

Letter

Environmental Protection Act 1994

Finalisation of an Environmental Protection Order

This letter of finalisation of an environmental protection order is issued by the administering authority to advise that the environmental protection order issued pursuant to section 360 of the Environmental Protection Act 1994 is no longer in effect.

Carabella Resources Pty Ltd (ACN:143 355 471)
'MLC Centre' Suite 61.06
Level 61 MLC Centre
19 Martin Place
SYDNEY NSW 2000

cc Peter Gilford
CFO and Company Secretary
MACA Limited
Peter.gilford@maca.net.au

Tim Michael
Partner
KPMG
Tmichael2@kpmg.com.au

Your reference: C-CPLRC-10001113

Our reference: STAT-E-100002710

Tuesday, 2 November 2021

Dear Directors

Take notice: that on Wednesday, 27 May 2020 under the *Environmental Protection Act 1994* (the Act) the administering authority issued an environmental protection order (EPO) to Carabella Resources Pty Ltd (Carabella) (ACN: 143 355 471). The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO was issued in respect to the activities of Carabella at the Bluff Coal Mine on land described as mining lease ML80194 (the premises).

A. Requirements

The requirements of this EPO were:

- By 29 May 2020, provide certification or other suitable documentation to the department demonstrating the qualifications and experience of an appropriately qualified person to be engaged to design and implement a dust monitoring program at the Bluff Coal Mine. A suitably qualified person means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relating to the subject matter using the relevant protocol, standards, methods or literature.
- Within 20 business days of confirmation by the department of the suitability of the appropriately qualified person, provide for the department's approval, the proposed dust monitoring program and a written



report on the proposed dust monitoring program by the appropriately qualified person, demonstrating the following:

- How the dust monitoring program has been developed.
- How the dust monitoring equipment that will be used meets the below Australian and New Zealand Standards;
 - for dust deposition – the most recent version of AS3580.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method;
 - for PM₁₀ – the most recent version of either AS3580.9.6 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM₁₀ high volume sampler with size-selective inlet – Gravimetric method or AS3580.9.9 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM₁₀ low volume sampler – Gravimetric method; and
 - for total suspended particulates – the most recent version of AS/NZS3580.9.3 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – Total suspended particulate matter (TSP) – High volume sampler gravimetric method.
- How the locations of the dust monitoring equipment stipulated in the proposed dust monitoring program comply with the AS/NZS3580.1.1 Methods for siting and analysis of ambient air, Part 1.1 Guide to siting air monitoring equipment.
- Who is responsible for implementing all parts of the dust monitoring program and the interactions between site and the appropriately qualified person.
- Within 20 business days of confirmation by the department of the suitability of the proposed dust monitoring program, implement the dust monitoring program at the Bluff Coal Mine as detailed in the approved program and report.
- Air quality monitoring must be undertaken by an appropriately qualified person in accordance with the below requirements:
 - For dust deposition – Using the gravimetric method, measure dust deposition in accordance with the most recent version of AS3580.10.1, and simultaneously at a location that is representative of the background or ambient dust environment (i.e. in the absence of Bluff Coal Mine generated dust).
 - For PM₁₀ – In accordance with the most recent version of AS3580.9.6 or AS3580.9.9, measure suspended particulate matter with an aerodynamic diameter of less than ten (10) micrometres (PM₁₀).
 - For TSP – In accordance with the most recent version of AS3580.9.3, measure the concentration of particulate matter suspended in the atmosphere of 90 micrograms per cubic metre over a (1) year averaging time.
- All monitoring must be conducted at the locations stipulated in the approved dust monitoring program that, when approved, forms part of this notice. Monitoring of each air quality related parameter is to be undertaken simultaneously for a period of twelve (12) months commencing on the date of implementation of the program.

- Meteorological conditions including temperature, wind speed, wind direction and rainfall are to be monitored for the duration of the relevant monitoring period at the monitoring equipment location stipulated in the approved dust monitoring program.
- Interim (monthly) reports must be provided to the department, endorsed by the agreed appropriately qualified person, over the duration of the 12-month monitoring period for air quality monitoring, with the first report due 45 days after implementation of the program and thereafter, 15 business days after each monthly monitoring period ends. Each interim report must, at a minimum, include:
 - All air quality monitoring results for the reporting period;
 - Associated analysis/interpretation of the monitoring results;
 - All pertinent information on all instances during the reporting period where measured dust levels have exceeded the limits prescribed in condition B2 of Environmental Authority EPML02090614 dated 10 March 2020; and
 - The meteorological conditions for the reporting period.

B. Compliance with the requirements

In determining compliance with the requirements of the EPO, the department has considered:

- On 20 August 2020, suitability of the (August) Bluff Coal Mine proposed Dust Monitoring Program (DMP) was confirmed subject to amendments, insertions and corrections.
- On 16 September 2020, the DMP was implemented, with interim monthly reports scheduled for submission to the department.
- Submission of monthly reports for the period 16 September 2020 to 29 December 2020.
- In November 2020, Carabella Resources Pty Ltd went into voluntary administration.
- Mining activities discontinued at the Bluff Coal Mine in December 2020 and the mine transitioned to care and maintenance. No further community concerns have been received by the department in relation to dust from the Bluff Coal Mine since mining activities discontinued.
- On 10 February 2021, by order of the Federal Court, Carabella's voluntary administration was terminated, and KPMG was appointed as liquidators. On the same date, MACA Limited was appointed as controller under the *Corporations Act 2001*.
- On 15 September 2021, the twelve-month program for monitoring dust under this EPO at the Bluff Coal Mine reached its expiry date.

C. Obligations

The department has determined that Carabella Resources Pty Ltd has not satisfied all of the requirements of this EPO. Notwithstanding this, the department has determined there is no longer any utility in the EPO issued to Carabella Resources Pty Ltd. Accordingly, this letter serves as a notice that this EPO is finalised and no longer in effect.

You are reminded of your responsibility to comply with conditions contained in Environmental Authority EPML02090614.

Should you have any queries in relation to this notice, please contact Wendy Welsh on telephone number (07) 4837 3499.

Notice

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Aimee Maxwell

Signature

2/11/2021

Date

Aimee Maxwell
Manager (Compliance)
Department of Environment and Science
Delegate of the Chief Executive
Environmental Protection Act 1994

Enquiries:

Department of Environment and Science
Compliance Centre: Rockhampton
Mail: PO Box 413 ROCKHAMPTON 4700
Email: CWES_Rockhampton@des.qld.gov.au
Telephone: (07) 4837 3499