



Application for Works Approval Amendment

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

Works Approval Number	W6639/2022/1
Works Approval Holder	Yara Pilbara Nitrates Pty Ltd
ACN	127 391 422
File Number	DER2021/000662
Premises	Yara Pilbara Nitrates TAN Plant Village Road BURRUP WA 6714 Legal description – Part of Lot 3017 on Deposited Plan 50979 Certificate of Title Volume 2784 Folio 568 As defined by the coordinates in Schedule 2 of the Revised Works Approval
Date of Report	27 May 2024
Decision	Revised works approval granted

1. Decision summary

The Delegated Officer has determined to make amendments to works approval W6639/2022/1. The amendments do not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The decision report for the existing works approval will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In amending the works approval, the Department of Water and Environmental Regulation (department) has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au).

2.2 Application summary

Works Approval W6639/2022/1 is held by Yara Pilbara Nitrates Pty Ltd (works approval holder, YPN) for the Yara Pilbara Nitrates TAN Plant (the premises), located at part of Lot 3017 on Deposited Plan 50979.

The premises relates to category 31 chemical manufacturing and the assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing works approval W6639/2022/1.

On 7 May 2024, the works approval holder submitted an application to the department to amend works approval W6639/2022/1 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is limited only to extending the duration of time limited operation from 180 days to 270 days and changing the limit for discharge into the evaporation ponds from 250 kL/day to 250 kL/day as a moving average.

The extension to time limited operations is to allow the infrastructure to remain in operation while the amendment application to add the infrastructure from this works approval to licence L9223/2019/1 undergoes assessment.

The works approval holder advised the request to change the evaporation pond discharge limit to a moving average is in alignment with the operational philosophy of the ponds and will allow for increased discharge when necessary, whilst adhering to a maximum amount of 250 kL/day over a 30 day period. The requested change will provide required flexibility as the discharge sources, premises wastewater and extracted groundwater, do not produce consistent amounts for discharge into the ponds.

3. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 21 May 2024. On 22 May 2024 the Works Approval Holder responded and waived the comment period.

4. Decision

Time limited operation was permitted to commence on 5 December 2023 for the concentration pond west and precipitation pond, and on 10 April 2024 for the concentration pond east

following the approval of compliance requirements for Critical Containment Infrastructure. A licence amendment application for ongoing operation of the works approval infrastructure was subsequently submitted. The delegated officer has determined that extending the TLO period from 180 to 270 days is appropriate on the basis that it will facilitate continued lawful operation of the works approval infrastructure while providing sufficient time for completion of the assessment of the licence amendment application to include the infrastructure on the premises licence L9223/2019/1.

The delegated officer also determined it appropriate to revise the limit for water discharged into the evaporation ponds from 250 kL/day to a 30-day moving average daily limit as it provides for operational flexibility while ensuring pond inputs remain in accordance with the design intent. In determining to make these changes the following matters were considered by the delegated officer:

- YPN has submitted Environmental Compliance Reports demonstrating infrastructure has been constructed in accordance with the works approval;
- YPN submitted a licence amendment application on 2 April 2024 to include the infrastructure constructed under the works approval on the premises licence L9223/2019/1. The application is undergoing assessment;
- an extension to the duration of time limited operations and modification of the daily limit for water discharged into the evaporation ponds does not change the risk profile of the premises;
- the revised daily limit for water discharged into the evaporation ponds aligns with the design philosophy of the ponds while providing required flexibility;
- the premises will continue to operate under the existing operational conditions specified for the time limited operations period; and
- in the event that risk issues arise in relation to the premises, the CEO may amend the works approval conditions at any point and in the event of an alleged offence, may exercise enforcement powers under the provisions of the EP Act.

The Delegated Officer has amended works approval W6639/2022/1 in accordance with section 59(1) of the EP Act by extending the period of time limited operations from 180 days to 270 days, and altering the daily limit for water which can be discharged into the evaporation ponds from a daily limit to a 30-day moving average daily limit.

5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

5.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised works approval as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
Condition 10	Extension of time limited operations by 90 days, from a period not exceeding 180 days to a period not exceeding 270 days.

Condition no.	Proposed amendments
Condition 11 Table 4, Item 2	Clarification of discharge limit of extracted groundwater and premises wastewater into the evaporation ponds from no more than 250 kL/day to no more than 250 kL/day as a 30-day moving average.

References

1. Department of Water and Environmental Regulation (DWER) 2019, Guideline: Industry Regulation Guide to Licensing, Perth, Western Australia.
2. DWER 2020, Guideline: Risk Assessments, Perth, Western Australia.
3. Yara Pilbara Nitrates Pty Ltd (YPN) 2024, Application for a Works Approval Amendment (W6639/2022/1) under the *Environmental Protection Act 1986*, Perth, Western Australia