



# Industry regulation of port facilities at Port Hedland

*Parts IV and V of the Environmental Protection Act 1986*

The Department of Water and Environmental Regulation (DWER) has prepared this fact sheet to provide information on industry regulation of port facilities at Port Hedland.

## **DWER's responsibilities**

DWER was formed on 1 July 2017, through the amalgamation of the Department of Water (DoW), Department of Environment Regulation (DER), and the Office of the Environmental Protection Authority (OEPA).

DWER undertakes regulatory functions under a range of legislation, including the *Environmental Protection Act 1986* (EP Act). In addition, it advises on and implements strategies for a healthy environment for all Western Australians.

## **Industry regulation**

Industry regulation of port facilities at Port Hedland is primarily undertaken through approvals issued under Parts IV and V of the EP Act.

Approvals under Part IV of the EP Act are issued by the Minister for Environment following environmental impact assessment by DWER (prior to July 1, these assessments were carried out by the OEPA).

Most of the Port Hedland port facilities have been assessed by the EPA and are subject to Ministerial Statements issued under Part IV of the EP Act.

Works approvals and licences are issued under Part V of the EP Act by DWER for certain premises, which have the potential to cause pollution or environmental harm. Prescribed premises are set out in the *Environmental Protection Regulations 1987* and include port facilities (handling bulk granular material) at Port Hedland.

DWER administers compliance of both Ministerial Statements and Part V of the EP Act works approvals and licences requirements.

## **Port Hedland Dust Management Taskforce**

In 2009, due to concerns of the level of dust and noise raised by the Environmental Protection Authority, the State Government established the Port Hedland Dust Management Taskforce. The Taskforce was established to develop a comprehensive management plan and implementation strategy for ongoing dust and noise management in Port Hedland.

DWER is one of a number of government agencies that are members of the Taskforce. DWER has responsibility for implementing recommendations relating to industry regulation.

## Review of prescribed premises licences

In accordance with the former DER's published Regulatory Framework\*, a statewide implementation of risk-based reviews was commenced in 2016.

The reviews were initiated in order to:

- apply a risk-based assessment approach consistent with the published Regulatory Framework\*; and
- determine and apply appropriate regulatory controls required for prescribed premises through licence conditions.

The scope of the risk-based assessment included:

- review of the operations and the nature and scale of the facility;
- review of ambient air quality and other monitoring networks and the monitoring programs used;
- consideration and determination of whether the controls were appropriate and were effectively mitigating emissions from the prescribed premises; and
- consideration of noise emissions and whether additional controls could be introduced in licences held under Part V of the EP Act.

A number of these reviews targeted port premises, including those in Port Hedland:

- BHP Billiton Iron Ore – Port Hedland Operations (Finucane Island and Nelson Point only).
- Pilbara Ports Authority – Utah Point Multi-User Facility and Eastern Operations.

- Fortescue Metals Group – Anderson Point Materials Handling Facility.
- Roy Hill – Port Hedland Port Operations.
- Dampier Salt Limited – Port Hedland Port Operations.

Following the licence reviews, monitoring data will be used to measure the status of ambient air quality, and any reductions in ambient dust levels required.

The risk-based reviews currently being undertaken by DWER in accordance with the published Regulatory Framework have used the interim dust criteria recommended in the 2010 Port Hedland Air Quality and Noise Management Plan and the Health Risk Assessment.

Key recommendations in *The Port Hedland Dust Management Taskforce Report to Government, August 2016* (Taskforce Report), are for DWER to finalise and implement dust management guidelines for bulk handling port premises, and undertake a co-ordinated, risk-based review and assessment of all port facilities in Port Hedland holding a licence granted under Part V of the EP Act.

If the recommendations of the Taskforce Report are adopted, DWER will develop the dust management guidelines first, then undertake a co-ordinated review of all port facilities in order to implement the new dust management guidelines at these ports.

## Part IV Ministerial Statements

A number of proposals located in Port Hedland are subject to dust management conditions through

Ministerial Statements issued under Part IV of the *Environmental Protection Act 1986*. DWER monitors the implementation of the proposal subject to Ministerial Statements.

## Relationship between approvals under Parts IV and V of the EP Act

DWER's review of port facilities in Port Hedland will consider which aspects of each premises is regulated under Parts IV or V of the EP Act to ensure that desired environmental outcomes are being met.

## Review timeframes

DWER is intending to complete all reviews by the end of 2017.

\* Applies to the Regulatory Framework used for Part V of the EP Act works approvals and licences.

## More information

For further information please contact DWER on +61 8 6364 7000 or at [info-der@dwer.wa.gov.au](mailto:info-der@dwer.wa.gov.au).

## Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the SLP website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

## Document versions

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The Department of Water and Environmental Regulation was established by the Government of Western Australia on 1 July 2017. It is a result of the amalgamation of the Department of Environment Regulation, Department of Water and the Office of the Environmental Protection Authority. This publication may contain references to previous government departments and programs. Please email the Department of Water and Environmental Regulation to clarify any specific information.

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