

Ms Michelle Andrews  
Director General  
Department of Water and Environmental  
Regulation

Our Ref: DWERDT486116  
Enquiries: Shaun Meredith  
Email: shaun.meredith@dwer.wa.gov.au

Via Email: [betterregulatorypractice@dwer.wa.gov.au](mailto:betterregulatorypractice@dwer.wa.gov.au)

Dear Michelle

---

**ENVIRONMENTAL PROTECTION AUTHORITY SUBMISSION TO THE  
DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATIONS DRAFT  
GUIDELINE: DUST EMISSIONS**

Thank you for the invitation to the Environmental Protection Authority (EPA) to comment on the Department of Water and Environmental Regulation's (DWER) *Draft Guideline: Dust emissions* (draft guideline). The EPA welcomes the opportunity to comment and is supportive of DWER's draft guideline.

The EPA recognises that the draft guideline supports DWER's assessment of applications with fugitive dust emissions, as regulated under the Environmental Protection Act 1986 (EP Act), specifically, under Part V Division 3 of the EP Act.

The EPA is of the view that the draft guideline represents a valuable technical resource and offers clear alignment with principles of the EP Act. The Authority also supports the explicit reference to its own environmental factor and objective for Air Quality. The EPA notes that the draft guideline will assist in providing proponents technical guidance in the modelling associated with fugitive dust emissions.

The EPA advises that, under recent amendments to the EP Act, it now has the power to take into account other statutory decision-making processes that can mitigate the potential impacts of proposals on the environment. The matters the EPA can consider in deciding whether to consider Part V processes into account are set out in the EPA's *Interim Guidance: Taking decision making processes into account in EIA*, which is available on the EPA's website.

To assist the EPA's ability to take into account Part V decision-making processes in mitigating environmental impacts of dust, the EPA encourages you to consider including the following matters in the draft guideline. The suggestions form part of the EPA's recent consultation and implementation of the Part IV EP Act amendments:

- Application of the mitigation hierarchy, that includes (in order of preference) avoidance, minimisation, rehabilitation and offsetting (noting the first two are likely of most relevance to the Guideline). The EPA notes some specific avoidance measures are included in the Guideline, but the main focus of the ODA for example is only to minimise emissions.
- Primary focus on achievement of specific environmental outcomes, rather than implementation of management measures, which may or may not achieve an acceptable environmental outcome. The EPA considers that an outcomes focused approach may be achieved through application of criteria for dust and associated contaminants. The EPA notes for example the operational dust analysis treats outcomes and management-based measures equivalently.
- Consideration of cumulative effects – that is the successive, incremental and interactive impacts on the environment of a proposal with one or more past, present and reasonably foreseeable future activities.
- Consideration of holistic impacts – that is the connections and interactions between impacts which may together increase the impact on an environmental value.

The EPA welcomes the opportunity to provide input in the draft guideline and looks forward to continued opportunities for engagement in the process.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Matthew Tonts', with a stylized flourish at the end.

**Professor Matthew Tonts**  
CHAIR

05 November 2021