



## Application to renew a licence

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

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<b>Licence Number</b>	L8700/2012/2
<b>Licence Holder</b>	Fortescue Limited
<b>ACN</b>	002 594 872
<b>File Number</b>	2012/007151-1~1
<b>Premises</b>	Kanyirri Fuel Facility Boodarie WA 6722  Legal description Miscellaneous licence S.A. 70/1 Boodarie WA 6722  As defined by the Premises map and coordinates attached to this licence.
<b>Date of Report</b>	24 January 2024
<b>Decision</b>	To grant a licence

Neville Welsh  
SENIOR INDUSTRY REGULATION OFFICER  
REGULATORY SERVICES  
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 L8700/2012/1 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 has determined to:

- update the format and appearance of the licence;
- update the legal entity which is entitled to hold the licence;
- transfer existing regulatory controls and conditions to the new licence;
- revise licence conditions (administrative changes);
- replace the word “shall” in the former condition set, with the word “must” in the new condition set;
- remove redundant conditions;
- incorporate licence amendments issued prior to the replacement licence;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- removed redundant reporting/notification forms;
- include Schedule 3 premises boundary coordinates on the licence; and,
- correct clerical mistakes and unintentional errors.

The Delegated Officer decided to grant Licence L8700/2012/2 subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary

On 8 August 2023 Fortescue Limited (licence holder) applied to renew licence L8700/2012/1 as the licence expires on 24 January 2024. The licence was granted to the licence holder for the premises located approximately 11.9km south of Port Hedland and 790m east of the Great Northern Highway within the area covered by Miscellaneous licence S.A. 70/1, located at Boodarie in Western Australia.

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

**Table 1: Premises category description and production /design capacity**

<b>Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)</b>	<b>Production / design capacity</b>
Category 73 Bulk storage of chemicals etc.: premises on which acids, alkalis or chemicals that — a) contain at least one carbon to carbon bond; and, b) are liquid at STP (standard temperature and pressure), are stored.	6,100 cubic metres

The premises is known as the Kanyirri Fuel Facility, a permanent bulk diesel storage and locomotive provisioning facility along the Fortescue mainline railway. Diesel from the facility is supplied to Fortescue's Christmas Creek, Cloudbreak and Solomon Mines.

The facility has a fuel storage capacity of 6.1 megalitres (ML), consisting of two 3ML and one 110KL fuel storage tanks. The tanks are filled by triple road trains from Port Hedland. Diesel from the facility is transported to Fortescue's mine operations by rail.

The fuel storage tanks are located within an impervious bund which is isolated from the main drainage system. The bunded area is lined with high density polyethylene (HDPE) liner. The tank bund drains to a catch basin within the bund and then flows through a pipe discharging to the oily water drainage system outside of the bund wall. An overflow/high level alarm has been installed on the storage tanks.

Double wall piping has been installed from the storage tanks to the train wagon loading facility.

The premises also incorporates facilities for direct locomotive refueling and provisioning.

Oily water collected from the facility is transferred for primary and secondary treatment prior to release to a holding pond. Oily water from the bunded tank area, truck unloading facility, fuel wagon loading facility and pump areas is directed to a containment basin where sediment settles before entering the oily water treatment system. Oily water is gravity fed to a Class 2 stormwater interceptor for primary and secondary treatment. The treatment system reduces the hydrocarbon concentration in the water to less than 5mg/L. Following treatment, water is stored within the treated oily water holding pond prior to any reuse application such as dust suppression, evaporation, or discharge.

The facility also includes a wastewater treatment plant with a design capacity of 3.6m<sup>3</sup>/day that is insufficient throughput to trigger a prescribed activity thus is not regulated by this licence.

### **3. Regulatory framework**

The Department of Water and Environmental Regulation's (Department) *Work Instruction: Industry Regulation, Licensing position – COVID 19 response, October 2022*, work instruction was reviewed and expanded to address licences that expire beyond 30 June 2023.

The Delegated Officer has not conducted a full review whilst processing this licence renewal. A detailed risk assessment of emissions and discharges from the Premises was completed in 2012 and 2016 which have been published on-line and indicate the premises is low to medium risk.

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 Legal occupancy**

The licence holder has demonstrated legal occupancy of the Premises under "miscellaneous licence SA70/1".

#### **4.2 Prescribed premises details**

The requested prescribed premises category and the corresponding production/design capacity is consistent with the category and production/design capacity previously assessed by the Department. The Delegated Officer has verified that there are no proposed changes to the previously assessed activities.

### 4.3 Part IV Environmental Protection Act 1986

The licence holder received approval to undertake the Pilbara Iron Ore & Infrastructure Project – Port & North-South Railway (Stage A) under *Part IV of the Environmental Protection Act 1986*, as detailed in Ministerial Statement 690. The disturbance footprint for the development of the Kanyirri Fuel Facility was included in the section 45C application which was approved in December 2011.

### 4.4 Other non-DWER approvals

The licence holder is responsible for obtaining all other statutory approvals required for the project.

### 4.5 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 regarding the licence.

### 4.6 Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 1.

**Table 1: Consultation**

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 17 November 2023	No comments received.	Noted.
Town of Port Hedland advised of application on 21 November 2023	No comments received.	Noted.
Applicant was provided with draft documents on 20 December 2023	<p>The licence holder provided a response on 21 December 2023.</p> <p><b>Summary</b> of this response follows:</p> <ol style="list-style-type: none"> <li>Request to update the licence holder name from Fortescue Metals Group to Fortescue Limited.</li> <li>Requested that Condition 4 Table 3, monitoring parameter total petroleum hydrocarbons (TPH) is updated to total recoverable hydrocarbons (TRH). This change is requested for consistency with other licences and will not change the intended purpose and outcome of the condition, with no new environmental risks being introduced.</li> </ol>	<p>The Delegated Officer's response to each comment from the licence holder is outlined below:</p> <ol style="list-style-type: none"> <li>The Delegated Officer has verified that a change to the company name has occurred with no change to the ACN (Australian Company Number) and that Fortescue Limited is considered a legal entity. The licence holder name has been updated as part of the licence renewal process.</li> <li>The Delegated Officer has updated the term total petroleum hydrocarbons to total recoverable hydrocarbons within Conditions 4 and Condition 2 in the new licence. This change is considered administrative and does not alter the purpose or environmental risk of these conditions.</li> </ol>

Consultation method	Comments received	Delegated Officer's response
	3. Fortescue Limited outlined that the 2016 licence amendment application requesting removal of the groundwater monitoring conditions on the licence was not actioned (assessment not completed). As per DWER's request during the licence renewal process the premises and emission point maps have been edited to remove references to groundwater monitoring bore locations.	3. The Delegated Officer confirms a licence amendment was issued on 12 May 2016 to remove groundwater monitoring conditions on the licence.  The updated premises and emission point maps submitted by the licence holder has been checked against the amended condition and considered as accurate and therefore included in the new licence.

## 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 resulting from emissions and/or discharges from the licensed premises.

Table 3 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 3: Licence conditions changes, description and rationale**

Expiring licence condition / schedule	New condition / schedule (if relevant)	Description and rationale
1.1.1 to 1.1.4	Not applicable	Conditions removed as they are redundant. These conditions are replaced with the new interpretation and definitions sections of the licence. Definitions list has been updated in accordance with the current standard. Redundant defined terms have been removed.
1.1.5	Not applicable	Removed redundant condition. This condition is now addressed in the Interpretation section of the issued licence.
2.1.1	Not applicable	Removed redundant condition, noting that the requirements are prescribed within new conditions 7 and 12.
2.2.1	Condition 1	Condition format and wording updated in accordance with current standard.
2.2.2	Condition 2	Condition format and wording updated in accordance with current standard. The term total petroleum hydrocarbons has been updated to total recoverable hydrocarbons as detailed in Table 2 above.
3.1.1	Condition 3	Minor administrative change to clause c) wording.
3.1.2	Condition 5	Change to condition number only.
3.1.3	Not applicable	Condition removed as it is redundant.
3.1.4	Not applicable	Condition removed as it is redundant.

Expiring licence condition / schedule	New condition / schedule (if relevant)	Description and rationale
3.2.1	Condition 4	Condition format and wording updated in accordance with current standard. The term total petroleum hydrocarbons has been updated to total recoverable hydrocarbons as detailed in Table 2 above.
4.1.1	Condition 8	Condition wording updated in accordance with current standard.
4.1.2	Condition 9	Condition wording updated in accordance with current standard.
4.1.3	Condition 6	Condition wording updated in accordance with current standard.
4.2.1	Condition 10	Summary of changes: <ul style="list-style-type: none"> <li>- Condition format and wording updated in accordance with current standard;</li> <li>- Annual Environmental Report requirement changed to Biennial Environmental Report in accordance with the licence amendment notice issued on 16 May 2022;</li> <li>- Condition wording updated to clarify requirements;</li> <li>- Added requirement to include a summary of actions taken in response to limit exceedances, which corresponds with the requirements of condition 12;</li> <li>- Removed Annual Audit Compliance Report clause as this is addressed in new Condition 9.</li> </ul>
4.2.2	Condition 10	The requirements of condition 4.2.2 have been incorporated into new condition 10.
4.2.3	Condition 11	Condition format and wording simplified.
4.3.1	Condition 12	Condition format and wording updated in accordance with current standard.
Schedule 1:Maps – premises map	Schedule 1:Maps – premises map	Removed groundwater monitoring bore text box and location points as groundwater monitoring conditions were removed in the 2016 licence amendment.
Schedule 1: Maps – map of emission points	Schedule 1: Maps – emission point map	Removed groundwater monitoring bore location points as groundwater monitoring conditions were removed in the 2016 licence amendment.
Schedule 2: reporting and notification forms	Not applicable	The Annual Audit Compliance Report on the existing licence is a superseded form therefore removed. The current AACR form is available via the DWER website. Removed form N1 as this is redundant – refer to new requirements under new condition 12.
Not applicable	Schedule 2 – premises boundary	Added premises boundary coordinates to Schedule 2 on the licence in accordance with current standard.