



Partial Decision Document

Environmental Protection Act 1986, Part V

Proponent: BHP Billiton Iron Ore Pty Ltd

Licence: L4503/1975/14

Registered office: Level 1, City Square Brookfield Place
125 -137 St Georges Terrace
PERTH WA 6000

ACN: 008 700 981

Premises address: Mt Whaleback/Orebody 29/30/35
Tenements E52/2009-I, ML244SA, G52/19-G52/274, G52/276, G52/277,
G52/279, K858923 and N088235
NEWMAN WA 6753

Issue date: Thursday, 7 November 2013

Commencement date: Sunday, 17 November 2013

Expiry date: Tuesday, 16 November 2032

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 and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Haley Brunel
Licensing Officer

Decision Document authorised by: Alana Kidd
Manager Licensing (Resource Industries)



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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.

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	<table border="1"> <thead> <tr> <th>Category number(s)</th> <th>Assessed design capacity</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>80 million tonnes per annual period</td> </tr> <tr> <td>6</td> <td>80 million tonnes per annual period</td> </tr> <tr> <td>54</td> <td>183.2 cubic metres per day</td> </tr> <tr> <td>61</td> <td>5 100 tonnes per annual period</td> </tr> <tr> <td>64</td> <td>6 000 tonnes per annual period</td> </tr> <tr> <td>73</td> <td>11,749 cubic metres</td> </tr> <tr> <td>85B</td> <td>4.38 gigalitres per annual period</td> </tr> </tbody> </table>	Category number(s)	Assessed design capacity	5	80 million tonnes per annual period	6	80 million tonnes per annual period	54	183.2 cubic metres per day	61	5 100 tonnes per annual period	64	6 000 tonnes per annual period	73	11,749 cubic metres	85B	4.38 gigalitres per annual period
	Category number(s)	Assessed design capacity															
	5	80 million tonnes per annual period															
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	64	6 000 tonnes per annual period															
	73	11,749 cubic metres															
85B	4.38 gigalitres per annual period																
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 checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/> Referral decision No: 1982 Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Ministerial statement No: 963 EPA Report No: 1501
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, eg Site is subject to SO ₂ requirements of Kwinana EPP.		

3 Executive summary of proposal and assessment

BHP Billiton Iron Ore Pty Ltd (BHPBIO) operates the Mt Whaleback Orebody 29/30/35 Iron Ore Mine. The mine is located on tenements E52/2009, ML244SA and G52/19-G52/277 and is approved under the *Iron Ore (Mount Newman) Agreement Act 1964*.

The mine is located approximately five kilometres (km) west of the Newman township and commenced operation in 1969. Ore from the Mt Whaleback deposit is combined with the product from smaller adjacent satellite mines to produce the Mt Newman Joint Venture blend. The satellite orebodies (OB) which currently supplement production at Mt Whaleback include OB24/25, OB29, OB30 and OB35. Iron Ore from the site is transported approximately 426km by rail to Port Hedland Operations at Nelson Point for export.

Mt Whaleback operates under Licence L4503/1975/14 which BHPBIO has recently applied to amend. BHPBIO has requested that the premises address be updated and that a new asbestos disposal location be included.

DER's assessment and decision making with respect to the proposed asbestos disposal is detailed in Section 4 of this document.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* 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	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	Premises address and Schedule 1	<p>The premises address has been updated to include the additional mining tenements as advised by the Licensee.</p> <p>The maps in Schedule 1 have been updated to include the additional asbestos disposal location.</p>	<p>Guidance Statement <i>Setting conditions</i> (DER, October 2015)</p> <p><i>Administrative changes implemented within DER</i>, www.der.wa.gov.au.</p>
Premises operation	Conditions 1.2.1, 1.2.3, 1.2.5	<p><u>Emission description</u> The Licensee has indicated that a new asbestos disposal location is required for the disposal of asbestos-containing material (ACM), uncovered during recent excavations as part of the routine mining operations at Orebody 35. The material (pipes) has weathered and is mixed with approximately 2,000 cubic metres of excavated material.</p> <p>To minimise the risk of transportation of the ACM across the site to the existing designated asbestos disposal area, it is proposed to encapsulate the material into the overburden storage area at Orebody 35. The overburden storage area is currently being developed and the ACM will be buried under approximately 30 metres of mine waste. Once the ACM has been buried it will not pose any risk to human health or the environment, and the area will not remain an active asbestos disposal area. The location of the disposal area will be noted on the site mine planning layer for closure purposes.</p>	<p>Application supporting documentation</p> <p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p><i>Environmental Protection Regulations 1987</i></p> <p><i>Environmental Protection (Controlled Waste) Regulations 2004</i></p> <p>Code of Practice 'How to Manage and Control</p>



DECISION TABLE			
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		<p><i>Emission:</i> Release of fibrous materials during storage, transport and disposal of ACM into the waste rock dump.</p> <p><i>Impact:</i> Exposure to airborne asbestos fibres poses a risk to health if inhaled. Fibres that enter the lungs may lead to asbestos-related diseases such as pleural disease, asbestosis, lung cancer and mesothelioma. Workers at Mt Whaleback are the most likely to be exposed as public access to the site is restricted.</p> <p><i>Controls:</i> Material is currently segregated from other waste rock and access is restricted.</p> <p>The loader and truck used to move the ACM are fitted with special filters and the cabs are fully enclosed. No personnel are on the ground outside of the machinery cab when the material is loaded and transported to its current location. The loader and truck used to move the ACM is washed down after handling the material. Access to the material is now restricted and there is no further reason to handle the material.</p> <p>ACM will be encapsulated within the waste rock dump which will neutralise the risk of airborne fibres accessing the environment. It is unlikely that the site will be disturbed as it will not be used as an active asbestos disposal area following disposal of the ACM.</p> <p>A site asbestos register which records the location and amount of asbestos disposed at each location is maintained.</p> <p><u>Risk Assessment:</u> <i>Consequence:</i> Major <i>Likelihood:</i> Rare <i>Risk rating:</i> Moderate</p>	Asbestos in the Workplace (Safe Work Australia, February 2016)



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		<p><u>Regulatory Controls:</u> Condition 1.2.3 specifies that asbestos waste shall only be disposed of into designated asbestos disposal locations shown in Schedule 1, not deposited within 2m of the final tipping surface of the landfill and restricts works that could lead to a release of asbestos fibres.</p> <p>Condition 1.2.5 specifies cover requirements relating to asbestos disposal locations.</p> <p>The premises map in Schedule 1 has been updated to include the additional asbestos disposal location. No further regulatory controls are required to be applied to the Licence.</p> <p>It is also noted that Safe Work Australia's Code of Practice 'How to Manage and Control Asbestos in the Workplace' (February 2016), approved under section 274 of the <i>Work Health and Safety Act</i> provides practical guidance on how to manage risks associated with asbestos and ACM at the workplace and thereby minimising the incidence of asbestos-related diseases.</p> <p><u>Residual Risk:</u> <i>Consequence:</i> Major <i>Likelihood:</i> Rare <i>Risk rating:</i> Moderate</p>	
Improvements	Condition 4.1.1	Condition 4.1.1 has been updated to specify the completion date of improvement IR1. Improvement IR2 has been removed as the Licensee has satisfied the requirements of this condition.	N/A



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
18/08/2016	21 day consultation period correspondence	Waiver from received 25 August 2016. No comments on proposed changes.	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