



Mr Sean McGunnigle
Manager, Environmental Approvals
The Pilbara Infrastructure Pty Ltd
PO Box 6915
EAST PERTH WA 6892

Dear Mr McGunnigle

ENVIRONMENTAL PROTECTION ACT 1986 – AMENDMENT TO LICENCE

Licence: L8312/2008/2

Premises: Mine Fuel Supply, Thomas Yard

Further to my letter dated 13 April 2015, please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 9182 2036 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment, you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely

Jonathan Bailes
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

21 May 2015

enc: Amended Licence L8312/2008/2, Decision Document
copy to: Local Government Authority: Town of Port Hedland



Licence

Environmental Protection Act 1986, Part V

Licensee: The Pilbara Infrastructure Pty Ltd

Licence: L8312/2008/2

Registered office: 87 Adelaide Tce
EAST PERTH WA 6872

ACN: 103 096 340

Premises address: Mine Fuel Supply, Thomas Yard
Part of AL70/1
BOODARIE WA 6722
As depicted in Schedule 1.

Issue date: Thursday, 9 January 2014

Commencement date: Sunday, 12 January 2014

Expiry date: Friday, 11 January 2019

Prescribed premises category

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
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.	1,000 cubic metres in aggregate	1,500 cubic metres in aggregate

Conditions

This Licence is subject to the conditions set out in the attached pages.

.....
Officer delegated under section 20
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained within the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.



- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.

You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

The Pilbara Infrastructure Pty Ltd, a wholly owned subsidiary of Fortescue Metals Groups Ltd (FMG), operates a bulk diesel storage facility at the rail marshalling yards, approximately 16 km south of the Anderson Point Port Operations. The facility consists of two 750m³ vertical storage tanks and a rail car filling system.

The facility, which is supplied with fuel via triple road train tankers, supplies diesel fuel to vehicles and equipment, enabling the transport of the fuel via chemical storage rail cars along FMG's rail line to the Cloudbreak, Christmas Creek and Solomon mine sites. On arrival at the mine sites, the fuel is stored at the existing diesel storage facilities in accordance with each site's operating licence. The fuel is then transported for use as required.

No emissions of significance are expected from this facility. Any hydrocarbon spills within the facility will be required to be cleaned up in a timely manner. Stormwater captured in bunds will be directed to an oily water separator approximately 1 km north of the facility and disposed of in a lined turkey's nest. Treated water will evaporate or be used for dust suppression.

This Licence is the result of an amendment sought by the Licensee to correct the Premises boundary. The licences and works approvals issued for the Premises include:

Instrument log		
Instrument	Issued	Description
W4450/2008/1	11/09/2008	New application
L8312/2008/1	08/01/2009	New application
L8312/2008/1	20/12/2012	Amendment to change occupier name
L8312/2008/2	09/01/2014	Licence re-issue
L8312/2008/2	21/05/2015	Amendment to correct the Premises boundary



Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

'Act' means the *Environmental Protection Act 1986*;

'annual period' means the inclusive period from 1 January to 31 December in that year;

'AS/NZS 5667.1' means the Australian Standard AS/NZS 5667.1 *Water Quality – Sampling – Guidance of the Design of sampling programs, sampling techniques and the preservation and handling of samples*;

'AS/NZS 5667.10' means the Australian Standard AS/NZS 5667.10 *Water Quality – Sampling – Guidance on sampling of waste waters*;

'averaging period' means the time over which a limit or target is measured or a monitoring result is obtained;

'CEO' means Chief Executive Officer of the Department of Environment Regulation;

'CEO' for the purpose of correspondence means;
Manager Licensing, Process Industries
Department of Environment Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7550
Email: industry.regulation@der.wa.gov.au;

'code of practice for the storage and handling of dangerous goods' means the document titled "Storage and handling of dangerous goods: Code of Practice" published by the Department of Mines and Petroleum, and as amended from time to time;

'environmentally hazardous material' means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

'fugitive emissions' means all emissions not arising from point sources identified in sections 2.2, 2.3, 2.4 and 2.5;

'Licence' means this Licence numbered L8312/2008/2 and issued under the Act;



- ‘**Licensee**’ means the person or organisation named as Licensee on page 1 of the Licence;
- ‘**NATA**’ means the National Association of Testing Authorities, Australia;
- ‘**NATA accredited**’ means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;
- ‘**Premises**’ means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;
- ‘**quarterly**’ means the 4 inclusive periods from 1 January to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December;
- ‘**Schedule 1**’ means Schedule 1 of this Licence unless otherwise stated;
- ‘**Schedule 2**’ means Schedule 2 of this Licence unless otherwise stated; and
- ‘**spot sample**’ means a discrete sample representative at the time and place at which the sample is taken.
- ‘**usual working day**’ means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia;

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include an amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.2 General conditions

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 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.

1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the code of practice for the storage and handling of dangerous goods.

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



- 1.2.5 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.¹

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

1.3 Premises operation

There are no specified conditions relating to Premises operation in this section.

2 Emissions

2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit or target in any part of section 2 of this Licence.

2.2-2.4 Point source emissions to air, surface water or groundwater

There are no specified conditions relating to point source emissions to air, surface water or groundwater in these sections.

2.5 Emissions to land

- 2.5.1 The Licensee shall ensure that where waste is emitted to land from the emission points in Table 2.5.1 it is done so in accordance with the conditions of this licence.

Table 2.5.1: Emissions to land		
Emission point reference and location on Map of emission points	Description	Source including abatement
RTYSW01	Lined turkeys nest from which treated water evaporates or is used for dust suppression	Treated water from oily water separator (RTYSW02)

- 2.5.2 The Licensee shall not cause or allow emissions to land greater than the limits listed in Table 2.5.2.

Table 2.5.2: Emission limits to land			
Emission point reference	Parameter	Limit (including units)	Averaging period
RTYSW01	Total recoverable hydrocarbons	15 mg/L	Spot sample

2.6-2.8 Fugitive emissions, odour or noise

There are no specified conditions relating to fugitive emissions, odour or noise in these sections.



3 Monitoring

3.1 General monitoring

3.1.1 The licensee shall ensure that:

- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
- (b) all wastewater sampling is conducted in accordance with AS/NZS 5667.10; and
- (c) all laboratory samples are submitted to a laboratory with current NATA accreditation for the parameters to be measured.

3.1.2 The Licensee shall ensure that quarterly monitoring is undertaken at least 45 days apart.

3.1.3 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications.

3.1.4 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

3.2-3.4 Monitoring of point source emissions to air, surface water or groundwater

There are no specified conditions relating to monitoring of point source emissions to air, surface water or groundwater in these sections.

3.5 Monitoring of emissions to land

3.5.1 The Licensee shall undertake the monitoring in Table 3.5.1 according to the specifications in that table.

Table 3.5.1: Monitoring of emissions to land

Emission point reference	Parameter	Units	Frequency
RTYSW01	Total recoverable hydrocarbons	mg/L	Quarterly

3.6 Monitoring of inputs and outputs

There are no specified conditions relating to monitoring of inputs and outputs in this section.

3.7 Process monitoring

There are no specified conditions relating to process monitoring in this section.

3.8 Ambient environmental quality monitoring

There are no specified conditions relating to ambient environmental quality monitoring in this section.

3.9 Meteorological monitoring

There are no specified conditions relating to meteorological monitoring in this section.



4 Improvements

There are no specified improvement conditions in this section.

5 Information

5.1 Records

5.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.

5.1.2 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.

5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.

5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

5.2 Reporting

5.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 90 calendar days after 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.

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
3.5.1	Total recoverable hydrocarbons	LR1
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2



5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day. Part B: As soon as practicable	N1
-	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution		

Note 1: Notification requirements in the licence shall not negate the requirement to comply with s72 of the Act

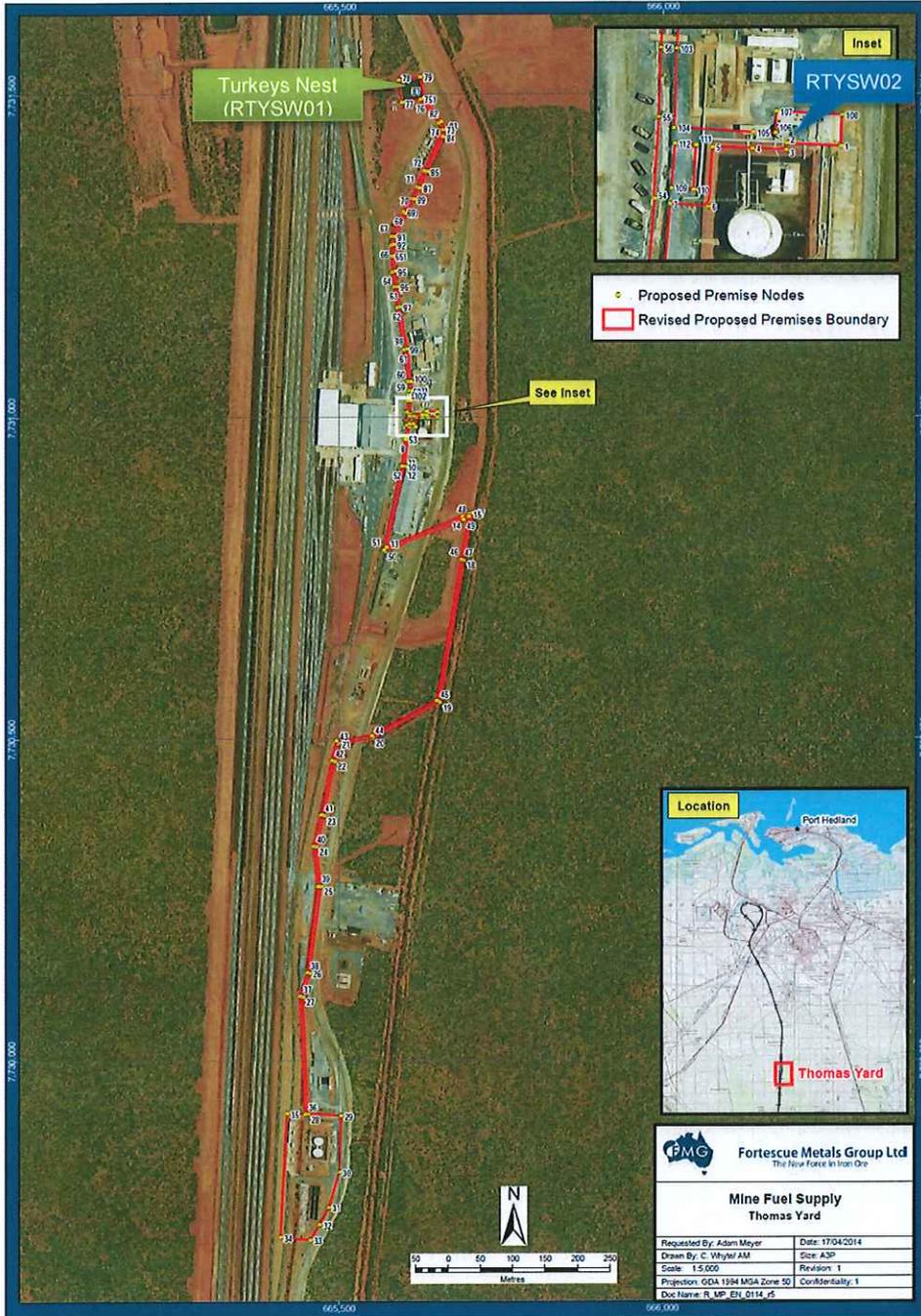
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

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





The coordinates for the premises boundary are shown in the Table below.

ID	Easting	Northing	ID	Easting	Northing	ID	Easting	Northing
1	665651	7730999	39	665468	7730271	77	665597	7731489
2	665637	7731000	40	665460	7730333	78	665591	7731523
3	665637	7730998	41	665472	7730381	79	665625	7731528
4	665629	7730999	42	665488	7730466	80	665630	7731494
5	665618	7730999	43	665495	7730495	81	665630	7731494
6	665618	7730984	44	665550	7730504	82	665657	7731458
7	665608	7730985	45	665651	7730558	83	665664	7731446
8	665606	7730964	46	665688	7730778	84	665660	7731436
9	665606	7730964	47	665688	7730778	85	665636	7731381
10	665601	7730923	48	665701	7730844	86	665624	7731356
11	665601	7730922	49	665692	7730840	87	665624	7731356
12	665601	7730922	50	665570	7730791	88	665615	7731338
13	665573	7730797	51	665569	7730793	89	665615	7731338
14	665690	7730844	52	665597	7730923	90	665603	7731317
15	665702	7730849	53	665602	7730965	91	665584	7731280
16	665702	7730849	54	665604	7730986	92	665584	7731268
17	665706	7730850	55	665605	7731007	93	665585	7731250
18	665692	7730777	56	665606	7731025	94	665585	7731250
19	665655	7730556	57	665606	7731034	95	665586	7731226
20	665552	7730501	58	665609	7731041	96	665589	7731202
21	665499	7730492	59	665607	7731054	97	665593	7731171
22	665492	7730465	60	665607	7731054	98	665604	7731105
23	665476	7730380	61	665600	7731105	99	665604	7731105
24	665464	7730332	62	665589	7731170	100	665611	7731055
25	665472	7730271	63	665585	7731202	101	665613	7731040
26	665454	7730136	64	665582	7731226	102	665610	7731033
27	665444	7730099	65	665581	7731250	103	665610	7731024
28	665451	7729916	66	665580	7731268	104	665609	7731004
29	665503	7729914	67	665580	7731281	105	665629	7731003
30	665500	7729826	68	665599	7731319	106	665635	7731003
31	665484	7729771	69	665600	7731319	107	665635	7731008
32	665470	7729744	70	665612	7731340	108	665651	7731007
33	665456	7729721	71	665621	7731357	109	665608	7730989
34	665409	7729724	72	665632	7731383	110	665614	7730988
35	665419	7729917	73	665659	7731446	111	665615	7731000
36	665447	7729916	74	665653	7731456	112	665609	7731000
37	665440	7730100	75	665626	7731493			
38	665451	7730137	76	665626	7731493			



Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

Licence: L8312/2008/2 Licensee: The Pilbara Infrastructure Pty Ltd
Form: AACR Period :
Name: Annual Audit Compliance Report

Annual Audit Compliance Report

Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the annual period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



Section B: Details of non-compliance with Licence condition

a) Licence condition not complied with?	
b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DER?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DER verbally Date <input type="checkbox"/> Reported to DER in writing Date	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR must only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is	The AACR must be signed and certified:
an individual	<input type="checkbox"/> by the individual Licence holder, or <input type="checkbox"/> by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/> by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or <input type="checkbox"/> by two directors of the Licensee; or <input type="checkbox"/> by a director and a company secretary of the Licensee, or <input type="checkbox"/> if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or <input type="checkbox"/> by the principal executive officer of the Licensee; or <input type="checkbox"/> by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/> by the principal executive officer of the Licensee; or <input type="checkbox"/> by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/> by the CEO of the Licensee; or <input type="checkbox"/> by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature: _____
 Name: (printed) _____
 Position: _____
 Date: _____ / _____ / _____

Signature: _____
 Name: (printed) _____
 Position: _____
 Date: _____ / _____ / _____

Seal (if signing under seal)



Licence: L8312/2008/2
Form: LR1
Name: Monitoring of emissions to land

Licensee: The Pilbara Infrastructure Pty Ltd
Period:

Form LR1: Monitoring of emissions to land						
Emission point	Parameter	Limit	Result	Averaging period	Method	Sample date & times
RTYSW01	Total recoverable hydrocarbons	15mg/L	mg/L	Spot sample		

Signed on behalf of The Pilbara Infrastructure Pty Ltd: Date:



Licence: L8312/2008/2
Form: N1

Licensee: The Pilbara Infrastructure Pty Ltd
Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	L8312/2008/2
Name of operator	The Pilbara Infrastructure Pty Ltd
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of The Pilbara Infrastructure Pty Ltd	
Date	



Decision Document

Environmental Protection Act 1986, Part V

Licensee: **The Pilbara Infrastructure Pty Ltd**

Licence: **L8312/2008/2**

Registered office: 87 Adelaide Tce
EAST PERTH WA 6872

ACN: 103 096 340

Premises address: Mine Fuel Supply, Thomas Yard
Part of AL70/1
BOODARIE WA 6722

Issue date: Thursday, 9 January 2014

Commencement date: Sunday, 12 January 2014

Expiry date: Friday, 11 January 2019

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue an amended licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by:

Fiona Roser
Licensing Officer

Decision Document authorised by:

Jonathan Bailes
Manager Licensing



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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/>	New Licence <input type="checkbox"/>
	Licence amendment <input checked="" type="checkbox"/>	Works Approval amendment <input type="checkbox"/>
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	73	1,500 cubic metres in aggregate
Application verified	Date: N/A	
Application fee paid	Date: N/A	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome	N/A.	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes include details of which EPP(s) here.		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, include details here, e.g. Site is subject to SO ₂ requirements of Kwinana EPP.		



3 Executive summary of proposal and assessment

The Pilbara Infrastructure Pty Ltd has applied to amend the current licence to correct the Prescribed Premises boundary resulting from the realignment of the pipeline connecting to the oily water separator.

As part of this amendment, DER has not re-assessed the acceptability or impacts of emissions and discharges from the Premises or re-visited any existing emission control levels. No changes to the conditions on the previous licence have been made with the exception of those outlined in section 4 below.

Minor administrative changes have been made to update the licence to the current version template.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, DEC's Policy Statement - Limits and targets for prescribed premises (2006), and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Emissions to land including monitoring	L2.5.2 and L3.5.1	OSC	References to "Total petroleum hydrocarbons" have been amended to "Total recoverable hydrocarbons" in line with DER's position that TRH is the standard analytical method for determining total hydrocarbons in soil, sediment and water.	N/A
Licence Duration	N/A	N/A	The licence expires on 11 January 2019. No changes to the expiration date have been made.	N/A



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
13/4/2015	Proponent sent a copy of draft instrument	No comments received.	N/A



6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High