



Licence Number L4275/1982/15

Licence Holder Mid West Ports Authority

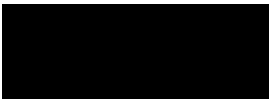
File Number: DER2011/000451-3

Premises Geraldton Port
Part of Lot 503 on Deposited Plan 57801
GERALDTON WA 6530

Date of Amendment 21 January 2019

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act) as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.



Clarrie Green

A/Manager, Licensing (Resource Industries)

Regulatory Services (Environment)

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Definitions and interpretation

Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
Amendment Notice	refers to this document
Category/Categories	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
clean fill	as defined by the <i>Landfill Waste Classification and Waste Definitions 1996 (as amended April 2018)</i>
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence (L4275/1982/15) and Amendment Notice 1 issued under Part V, Division 3 of the EP Act and in force prior to the commencement of this Amendment Notice.
Licence Holder	Mid West Port Authority
Minister	the Minister responsible for the EP Act and associated regulations
Mtpa	million tonnes per annum
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report.
Trial	means a test period during which the Licence Holder loads or unloads a new bulk granular material, not currently specified in Condition 1.3.1 the Existing Licence, at the Premises, in accordance with Conditions 1.4

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Existing Licence (L4275/1982/15) issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This amendment notice has been initiated by DWER for the addition of Trial conditions to the Existing Licence, which allows Mid West Ports Authority (the Licence Holder) to handle new bulk granular materials not currently handled at the Geraldton Port (the Premises), in a test scenario.

The Existing Licence covers only Category 58 activities for the loading and unloading of bulk granular material (other than salt), as defined in Schedule 1 to the *Environmental Protection Regulations 1987* (EP Regulations). To allow for Trial conditions to apply to evaporites including gypsum, salt and potash, Category 58A has also been applied to the Licence through this Amendment Notice.

No increase in daily throughputs is authorised through the addition of Category 58A or Trial conditions to the Existing Licence.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*

Amendment description

The Premises is located north of Point Moore, north west of Geraldton town centre and consists of a seven berth inner harbor, storage facilities and bulk materials handling infrastructure. The Premises has a maximum bulk granular product handling capacity of 16,000,000 tonnes per annum (Mtpa) with the bulk granular materials authorised for handling under the Existing Licence being:

- Iron ore
- Manganese ore
- Lead sulfide concentrate
- Copper concentrate
- Zinc concentrate
- Nickel concentrate
- Talc
- Coal
- Mineral sands
- Mineral sands concentrate
- Fertilisers

The addition of Trial conditions to the Licence allows the Licence Holder to handle new bulk granular materials not previously assessed and authorised in the Existing Licence.

Port Authorities are increasingly diversifying the type of materials handled at their premises. Trial conditions are intended to provide operational flexibility for ports and minimise impacts to economic growth where it can be demonstrated that any risk to public health, amenity and the environment is minimised to an acceptable level.

Prior to a Trial, the Licence Holder must undertake a preliminary assessment, or 'self-assess' the appropriateness of their proposed Trial in accordance with conditions of the Licence and the *Guideline: Port Authority bulk handling Trials – Category 58 and 58A* published on the Department's website.

Amendment history

Table 2 provides the amendment history for L4275/1982/15.

Table 2: Licence amendments since 2015

Instrument	Issued	Amendment
L4275/1982/15	15/08/2018	Amendment Notice 1: to authorise an increase in the handling of manganese ore up to 300,000 tonnes per year out of Berth 6.
L4275/1982/15	12/03/2015	Licence Renewal

Location and receptors

Table 3 below lists the relevant sensitive land uses in the vicinity of the Premises which may be receptors relevant to the proposed amendment.

Table 3: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Premises
Residential	The nearest zoned residential area is approximately 840 m southeast of Berth 6 and approximately 310 m southeast from the nearest berth, Berth 2. The nearest zoned residential premises to a storage shed entrance is approximately 280 m to the southeast.
Open Public Spaces	The nearest open public space is approximately 370 m east of Berth 1. The foreshore is directly adjacent to the eastern premise boundary.
Light Industry	Approximately 700 m south of Berth 6 and 300 m south from southern premise boundary at Berth 2.
Fishing Boat Harbour	Approximately 220 m west of the storage sheds at Berth 5 and 6.

Table 4 below lists the relevant environmental receptors in the vicinity of the Premises which may be receptors relevant to the proposed amendment.

Table 4: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Premises
Threatened Fauna	Protected migratory birds have been sighted within the eastern premise boundary and approximately 200 m west of the storage sheds. Threatened marine animals have been sighted approximately 2.5 km north of Berth 6.
Geraldton Inner Harbour Marine Environment	Directly adjacent to prescribed activities.
Seagrass communities in Champion Bay	Approximately 1 km from the entrance to the Geraldton Inner Harbour.

Decision

The Delegated Officer has determined that Trial conditions are both conservative and necessary to provide both operational flexibility for the Licence Holder and to better inform future risk assessments of ongoing handling operations by improving data collection. Trial shipments must not extend beyond 12 months in duration or a cumulative throughput of 1 Mtpa per year. Trial shipment conditions are designed to provide sufficient information, through requiring the provision of monitoring data, for DWER to conduct a detailed risk assessment of each trialed product.

Trial conditions on this Amendment Notice restrict the handling of high-risk products such as those that contain elevated concentrations of asbestiform materials, respirable silica or radiation. Wastes, or waste-derived products, with the exception of clean fill, are also not authorised for handling under trial conditions. The implementation of Trial conditions requires notification 30 days prior to the commencement of the Trial. Notification must be supported by detailed information on the proposed activity, product characteristics, the sensitivity of the receiving environment, potential hazards and the proposed monitoring to be conducted during the Trial.

At any point prior to or during the Trial period, DWER may cease the Trial in the event that the risk is considered to be unacceptable to public health, amenity or the environment; or in the event that the Trial (including product specifications, materials handling or controls) changes from that originally described through Notification of the Trial. The Trial may also be ceased if DWER becomes aware of the potential for risk to human health, amenity of the environment that differs from the risks identified in the Notification of the Trial.

Category 58A has been applied through this notice to authorise the handling and/or loading of new bulk materials classified as salts including evaporites such as gypsum and potash under Trial conditions. The Delegated Officer has determined that this is an administrative amendment that does not increase or change the risk profile associated with bulk material handling at the Premises. The addition of Trial conditions and Category 58A to the Licence does not authorise an increase to the maximum cumulative throughputs at the Premises as authorised by the Existing Licence.

It is the responsibility of the Licence Holder to determine appropriate handling method for each product being trialed following demonstrated consideration given to each hazard associated with the trial product. DWER's decision making processes for determining what products are suitable for trial shipments are further detailed in the *Guideline: Port Authority Trial Shipments – Category 58 and 58A*, which is available at DWER's website (www.dwer.wa.gov.au).

Further amendments to the Existing Licence were made to specify the granular materials authorised for handling at the Premises in bulk. Consistent with other Category 58 licences and legal advice received by DWER, fertiliser has been included to the list of authorised granular materials to be handled at the Premises.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 10 December 2018. On 18 January 2019, the Licence Holder notified DWER that no comments will be provided, requesting that the Delegated Officer proceed with issuing the Amendment Notice.

Amendment

- The prescribed premises category is amended by the insertion of the underlined text shown below:

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
58	Bulk material loading or unloading: premises on which clinker, coal, ore, ore concentrate or any other bulk granular material (other than salt) is loaded onto or unloaded from vessels by an open materials loading system.	100 tonnes or more per day	44,000 tonnes per day (cumulative); and <u>16,000,000 tonnes per annual period (cumulative)</u>
<u>58A</u>	<u>Bulk material loading or unloading: premises on which salt is loaded onto or unloaded from vessels by an open materials loading system.</u>	<u>100 tonnes or more per day</u>	

- Condition 1.3.1 of the Licence is amended by the deletion of the text shown in strikethrough below and the insertion of the underlined text below:

1.3.1 The Licensee shall ~~notify~~~~inform~~ the CEO in accordance with Condition 1.4 of this Licence of writing of any proposal to load or unload at the premises, any bulk granular material other than iron ore, lead sulfide concentrate, copper concentrate, zinc concentrate, nickel concentrate, talc, coal, mineral sands, or mineral sands concentrate, fertilisers or manganese ore.

- The Licence is amended by the insertion of section 1.4 as shown in underlined text below:

1.4 Trial conditions

Notification of a Trial

- The Licence Holder must notify the CEO of a Trial and such notification (which the CEO will make publicly available) must:

- be in writing;
- be made 30 calendar days or more prior to that Trial commencing;
- include details of the extent of the Trial, including:
 - the duration and frequency of any loading or unloading activities;
 - method for materials storage and handling including any changes to infrastructure and equipment used at the Premises; and
 - all controls to be implemented for the management of emissions and discharges;
- include details of the nature of bulk granular material, including:
 - all public health and ecosystem hazards;
 - the chemical and geochemical composition;
 - particle size distribution of bulk granular material including inhalable and respirable fractions;
 - the representative DEM level, where determination of DEM is possible for

- that material; and
- (v) leachate testing conducted on materials that may present a toxicological or ecotoxicological risk;
 - (e) include an analysis of risks to the environment, public health and amenity from potential discharges, dust, odour and noise emissions associated with the Trial;
 - (f) include a monitoring plan that includes, but is not limited to:
 - (i) the indicator parameter/s to be monitored;
 - (ii) monitoring locations, equipment used and proximity to sensitive receptors;
 - (iii) monitoring frequencies;
 - (iv) monitoring averaging periods; and
 - (v) any meteorological monitoring to be undertaken; and
 - (g) only when a CEO notification to cease a Trial has been issued in accordance with Condition 1.4.2, and in the event that the Licence Holder is submitting a Trial amendment notification, then the Licence Holder must:
 - (i) resubmit the requirements of Conditions 1.4.1(a) – (f);
 - (ii) address the issues that resulted in the notification to cease the Trial on the initial (or any subsequent) Trial for the same product; and
 - (iii) include a new Trial end date calculated 12 months from the commencement of the first shipment of the ceased Trial, not including time elapsed between the CEO notification to cease that Trial and the Trial amendment notification.

CEO notification to cease a Trial (prior to commencement or during)

1.4.2 The Licence Holder must cease a Trial in the manner and at the time, when:

- (a) the CEO forms the view, acting reasonably:
 - (i) that following an assessment of the information provided as part of Condition 1.4.1, it is determined that the proposed Trial will result in unacceptable impact on public health, amenity or the environment; or
 - (ii) that following a review of any data received in accordance with Condition 1.4.5, it is determined that the Trial is having an unacceptable impact on public health, amenity or the environment; or
 - (iii) that the Trial being undertaken is different in any manner from that described in the notification provided by the Licence Holder through Condition 1.4.1, when that difference is resulting in, or is likely to result in, an unacceptable impact on public health, amenity or the environment; and
- (b) the CEO has provided written notice to cease the Trial (which the CEO will make publicly available) to the Licence Holder specifying the grounds for the CEO's views.

Nothing in this Condition prevents the Licence Holder subsequently submitting an amendment in relation to the Trial. Any Trial amendment proposed by the Licence Holder must follow the notification requirements as per Condition 1.4.1(g).

Trial Restrictions

1.4.3 The Trial must cease:

- (a) 12 months from the date of the commencement of the first shipment; or

- (b) immediately after the shipment where the cumulative throughput amounts exceed 1,000,000 tonnes; or
- (c) immediately upon receipt of a CEO notification to cease a Trial in accordance with Condition 1.4.2,

whichever occurs first.

A Trial may only recommence upon notification of a Trial amendment, in accordance with Condition 1.4.1 (g).

1.4.4 The Licence Holder must not Trial the bulk handling of materials that:

- (a) contain asbestos in concentrations equal to or greater than 0.01% w/w for non-friable asbestos or 0.01% w/w for fibrous asbestos;
- (b) contain respirable silica equal to or greater than 1% w/w;
- (c) exceed the radiation transport limit of 10 Bq/g for Uranium-238 and Thorium-232 combined;
- (d) exceed Rubidium-87 concentrations of 30 Bq/g; or
- (e) are a waste or waste-derived by-product (except Clean fill).

Reporting

1.4.5 The Licence Holder must submit a report to the CEO which includes the results of monitoring required by condition 1.4.1(f), and includes:

- (a) the 15-minute averaged, raw data in tabulated format;
- (b) a graphical representation of the monitoring results for each Trial shipment with a comparison against 15-minute averaged meteorological (wind speed and direction) monitoring data;
- (c) Moisture Content data averaged over each Trial shipment and showing a comparison against the representative DEM level, where the DEM level can be determined; and
- (d) a summary of the effectiveness of the controls implemented for the management of emissions and discharges,

within 30 days of the completion of the first Trial shipment; at four, seven and 10 months from the first Trial shipment; and a final closeout report within 30 days following the cessation of the Trial.

Ongoing shipments

1.4.6 In the event that approval for the ongoing shipments of the Trial material is sought, the Licence Holder must provide an application for Licence amendment, along with a report fulfilling the requirements of Condition 1.4.5, at least three months prior to the completion of the Trial period.

4. Section 1.1 of the Licence is amended by the insertion of the underlined definitions shown below:

'Clean fill' As defined by the *Landfill Waste Classification and Waste Definitions 1996 (as amended April 2018)*.

'DEM' means the dust extinction moisture which is the moisture content expressed as a percentage of the product at which the Dust Number is 10 derived from the Australian

Standard AS4156.6-2000: Coal preparation, Part 6: Determination of Dust/moisture Relationship for Coal, or alternative approved standard as approved by the CEO.

'Moisture Content' means the ratio of the mass of water in a sample to the mass of solids in the sample, expressed as a percentage. In equation form this is set out as follows:

$$w = \frac{m_1 - m_2}{m_1} \times 100$$

Where:

w = moisture content of sample;

m₁ = initial mass, in grams, of the test portion; and

m₂ = mass, in grams, of the test portion after drying.

'Trial' means a test period during which the Licence Holder loads or unloads a new bulk granular material, not specified in Condition 1.3.1 the Existing Licence, at the Premises, in accordance with Conditions 1.4.1 to 1.4.6 inclusive.

Appendix 1: Key documents

	Document title	Availability
1	Licence L4275/1982/15 – Mid West Ports Authority	accessed at www.dwer.wa.gov.au
2	Ministerial Statement 087	accessed at www.epa.wa.gov.au/
3	Ministerial Statement 367	
4	Ministerial Statement 600	
5	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	accessed at www.dwer.wa.gov.au
6	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	
7	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	
8	DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	
9	DWER, 2018. <i>Industry Regulation Guideline: Port Authority Trial Shipments - Category 58 and 58A</i> .	