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Published on 23 December 2009

Statement No. 822

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**IRON ORE MINE, DOWNSTREAM PROCESSING
(DIRECT - REDUCED HOT BRIQUETTED IRON)
AND PORT CONSTRUCTION,
CAPE PRESTON, PILBARA**

Proposal: The construction and operation of a 44.8 million tonnes per annum iron ore mine, power station, desalination plant, processing plant and accommodation and port facilities in the Cape Preston area as documented in Schedule 1 of Statement 635. The processing plant will produce pelletised, direct-reduced iron and hot-briquetted iron.

Proponent: Mineralogy Pty Ltd

Proponent Address: Level 7, 218 St George's Terrace, PERTH WA 6000

Assessment Number: 1814

Previous Assessment Number: 1114

Previous Statement Number: Statement No. 635 (published on 20 October 2003)

Report of the Environmental Protection Authority: Report 1343

Previous Report of the Environmental Protection Authority: Report 1056.

The implementation of the proposal to which the above reports of the Environmental Protection Authority relate is subject to the conditions and procedures contained in Ministerial Statement No. 635, as amended by the following:

Condition 7-1 5 (Marine Management Plan) and 8-1 to 8-4 (Marine Wastewater Outfall) of Statement No. 635 are deleted and replaced by the following conditions:

- 8-1 The proponent must locate the waste water outfall in the port area within a Moderate Ecological Protection Area which is confined to 250 metres from all points of the port structures.
- 8-2 The proponent shall ensure that the Moderate Ecological Protection Area is maintained in the port area, except for a Low Ecological Protection Area at the wastewater outfall. The boundary of the Low Ecological Protection Area must not exceed 70 metres from all points of the diffuser structure. At the outer boundary of the Moderate Ecological Protection Area a high level of ecological protection shall be maintained.
- 8-3 The proponent shall ensure that within the Low Ecological Protection Area the 95th percentile of bioaccumulating toxicant concentrations meets ANZECC and ARMCANZ 2000 *National Water Quality Management Strategy* 80% species protection guideline levels, and within the Moderate Ecological Protection Area the 95th percentile of toxicants meets ANZECC and ARMCANZ 2000 *National Water Quality Management Strategy* 90% species protection levels.
- 8-4 The proponent shall ensure that the following conditions are met at the boundary between the Low Ecological Protection Area and the Moderate Ecological Protection Area:
1. The median salinity resulting from discharge at the wastewater diffuser either, (1) does not exceed the 95th percentile of the natural salinity range over the same period; or, (2) does not exceed the median salinity at a suitable reference site by more than 1.2 parts per thousand.
 2. The 95th percentile of toxicant concentrations meets the 90% species protection levels specified in ANZECC and ARMCANZ 2000 *National Water Quality Management Strategy*.
 3. The results of Whole Effluent Toxicity testing undertaken using a minimum of five species as per ANZECC and ARMCANZ (2000) protocols demonstrate that sufficient dilution is occurring such that a moderate level of ecological protection (90% species protection) is met for at least 95% of wastewater flow and oceanographic conditions.
 4. The ambient dissolved oxygen in bottom water samples is not below 80% saturation for more than six weeks and never below 60% saturation.
 5. The median temperature in any season does not exceed the 95th percentile of the natural temperature range over the same period.
- 8-5 The proponent shall verify diffuser performance in terms of achieving the required number of dilutions to meet the requirements of 8-2 to 8-4, under a range of flow

rates, meteorological and sea state conditions for a period of at least 12 months immediately following commissioning, by use of continuous loggers or at least weekly sampling.

- 8-6 The proponent shall use procedures contained in EPA 2005 *Manual of Operating Procedures for Environmental Monitoring Against the Cockburn Sound Environmental Quality Criteria* EPA Report 21 for monitoring carried out to meet the requirements of 8-2 to 8-5.
- 8-7 Within 18 months of commissioning the proponent shall submit a report containing the results of the monitoring required by 8-2 to 8-5 and a discussion of the operating limitations necessary to ensure ongoing compliance with 8-2 to 8-4 to the Chief Executive Officer of the Department of Environment and Conservation.
- 8-8 In the event that the monitoring required by 8-5 indicates that the requirements of 8-2 to 8-4 are not being met or are not likely to be met, the proponent shall immediately report such findings to the Chief Executive Officer of the Department of Environment and Conservation along with a description of the management actions to be taken to meet the requirements of 8-2 to 8-4.

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH