



Application for Licence Amendment

Division 3, Part V *Environmental Protection Act 1986*

Licence Number: L8194/2007/3

Applicant: Fortescue Metals Group Ltd

ACN: 002 594 872

File Number: DER2013/001082

Premises: Anderson Point Materials Handling Facility
Part of Lot 1497 on Plan 404497, Part of Lot 370 on Plan 35619, Part of Lot 556 on Plan 60836, Part of Lot 321 on Plan 74344 and Lot 322 on Plan 74344 within coordinates as defined in Appendix 1

WEDGEFIELD WA 6721

Date of report: Friday, 24 September 2021

Status of Report Final

Paul Newell
Senior Manager, Industry Regulation (Process Industries)

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

Table of Contents

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1. Decision summary.....	3
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Attachment 1: Amended Licence L8194/2007/3

1. Decision summary

On 15 July 2021, the Minister for Environment made her determination of a third party appeal (Appeal number 046 of 2020) made in objection to conditions of the most recent licence amendment on 2 September 2020, authorising a throughput increase from 175 million tonnes per annum (Mtpa) to 210 Mtpa. The appellant's key concern was that throughput expansions would result in unacceptable impacts from dust and that management and monitoring conditions were inadequate to manage this risk.

In making her determination the Minister determined to allow the appeal to the extent that the licence is amended to:

- Require the licence holder to undertake a review of the additional dust control infrastructure specified in Row 1 of Table 4 (Condition 8) and prepare and submit a Dust Control Validation Report with the information specified in Schedule 4, within 12 months of the submission of the Environmental Compliance Report for that infrastructure.
- Require the licence holder to submit a Dust Monitoring Report that incorporates the information specified in Schedule 6, within 15 months from the completion of the infrastructure specified in Table 4.

The Minister also concluded that there were a number of minor inconsistencies that should be corrected in the licence to provide greater clarity.

The Minister has otherwise dismissed the appeals noting that:

“DWER applied a risk-based approach to the regulation of dust emissions from the premises and applied appropriate controls directed at ensuring that there is no net increase in dust emissions from the premises because of an increase in throughput. This is consistent with DWER’s published regulatory framework for Port Hedland.”

Changes have been made to align licence conditions with the Minister’s recommendations to rectify administrative errors and improve clarity and consistency with other licences for port operators in Port Hedland. These are summarised in Table 1 below.

Table 1: Minister-recommended amendment

Condition	Recommended amendment and explanation
10(c)	Amend to clarify the requirement relating to the cessation of dust-generating construction activities: “ceasing all dust-generating construction activities when average wind directions are between 201° and 231° for <u>any</u> three or more ten minute periods during the hour, or between 305° and 340° for <u>any</u> three or more ten minute periods during the hour.”
13	Amend to require an audit of compliance and the preparation and submission of an Environmental Compliance Report: <ul style="list-style-type: none">• within 30 days of completion of the works specified in rows 1 to 5 of Table 3• within 30 days of completion of the works specified in row 6 of Table 3• within 30 days of completion of the works specified in row 7 of Table 3• within 30 days of completion of the works specified in row 8 of Table 3.
14	Amend to require an audit of compliance and the preparation and submission of an Environmental Compliance Report: <ul style="list-style-type: none">• within 30 days of completion of the works specified in row 1 of Table 4• within 30 days of completion of the works specified in rows 2 and 3 of Table 4.

15(b)	Amend to include the requirement to demonstrate achievement of no increase in risk to public health, public amenity and the environment.
27	Amend Table 6 to remove reference to AS3580.9.11 in rows 1 and 3, column 5.
29	Amend the Management Trigger Criteria in column 2 of Table 7: <ul style="list-style-type: none"> • Wharf and NE Corner: "...when wind direction is averaged between 201° and 231° for any three or more ten minute periods during the hour..." • SE Corner: "...when wind direction is averaged between 305° and 340° for any three or more ten minute periods during the hour..." • Taplin Street: "...when wind direction is averaged between 201° and 231° for any three or more ten minute periods during the hour..."
40(b)	Amend to remove reference to Condition 7 and replace with the condition that relates to dust control equipment monitoring.
42	Amend as follows: The Licence Holder must submit to the CEO no later than 1 April each year: <ol style="list-style-type: none"> (a) a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period; and (b) a monitoring report providing the results of monitoring and any supporting records, information, reports and data as required by: <ol style="list-style-type: none"> i. Condition 26 for Moisture Content and DEM level of iron ore received to, and out-loaded from the Premises; ii. Condition 27 for air quality monitoring at Wharf, End of Road, NW Corner, NE Corner, Finucane, SW Corner, SE Corner, TUL SW and TUL SE and meteorological monitoring at TUL Met Station depicted in Schedule 1, Figure 6, in the format specified in Schedule 7; iii. Condition 33 for air quality monitoring at Taplin Street including a comparison of monitoring results against the Air Guideline Value; and iv. Condition 38 for wash water monitoring at L1, L2 and post treatment water contained in the process water tanks shown in the map in Schedule 1, as specified in Table 10.
Schedule 4 – Dust Control Validation	Amend Schedule 4 to specify the minimum requirements that should be considered in the experimental design of the dust control validation study.
Schedule 5 – Quarterly reporting	Amend 2 nd bullet point, sub-bullet point 6 under 'Contents of Report', to remove reference to 'throughput exceedance'.
Schedule 6 – Dust Monitoring Report	Amend the 3 rd bullet point, sub-bullet point 2 under the information that the licence holder is required to provide, to remove reference to Table 8.

No further risk assessment to justify these changes is required/provided within this Amendment Report.

Attachment 1: Amended Licence L8194/2007/3