



Yara Pilbara Nitrates

2024 Annual Compliance Report

EPBC 2008/4546

Technical Ammonium Nitrate Plant

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Document Approver	Plant Manager

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04-10-2024 650-200-ACR-YPN-0013 Rev 0

Declaration of Accuracy

Yara Pilbara Nitrates Pty Ltd (YPN) is pleased to submit this Annual Compliance Report as per Condition 3 of the EPBC 2008/4546 Approval Decision (dated 14 September 2011) and Condition 3 of the directed variation (dated 12 September 2017) requiring reporting to 30 June to be submitted by 6 October each year.

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed	
Full Name	Susan Giles
Position	Environment and Sustainability Manager
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Date	03/10/2024

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1 Introduction

1.1 Purpose

The purpose of this Annual Compliance Report (ACR) is to assess compliance with all conditions of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* approval decision 2008/4546 (**EPBC 2008/4546**); issued 14 September 2011 for the Yara Pilbara Nitrates Pty Ltd (**YPN**) Technical Ammonium Nitrate (**TAN**) production facility (**TAN Plant**); and administer by the Department of Climate Change, Energy, the Environment and Water (**DCCEE**) (herein “**the Department**”). The TAN Plant is located on Lot 3017 within the Burrup Strategic Industrial Area on the Burrup Peninsula, Western Australia.

EPBC 2008/4546 Conditions have been varied by four (4) separate variations, issued in accordance with Section 143 of the EPBC Act:

- Variation to Conditions 8(d), 10 and 11, dated 18 December 2013;
- Variation to Condition 10(c)iv, dated 10 February 2014;
- Directed variation to Condition 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 (delete), substitute with Conditions 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 and add Conditions 3A, 7 A, 9A, 9B, 10A, 11 A and 11 B, dated 12 September 2017; and
- Variation to Condition 9 and 9A, dated 24 March 2020.

Condition 3(a) of the revised approval issued on 12 September 2017 states:

By 6 October each year, the person taking the action must:

- i. Publish a report on their website addressing compliance with each of the conditions of this approval (for the reporting period 1 July of the previous year to 30 June of the reporting year), including implementation of any management plans and monitoring programs as specified in the conditions including an analysis of monitoring data required under condition 9A and 10A that has been collected during the reporting period; and*
- ii. Provide documentary evidence providing proof of the date of publication to the Department.*

In accordance with revised Condition 3 this 2024 Annual Compliance Report (**ACR**) addresses the 12-month period 1 July 2023 to 30 June 2024 and is to be published on YPN’s website by 4 October 2024.

Preparation of the ACR has been guided by the Annual Compliance Report Guidelines (Commonwealth of Australia, 2014).

1.2 Project Details

The TAN Plant has a production capacity of 350,000 tonnes per annum (**TPA**) or 915 tonnes per day (**TPD**) of TAN. The TAN Plant comprises three major process units, each producing a separate product in the manufacturing process:

1. Nitric Acid plant to convert ammonia and atmospheric air into Nitric Acid (**NA**). The NA plant has a capacity of 760 TPD as 100% weight. The main feedstock, ammonia, shall be delivered from the adjacent ammonia plant.



2. Ammonium Nitrate (**AN**) Solution plant to convert ammonia and NA into AN solution. This AN wet section has a capacity of 965 TPD in balance with nitric acid production capacity.
3. TAN plant to convert AN solution into TAN prill (final product). This is a dry section for production of TAN prill (0.7 and 0.8 kg/m³ density) with a capacity of 915 TPD. Surplus AN solution shall be sold as liquid.

The TAN Plant also has storage, loading and transport facilities, including an incoming liquid ammonia pipeline, bulk and bagged TAN storage, bulk loading system, bagging unit and truck loading.

The project is adjacent to the Yara Pilbara Fertiliser plant operated by Yara Pilbara Fertilisers Pty Ltd (**YPF**), which is the source of the liquid ammonia.

1.3 ACR Public Availability

This 2024 ACR is to be placed on the YPN website for the life of the Project. At the time of publication this 2024 ACR is available at:

<https://www.yara.com.au/about-yara/about-yara-australia/pilbara/yara-pilbara-nitrates/>

A URL link to the uploaded report will be sent to the Department's Compliance and Enforcement Branch through its EPBCMonitoring@dcceew.gov.au email address.



2 Current Status

During the reporting period (1 July 2023 to 30 June 2024) the Nitric Acid plant operated between the following periods:

- 18 to 27 July 2023,
- 29 July to 4 August,
- 7 to 27 August,
- 29 August to 27 October,
- 4 November to 16 April 2024,
- 18 April to 14 June,
- 24 June,
- 25 to 28 June; and
- 29 to 30 June (end of reporting period).

The AN solution and Prill plants (U31/32) operated for a similar timeframe.

The total amount of TAN produced during the 2023-24 financial year was 253,353 tonnes.

YPN was issued an Environmental Operating Licence under Part V of the *Environmental Protection Act 1986* (EP Act) on 20 April 2020 (Licence No. L9223/2019/1). Of relevance to EPBC 2008/4546 is the conditions regarding limits on emissions to air. Environmental monitoring and reporting occurred during the operational period of the TAN Plant.



3 Compliance

3.1 Statement of Compliance

The results of the assessment of compliance with EPBC 2008/4546 approval conditions are shown in Table 1.

A total of 15 conditions, comprising of 50 sub-conditions, were assessed. The assessment found the following:

- 2 sub-conditions were found to be 'non-compliant';
- 26 sub-conditions were found to be 'compliant'; and
- 22 sub-conditions were found to be 'not applicable'.

If a condition falls outside of the scope of the current reporting period (1 July 2023 to 30 June 2024) it is considered Not Applicable (N/A). A sub-category is also provided in Table 1 to indicate status, i.e. "complete", "not required", "compliant", "in process" (when waiting for a response from the Department), "historical non-compliance" or "N/A - refer below", when the condition is an objective.

As reported in the 2017 ACR Addendum, YPN identified some gaps in evidence, specifically with reference to historic correspondence between YPN and various regulators that have been cited as evidence in previous ACRs. In these cases where YPN did not have the original or a copy of the evidence, but reference to the evidence has been previously made, the evidence was flagged as "not sighted". For this 2024 ACR, where relevant, reference is made to the 2017 ACR Addendum for these historical items and, if appropriate, noted as "complete" (i.e. Compliant - "complete").

In assessing compliance, the following definitions have been used:

Designations	Definition
Compliant	'Compliance' is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.
Non-compliant	A designation of 'non-compliant' is given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.
Not applicable (N/A)	A designation of 'not applicable' is given where the requirements of a condition or elements of a <u>condition fall outside of the scope of the current reporting period</u> . For example, a condition which applies to an activity that has not yet commenced.



3.2 EPBC2008/4546 Compliance Table

Table 1 EPBC2008/4546 Compliance Table

Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
1	Within 30 days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.	N/A - "complete"	Refer to 2017 ACR, letter sent to SEWPac on 17 February 2013. YPN sought agreement from the Department that this condition can be considered 'complete' in 2018 EPBC ACR.
2	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plan(s) and program(s) required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Compliant	Refer to all other items in this table. Refer to attachments provided. Further documentation is available upon request by the Department.
3(a)	By 6 October each year, the person taking the action must: <ul style="list-style-type: none"> i. Publish a report on their website addressing compliance with each of the conditions of this approval (for the reporting period 1 July of the previous year to 30 June of the reporting year), including implementation of any management plans and monitoring programs as specified in the conditions, including an analysis of monitoring data required under Condition 9A and 10A that has been collected during the reporting period; and ii. Provide documentary evidence providing proof of the date of publication to the Department. 	Compliant	The 2023 EPBC ACR was published on the YPN website on 6 October 2023, with the Department notified on that date (Attachment 3a (1) and Attachment 3a (2)). The supporting Air Quality Analysis Report (as per Condition 9A) for the 2023 ACR was completed and published to the YPN website on 6 October 2023 (Attachment 3a (2)). Rock art monitoring (as per Condition 10A) is no longer being undertaken individually due to YPN's existing and ongoing financial commitment to the State Government's Murujuga Rock Art Monitoring Project, led by the Department of Water and Environmental Regulation (DWER). Acceptance that Condition 10A(d) is being met was received from DCCEEW on 7 November 2022 (Attachment 3(a) (3)). The publication of rock art monitoring reports undertaken in DWER's MRAMP is at the discretion of the department. Reports can be found here: https://www.wa.gov.au/government/document-collections/murujuga-rock-art-strategy-document-collection
3(b)	Reports required under Condition 3a) must remain published for the life of the approval unless otherwise advised by the Minister in writing.	Compliant	All previous EPBC 2008/4546 ACR's are available on the YPN website: https://www.yara.com.au/about-yara/about-yara-australia/pilbara/yara-pilbara-nitrates/ (Attachment 3a (2)).
3A	The person taking the action must advise the Department of a potential or actual non-compliance with these conditions in writing within 7 days of becoming aware of the potential or actual non-compliance.	Compliant	Non-compliances with Condition 9B(a) occurred on 26 July 2023 and 24 June 2024. These non-compliance were reported on 1 August 2023 and 27 June 2024 (respectively) which is within the 7 day requirement (Attachment 9B(a) (3) and Attachment 9B(a) (4))
4	The person taking the action must ensure that wastewater from the facility meets the requirements set out in Statement 594 for discharges into the Multi User Brine Return Line (MUBRL).	Compliant	Please note Statement 594 applies to its proponent, Water Corporation, and addresses multiple users in the Burrup area (not only YPN). YPN discharges wastewater to its neighboring facility YPF. YPF's Environmental Operating Licence (L9224/2019/1 issued under Part V of the EP Act) reflects the discharge requirements for Statement 594. During the reporting period (1 July 2023 to 30 June 2024) there was no licence limit exceedances for discharge to the MUBRL. Attachment 4 shows laboratory analysis results and continuous data for YPN's discharge during the reporting period.
5	To ensure the protection of listed threatened species and listed migratory species, the person taking the action must only apply larvicide or adulticide within or outside the project area (as shown in Attachment 1) that is an Approved Class 11 insecticide, unless agreed to in writing by the Minister.	Non-compliant	Larvicide/adulticide that is not an Approved Class 11 insecticide has been applied within the TAN Plant site during the reporting period (confirmed 19 September 2024). The application of the insecticides has taken place around and within the office building at YPN. Further information on this non-compliance is available with letter 250-200-LET-DAWE-0025 (Attachment 5).



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
6	To ensure the protection of listed threatened species and listed migratory species, the person taking the action must:	N/A - refer below	Condition objective, sub-conditions refer below.
6(a)	Employ such structures and apparatus as are necessary and agreed by the Western Australian Government to deter birds from entering the contaminated water pond, clean water pond, and sewage wastewater treatment station evaporation pond, as per Statement 870.	Compliant	The Department of Parks and Wildlife (DPaW); now the Department of Biodiversity, Conservation and Attractions (DBCA), confirmed the bird deterrence systems used on site is acceptable on 25 June 2015 (Attachment 6a). Bird deterrent wires have been installed over contaminated water ponds, clean water ponds, and sewage wastewater treatment evaporation pond (refer to Attachment 6b).
6(b)	Ensure these structures and apparatus are in place prior to commissioning and are maintained for the life of the approval.	Compliant	All ponds during the reporting period had bird deterrent wires in place at approximate 5m spacings as per configuration agreed with DBCA. Refer to Attachment 6(b) for current photos of deterrents (July 2024) and Environmental Inspection Checklist (Question 12).
7	To ensure the protection of the listed threatened species; listed migratory species and the values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place, the person taking the action must submit to the Department the management plans mentioned below:	N/A - refer below	Condition objective, sub-conditions refer below.
7(a)	Construction Environmental Management Plan (CEMP), which must be submitted to the Department at least two (2) months prior to construction and must include, but not be limited to, management measures for the following: <ul style="list-style-type: none"> • Air Quality and Dust; • Water Quality; • Erosion Control and Storm Water; • Waste; • Traffic; and • Blasting (if required). 	N/A - "complete"	Refer to the 2017 ACR Addendum, CEMP sent to SEWPaC on the 22 September 2012 and approved on 22 November 2012. YPN sought the Departments agreement that this condition can be considered 'complete' in 2018 EPBC ACR.
7(b)	Operational Environmental Management Plan (OEMP), must be submitted to the Department at least two (2) months prior to operation and must include, but not be limited to, management measures for the following: <ul style="list-style-type: none"> • Erosion Control and Storm Water; • Water Quality; • Air Quality and Dust; • Waste; • Traffic; and • Blasting (if required). 	N/A - "complete"	As reported in the 2017 ACR Addendum the revised Operational Environmental Management Plan (650-200-PLN-YPN-0001) (OEMP) and revised Emergency Response Management Plan were submitted to the Department for review in December 2016 (approximately 9 months prior to operations commencing – refer to Condition 7[c]). An amended Operational Environmental Management Plan (OEMP) (including Hazardous Materials Management Plan and Aboriginal Heritage Management Plan prepared to address relevant parts of Condition 7[d]) was submitted to the Department for review and approval on 14 September 2017, approval of the OEMP was received on 15 September 2017. YPN sought the Departments agreement in 2018 EPBC ACR that this condition can be considered 'complete' as current and future plan revisions are addressed under Conditions 12 and 13.
7(c)	Operations must not commence unless the OEMP is approved by the Minister.	N/A - "complete"	The OEMP was approved on 15 September 2017 with operations commencing the same day (Attachment 7c). YPN seeks the Departments agreement that this condition can be considered 'complete'.
7(d)	Additional management plans covering both construction and operations, must be submitted to the Department at least two (2) months prior to construction, including: <ul style="list-style-type: none"> • Aboriginal Heritage Management Plan; 	N/A - "complete"	Refer to 2017 ACR Addendum confirmed the approval status of the original Aboriginal Heritage Management Plan (AHMP), approved by SEWPaC on 24 October 2012.



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
	<ul style="list-style-type: none"> Hazardous Materials Management Plan; and Emergency Response Management Plan. 		<p>The OEMP update included updates to the AHMP and Hazardous Materials Management Plan (HMMP).</p> <p>Emergency response is the subject of a separate plan (YPN code 250-500-PLN-000-0003). The original Emergency Response Management Plan (ERMP) was approved in 2012. A revised plan was submitted to the Department in December 2016, with the OEMP (refer to Condition 7[b]).</p> <p>YPN sought the Departments agreement in 2018 EPBC ACR that this condition can be considered 'complete' as current and future plan revisions are addressed under Conditions 12 and 13.</p>
7(e)	Once approved by the Minister, all plans required under Condition 7 must be implemented.	Compliant	<p>Refer to Condition 7(b) and 7(d) regarding plan approval and conditions.</p> <p>All plans referred to in Condition 7 were assessed for implementation status for this audit.</p> <p>A revised OEMP was submitted to the Department on 16 September 2023. An assessment was made against this revised OEMP as additional controls were added regarding contaminated soils, water, and stockpiles. Previous controls as per the approved OEMP have not changed. An audit on the OEMP was undertaken. All actions were assessed as conformant. The OEMP is assessed as satisfactorily implemented.</p> <p>The Emergency Management Plan (EMP) is currently being updated and will be submitted to the Department once an internal review has been completed. No changes have been made to the environmental components of the EMP. At the time of submission (confirmed 5 September 2024) all actions within the EMP were assessed as conformant (internal assessment in November 2024).</p>
7A	The management plans required under Conditions 7 and 11A must not contain management actions that are inconsistent with these approval conditions or the National Heritage management principles.	Compliant	<p>Refer to Conditions 7 and 11A. Review of the plans by the Department and subsequent approval of plans by the Minister implies consistency with approval conditions and National Heritage (NH) management principles. Furthermore, this assessment has not readily identified any management plan actions that are inconsistent with the seven principles, summarised below for reference.</p> <ol style="list-style-type: none"> Identify, protect, conserve, present and transmit, to all generations, NH values. Use best available knowledge, skills and standards; include ongoing technical and community input to decisions and actions that may have a significant impact on their NH values. Respect all heritage values and seek to integrate government responsibilities. Ensure that NH place use and presentation is consistent with the conservation of their NH values. Make timely and appropriate provisions for community involvement, especially by people who: a) have a particular interest in, or associations with, the place; and b) may be affected by the management of the place. Active participation of Indigenous people in identification, assessment and management is integral to the effective protection of Indigenous heritage values. Provide for regular monitoring, review and reporting on the conservation of NH values.
8	To protect the values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites, the person taking the action must ensure that:	N/A - refer below	Condition objective, sub-conditions refer below.
8(a)	There is no unauthorised access by employees or contractors of the person taking the action to the Dampier Archipelago (including Burrup Peninsula) National Heritage Place outside of the project area (shown in Attachment 1) while those employees or contractors are undertaking work duties.	Compliant	<p>YPN maintains a system to authorise access (for monitoring) including access forms and a register (Attachment 8a).</p> <p>No signs of unauthorised access have been observed in the National Heritage area around the site. No incidents regarding unauthorised access have been identified.</p>



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
8(b)	Chain mesh fencing of at least 2.5 metres in height is installed around the perimeter of the project site prior to construction.	Compliant	Chain mesh fencing of at least 2.5 metres in height is installed around the perimeter of the project site. The fence was installed prior to construction and is checked twice daily by security. Refer to Attachment - Site Photos (4 July 2024).
8(c)	Signs of at least 1m ² in size are attached to fencing at the entrance to the project site and at no less than 50 metre intervals along the fence. These signs must clearly indicate the requirements of Condition 8(a).	Compliant	The required signage is attached to fencing at the entrance/exit to the project site. Due to the 2.5 m high security fencing completely surrounding the rest of the project site, fully restricting access to the National Heritage area, the existing signage at the entrance in combination with the high security fence is sufficient and together are measures which effectively 'go beyond compliance' with respect to the intention of this Condition. Consequently YPN considers the site compliant with the objective of this requirement. YPN seeks agreement from the Department regarding this assessment and, if necessary to avoid future doubt, will request the condition be amended accordingly (i.e. to signage at entrance only, in combination with the high security fence on the perimeter of the remainder of the Project site).
8(d)	The relevant supervisor of the person taking the action must record the names of all those required to access areas containing rock art sites inside the Dampier Archipelago (including Burrup Peninsula) National Heritage Place boundary and is able to provide these records if asked to do so by the Department.	Compliant	Refer to Condition 8(a) - YPN maintains a National Heritage register, which records the names of all those required to access areas containing rock art sites inside the National Heritage area.
8(e)	Any impact the action has on the heritage values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place must be reported to the Department in writing within 72 hours. Impacts may include (but will not necessarily be limited to) any impacts caused by construction activity; vandalism perpetrated by personnel involved in plant construction or operations; spillage of potentially corrosive materials into the Dampier Archipelago (including Burrup Peninsula) National Heritage Place; impacts from blasting activity.	Compliant	No impact on heritage values has been identified in the audit period.
9	To protect the National Heritage Place, particularly the rock art sites, the person taking the action must undertake an air quality monitoring program. The air quality monitoring program must:	N/A - refer below	Condition objective, sub-conditions refer below.
9(a)	Undertake air quality monitoring at three (3) sites as shown in Attachment 2. These sites being sites previously selected, designed, fenced off and used in the original Western Australian Department of Environment and Conservation (WA DEC)/CSIRO air quality monitoring program. <ul style="list-style-type: none"> • Site 5 - Burrup Road site; • Site 6 - Water tanks site; and • Site 7 – Hearson Cove Road site. The air quality monitoring must be undertaken for a period of not less than 24 months beginning from the commencement of construction. The results of this monitoring will be used to establish <u>baseline data</u> on levels of: <ul style="list-style-type: none"> • Ammonia (NH₃); • Nitrogen Oxides (NO_x); • Sulphur Oxides (SO_x); and • Total suspended particulates (TSP), including dust at those rock art sites. 	N/A - "complete"	As described in the 2017 ACR Addendum, YPN carried out this (baseline) air quality monitoring program at the indicated off-site locations. However, construction commenced in February 2013 and monitoring commenced in late Q3/early Q4 2013, which was assessed as a non-compliance. With the non-compliance being historic (related to timing, linked to commencement of construction), this timing element of the requirement could not be remedied. The program was otherwise implemented and completed as required by the Condition. Continuation of the air quality monitoring program after the completion of the baseline program required by this Condition is addressed by Condition 9A, below. As the baseline program has been completed and continuing monitoring is addressed by Condition 9A, YPN sought the agreement of the Department in the 2018 EPBC ACR that this condition can now be considered 'complete'.



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments						
9(b)	Ensure that the monitoring of air quality at rock art sites is undertaken by a suitably qualified person (Air Quality).	N/A - "complete"	As described in the 2017 ACR Addendum, the review of the ambient air quality monitoring program and preparation of the baseline monitoring report was undertaken by Dr Peter Forster, JBS&G (formerly known as Strategen Environmental Consultants Pty Ltd) air quality specialist. Peter has over 25 years experience in air quality assessments, including monitoring of gaseous, semi-volatile and particulate pollutants. Refer to Condition 9(a) above – this condition could be considered 'complete', on the agreement of the Department.						
9(c)	Ensure air quality readings during the twenty four (24) months of baseline monitoring are taken at least four (4) times in every 12 months.	N/A - "complete"	As described in the 2017 ACR Addendum: <ul style="list-style-type: none"> NH₃, NO₂ and SO₂ samples were collected for >24 months and at least once in each quarter for each year. Dust deposition samples were collected for >24 months and at least once in each quarter for each year. TSP samples were collected for >24 months and at least once in each quarter for each year, from the Water Tanks site only. A baseline TSP data set was developed from TAN plant boundary monitoring of PM10 for application to all three sites. Those data were collected for >24 months and at least once in each quarter for each year. Refer to Condition 9(a) above – this condition could be considered 'complete', on the agreement of the Department.						
9A	To protect the values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites, the person taking the action must ensure:	N/A - refer below	Condition objective, sub-conditions refer below.						
9A(a)	Ongoing air quality monitoring is undertaken within 30 days after this condition comes into effect (the date the relevant variation to conditions notice is signed), and until expiry of the approval.	Compliant	Air quality monitoring has continued at sites 5, 6 and 7, with the first monitoring after Condition 9A came into effect (on 12 September 2017) commencing on 14 September 2017. Air Quality monitoring reports are available on the YPN website: https://www.yara.com.au/about-yara/about-yara-australia/pilbara/yara-pilbara-nitrates/ and a screenshot of the website can be seen within Attachment 9A(a).						
9A(b)	Air quality monitoring parameters are monitored at the rock art sites: Site 5 (Burrup Road), Site 6 (Water tanks site) and Site 7 (Hearson Cove Road site) as shown in Attachment 2.	Compliant	This Condition is consistent with the previous, baseline, monitoring locations. Air quality monitoring has continued at sites 5, 6 and 7 as required (refer to the YPN website as provided in Condition 9A[a]). On 24 March 2020 approval was granted to relocated Site 7 (Deep Gorge) to accommodate the development of a board walk at the heritage site Ngajarli (formerly known as Deep Gorge) by Murujuga Aboriginal Corporation (MAC). The approval letter, new conditions and the location of Site 7 can be seen within Attachment 9A(b). On 8 April 2020 Site 7 - Deep Gorge was relocated to Site 7 - Hearson Cove Road site. From this date onward reported results are from this location.						
9A(c)	Monitoring of air quality at rock art sites is undertaken by a suitably qualified person (Air Quality). The air quality monitoring parameters in the table below must be monitored at the frequencies indicated in the table below.	Compliant	Refer to Condition 9(b), the continuing ambient air quality monitoring program continues to be overseen by JBS&G (formerly known as Strategen Environmental Consultants Pty Ltd), with the support of YPN Environmental personnel. Within the audit period, ambient air concentrations of NH ₃ , NO ₂ and SO ₂ have been monitored continuously for at least 14 days, every month from the 30 th June 2023 (Radiellos deployed) to 1 July 2024 (refer to reports on Yara website as provided in Condition 9A[a] for data which has been received to date).						
	<table border="1"> <thead> <tr> <th>Element of air quality to be monitored</th> <th>Specific air quality parameter to be sampled</th> <th>Minimum frequency of monitoring</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Element of air quality to be monitored	Specific air quality parameter to be sampled	Minimum frequency of monitoring					
Element of air quality to be monitored	Specific air quality parameter to be sampled	Minimum frequency of monitoring							



Condition Number	Condition		Is the Project compliant with this condition?	Evidence / Comments
	Ambient air concentration of gases	NH ₃ (ammonia) NO ₂ (nitrogen oxide) SO ₂ (sulphur oxide)	Continuous monitoring for at least 14 consecutive days, every month	<p>Within the audit period, TSP monitoring occurred every six days from 5 July 2023 to 29 June 2024 (refer to reports on Yara website as provided in Condition 9A[a]).</p> <p>Within the audit period, collection of dust deposition (insoluble and soluble fractions) data occurred every month from 30 June 2023 to 1 July 2024 (refer to reports on Yara website as provided in Condition 9A[a]). This is more than what is required within the condition and as such it is deemed that the condition has been met.</p> <p>Refer to condition 9 A(a) for link to website for published results. Please note the correct names for NO₂ and SO₂ are nitrogen dioxide and sulphur dioxide, respectively; i.e. 'oxide' is a typographical error within the approval document.</p>
	Airborne particulate concentration	Total suspended particulates up to 50 µm (TSP)	Every 6 days	
	Deposited dust	Total dust deposition per month (Insoluble Fraction)	Quarterly	
		Total dust deposition per month (Soluble Fraction)		
9B	To protect the values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites:		N/A - refer below	Condition objective, sub-conditions refer below.
9B(a)	Emissions of air pollutants during operations must not exceed the limits described in a Licence under Part V of the <i>Environmental Protection Act 1986</i> issued by the Western Australian Government.		Non-compliant	<p>YPN's Licence (L9223/2019/1) stipulates quarterly (Common Stack) and continuous (Nitric Acid Stack (CEMS)) monitoring. This includes (point source) discharge air quality limits (i.e. no ambient air quality limits), as follows:</p> <ul style="list-style-type: none"> • Common stack: <ul style="list-style-type: none"> ○ PM – 15 mg/m³ ○ NH₃ at – 10 mg/m³ • Nitric Acid plant stack: <ul style="list-style-type: none"> ○ NO_x (as NO₂) – 103 mg/m³ ○ NH₃ – 0.75 mg/m³ ○ N₂O – 196 mg/m³ • Nitric Acid plant stack during start-up (2 hour maximum period): <ul style="list-style-type: none"> ○ NO_x (as NO₂) – 1,540 mg/m³ ○ NH₃ – 11.5 mg/m³ <p>There was three (3) exceedances of licence limits for the Nitric Acid Stack during the reporting period Attachment 9B(a). All exceedances were reported as per Condition 9B(b).</p>
9B(b)	If a reporting requirement is triggered for air emissions in the conditions of the Licence issued by the Western Australian Government under Part V of the <i>Environmental Protection Act 1986</i> , the person taking the action must also report to the Department in writing within the same timeframe as reporting is required to be provided to the Western Australian Government.		Compliant	<p>There was three (3) exceedances of Nitric Acid Stack licence limits during the reporting period. All exceedances were reported to the Department within seven (7) days of detection.</p> <p>One exceedance on 26 July 2023 reported on 1 August 2023 and two exceedances on 24 June reported on 27 June 2024 (Attachment 9B(a)).</p> <p>There were two (2) non-compliances identified during the reporting period where non-Class 11 insecticides were applied onsite. These exceedances were reported to the Department within seven (7) days of detection.</p> <p>Both exceedances were identified on 19 September 2024 and were reported on 26 September 2024 (Attachment 5).</p>



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
10	To protect the values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites, the person taking the action must participate in monitoring the rock art by:	N/A - refer below	Condition objective, sub-conditions refer below.
10(a)	Contributing a pro-rata amount annually (in line with that currently utilised by the Western Australian Department of Water and Environmental Regulation, but not exceeding \$15,000/year) for a period of not less than two (2) years from the beginning of construction to the Burrup Rock Art Monitoring Program, which is an independent scientific program of monitoring, to detect any changes in patination, including any discolouration, of the surface of the rock art or the surrounding rock surface.	N/A - "complete"	As discussed in the 2017 ACR Addendum, both the Burrup Rock Art Technical Working Group (BRATWG) and the DWER-managed rock art monitoring program were not active during the previous reporting period and as such, YPN were not able to financially contribute through BRATWG to the DWER-managed rock art monitoring program. Previously YPN had financially contributed, with the first payment being made in 2011. The WA Burrup Rock Art Monitoring Program expired in June 2016. Also, as discussed in the 2017 ACR Addendum, following monitoring in 2015 and 2016, a report was published by DWER on the BRATWG website in September 2017. As: <ul style="list-style-type: none"> the timing element of the condition ('for a period of not less than two [2] years from the beginning of construction' i.e. the minimum date for completion of this condition was 13 February 2015); and due to the inclusion of Condition 10A, which addresses ongoing - current and future - rock art monitoring. YPN sought the agreement of the Department in the 2018 EPBC ACR that this condition can now be considered in effect no longer applicable and does not require further assessment.
10(b)	Revoked – on-going rock art monitoring is now in Condition 10A.	N/A	Not applicable.
10(c)	In addition to the above Condition 10(a) requirements, the person taking the action must provide for additional monitoring of rock art sites in a manner that is consistent with the Burrup Rock Art Monitoring Program. The monitoring of additional rock art sites must meet the following requirements:	N/A - "complete"	Refer to sub-condition 10(c)(iv) and new Condition 10A below. Sub-condition 10(c)(iv) timing is framed from the date of commencement of construction, with the monitoring to occur for at least two years until 13 June 2016. Condition 10A requires ongoing annual monitoring with the first event completed by 31 December 2017. As: <ul style="list-style-type: none"> previous ACRs have reported on the status of this condition; the timeframe for completion of sub-condition 10(c)(iv); and the capacity of Condition 10A to address ongoing -current and future – monitoring. YPN sought the agreement of the Department in the 2018 EPBC ACR that this condition be considered in effect no longer applicable and does not require further ongoing assessment.
10(c)(i)	Engage a heritage monitor or other suitably qualified person (Heritage) to survey rock art sites within a two (2) kilometre radius of the project site, to provide advice on any changes to the appearance, or cultural value, of rock art sites within the examined area.	N/A - "complete"	Refer to Condition 10(c) above – this condition could be considered no longer applicable, on the agreement of the Department.
10(c)(ii)	The monitoring must be undertaken in a manner that is consistent with and complementary to the monitoring of rock art sites undertaken through the Burrup Rock Art Monitoring Program. If agreed by Department of Water and Environmental Regulation the monitoring of additional rock art sites may be integrated with the Burrup Rock Art Monitoring Program, with the person taking the action providing full contribution to the Department of Water and Environmental Regulation for the additional site monitoring.	N/A - "complete"	Refer to Condition 10(c) above – this condition could be considered no longer applicable, on the agreement of the Department.



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
10(c)(iii)	Prior to undertaking Condition 10(c) monitoring, provide the Department with written endorsement from a heritage monitor or other suitably qualified person (Heritage) on the suitability of the rock art monitoring proposed under Condition 10(c).	N/A - "complete"	Refer to Condition 10(c) above – this condition could be considered no longer applicable, on the agreement of the Department.
10(c)(iv)	Undertake the Condition 10(c) rock art monitoring at least once annually, where the first rock art monitoring event must be undertaken within 16 months of the commencement of construction, for a period of not less than two (2) years.	N/A - "complete"	Refer to Condition 10(c) above – this condition could be considered no longer applicable, on the agreement of the Department.
10(c)(v)	At least once annually, engage with the Murujuga Aboriginal Corporation in the planning and reporting associated with the annual survey of rock art sites required under Condition 10(c).	N/A - "complete"	Refer to Condition 10(c) above – this condition could be considered no longer applicable, on the agreement of the Department.
10(d)	Revoked – publishing of baseline rock art monitoring is now in Condition 14.	N/A	Not applicable.
10A	To protect the values of the Dampier Archipelago (including Burrup Peninsula) National Heritage Place, particularly the rock art sites, the person taking the action must ensure that on-going rock art monitoring is undertaken to identify any changes to the appearance, or cultural value, of rock art sites, as per the requirements below:	N/A - refer below	Condition objective, sub-conditions refer below.
10A(a)	On-going rock art monitoring must be undertaken at the same 6 sites as monitored under Condition 10 (or other sites if agreed to in writing by the Minister).	Compliant	As per Condition 10A(d) rock art monitoring is conducted by the Murujuga Rock Art Monitoring Project, led by the Department of Water and Environmental Regulation (DWER). Monitoring is undertaken at the discretion of the department.
10A(b)	The first on-going rock art monitoring event must be complete by no later than 31 December 2017. Subsequent rock art monitoring must be undertaken annually (undertaken between 15 July and 15 September) for the life of the approval.	Compliant	As per Condition 10A(d) rock art monitoring is conducted by the Murujuga Rock Art Monitoring Project, led by the Department of Water and Environmental Regulation (DWER). Monitoring is undertaken at the discretion of the department.
10A(c)	On-going rock art monitoring must be undertaken by a suitably qualified person (Heritage).	Compliant	As per Condition 10A(d) rock art monitoring is conducted by the Murujuga Rock Art Monitoring Project, led by the Department of Water and Environmental Regulation (DWER).
10A(d)	On-going rock art monitoring must be undertaken either: <ul style="list-style-type: none"> i. by the person taking the action, using a methodology approved by the Minister in writing; or ii. through provision of an annual pro-rata amount for the Burrup Rock Art Monitoring Program or another program administered by the Western Australian Government Department of Water and Environmental Regulation. 	Compliant	Rock art monitoring is no longer being undertaken individually due to our existing and ongoing financial commitment to the State Governments Murujuga Rock Art Monitoring Project, led by the Department of Water and Environmental Regulation (DWER). Acceptance that Condition 10A(d) is being met was received from DCCEEW on 7 November 2022 (Attachment 10A(d))
10A(e)	At least once annually, the person taking the action must engage with the Murujuga Aboriginal Corporation in the planning and reporting associated with the on-going annual rock art monitoring.	Compliant	As per Condition 10A(d) rock art monitoring is conducted by the Murujuga Rock Art Monitoring Project, led by the Department of Water and Environmental Regulation (DWER). The Murujuga Rock Art Stakeholder Reference Group (MRASRG) are regularly engaged. The Murujuga Aboriginal Corporation (MAC) are part of this reference group. During the reporting period MRASRG held three meetings in September 2023, December 2023, and March 2024. Engagement with MAC in relation to rock art monitoring is ongoing.
11	To protect the Dampier Archipelago (including Burrup Peninsula) National Heritage Place the person taking the action must ensure that there is no measurable impact from air pollutants to any rock art sites within 2km of the boundary of the action, at any time during the life of the approval. This includes measurable changes in patination, including but not limited to: discolouration of the surface of the rock art motif or the surrounding rock surface including	Compliant	YPN has not been notified of any evidence of any measurable impact from air pollutants to any rock art sites within 2 km of the project site.



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
	patina; or changes that make the rock art site more difficult to interpret (for example a decrease in definition).		
11A	If the Minister is not satisfied that the outcome described in Condition 11 is being met, the Minister may request (in writing) that the person taking the action submit a Rock Art Impact Mitigation Review (RAIMR) to the Department for approval by the Minister.	N/A	The Minister has not made any request to YPN with respect to this Condition.
11A(a)	The RAIMR must: <ul style="list-style-type: none"> i. Be prepared by a suitably qualified person (Heritage) in consultation with a suitably qualified Person (Air Quality); ii. Be submitted within a timeframe specified by the Minister. iii. Include an analysis of the cause or causes of the detected change in the rock art surface; iv. Include a review of operations, including changes to operations to reduce the impact of air emissions on rock art; and v. Include mitigation and management measures to protect rock art sites within 2km of the boundary of the action from further impacts, to meet the requirements of Condition 11. 	N/A	Refer to Condition 11A above.
11A(b)	If the Minister approves the RAIMR required under this condition, then the approved RAIMR must be implemented.	N/A	Refer to Condition 11A above.
12	If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan(s) and or monitoring program(s) as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a revised version of that management plan(s) and or monitoring program(s). The varied activity shall not commence until the Minister has approved the varied management plan(s) and or monitoring program(s) in writing. The Minister will not approve a varied management plan(s) and or monitoring program(s) unless the revised management plan(s) and or monitoring program(s) would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan(s), and or monitoring program(s) that management plan(s) and or monitoring program(s) must be implemented in place of the management plan(s) and or monitoring program(s) originally approved.	Compliant	The Emergency Management Plan (EMP) is currently being updated and will be submitted to the Department once an internal review has been completed. No changes have been made to the environmental components of the EMP. YPN is currently compliant with the most recently approved EMP. A self-assessment most recently undertaken in July 2024. An updated OEMP was submitted to the Department on 16 September 2024. Approval is pending. An assessment was made against this new OEMP as additional controls were added regarding contaminated soils, water, and stockpiles. Previous controls as per the approved OEMP have not changed.
13	If the Federal Minister believes that it is necessary or convenient for the better protection of National Heritage Place, listed threatened species and communities and listed migratory species to do so, the Minister may request that the person taking the action make specified revisions to the management plan(s), monitoring program(s) specified in the conditions and submit the revised management plan(s), monitoring program(s) for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan(s), monitoring program(s), must be implemented. Unless the Minister has approved the revised management plan(s), monitoring program(s), then the person taking the action must continue to implement the management plan(s), monitoring program(s) originally approved, as specified in the conditions.	N/A	The Minister has made no request during the reporting period.
14	Unless otherwise agreed to in writing by the Minister, the person taking the action must publish on their website, for the life of the approval: <ul style="list-style-type: none"> a) Management plans required under Conditions 7 and 11A, within 1 month of being approved. 	Compliant	YPN publishes all management plan(s) and monitoring program(s) on the website, https://www.yara.com.au/about-yara/about-yara-australia/pilbara/yara-pilbara-nitrates/ as follows:



Condition Number	Condition	Is the Project compliant with this condition?	Evidence / Comments
	b) A revised version of any management plans required under Conditions 7 and 11A, within 1 month of being approved under Condition 12 or 13. c) All baseline air quality data collected under Condition 9, by 31 October 2017. d) All ongoing air quality monitoring data required under Condition 9A, within 3 months of collection of each datum. e) All baseline rock art data or reports relating to Condition 10, within 30 days of any data or reports on being provided to the person taking the action. f) All rock art monitoring data or reports relating to on-going rock art monitoring required under Condition 10A, within 30 days of the data or reports being provided to the person taking the action		<p>Please note that it could be interpreted that to comply with both sub-conditions 14(a) and 14(b) the original management plans <i>and</i> any revised versions are to stay on the website for the life of the approval. To avoid confusion YPN has interpreted that the revised approved versions replace the originals, which can be removed from the website.</p> <ul style="list-style-type: none"> a) Condition 7 plans include the CEMP, OEMP, AHMP, HMMP and EMP; Condition 11A refers to the RAIMR. As discussed in Condition 7 above, the OEMP has incorporated the AHMP and HMMP. All plans are available on the YPN website. b) N/A c) The Baseline Air Quality Monitoring Report is available on the YPN website. d) All ongoing quality monitoring data are available on the YPN website. Each report was posted within 30-60 days of the data becoming available to YPN. e) All baseline rock art monitoring reports are available on the YPN website. As discussed in the 2017 ACR Addendum, following monitoring in August of both 2015 and 2016 a report was published by DWER on the BRATWG website in September 2017. This report was also published on the YPN website. f) All rock art monitoring reports undertaken by Yara on the YPN webpage. MRAMP reports are available online through: https://www.wa.gov.au/government/document-collections/murujuga-rock-art-strategy-document-collection#stakeholder-reference-group
15	If, at any time after 2 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	N/A - "complete"	The TAN Plant substantially commenced in 2012, within 2 years of the date of approval. YPN sought the Departments agreement in 2018 EPBC ACR that this condition can be considered 'complete'.



3.3 Details of Non-Compliance

There were three (3) instances that limits described in Licence L9223/2019/1 issued under Part V of the Environmental Protection Act 1986 were exceeded. These exceedances were in relation to the calibration or malfunction of equipment and have been rectified. All exceedances were for short durations, less than 1 hour.

Refer to letter 250-200-LET-DAWE-0021 and 250-200-LET-DAWE-0022 for further information.

On 19 September 2024 it was identified that non-Class 11 insecticides had been applied around and within office buildings at Yara Pilbara Nitrates (YPN). This occurred on 31 January 2024 and 30 April 2024. Measures have been taken to prevent recurrence of this non-compliance.

Refer to letter 250-200-LET-DAWE-0025 for further information.



4 Management Plans

During the reporting period the following management plans were implemented:

- Operational Environmental Management Plan (OEMP) including management measures for:
 - Erosion Control and Storm Water;
 - Water Quality;
 - Air Quality and Dust;
 - Waste; and
 - Traffic.
- Aboriginal Heritage Management Plan (incorporated into OEMP);
- Hazardous Materials Management Plan (incorporated into OEMP); and
- Emergency Management Plan:

On 15 September 2017 the OEMP was approved by the Department. A revised OEMP has been submitted to the Department on 16 September 2024 for approval.



5 New Environmental Risks

No new environmental risks that were not contemplated in the Project referral and assessment process have been identified in the audit period.



6 Attachments

- Attachment 3a (1): Email from YPN to Department, dated 6 October 2023, regarding submission of 2023 EPBC ACR
- Attachment 3a (2): Screenshots from YPN website showing proof of publication for 2022/23 Air Quality Analysis Report (as per Condition 9A) and 2023 EPBC Annual Environmental Compliance Report
- Attachment 4: YPN Discharge to MUBRL- Continuous and Weekly Sample Results
- Attachment 5: Insecticide Exceedance Letter (250-200-LET-DAWE-0025), dated the 26th of September 2024
- Attachment 6a: Email Correspondence for Bird Deterrent Approval 25 June 2015
- Attachment 6b: Bird Deterrent Structures Photos July 2024 and Environmental Inspection Checklist
- Attachment 7c: YPN OEMP Approval Letter 15 September 2017
- Attachment 8a: National Heritage Place Access Form and Register 2024
- Attachment 9A(a): Published Air Quality Monitoring Reports 2023/2024
- Attachment 9A(b): Site 7 Relocation Approval Letter and Map of relocation site
- Attachment 9B(a): Nitric Acid Stack CEMS data (graph and table), exceedance letters (250-200-LET-DAWE-0021 and 250-200-LET-DAWE-0022) and Stack Testing Results 15 September, 28 November 2023, 22 March 2024 and 24 July 2024 (Ektimo Quarterly Stack testing)
- Attachment 10A(d): Department of Climate Change, Energy, the Environment and Water (DCCEEW) Acceptance Letter that Condition 10A(d) is Compliant, dated 7 November 2022
- Attachment 12: Revised OEMP Submissions, 16 September 2024
- Attachment- Site Photos (4 July 2024)



2024 Annual Compliance Report
EPBC 2008/4546
Technical Ammonium Nitrate Plant

04-10-2024 600-200-ACR-YPN-0013 Rev 0

Attachment- Site Photos (4 July 2024- Site Inspection)



Condition 8: 2.5 m chain link perimeter fence and signage near western perimeter emergency exit (south side)



Condition 8: 2.5 m chain link perimeter fence and signage near western perimeter emergency exit (north side)-replaced with spare (05/07/2023)



Condition 8: 2.5 m chain link perimeter fence and signage near Integration Road (entrance/exit)



Condition 8: 2.5 m chain link perimeter fence and signage near main entrance/exit-



Condition 8: 2.5 m chain link perimeter fence and signage near truck parking entrance/exit



Condition 8: 2.5 m chain link perimeter fence and signage near northern perimeter emergency exit (east side)



Condition 8: 2.5 m chain link perimeter fence and signage near north western pedestrian gate