

Appendix A

Compliance with MS 933

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Table 23 provides a summary of how BCP is meeting its current commitments under MS 933, dated February 2013, and how this relates to the BWT proposal. Generic conditions, such as public availability of data, have been omitted from this table. The OEPA undertook a compliance audit of the AWT project on 10 May 2016 to verify BCP compliance with the implementation of conditions of MS 933. This audit found BC Iron to be operating in compliance with Statement 933.

Table 23 MS 933 Conditions and Commitments

MS 933 Condition Ref.	Condition	AWT Current Project Commitments	Relevance/Applicability to BWT
1. Proposal Implementation			
1-1	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1 [of MS 933], unless amendments to the proposal and the authorised extent of the proposal has been approved under the EP Act.	The Project has been constructed and has not exceeded the authorised extents of the Proposal as authorised. BCP submit an annual compliance report (ACR) to the OEPA for approval confirming disturbance areas.	Applicable: condition to be updated with revised BWT disturbance area.
2.1	The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within 28 days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.	Application to Change Nominated Proponent form submitted and approved by OEPA, 9 April 2015.	
3. Time Limit for Proposal Implementation			
3-1	The proponent shall not commence implementation of the proposal after the expiration of 5 years from the date of this statement, and any commencement, within this 5 year period, must be substantial.	Letter dated 1st May 2013 sent to OEPA	Applicable: condition to be updated with revised BWT submission date. The BWT Proposal is a continuation of the AWT Project and construction on additional elements is likely to commence in late 2016 once environmental approvals have been obtained.
3-2	Any commencement of implementation of the proposal, within 5 years from the date of this statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of 5 years from the date of this statement.	Written evidence has been provided by BCP. Letter dated 1st May 2013 sent to OEPA.	

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4. Compliance Reporting			
4-1	The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.	BCP submit an annual environmental review to the OEPA for approval. The latest ACR was submitted in 31/04/2015. Approval of CAP, email correspondence Monica Russell and Rowan Inglis (OEPA), dated Thursday 14 November 2013.	Applicable: The compliance assessment plan (CAP) will be amended to include the BWT Proposal, and any additional MS conditions, should they be required.
4-2	The proponent shall submit to the CEO the compliance assessment plan required by condition 4-1 at least six months prior to the first compliance assessment report required by condition 4-6, or prior to implementation, whichever is sooner. The compliance assessment plan shall indicate: (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of compliance assessment reports; and (6) public availability of compliance assessment reports.		
4-3	The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.		
4-4	The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 4-1 and shall make those reports available when requested by the CEO.		
4-5	The proponent shall advise the CEO of any potential non-compliance within seven days of that non-compliance being known.		

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4-6	<p>The proponent shall submit to the CEO the first compliance assessment report 15 months from the date of issue of this statement addressing the 12 month period from the date of issue of this statement and then annually from the date of submission of the first compliance assessment report.</p> <p>The compliance assessment report shall:</p> <ul style="list-style-type: none"> (1) be endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved compliance assessment plan; and (5) indicate any proposed changes to the compliance assessment plan required by condition 4-1. 	BCP submit an annual environmental review to the OEPA for approval. The latest ACR was submitted in 31/04/2016	Applicable: The CARACR will be submitted as per the amended CAP .once new MS is issued.
6. Groundwater Dependent Ecosystems			
6-1	The proponent shall ensure that groundwater drawdown associated with the proposal does not cause long term impacts to the health and abundance of <i>Eucalyptus victrix</i> outside the approved disturbance footprint as shown in Figure 3 of Schedule 1.	Monitoring, as described within the CAR, has not indicated long term impacts to <i>E. victrix</i> . Baseline and ongoing annual surveys.	Applicable: Condition 6-1 would need to be updated to broaden the extent of the assessed area in line with the findings of the impact assessment. The condition should include monitoring and reporting of GDV for the BWT Proposal.
6-2	Prior to the commencement of groundwater abstraction, the proponent shall conduct a targeted survey to determine the spatial extent and health of <i>E. victrix</i> inside the expected area of groundwater drawdown as shown in Figure 3 of Schedule 1, to the satisfaction of the CEO.	This has been undertaken and submitted to the EPA in July 2013 It was approved by the EPA	Appropriate monitoring of drawdown, to be in line with predictions is proposed to be included within the dewatering and discharge condition management plan.

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6-3	The proponent shall repeat the surveys undertaken pursuant to condition 6-2 following the commencement of groundwater abstraction in the project area annually or at a frequency agreed by the CEO.	Surveys have been undertaken on an annual basis and reported within the CAR.	The information required to satisfy Condition 6-2 has already been acquired as part of this impact assessment and it is suggested this would not require re-surveying. Condition 6-3 requires updating to include the broader extent of GDV included in this study.
6-4	Where the results of monitoring undertaken pursuant to condition 6-3 indicate adverse changes in the extent or condition of <i>E. victrix</i> , the proponent shall provide a report to the CEO within 21 days which: (1) describes the decline or change; (2) provides information which allows determination of the likely root cause of the decline or change; and (3) if considered likely to be the result of activities undertaken in implementing the proposal, describe which management actions will be implemented and the associated timelines to remediate the decline or change.	No impacts have been reported.	Applicable: Condition 6-4 requires updating, with reference to the extent of predicted impact to GDV species found within the study. This condition is considered relevant to managing potential impacts to GDV from the BWT proposal. The revised CAP will take account of monitoring proposed for the BWT proposal. Condition 6-5 is applicable.
6-5	The proponent shall implement the actions identified in condition 6-4(3) until the CEO determines that the remedial actions may cease.		
7. Weeds			
7-1	The proponent shall prevent the establishment of any new species of weeds within the project footprint as defined in Figure 1 of Schedule 1.	This has been confirmed in the CAR submitted to the EPA.	Applicable: The CAR and weed management plan will be expanded and implemented for the BWT proposal area to cover conditions 7-1 to 7-4.
7-2	The proponent shall ensure there is no increase in weed cover, extent or diversity of weeds in the project footprint as defined in Figure 1 of Schedule 1.		

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7-3	Prior to ground-disturbing activities in the project area, the proponent shall undertake and submit a baseline weed survey to identify the presence, extent, species diversity and invasive characteristics of weeds and weed cover, to the satisfaction of the CEO.		
7-4	The proponent shall repeat the surveys undertaken pursuant to condition 7-3 following the commencement of ground disturbance activities in the project footprint annually or at a frequency agreed by the CEO.		
	Where the results of monitoring undertaken pursuant to condition 7-4 indicate adverse changes in the presence, extent, species diversity and invasive characteristics of weeds and weed cover, the proponent shall: (1) immediately implement, and/or propose appropriately timed weed control measures in affected areas to the satisfaction of the CEO; (2) submit details of weed control measures that have or will be implemented pursuant to condition 7-5 (1) and any proposed rehabilitation measures to be implemented to the CEO, within 21 days of becoming aware of adverse changes; and (3) implement weed control and rehabilitation measures detailed pursuant to condition 7-5 (2) until such time as the CEO agrees implementation may cease.	No adverse changes have been noted in weeds for the AWT Project.	
8. Short Range Endemic Fauna			
8-1	In order to ensure that the proposal does not result in significant impacts to the population size or distribution of <i>Aganippe</i> MYG086, the proponent shall ensure that no clearing or loss of vegetation occurs within the area of vegetation defined as Zone 1 in Figure 2 of Schedule 1, unless otherwise approved by the CEO under condition 8-2.	Not applicable: Following additional study by Phoenix Environmental Sciences (Appendix D3), it has been determined that <i>Aganippe</i> MYG086 is not a short-range endemic species. The study report was assessed and endorsed by the West Australian Museum. OEPA therefore stated that BCP have met condition and vegetation defined as Zone 1 in Figure 2 of Schedule 1 can be cleared.	

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8-2	Should the proponent demonstrate to the satisfaction of the CEO that Aganippe MYG086 is not a Short Range Endemic Species, the proponent may apply to the CEO for approval to disturb vegetation within Zone 1.	Endorsement letter from OEPA, dated 1 October 2015	
9. Surface Water			
9-1	The proponent shall ensure that: (1) run-off and/or seepage from waste material landforms and other disturbed areas does not cause a detrimental change to the quality of surface water downstream of the project footprint relative to pre-mining surface water quality established in baseline surveys required by condition 9-3; and (2) alterations to surface water flows associated with the proposal in the Iron Valley catchment do not result in significant detrimental changes to the hydrological regime of water entering the WWC catchment relative to pre-mining conditions.	Monitoring of surface is detailed in the CAR for the AWT Project, submitted to the EPA in 2015.	Applicable: This condition is considered relevant to the BWT proposal. While additional WRLs will be constructed, existing monitoring conditions are considered adequate to identify change in parameters, which, in turn result in additional management measures being implemented. Condition 9-1, should be updated to include TSFs as applicable. Condition 9-2, needs updating to incorporate the discharge points and the quantity and quality parameters of those discharges. These are proposed to be developed as part of a dewatering and discharge condition management plan. The data requirements of Condition 9-3 are already being collected. This existing data should satisfy the need of Condition 9-3. Condition 9-3 needs to be updated to reflect this. Conditions 9-4 and 9-5 remain applicable.
9-2	The proponent shall: (1) monitor the quality of surface water at locations not more than 500 metres upstream and downstream of the waste material landforms and other disturbed areas quarterly to ensure that the requirements of condition 9-1 (1) are met. This monitoring is to be carried out using methods consistent with ANZECC Guideline (and its updates) and to the satisfaction of the CEO. (2) monitor surface water flows to the satisfaction of the CEO to ensure that the requirements of condition 9-1 (2) are being met.	It has been confirmed that the monitoring is being undertaken to the satisfaction of the CEO through approval of the CAR submitted in 2015. Surface water samples have been taken from two points prior to construction commencing. A Surface Water Management Plan, Standard Operating Procedure, monitoring schedule has been developed and approved by OEPA under Section 45C.	
9-3	The proponent shall commence the monitoring required by condition 9-2 prior to the commencement of ground disturbing activities in order to collect baseline data.	Monitoring has been undertaken prior to ground disturbing activities and detailed in the AWT Project CAR.	

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9-4	In the event that monitoring required by condition 9-2 indicates that the requirements of condition 9-1 are not being met, the proponent shall provide a report to the CEO within 21 days which: (1) describes the decline or change; (2) provides information which allows determination of the likely root cause of the decline or change; and (3) if considered likely to be the result of activities undertaken in implementing the proposal, describe which management actions will be implemented and the associated timelines to remediate the decline or change.	No degradation of surface water quality has been noted.	
9-5	The proponent shall implement the actions identified in condition 9-4 (3) until the CEO determines that the remedial actions may cease.		
10. Residual Impact			
10-1	In view of the significant residual impacts as a result of implementation of the proposal, the proponent shall contribute funding for the impact of good to excellent condition native vegetation to the strategic regional conservation initiative for the Pilbara as pursuant to condition 10-2.	BCP have committed funding to the strategic regional conservation initiative. Offset payment has been delayed until 31 March 2016 due to the strategic regional conservation initiative for the Pilbara not yet being established. Email confirmation from OEPA 27 April 2016 (Luke Jacenko).	Applicable: It is likely that BCP will be required to commit additional to the strategic regional conservation initiative for the additional clearing required for the BWT proposal. Condition 10-1 to 10-3 are applicable but the extent of area requires updating.
10-2	The proponent's contribution to the initiative identified in condition 10-1 based on approximately 670 ha of good to excellent condition native vegetation at \$1500 AUD/ha shall be paid in annual instalments of \$100,000 AUD (excluding GST) per year over ten years, with the first payment due within twelve months of ground disturbance.		
10-3	The real value of contributions described in condition 10-2 will be maintained through indexation to the Perth Consumer Price Index, with the first adjustment to be applied to the first contribution.		