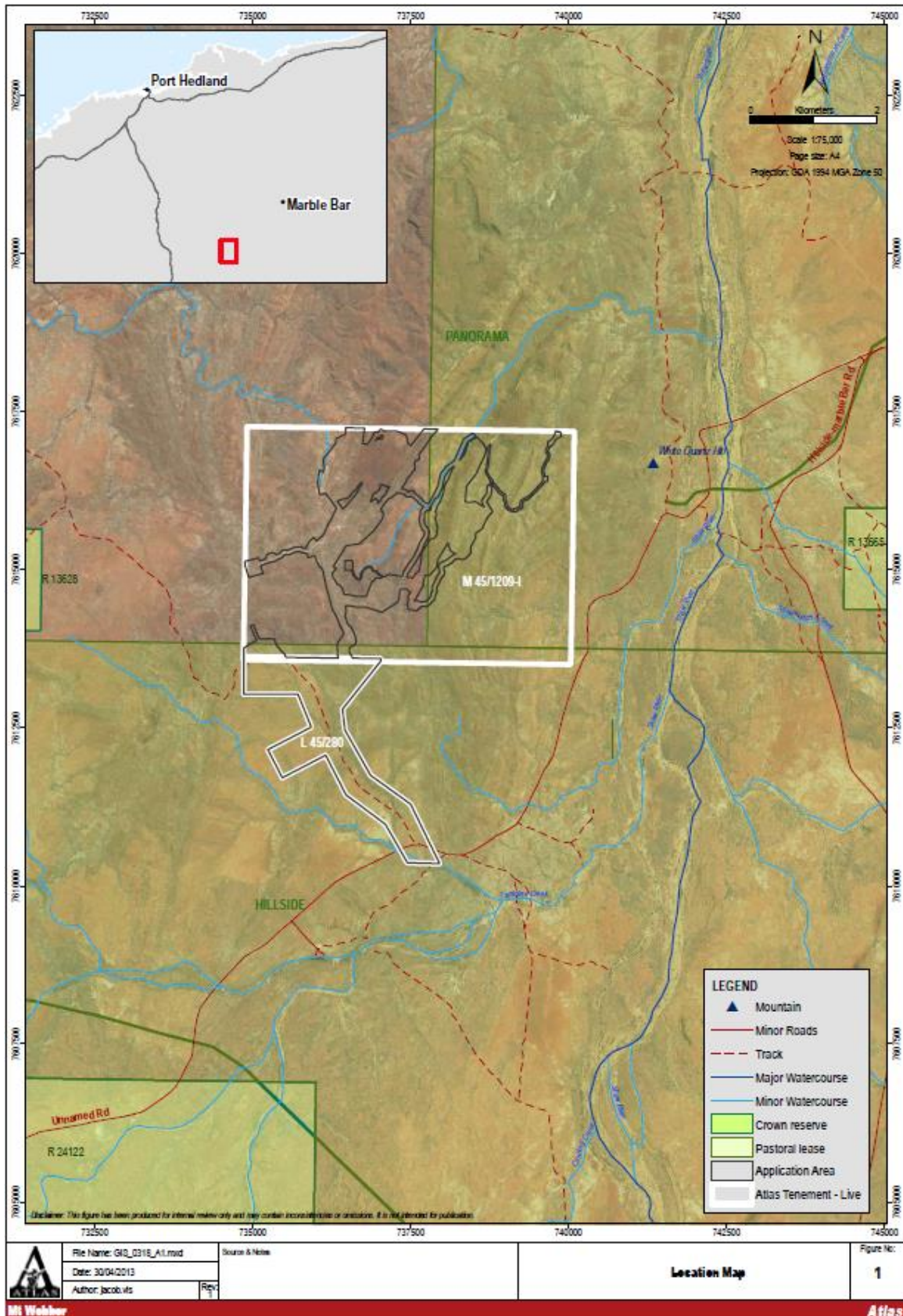
## Premises map

The Premises is shown in the map below. The green line depicts the Premises boundary.



## Premises map

**The Premises is shown in the map below. The white lines depict the Premises boundary.**



## Appendix 1: Key Documents

Document Title	In text ref	Availability
Licence L8788/2013/1	L8952/2016/1	accessed at <a href="http://www.der.wa.gov.au">http://www.der.wa.gov.au</a>
<i>Administrative changes implemented within the Department of Environment Regulation</i>	Administrative Changes	
<i>Guidance Statement: Environmental Siting</i> , Department of Environment Regulation, November 2016	-	
<i>Guidance Statement: Risk Assessments</i> , Department of Environment Regulation, February 2017.	-	
<i>Guidance Statement: Setting conditions</i> , Department of Environment Regulation, October 2015.	-	
<i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, February 2017.	-	
Email with attachments: Subject Re: Atlas Iron –Mt Webber DSO – Application to amend Operating Licence (L8788), From: Esme Wink Sent:23/02/2017 11:35 AM	Email, 2017	DER records (A1382573)
<i>Mt Weber DSO Project, Crushing and Screening Facility, Application to Amend Operating Licence (L8788/2013/1), Supporting Documentation, 132-LAH-EN-REP-0021, Atlas Iron Limited,25/02/2014</i>	Application, 2014	DER records (A746972)
<i>Mt Weber DSO L8788 Application to Amendment Operating Licence. L132-LAH-EN-APP-0015, Atlas Iron Limited, 25/11/2016</i>	Application, 2016	DER records (A1380460)