



Report and recommendations of the Environmental Protection Authority



Dust Management at Finucane Island and Nelson Point, Port Hedland - inquiry under section 46 of the *Environmental Protection Act 1986* to amend Ministerial Statements 433 and 740

BHP Billiton Iron Ore Pty Ltd

Report 1608

NOVEMBER 2017

ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR
ENVIRONMENT

**UPGRADE OF DUST MANAGEMENT AT FINUCANE ISLAND AND
NELSON POINT, PORT HEDLAND – INQUIRY UNDER SECTION 46 OF
THE *ENVIRONMENTAL PROTECTION ACT 1986* TO AMEND
MINISTERIAL STATEMENTS 433 AND 740**

The previous Minister for Environment requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to the Upgrade Dust Management at Finucane Island and Nelson Point, Port Hedland proposal, to remove regulatory duplication.

The following is the EPA's Report and Recommendations (Report No. 1608) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986* (EP Act).

Section 46(6) of the EP Act requires the EPA Report to include:

- a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be changed; and
- b) any other recommendations that it thinks fit.

Background

The proposal is to develop and implement a program to improve dust management and to reduce dust impacts from BHP Billiton Iron Ore Pty Ltd's (BHPBIO) operations at Finucane Island and Nelson Point in Port Hedland.

The EPA assessed the proposal at the level of Consultative Environmental Review (CER) (similar to Public Environmental Review) and released its assessment report (Report No. 831) in October 1996. The EPA identified the following key environmental factors relevant to the proposal:

- airborne dust in relation to human health and amenity;
- airborne dust in relation to the surrounding ecological values, particularly health of mangroves; and
- wastes containing iron ore fines in relation to water quality and health of mangroves.

In its original assessment (Report No. 831), the EPA concluded that *“it is likely that the EPA’s objectives would be achieved provided there is satisfactory implementation by the proponent of the recommended conditions”*.

The then Minister for Environment approved the proposal subject to the implementation conditions of Ministerial Statement 433 (14 November 1996).

In applying the current *Statement of Environmental Principles, Factors and Objectives* (EPA, December 2016) these factors are now represented by:

- Air Quality;
- Social Surroundings (Amenity);
- Marine Environmental Quality; and
- Benthic Communities and Habitat.

The EPA notes that of the above environmental factors, Marine Environmental Quality and Benthic Communities and Habitat are relevant to proponent commitments 7 and 9 of Ministerial Statement 433. In its original assessment the EPA was concerned with potential impacts to surface run-off or the ocean, as well as potential impacts on the health of mangroves from the disposal of waste containing iron ore dust (Report No. 831).

To provide for improved dust management, water-use efficiency and transparency and responsiveness to community concerns, the EPA undertook an inquiry under section 46 (s46) of the EP Act (Report No. 1247). This resulted in the publication of Ministerial Statement 740 in May 2007 which amended Ministerial Statement 433. Condition 1 (Proponent Commitments) of Ministerial Statement 433 was deleted and replaced with Condition 1 (Environmental Management Actions) of Ministerial Statement 740. This included the removal of commitments related to the management of stormwater run-off and solid waste that were not related to dust management.

Requested changes to conditions

In December 2016, the proponent requested the then Minister for Environment to commence an inquiry under s46 of the EP Act for Ministerial Statement 433 as amended by Ministerial Statement 740.

In response, on 6 January 2017 the Minister for Environment requested that the EPA inquire into and report on the matter of changing implementation conditions to the proposal to address regulatory duplication with the intention to remove conditions relating to dust, where these emissions can be

appropriately regulated through Part V Environmental Regulation of the EP Act.

The relevant factors relating to this change are Air Quality and Social Surroundings (Amenity).

Application of relevant EPA Procedures and Guidelines

In undertaking this inquiry into the change to conditions, the EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016*.

The EPA has also considered and given due regard to, where relevant, the following environmental impact assessment guidelines (Attachment 1 - Table 1):

- *Statement of Environmental Principles, Factors and Objectives* (EPA, December 2016);
- Environmental Factor Guideline – *Air Quality* (EPA, December 2016); and
- Environmental Factor Guideline – *Social Surroundings* (EPA, December 2016).

Amalgamation of departments

On 1 July 2017, the Office of the Environmental Protection Authority (OEPA), the Department of Environment Regulation (DER) and the Department of Water (DoW) amalgamated to become the Department of Water and Environmental Regulation (DWER). The DWER is now responsible for the regulation and compliance of Part V licences under the EP Act and the compliance of Part IV Ministerial Statements under the EP Act.

Where it is relevant to distinguish between departmental roles prior to the amalgamation, this report identifies departments as DWER (formerly OEPA) and DWER (formerly DER).

Inquiry into the requested change to conditions

The EPA has discretion as to how it conducts this inquiry. This inquiry has considered the currency of the EPA's original assessment (Report No. 831) and Ministerial Statement 433 (14 November 1996) as amended (Report No. 1247) by Ministerial Statement 740 (16 May 2007), as these documents are instructive in determining the extent and nature of the inquiry under s46.

Part V EP Act Environmental Regulation

In conducting this inquiry, the EPA is aware that the DWER (formerly DER) is responsible for the regulation of BHPBIO's operations on Finucane Island and Nelson Point, Port Hedland, under Part V Environmental Regulation and Part VI Enforcement of the EP Act.

In assessing the requested changes to implementation conditions, the EPA considered the capacity and experience of the regulator to manage dust emissions, including:

- A. whether the regulator has established policies and procedures to support its regulatory process related to dust emissions;
- B. whether the regulator has the technical skills and experience to manage the environmental impacts, particularly where non-standard technology is proposed or the type of proposal is not regularly considered by the regulator; and
- C. where the EPA considers that an opportunity for public comment is important, whether this is provided by the regulatory process.

A. Regulator policies and procedures

The EPA acknowledges that emissions and discharges for prescribed premises are licensed under Part V Environmental Regulation of the EP Act. BHPBIO's Port Hedland Operations, Nelson Point and Finucane Island is a prescribed premises and subject to the Part V Operating Licence L4513/1969/18. The EPA is aware that BHPBIO applied to the DWER (formerly DER) for an increase in the throughput of iron ore from 270 million tonnes per annum (Mtpa) to 290 Mtpa. The determination of this increase was placed on hold subject to the outcome of this inquiry.

The EPA notes that DWER (formerly DER) developed the following guidance statements in relation to its functions under Part V of the EP Act:

- *Guidance Statement – Regulatory principles, Environmental Protection Act 1986, Part V: Effective and efficient Regulation, July 2015;*
- *Guidance Statement – Setting Conditions, Division 3, Part V, Environmental Protection Act 1986, October 2015;*
- *Guidance Statement – Environmental Siting, Part V, Division 3, Environmental Protection Act 1986, November 2016;*
- *Guidance Statement – Decision Making, Part V, Division 3, Environmental Protection Act 1986, February 2017;*

- *Guidance Statement – Risk Assessment, Part V, Division 3, Environmental Protection Act 1986, February 2017; and*
- *Guidance Statement – Land Use Planning, Part V, Environmental Protection Act 1986, February 2017.*

The EPA notes that the DWER undertakes a risk-based approach to its regulatory functions and decision-making based on the source-pathway-receptor model. In accordance with the *Guidance Statement – Risk Assessment* this approach is summarised as follows:

- Identification of the emissions including the sources, type, volumes, concentrations and duration of emissions.
- Identification of emission pathways and the receptors that may be affected by the emissions.
- Identification of risk events, which include an emission, a pathway or potential pathway and an adverse effect to the receptor from that emission.
- An assessment of the consequence and likelihood of the risk event.
- Determination on whether the risk event is acceptable, tolerated or unacceptable and not tolerated.

The EPA also notes that the DWER's risk assessment framework considers the cumulative impacts of emissions.

The EPA considers that the DWER's framework provides a suitable mechanism to determine the likely significance of the impact, and appropriate regulatory controls to mitigate or manage the emissions.

The EPA notes that the DWER's regulatory framework ensures that licences and approvals issued will be subject to conditions that ensure there is no unacceptable risk of harm to public health or the environment.

Furthermore, the EPA recognises that section 62A of the EP Act defines the kinds of conditions that can be set in Part V works approvals and licences. The EPA considers that section 62A could adequately allow for acceptable management of emissions.

B. Technical skills and experience to manage the environmental impacts

With regard to technical skills and experience to manage the environmental impacts, the EPA notes that the DWER's role includes protecting and maintaining air quality and as such provides strategic, technical and policy advice on air quality and noise emissions.

The EPA notes that the DWER (formerly DER) undertook the Port Hedland dust monitoring campaign from February to June 2017 using Light Detection and Ranging (LIDAR) technology and Beta Attenuation Monitors (BAM). The dust monitoring campaign was initiated to better understand dust issues, including the location of dust sources and movement of dust plumes in the airshed. The DWER has advised that the results of the campaign will be used as

a tool to inform decision-making including the setting of conditions for prescribed premises under Part V Environmental Regulation of the EP Act.

C. Public comment process

The EPA notes that section 54(2)(b), 54(2a), 57(2)(b), and 57(2a) of the EP Act provides opportunity for the public to provide comment on applications for works approvals and licences. The licence amendment applications from BHPBIO for the increase in throughput from 270 Mtpa to 290 Mtpa were released for public comment.

In addition, section 102 of the EP Act allows for appeals against a decision to grant or refuse a works approval and licence. The appeal rights exist for third parties including members of the public and on amendments made to works approvals and licences.

Port Hedland Dust Taskforce

The EPA's former policy framework, Environmental Protection Bulletin No. 2 *Port Hedland Noise and Dust* (January 2009) stated *"that a coordinated government and industry approach to the development and execution of an integrated government and industry strategy (with explicit emission reduction strategies and explicit exposure reduction strategies) is required with strong and inclusive governance arrangements"* for dust and noise impacts at Port Hedland.

The Port Hedland Dust Management Taskforce (Taskforce) was established in May 2009 to plan for and provide effective dust management strategies in Port Hedland.

The Taskforce is chaired by the Department of Jobs, Tourism, Science and Innovation (formerly the Department of State Development) and includes representatives from:

- Town of Port Hedland;
- Pilbara Ports Authority;
- Department of Health (DoH);
- Department of Planning, Lands and Heritage (formerly Department of Planning);
- Department of Water and Environmental Regulation (formerly DER and OEPA); and
- industry (including BHPBIO, Fortescue Metals Group and Port Hedland Industries Council).

The Port Hedland Industries Council (PHIC) was established between industry and the Pilbara Ports Authority to manage an ambient air quality monitoring program.

PHIC members include:

- Pilbara Ports Authority;
- BHP Billiton Iron Ore Pty Ltd (BHPBIO);
- Fortescue Metals Group Ltd;
- Atlas Iron Ltd;
- Roy Hill Infrastructure Pty Ltd; and
- Mineral Resources Ltd.

The Taskforce supported the establishment of PHIC and endorsed information sharing, improvement initiatives and monitoring programs.

In 2010, the Taskforce released the Port Hedland Air Quality and Noise Management Plan (AQNMP), which was adopted by the Western Australian Government for ongoing air quality and noise management in Port Hedland. The AQNMP included an implementation strategy for air quality and noise reduction in Port Hedland.

The AQNMP identified environmental management controls and detailed the responsible organisations. PHIC was identified as the responsible organisation for establishing and operating an independent, best practice comprehensive air quality and noise management regime in Port Hedland. The DWER (formerly DER) was responsible for the regulation aspect of this regime.

In January 2016 the DoH released a Health Risk Assessment (HRA) report on air quality in Port Hedland. The report identified the risks associated with exposure to coarse and fine particulate matter and its constituents of certain metals, silica and mineral fibres.

In response to the HRA, the Taskforce is currently finalising the Port Hedland Dust Management Taskforce Report to government, which will provide its final recommendations regarding dust impacts on Port Hedland.

The EPA notes that the DWER (formerly DER and OEPA) has identified a process for the regulation of dust and noise at Port Hedland. This process has been developed based on current DWER (formerly DER) and EPA policies and the provisions of the EP Act that relate to the regulation of emissions and discharges. The DWER will implement the Taskforce recommendations, should they be endorsed by government.

Inquiry Findings

In conducting this inquiry, the EPA reviewed the information provided by the proponent and advice from relevant decision making authorities.

In considering whether it should recommend that the existing regulatory duplication for Condition 1 Environmental Management Actions of Ministerial Statement 740 be removed and managed under Part V Environmental Regulation of the EP Act, the EPA also considered whether there is any new relevant information in relation to the assessment of the potential impacts of the proposal.

Air Quality and Social Surroundings - Dust

In the EPA's original assessment of this proposal, impacts on Air Quality and Social Surroundings (Amenity) were considered. The EPA's objectives for the environmental factors of Air Quality and Social Surroundings are:

- *to maintain air quality and minimise emissions so that environmental values are protected; and*
- *to protect social surroundings from significant harm.*

In its original assessment (Report No. 831, October 1996), the EPA assessed the proponent's upgrade of dust management for its operations at Finucane Island and Nelson Point. The EPA concluded that the proposed dust management strategies could meet the EPA's objectives subject to the implementation of the proposed program, the environmental management commitments, including the commitment for continuous improvement in dust management. EPA Report No. 831 included recommended Condition 1 which required the implementation of the proponent commitments (Appendix 3). This condition was included as Condition 1 of Ministerial Statement 433.

In Report No. 1247 (January 2007), the EPA recommended the change to Condition 1 of Statement 433 to provide for significantly improved dust management and water-use efficiency, as well as increased transparency and responsiveness to community concerns.

The proponent submitted a revised Dust Management Program (Program) in 2012, for a production rate of up to 240 Mtpa. The revised Program met the requirements of Condition 1 Environmental Management Actions of Ministerial Statement 740.

The EPA notes that the proponent conducts the following monitoring as required by Condition 1 of Ministerial Statement 740 (Environmental Management Action 2 Performance Targets):

- Long Term Average – PM₁₀ annual average (target - 30 µg/m³ at Taplin Street); and
- Short Term Average – PM₁₀ 24 hour average (target - 70 µg/m³ at Taplin Street, with less than 10 exceedances per year).

The proponent is also a member of Port Hedland Industries Council (PHIC), which conducts cumulative ambient air monitoring in the Port Hedland area and provides the data in real-time on the PHIC website.

The PHIC monitoring data indicates that the number of days of exceedances of PM₁₀ 24 hour average during the 2015/16 period was the same as the number of exceedances recorded in 2014/15 (10 days). Furthermore, the EPA notes that PHIC's monitoring data concludes that the number of industry related exceedances reduced from seven (7) days in the 2014/15 period to five (5) days in the 2015/16 period.

Environmental Management Action 6 (Public Access to data) of Condition 1 of Ministerial Statement 740 requires that real time PM₁₀ data at the Taplin Street site is collected and made available to the community through an appropriate means. The EPA considers that as the proponent is a member of PHIC and that monitoring data for the Taplin Street site is available on its website, the objective of Environmental Management Action 6 has been met.

The proponent currently consults with the Community Consultative Group and Port Hedland Air and Noise Group to meet the requirements of Environmental Management Actions 2-2, and 4 of Ministerial Statement 740.

The Taskforce's AQNMP recommended that *"an advisory group comprised of community, government agencies and industry representatives work with the DER to support and provide advice on air quality and noise management strategies and share information with the broader Port Hedland community"*.

The EPA considers that as a member of the Taskforce, the proponent would be a participant in the advisory group and as such, community consultation would continue if condition 1 of Ministerial Statement 740 is deleted.

In addition to the implementation conditions of Ministerial Statements 433 and 740 under Part IV Environmental Impact Assessment of the EP Act, the EPA notes that dust is regulated under Part V Environmental Regulation of the EP Act.

The EPA notes that in 2015, the proponent applied for an increase to the throughput for its Finucane Island and Nelson Point port operations from 240 Mtpa to 270 Mtpa, through Part V of the EP Act. The DWER (formerly DER) amended the Part V Licence in April 2015 to allow throughput of up to 270 Mtpa.

In its recommendations to the Minister in Report No. 1247 (January 2007), the EPA recommended that upgrades to the port facilities be considered through Part V of the EP Act, and if necessary, through a separate EPA assessment under Part IV of the EP Act. The EPA is satisfied that the assessment of the increase in throughput from 240 Mtpa to 270 Mtpa under Part V of the EP Act is consistent with its recommendation in EPA Report No. 1247. The EPA's view is that the current application by BHPBIO for an increase in throughput from 270 Mtpa to 290 Mtpa, and any future increases, can be appropriately dealt with under Part V of the EP Act.

The EPA acknowledges that the DWER supports the process to avoid regulatory duplication through the removal of Ministerial Statement conditions set under Part IV Environmental Impact Assessment so that emissions and discharges can be appropriately regulated under Part V Environmental Regulation of the EP Act.

The EPA considers that dust emissions from the proponent's Finucane Island and Nelson Point port operations which may impact Air Quality and Social Surroundings are more appropriately regulated by the DWER, under Part V Environmental Regulation of the EP Act.

The EPA inquired into the proposed changes to the dust implementation conditions and considers that Condition 1 Environmental Management Actions 1, 2, 4, 5, 6 and 7 in Schedule 1 of Ministerial Statement 740 can be deleted because operational dust emissions are more appropriately and effectively managed by the DWER under Part V Environmental Regulation of the EP Act, rather than under Part IV Environmental Impact Assessment.

Deletion of these dust conditions removes regulatory duplication that exists between Part IV and Part V of the EP Act, and allows for increased regulatory flexibility under Part V of the EP Act.

Water-use efficiency

As part of its inquiry, the EPA also considered other implementation conditions that were subject to regulatory duplication, other than Part V of the EP Act.

In its previous inquiry under s46 (Report No. 1247), the EPA recommended Environmental Management Action 3 requiring the proponent to implement (and regularly review) a Water-use Efficiency Plan to improve water-use efficiency. This Environmental Management Action was included in Schedule 1 of Ministerial Statement 740.

The proponent submitted a revised Water-use Efficiency Plan for Nelson Point and Finucane Island Operations (WUEMP) in 2013.

The *Water Services Regulations 2013* requires a water efficiency management plan to ensure that water supplied by a licensee (Water Corporation) to a non-residential lot is used as efficiently as practicable. A water efficiency management plan is required for non-residential lots that use more than 20,000 kilolitres of scheme water per year and is valid for five (5) years.

The EPA notes that a water efficiency management plan was originally required under the *Water Agencies (Water Use) By-laws 2010*, which was amended in 2016, with the requirement for a water efficiency management plan being included under the *Water Services Regulations 2013*. Both the *Water Agencies (Water Use) By-laws 2010* and *Water Services Regulations 2013* came into force after the EPA's original assessment (Report No. 813) in October 1996 and s46 inquiry (Report No. 1247) in January 2007.

The proponent advised that the revised WUEMP was submitted to Water Corporation in place of the water efficiency management plan required under the *Water Services Regulations 2013*.

The EPA has inquired into the proposed changes to the Environmental Management Action relating to water-use efficiency and considers that Environmental Management Action 3 in Schedule 1 of Ministerial Statement 740 can be removed, as water-use efficiency relating to scheme water is more appropriately managed by the Water Corporation, the “licensee”, under the *Water Services Regulations 2013*, rather than under Part IV Environmental Impact Assessment of the EP Act.

EPA conclusions and recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment:

1. It is appropriate to, under section 46 of the EP Act:
 - a. delete Condition 1 – Environmental Management Actions 1, 2, 4, 5, 6 and 7 in Schedule 1 of Ministerial Statement 740 because operational dust emissions are more appropriately and effectively managed by the DWER under Part V Environmental Regulation of the EP Act;
 - b. delete Condition 1 – Environmental Management Action 3 in Schedule 1 of Ministerial Statement 740 because water-use efficiency is regulated by the Water Corporation under the *Water Services Regulations 2013*; and
 - c. delete Conditions 2, 3, 4, 5, 6 and 7, and Procedures 1 and 2 of Ministerial Statement 433 as emissions and discharges are more appropriately managed under Part V Environmental Regulation of the EP Act.
2. The proposal may be implemented, subject to the conditions of any licence issued to the proponent in relation to its operations on Finucane Island and Nelson Point, Port Hedland under Part V Environmental Regulation of the EP Act.
3. That after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issues a statement of decision to change the conditions of Ministerial Statements 433 and 740 in the manner provided for in the attached recommended Ministerial Statement (Attachment 2).

Table 1 – Relevant EPA Procedures and Guidelines

Process/Factors	Procedures and guidelines	Comments
Process		
Change to conditions	<i>Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016</i>	The Administrative Procedures provide the principles and practices for the environmental impact assessment process undertaken by the Environmental Protection Authority under Part IV of the <i>Environmental Protection Act 1986</i> (EP Act). Relevantly, section 5.4 of the Administrative Procedures provide guidance on the process for changing conditions under section 46 of the EP Act.
Change to conditions	<i>Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual, December 2016</i>	The Procedures Manual supports the Administrative Procedures and contains more detailed information on each stage of the EIA process. Relevantly, stage 5.4 details the process for changing implementation conditions under section 46 of the EP Act.
Change to conditions	<i>Statement of Environmental Principles, Factors and Objectives (December 2016)</i>	Relevantly, the Statement explains how the EPA: <ul style="list-style-type: none"> • considers the object and principles of the EP Act; • uses environmental factors and objectives to organise and systemise environmental impact assessment and reporting; • takes a holistic view of the environment and a proposal or scheme's potential impact on the environment; and • may have regard to various matters when considering whether an impact or effect is significant. In this case the Statement was applied to: <ul style="list-style-type: none"> • confirm the key environmental factors identified for the original assessment in the current policy context; • determine whether the identified environmental factors are still relevant and if any new factors should be considered; and • have regard to the EPA's environmental objectives.

Process/Factors	Procedures and guidelines	Comments
<i>Environmental factor</i>		
Air Quality	Environmental Factor Guideline – <i>Air Quality</i> , (December 2016)	<p>The purpose of this guideline is to communicate how the Air Quality factor is considered by the EPA in the environmental impact assessment (EIA) process.</p> <p>In considering the change to conditions, this guideline was considered to determine whether dust is relevant to the factor of Air Quality. The proposal includes the handling, processing and transfer of metallic ore that generates dust, and is relevant to the factor of Air Quality.</p> <p>Relevantly this policy was considered to determine:</p> <ul style="list-style-type: none"> • whether numerical modelling and other analyses to predict potential impacts have been undertaken using recognised standards with accepted inputs and assumptions; • whether existing background air quality, including natural variations, has been established through monitoring and accepted proxy data; and • whether analysis of potential health and amenity impacts has been undertaken using recognised criteria and standards, where relevant, informed by Australian and international standards. <p>This guideline was considered in the context of:</p> <ul style="list-style-type: none"> • the purpose of this inquiry, which is to determine whether it is more appropriate for dust to be regulated under Part V Environmental Regulation of the EP Act, rather than under Part IV Environmental Impact Assessment; and • the DWER (formerly DER and OEPA) having identified a process for the regulation of dust and noise at Port Hedland.
Social Surroundings	Environmental Factor Guideline – <i>Social Surroundings</i> (December 2016)	<p>The purpose of this guideline is to communicate how the Social Surroundings factor is considered by the EPA in the EIA process.</p> <p>With regard to the change to conditions, this guideline was considered to determine whether dust (amenity) is relevant to the factor of Social Surroundings.</p>

Process/Factors	Procedures and guidelines	Comments
		<p>This guideline was applied in the context of dust impacts when:</p> <ul style="list-style-type: none"> • the contribution the implementation of the proposal or scheme may make to existing or predicted cumulative impacts to aesthetic, cultural or social values; and • considering emissions of dust in the context of relevant legislation, criteria or standards. <p>This guideline was considered in the context of:</p> <ul style="list-style-type: none"> • the purpose of this inquiry, which is to determine whether it is more appropriate for dust to be regulated under Part V Environmental Regulation of the EP Act, rather than under Part IV Environmental Impact Assessment; and • the DWER (formerly DER and OEPA) having identified a process for the regulation of dust and noise at Port Hedland.

Statement No. xxx

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO
A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

UPGRADE DUST MANAGEMENT
AT FINUCANE ISLAND AND NELSON POINT
PORT HEDLAND

Proponent: BHP Billiton Iron Ore Pty Ltd
Australian Company Number: 008 700 981

Proponent Address: 125 St Georges Terrace, PERTH WA 6000

Report of the Environmental Protection Authority: 1608

Preceding Statements Relating to this Proposal: 433 and 740

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 433 and Ministerial Statement No. 740, be changed as specified in this Statement:

1. From the date of this Statement each of the implementation conditions in Statements 433 and 740 no longer apply in relation to the proposal.
2. The proposal may be implemented, subject to the conditions of any licence issued to the proponent in relation to its operations on Finucane Island and Nelson Port, Port Hedland under Part V of the *Environmental Protection Act 1986*.

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT