



## Annual Audit Compliance Report Form

*Environmental Protection Act 1986, Part V Division 3*

Once completed, please submit this form either via email to [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au), or to the below postal address:

Department of Water and Environmental Regulation  
Locked Bag 10  
Joondalup DC WA 6919

### Section A – Licence details

Licence number:	L4275/1982/15	Licence file number:	DER2011/000451
Licence holder name:	Mid West Ports Authority		
Trading as:	Mid West Ports Authority		
ACN:	73 384 989 178		
Registered business address:	PO Box 1856, Geraldton WA 6531		
Reporting period:	01/07/2018    to    30 /06/2019		

### Section B – Statement of compliance with licence conditions

Did you comply with all of your licence conditions during the reporting period?  
(please tick the appropriate box)

- Yes – please complete:  
  - section C;
  - section D (if required); and
  - sign the declaration in Section F.
- No – please complete:  
  - section C;
  - section D (if required);
  - section E; and
  - sign the declaration in Section F.

### Section C – Statement of actual production

Provide the actual production quantity for this reporting period. Supporting documentation is to be attached.

Prescribed premises category	Actual production quantity
58: Bulk material loading or unloading; premises on which clinker, coal, ore, ore concentrate or other bulk granular material (other than salt) is loaded onto or unloaded from vessels by an open material loading system	12,841,572 tonnes of licenced commodities (excludes Grain, Petroleum, Fertilisers, General Cargo, Stockfeed and Livestock.)  Note: The total annual throughput was 15,885,172 tonnes
58A: Bulk material loading or unloading; premises on which salt is loaded onto or unloaded from vessels by an open material loading system	0 tonnes

### Section D – Statement of actual Part 2 waste discharge quantity

Provide the actual Part 2 waste discharge quantity for this reporting period. Supporting documentation is to be attached.

Prescribed premises category	Actual Part 2 waste discharge quantity
N/A	

### Section E – Details of non-compliance with licence condition

Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.

Condition no:	5.2.3	Date(s) of non-compliance:	Quarterly Air Quality Reporting Periods
Details of non-compliance:			
<p>Condition 1.1.2 definitions states '<i>For the purposes of this Licence, unless the contrary appears... 'quarterly' means the 4 inclusive periods from 1 April to 30 June, 1 July to 30 September, 1 October to 31 December and in the following year, 1 January to 31 March</i>'.</p> <p>Condition 5.2.3 requires the submission of information detailed in <i>Table 5.2.2 Non-annual reporting requirements</i>. Table 5.2.2 requires MWPA to submit information after the end of each quarterly period. MWPA has used alternative periods to make quarterly reports as follows; 1 February to 30 April, 1 May to 31 July, 1 August to 31 October and 1 November to 31 January the following year.</p>			
What was the actual (or suspected) environmental impact of the non-compliance?			
<p><b>NOTE</b> – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p> <p>There were no environmental impacts associated with this non-compliance. MWPA have not missed any quarterly reports, but simply used a different reporting period to that stated in the Licence definitions.</p>			
Cause (or suspected cause) of non-compliance:			
<p>This is a technical non-compliance and potentially an administration oversight associated with Licence amendments and renewal. It appears the Port Authority reported air emission monthly up until 2014, when it was agreed to report on a quarterly basis. In 2015 the Licence renewal and REFIRE conversion saw standard definitions applied to the Licence that were not aligned to the already established quarterly reporting pattern. This discrepancy was identified via MWPA internal audit processes.</p>			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
<p>MWPA has requested advice from DWER to understand and clarify reporting periods. MWPA has requested to transition to the standard quarterly reporting periods as specified in Condition 1.1.2 definitions.</p>			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> Yes, and			
<input checked="" type="checkbox"/> Reported to DWER verbally		Date: 29 / 08 /2019	
<input checked="" type="checkbox"/> Reported to DWER in writing		Date: 30 / 08 /2019	

Section E – Details of non-compliance with licence condition							
Condition no:	3.8.1	Date(s) of non-compliance:	Annual reporting period				
<p><b>Details of non-compliance:</b></p> <p>This condition requires monitoring to be undertaken in accordance with <i>Table 3.8.1 Monitoring of ambient air quality</i>. Table 3.8.1 currently reads such that Particulates, as TSP, should be monitored on a continuous frequency. However, MWPA does not monitor Particulates as TSP on a continuous basis.</p>							
<p><b>What was the actual (or suspected) environmental impact of the non-compliance?</b></p> <p><b>NOTE</b> – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p> <p>There were no environmental impacts associated with this non-compliance.</p> <p>MWPA maintains four compliance monitoring stations as specified in Table 3.8.1. Each station is fitted with ambient air quality monitoring equipment including:</p> <ul style="list-style-type: none"> <li>• Tapered Element Oscillating Microbalance (TEOM) real time dust monitors that measure particulate matter finer than 10 microns in diameter (PM10) at 10-minute intervals on a continuous basis, and</li> <li>• High Volume Air Samplers (HiVol) used to measure metals as total suspended particulates (TSP) and PM10 over 24hr periods during ship loading activities, as well as an additional 5 days per month as background samples.</li> </ul>							
<p><b>Cause (or suspected cause) of non-compliance:</b></p> <p>Historically, TSP has always been determined via High Volume Air Sampling and these monitors are run for 24hr periods during shiploading activities.</p> <p>It is MWPA's understanding there may have been a formatting error made during the 2015 licence renewal, resulting in Table 3.8.1 not accurately reflecting the sampling frequency specified within the MWPA Air Quality Sampling and Analysis Plan. This discrepancy was identified via MWPA internal audit process.</p>							
<p><b>Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:</b></p> <p>MWPA has requested advice from DWER to understand the Department's interpretation and expectation with respect to TSP monitoring frequency.</p>							
<p><b>Was this non-compliance previously reported to DWER?</b></p> <p><input checked="" type="checkbox"/> Yes, and</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> Reported to DWER verbally</td> <td>Date: 29 / 08 /2019</td> </tr> <tr> <td><input checked="" type="checkbox"/> Reported to DWER in writing</td> <td>Date: 30 / 08 /2019</td> </tr> </table>				<input checked="" type="checkbox"/> Reported to DWER verbally	Date: 29 / 08 /2019	<input checked="" type="checkbox"/> Reported to DWER in writing	Date: 30 / 08 /2019
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<input checked="" type="checkbox"/> Reported to DWER in writing	Date: 30 / 08 /2019						

Section E – Details of non-compliance with licence condition			
Condition no:	Prescribed premises category / approved premises production capacity	Date(s) of non-compliance:	Annual reporting period
<b>Details of non-compliance:</b>			
<p>The Trial Notification licence amendment (File Number: DER20011/000451-3) re-stated the '<i>approved premises production or design capacity</i>' as 44,000 tonnes per day (cumulative).</p> <p>MWPA has historically interpreted and reported this item as an annualised average at the time of Licence renewal each year.</p> <p>MWPA has been advised by licensing officers that the approved premises production capacity should be read as a cumulative daily limit.</p>			
<b>What was the actual (or suspected) environmental impact of the non-compliance?</b>			
<p><b>NOTE</b> – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p> <p>MWPA does not believe there to have been any environmental impacts associated with this potential non-compliance.</p> <p>MWPA does not currently have a mechanism to accurately monitored and measure the total daily throughput. Current Port user agreements with the Operators of Berths 3 and 7 only require end of shipment reporting of total tonnages and not a daily throughput.</p>			
<b>Cause (or suspected cause) of non-compliance:</b>			
<p>This appears to be an interpretation issue on the part of the Port Authority. This interpretation has been called into question as a result of an internal audit and licensing considerations triggered by MWPA Master planning activities.</p>			
<b>Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:</b>			
<p>MWPA has requested DWER provide a formal definition of the terminology "Approved premises production or design capacity" and how this should be applied for the purposes of monitoring and reporting compliance.</p> <p>MWPA have initiated an internal investigation to understand actual and peak daily throughput tonnages. This investigation will look at methods to track and report on cumulative daily production throughput.</p> <p>MWPA have identified a need to increase annual production capacity to align with future predicted growth. MWPA intend to submit a licence amendment once the Port Master Plan has been finalised. This amendment will be designed to allow for future growth needs and align more accurately with peak daily throughputs.</p>			
<b>Was this non-compliance previously reported to DWER?</b>			
<input checked="" type="checkbox"/> Yes, and			
<input checked="" type="checkbox"/> Reported to DWER verbally		Date: 29 / 08 /2019	
<input checked="" type="checkbox"/> Reported to DWER in writing		Date: 30/ 08 / 2019	

<b>Section E – Details of non-compliance with licence condition</b>			
Condition no:	3.8.1	Date(s) of non-compliance:	Annual reporting period
<b>Details of non-compliance:</b>			
<p>This condition requires monitoring to be undertaken in accordance with <i>Table 3.8.1 Monitoring of ambient air quality</i>. Table footnote states “<i>Note 2: Continuous monitoring is permitted to include gaps equating to no more than 2 hours in every 24hr monitoring period as required for changing of HiVol sampler filter papers.</i>”</p> <p>During the reporting period three incidents occurred where continuous monitoring of TSP and/or PM<sub>10</sub> parameters during shiploading events were not achieved and two incidents where continuous monitoring of PM<sub>10</sub> via real time monitoring was interrupted for greater than 2 hrs.</p>			
<b>What was the actual (or suspected) environmental impact of the non-compliance?</b> <b>NOTE</b> – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
MWPA does not believe there to have been any environmental impacts associated with this non-compliance.			
<b>Cause (or suspected cause) of non-compliance:</b> The cause of monitoring non-compliances during the reporting period were attributed to power supply failures, tripping of electrical circuits, instrument failures and damage to sample filters during high wind conditions at the time of collection. These non-compliances are reported to DWER via Quarterly Air Quality Reports throughout the year.			
<b>Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:</b> During the reporting period MWPA introduced a requirement to record all instances of monitoring non-compliance within its incident database STEMS. For added transparency MWPA has provided addition details in this year's Annual Licence Report in <i>Section 5.3 Air Quality Monitoring Equipment – Maintenance &amp; Calibration</i> .			
MWPA has had a period of high staff turn over and reallocated monitoring activities during the reporting period, therefore compliance with monitoring procedures will be an ongoing focus into the next reporting period 2019/20.			
MWPA are also committed to upgrading monitoring equipment in 2019/20 to replace ageing equipment and maintain enough spares to replace faulty equipment in a timely manner.			
<b>Was this non-compliance previously reported to DWER?</b>			
<input checked="" type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date:	
<input checked="" type="checkbox"/> Reported to DWER in writing		Date: Via Quarterly Air Quality Reports	

### Section F – Declaration

I / We declare that the information in this Annual Audit Compliance Report is true and correct and is not false or misleading in a material particular<sup>1</sup>.

I / We consent to the Annual Audit Compliance Report being published on the Department of Water and Environmental Regulation's (DWER) website.

Signature <sup>2</sup> :	[Redacted]	Signature:	
Name: (printed)	Rochelle Macdonald	Name: (printed)	
Position:	Chief Executive Officer	Position:	
Date:	2 September 2019	Date:	
Seal (if signing under seal):			

<sup>1</sup> 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.

<sup>2</sup> AACRs can only be signed by the licence holder or an authorised person with the legal authority to sign on behalf of the licence holder.