

LEGISLATIVE COUNCIL

Question On Notice

Tuesday, 20 November 2018

1788. Hon Robin Chapple to the Minister for Environment

I refer to the Environmental Compliance Report from the Pilbara Ports Authority for the 12 months ended 2 June 2018, and ask:

- (a) is the Minister aware that on 20 September 2018, the Pilbara Ports Authority submitted to your department its Annual Audit Compliance Report Form for the period ended 30 June 2018, in which the Chief Executive Officer of the Pilbara Ports Authority declared that the Authority did not comply with all of its licence conditions during the reporting period;
- (b) is the Minister aware that Section E of the Form, which was required to be filled out, listing "Details of Non-Compliance with Licence Condition" was omitted from the form as displayed to the public on the Department of Water and Environmental Regulation website;
- (c) is the Minister aware that the measurement of air quality required under the Pilbara Ports Authority's Environmental Licence No. L4432/1989/14 is undertaken at the Taplin Street dust monitor, and that provision of this data to Pilbara Ports Authority is via the Port Hedland Industries Council;
- (d) is the Minister aware that the Taplin Street monitor is located 2.6 km away from the Pilbara Ports Authority's port loading facility boundary where emissions may impact on the local residents;
- (e) is the Minister aware that, based on the Bureau of Meteorology wind direction diagrams, the Taplin Street dust monitor is located in a position that gets the absolute minimum wind that would carry dust from port operations;
- (f) will the Minister now take action to ensure that new dust monitors are placed on the Pilbara Ports Authority boundary and not several kilometres away, so that any dust emissions that may impact local residents can be detected immediately at the boundary; and
- (g) if no to (f), why not?

Answer

(a) Yes

(b) The Department of Water and Environmental Regulation has advised me that the omission of non-compliances detailed in 4 pages of the published Annual Audit Compliance Report for Pilbara Ports Authority's (PPA) Eastern Operations was an administrative error. Once the Department became aware of the omission, on 23 November 2018 the Annual Audit Compliance Report for PPA was republished in full on the Department's website. See tabled paper no. #

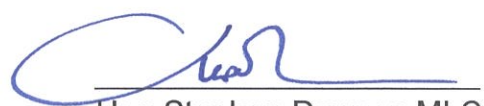
(c) Yes

(d) Yes

(e) The Department of Water and Environmental Regulation has advised me that this statement is not correct based on its review of meteorological data. The Taplin Street monitor receives a consistent amount of wind from the direction of the Pilbara Port Authority (PPA) when compared to other directions.

(f)-(g) No. Air quality monitors are already located on the boundary of the PPA's Eastern Operations premises at Nelson Point. The Licence (L4432/1989/14) issued by the Department of Water and Environmental Regulation includes conditions requiring PPA to report on measures taken in the event of exceedances to air quality criteria set for these monitors.

There is a large network of strategically located air quality monitors throughout Port Hedland including on the boundaries of all the other main Port Hedland port users.



Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT; DISABILITY SERVICES



Annual Audit Compliance Report Form

Environmental Protection Act 1986, Part V

Once completed, please submit this form either via email to info-der@dwer.wa.gov.au, or to the below postal address:

Department of Water and Environmental Regulation
Locked Bag 33 Cloisters Square
PERTH WA 6850

Section A – Licence Details			
Licence number:	L4432/1989/14	Licence file number:	DER2014/000636
Licence holder:	Pilbara Ports Authority		
Trading as:	Pilbara Ports Authority		
ACN:	ABN 94987 448 870		
Registered address:	The Esplanade, Port Hedland WA 6721		
Reporting period:	01/ 07 / 2017 to 30 / 06 / 2018		

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)
<input type="checkbox"/> Yes – please complete: <ul style="list-style-type: none">• section C;• section D if required; and• sign the declaration in Section F.
<input checked="" type="checkbox"/> No – please complete: <ul style="list-style-type: none">• section C;• section D if required;• section E; and• sign the declaration at 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	352,338 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	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:	1	Date(s) of non-compliance:	7 September 2017
Details of non-compliance:			
<p>Approximately 500 litres of (clear) wash down water was discharged from the copper sump located to the south of the Newcrest copper storage shed onto an adjacent grassed area. The small volume of wash down water had been primary treated (sediment) but could possibly have contained concentrations of dissolved copper. The event was reported to DWER on 27 September 2017 (our ref.: A541837).</p>			
<p>What was the actual (or suspected) environmental impact of the non-compliance?</p> <p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p>			
<p>PPA considers the environmental impact of this emission to be insignificant, on the basis that the wash water discharged to the unsealed (grassed) surface within PPA's prescribed premises boundary for Eastern Operations was clear (not turbid), of limited volume, and had been primary treated (for sediments) before the inadvertent discharge occurred. Nil impacts to groundwater have been detected through PPA's routine groundwater monitoring program.</p>			
Cause (or suspected cause) of non-compliance:			
<p>PPA's stevedore (Qube) and the export proponent (Newcrest) have responsibilities to manage wash down water generated by their copper concentrate export activities at the Eastern Operations Prescribed Premises. All wash down water generated by Newcrest copper activities within PPA's prescribed premises is collected and deposited into the purpose-built copper sump located immediately adjacent to the Newcrest copper storage shed. Here the wash water receives primary treatment via sedimentation and then overflow into a secondary pond for evaporation and/or reuse in the copper concentrate storage sheds as dust suppression water. On 7 September 2017, the wash down water from the secondary pond was discharged onto a nearby grassed area by Newcrest's shed operator. The shed operator believed that because the wash down water was visibly clear it was acceptable to discharge onto the grassed area. The cause of this non-compliance event was therefore determined to be a breach of internal procedure by Newcrest, as a result of an operator error.</p>			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
<p>The Newcrest shed operator was counselled as to the correct process for managing wash down water and the potential for it to contain dissolved contaminants not visible to the naked eye.</p>			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input checked="" type="checkbox"/> Reported to DWER in writing		Date: 27/09/2017	

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:	15	Date(s) of non-compliance:	July 2017, January 2018, June 2018
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Details of non-compliance:

Emissions monitoring of particles as PM₁₀ was not “continuous” over the required 24 hour averaging period at Taplin Street throughout the year. “Continuous” is defined in L4432 as a data recovery rate greater than 90% per month. The National Environment Protection (Ambient Air Quality) Measure Technical Paper No. 5 Data Collection and Handling (Peer Review Committee 2001) requires a minimum 75% data capture to produce a valid 24 hour average. For BAM 1020 instruments that is eighteen (18) hourly beta readings per day. Where this was not achieved the data capture result was set to zero for the purposes of the calculation.

Table: FY2017/18 data capture summary – 24 hour average concentration of PM10 at Taplin Street

Calendar month	Data capture (%)
July 2017	83.9
August 2017	100
September 2017	100
October 2017	100
November 2017	100
December 2017	100
January 2018	83.9
February 2018	100
March 2018	100
April 2018	100
May 2018	100
June 2018	83.3

What was the actual (or suspected) environmental impact of the non-compliance?

NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.

There was no actual environmental impact due to this non-compliance, because monitoring does not increase the risk of emissions or discharges.

Cause (or suspected cause) of non-compliance:

The data losses at Taplin Street were caused by either maintenance down time or cyclone shutdown:

- July 2017 – no 24 hour average for 5 days from 3 July to 7 July due to maintenance and calibration.
- January 2018 – no 24 hour average for 5 days from 11 January to 15 January due to shutdown to protect equipment from impacts of Tropical Cyclone Joyce.
- June 2018 – no 24 hour average for 4 days from 15 June to 18 June, or on 28 June due to maintenance and calibration.

Section E – Details of Non-Compliance with Licence Condition

Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:

The Taplin Street monitoring stations is managed by Port Hedland Industries Council (PHIC), of which PPA is a member. Ecotech, a specialist contractor, supplies and operates the monitor, and has a schedule of routine maintenance and calibration to maximise data capture.

Was this non-compliance previously reported to DWER?

☒ Yes, and

☐ Reported to DWER verbally

Date: / /

☒ Reported to DWER in writing

Date: 31/10/2017, 27/03/2018, 26/07/2018



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:	14	Date(s) of non-compliance:	30/08/2017
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Details of non-compliance:

Samples were not obtained from High Volume Air Samplers (HVAS) at locations M10 and M11 on 30/08/2017 – a scheduled 1 in 6 sample.

What was the actual (or suspected) environmental impact of the non-compliance?

NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.

There was no actual environmental impact due to this non-compliance, because monitoring does not increase the risk of emissions or discharges.

Cause (or suspected cause) of non-compliance:

The cause of the non-compliance was human error. Ecotech, a specialist contractor, provides and operates the HVAS through a rental agreement with PPA. Ecotech advised that their field technician forgot to deploy the filter papers to the HVAS on 30/08/2017, and realised the error the following day.

Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:

The mistake was realised the following day, therefore Ecotech deployed the filter and operated the HVAS on 31/08/2017 as a replacement sampling event.

Was this non-compliance previously reported to DWER?

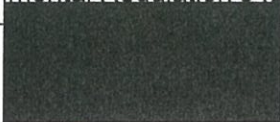
☒ Yes, and

☐ Reported to DWER verbally

Date: / /

☒ Reported to DWER in writing

Date: 31/10/2017

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 ¹ .			
I / We consent to the Annual Audit Compliance Report being published on the Department of Water and Environmental Regulation's (DWER) website.			
Signature ² :		Signature:	
Name: (printed)	Roger Johnston	Name: (printed)	
Position:	Chief Executive Officer	Position:	
Date:	20/9/2018	Date:	
Seal (if signing under seal):			

¹ 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.

² 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.