



Application to renew a licence

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

Licence Number	L8858/2014/2
Licence Holder	Fortescue Ltd
ACN	128 959 179
File Number	DER2014/001172-2 (FA269898)
Premises	Solomon Power Station Mount Sheila, WA 6751 Legal description - Part of mining tenement M47/1431 As defined by the map and the coordinates in Schedule 1
Date of Report	28 March 2024
Decision	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 L8858/2014/1 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;
- incorporated licence amendment/s issued prior to the replacement licence;
- remove redundant conditions;
- revised licence conditions;
- corrected clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L8858/2014/2, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 16 June 2023, Fortescue Ltd (licence holder) applied to renew licence L8858/2014/1, as the licence is due to expire on 29 March 2024. The licence was granted to the licence holder for the premises located at M47/1431 tenement, Mount Sheila WA 6751 held by the licence holder known as the Solomon Power Station.

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

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed Production / design capacity
Category 52: Electric power generation: premises (other than premises within category 53 or an emergency or standby power generating plant) on which electrical power is generated using a fuel.	134.4 MWe (using natural gas) 94.2 MWe (using diesel fuel)

2.2 Regulatory framework

The Delegated Officer is renewing the existing licence without conducted a full licence review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Guideline: Industry Regulation licence reviews* April 2022.

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 **Error! Hyperlink reference not valid.**

3. Considerations for issuing a new licence

3.1 Compliance and enforcement actions

There has been one complaint on 21 June 2022 of unauthorized discharge of sulfur hexafluoride (SF6) gas to environment reporting which was rectified immediately by undertaking remediation actions and the plant was determined as compliant with their licence conditions. There have been no other enforcement actions against the occupier in the last 5 years regarding the original licence.

3.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

3.3 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence which was previously risk assessed.

3.4 Planning approval

Planning approval for the power station is not required as the activity occurs on a mining tenement where the licence holder has access to the tenement and hold a current licence under Part V of the *Environmental Protection Act 1986*. No construction of new infrastructure is proposed and the renewal remain consistent as per existing licence.

4. 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 the licence. Most licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Error! Reference source not found. 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 2: Summary of licence amendments

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
Contents	Index of pages	Licence History and Interpretation	Removed content index as covered by the new licence format
1.1.1 to 1.1.5	General section reference legislation, intent, standards, code of practices and emission impacts	Removed requirements	General conditions covered by the new format licence in the new "Interpretation" section.
Definitions	Licence definitions in General section	Table 8	Moved definitions from General section to new licence definitions in Table 8 .
1.2.1	Operate and maintain	Deleted	This condition is redundant as it is not

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
	pollution control and monitoring equipment		enforceable and not sufficiently clear or certain.
1.2.2	Recover spills of material	Deleted	This condition is redundant as it is not enforceable as is not sufficiently clear or certain.
1.2.3	Prevent and treat contaminated stormwater.	Deleted	This condition is redundant as it is not enforceable and not sufficiently clear or certain.
2.1.1	General condition	1	Amended condition by renumbering and removing reference to Section 2
2.2.1	Point source emissions to air	2	Renumbered condition and renumbered table 2.2.1 to table 1
2.2.2	Air emission limit	3	Renumbered condition and renumbered table 2.2.2 to table 2
3.1.1 to 3.1.5	General Monitoring	4 to 8	Renumbered conditions
3.2.1	Monitoring point source air emissions	9	Renumbered condition and renumbered table 3.2.1 to table 3
3.2.2	NATA sampling and analysis	10	Renumbered condition
3.3.1	Process monitoring	11	Renumbered condition and renumbered table 3.3.1 to table 4
4.1.1	Information and records	12	Renumber condition
4.1.2	Person operating to be aware of licence conditions	Deleted	Redundant condition
4.1.3	AACR	13	Renumbered and latest format AACR condition inserted with due date included in new condition as per Notice of Amendment dated 16 May 2022.
4.1.4	Complaints	14	Renumbered and reworded condition
4.2.1	Annual environmental report	15	Renumbered condition and renumbered table 4.2.1 to table 5 . Also incorporated report due date of 28/04/2024 and biennially thereafter as per Notice of Amendment dated 16 May 2022.
4.2.2	Production data and Licence limit trends	16	Changed redundant condition references.
4.2.3	Third party reports	17	Renumbered condition and renumbered table 4.2.3 to table 6 .
4.3.1	Notification	18	Renumbered condition and renumbered table 4.3.1 to table 7
Schedule 1	Maps and premises boundary coordinates	Maps	Updated Premises map, Table of coordinates with no changes to Map of emission points.
Schedule 2	Form N1	Schedule 2	Edit N1 form with new licence number

5. Consultation

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

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 4 September 2023 with submissions closing on 26 September 2023.	No submissions were received.	Noted
Applicant was provided with draft documents on 21 February 2024 and requested a submission be provided before 6 March 2024.	Confirmed the licence holder name change to Fortescue Ltd.	All concern raised were accepted and accordingly licence was updated.