

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document.

Copyright in this document is reserved to the Crown in right of the State of Western Australia.

Reproduction except in accordance with copyright law is prohibited.

Published on: 24 December 2019

Statement No. 1121

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

**TECHNICAL AMMONIUM NITRATE PRODUCTION FACILITY,
BURRUP PENINSULA, CITY OF KARRATHA**

Proposal: The proposal is for the construction and operation of a technical ammonium nitrate production facility (TANPF) on Site D within the King Bay/Hearson Cove Industrial Estate on the Burrup Peninsula. The proposal is located approximately 13 kilometres north-west of Karratha.

The proposal is further documented in Schedule 1 of Statement 870.

Proponent: Yara Pilbara Nitrates Pty Ltd
Australian Company Number: 127 391 422

Proponent Address: Level 5, 182 St Georges Terrace, PERTH WA 6000

Report of the Environmental Protection Authority: 1648

Preceding Statement/s Relating to this Proposal: 870

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. 870, be changed as specified in this Statement.

Condition 5 of Ministerial Statement 870 is deleted and replaced with:

5 Air Quality

5-1 The proponent shall manage the implementation of the proposal to meet the following objectives:

- (1) minimise air emissions from the proposal to assist in the maintenance of regional air quality in accordance with applicable air quality standards including, but not limited to, the National Environment Protection

(Ambient Air Quality) Measure (NEPM) so that the environmental values of human health and amenity are protected; and

Published on:

- (2) minimise air emissions from the proposal as far as practicable to assist in minimising the risk of adverse impacts to rock art on Murujuga.

5-2 Within twelve (12) months of the date of this Statement, unless otherwise agreed by the CEO, the proponent shall prepare and submit to the CEO a revised Air Quality Management Plan that describes how the proponent will meet the following objectives:

- (1) minimise air emissions from the proposal to assist in the maintenance of regional air quality in accordance with applicable air quality standards including, but not limited to, the NEPM so that the environmental values of human health and amenity are protected; and
- (2) minimise air emissions from the proposal as far as practicable to assist in minimising the risk of adverse impacts to rock art on Murujuga.

5-3 The revised Air Quality Management Plan must:

- (1) specify the expected air emissions for the proposal based on the current air pollution control technology selection and plant design for the proposal;
- (2) include a comparison of the expected air emissions for the proposal against international industry best practice for technical ammonium nitrate production facilities;
- (3) include a comparison of the current air pollution control technology selection and plant design for the proposal against international industry best practice for technical ammonium nitrate production facilities;
- (4) include provisions for monitoring of on-site meteorological conditions including wind speed / direction, temperature, and rainfall rate to enable the data that are collected to be available for use in the forthcoming investigations associated with the Murujuga Rock Art Monitoring Program, with annual reporting to the CEO; and
- (5) identify and describe the measures that the proponent will implement to minimise air emissions, including the adoption of advances in air pollution control technology and process management, and specify:
 - (a) the timeframe within which each measure will be implemented; and

- (b) the means to determine the effectiveness of each measure in minimising air emissions.
- 5-4 After receiving notice in writing from the CEO that the revised Air Quality Management Plan, or any subsequent revision of that plan, satisfies the requirements of condition 5-2 and condition 5-3, the proponent shall:
 - (1) commence implementation of the approved revised Air Quality Management Plan; and
 - (2) continue to implement the approved revised Air Quality Management Plan, or any subsequent revision, including the measures identified under condition 5-3(5), for the remainder of the life of the proposal.
- 5-5 Should monitoring of air emissions from the proposal indicate that the objectives of condition 5-2 are not being met, the proponent shall:
 - (1) report the non-compliance in writing to the CEO within seven (7) days of the non-compliance being identified;
 - (2) investigate to determine the cause of the non-compliance;
 - (3) provide a report to the CEO within ninety (90) days of the non-compliance being reported as required by condition 5-5(1). The report shall include:
 - (a) the cause of the non-compliance;
 - (b) the findings of the investigation required by condition 5-5(2);
 - (c) details of revised and/or additional management actions to be implemented to prevent non-compliance; and
 - (d) relevant changes to proposal activities.
- 5-6 The proponent shall, for information only, provide the CEO with copies of all reports and data relating to ambient air quality monitoring and rock art condition / integrity monitoring required under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* within one (1) month of their provision to the Commonwealth Government.
- 5-7 The proponent may review and revise the Air Quality Management Plan or any subsequently approved revisions.
- 5-8 The proponent shall review and revise the Air Quality Management Plan or any subsequently approved revisions every four (4) years, or as and when directed by the CEO.
- 5-9 Any proposed revision of the Air Quality Management Plan must be submitted to the CEO for approval.

- 5-10 The proponent shall implement the latest version of the Air Quality Management Plan which the CEO has confirmed by notice in writing satisfies the requirements of condition 5-2 and condition 5-3.
- 5-11 The proponent shall make publicly available for the remainder of the life of the proposal in a manner approved by the CEO:
- (1) the approved Air Quality Management Plan, or any subsequently approved revision, within one (1) month of the relevant plan being approved by the CEO; and
 - (2) the reports referred to in condition 5-3(4) and condition 5-6 and associated data, within one (1) month of the relevant report being submitted to the CEO.
- 5-12 The proponent shall continue to implement the current approved version of the Air Quality Management Plan (Doc Ref: 0086269, February 2013) until notified by the CEO under condition 5-4 that the revised Air Quality Management Plan meets the requirements of condition 5-2 and condition 5-3.

Abbreviations and Definitions

Item	Definition
Murujuga	The name given to the Dampier Archipelago and Burrup Peninsula by the Traditional Owners and custodians of this area.
As far as practicable	As far as reasonably achievable or feasible as determined by the CEO having regard to, among other things, local conditions and circumstances (including costs) and to the current state of technical knowledge.
Industry best practice	A method, process, or technique employed within a particular industry that has consistently shown through research and experience results superior to those achieved by applying other means, and can be used as a benchmark.
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.

[Signed on 24 December 2019]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT