

Environmental Enforcement Order

Section 362 of the *Environmental Protection Act 1994*



Order id: STAT-E-100717045

Issued to: Coronado Curragh Pty Ltd
ACN: 009 362 565
Level 33, Central Plaza One
345 Queen Street
Brisbane QLD 4000

Department of the
**Environment, Tourism,
Science and Innovation**

For the purpose of this notice “you” means the recipient of this notice or your authorised representative.

Site address: Curragh Coal Mine, Mining lease (ML) 1878, ML1990, ML700006, ML700007, ML700008, ML700009, ML80010, ML80011, ML80012, ML80086, ML80110, ML80112, ML80123 and ML80171, Blackwater Cooroora Rd, Blackwater QLD 4717 (“the premises”).

Cc: Kim Exmann - kexmann@coronadoglobal.com
Kelly Smith - ksmith@coronadoglobal.com

Issued by: Cate Puschmann, Manager Compliance, Department of the Environment, Tourism, Science and Innovation at 102 Lennox Street Maryborough, an authorised person of the administering authority (“the delegate”)

A handwritten signature in black ink, appearing to be 'Cate Puschmann', written over a horizontal line.

Signed by delegate

Date: 12 February 2025

Relevant matter/ enforcement grounds: *The Environment Protection Act 1994* (the Act) Section 359(e)(ii) Enforcement grounds: S359 (e) it is necessary to issue an environmental enforcement order to secure the person’s compliance with (ii) a condition of an environmental authority (EA). Specifically, conditions A3, A4, C1 and C2 of EA EPML00643713 effective 5 July 2024.

S359 (c) it is necessary to issue an environmental enforcement order to secure the person’s compliance with the general environmental duty. Section 319 *General environmental duty (1) A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonably practicable measures to prevent or minimise the harm (the general environmental duty).*

Service method: Via registered post and email.

Why are we writing to you?

On 4 September 2024, you reported an incident to the Department of the Environment, Tourism, Science and Innovation (the department) where on 3 September 2024 you became aware of an uncontrolled release of mine affected water (MAW) from the underground void line infrastructure at the Curragh Coal Mine to Blackwater Creek. Following an investigation into the incident, you later confirmed this release had possibly been occurring for up to nine (9) months before you became aware and ceased the release. The delegate reasonably suspects that you have not met the general environmental duty obligations and contravened section 430 of the Act at the premises. The delegate has issued this Environmental Enforcement Order (EEO) to you under sections 359 of the Act to remedy the contravention, avoid further contraventions and keep the department informed.

What are you required to do?

Please read this EEO carefully and carry out all the required actions listed below by the required dates.

Terms used in this order have the meaning defined in the Background and Definitions section of the EEO, or if not defined, in the Act.

If you have any questions about this EEO, please contact Tiffany Brown, Senior Environmental Officer, by email at CWES_Rockhampton@des.qld.gov.au or telephone 07 4837 3482.

Required actions:

1. By **5:00pm on 1 April 2025**, you must:
 - a) Engage independent appropriately qualified person's (AQP's), as defined below in this notice, to carry out the requirements of this notice; and
 - b) Confirm the engagement of the AQP's and submit the qualifications and experience of the AQP's to the department in writing via CWES_Rockhampton@des.qld.gov.au.
2. By **1 June 2025**, you must secure compliance with condition A3 and A4 by completing the following actions:
 - a) Conduct an audit of all water management infrastructure, as defined below in this notice, including an assessment of the condition and performance of the plant and equipment.
 - b) Based on the outcome of the audit required by 2a), identify all reasonable and practical improvements and maintenance that is necessary to be made to water management infrastructure on site to ensure compliance with the conditions of the EA.
 - c) Conduct a risk assessment of all water management infrastructure and its potential for uncontrolled releases in the event of failure within the water management system.
 - d) Based on the outcome of the risk assessment required by 2c), identify measures to mitigate and manage risks of uncontrolled releases in the event of failure within the water management system.
3. By **31 October 2025**, you must secure compliance with condition A3 and A4 by completing the following actions:
 - a) Implement all reasonable and practical improvements to the water management infrastructure as identified in Requirement 2b).
 - b) Complete any required maintenance of measures, plant and equipment associated with the water management infrastructure, as identified in Requirement 2b), to ensure all water management infrastructure is in a proper condition and operating effectively.
 - c) Apply appropriate changes to your water infrastructure maintenance schedule taking into consideration the findings of the risk assessment completed in Requirement 2c).
 - d) Install all measures to mitigate and manage risks as identified by Requirement 2d).
4. By **14 November 2025**, you must review and update the following documents to ensure that these reflect the findings of this EEO, and the *Uncontrolled Mine Water Release Investigation* prepared by SLR Consulting Australia on 8 November 2024. These documents must meet the requirements of the EA, and accurately reflect current and future activities at the Curragh Coal Mine:
 - a) Water Management Plan;
 - b) Receiving Environment Monitoring Program (REMP); and
 - c) Any other operational procedural guides, plans and models relating to water management at the premises.

*Updated plans are to be submitted are to the department **on request only**.

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5. By **14 November 2025** you must submit a report to the department (via CWES_Rockhampton@des.qld.gov.au) which demonstrates your compliance with Requirements (1) to (6) of this EEO.
6. You must notify the department within twenty-four (24) hours of becoming aware of any non-compliance with the requirements of this EEO.

Background and Definitions

1. The department is the administering authority and has responsibility for enforcing the Act.
2. You are the holder of EA EPML00643713 dated 5 July 2024 and subsequent EA versions approved 8 November 2024 and 13 December 2024.
3. The department is satisfied that you are responsible for the operation and maintenance of the premises under the EA.
4. On 4 September 2024, you notified the department that on 3 September 2024 you became aware of an uncontrolled release of MAW from underground void line infrastructure to Blackwater Creek.
5. The uncontrolled release of MAW ceased on 3 September 2024.
6. On 6 September 2024, the department conducted an inspection of the uncontrolled release location and observed established aquatic vegetation, including sedges, in the channelled-out flow path from the unauthorised release point (the leaking void line) to Blackwater Creek.
7. On 17 September 2024, you submitted further written advice to the department that stated:
The period of flow has been determined through aerial imagery to have commenced between 27th December 2023 and 24th January 2024.
8. On 8 November 2024 you submitted an *Uncontrolled Mine Water Release Investigation* (Investigation Report) prepared by SLR Consulting Australia which stated:
The uncontrolled discharge of elevated salinity water from a faulty breather valve along the sub-surface void line resulted in an increase in EC within Blackwater Creek from between 500- 2000 $\mu\text{S}/\text{cm}$ to about 5000-8000 $\mu\text{S}/\text{cm}$. Discharge likely commenced around January 2024, with discharge upon detection estimated at 1L/second.
9. Furthermore, the Investigation Report made numerous recommendations to avoid potential environmental harm going forward including:
 - *Future Receiving Environment Monitoring Program (REMP) should include an additional survey of more sensitive biotic groups (e.g. larval fish, macroinvertebrates and aquatic plants) when there is sufficient water to sample, for two separate occasions to increase the rigor of the assessment and confidence of assessment findings for the uncontrolled release;*
 - *Future REMF surveys sample all upstream and downstream REMF sites at bed and edge habitats holding water for each survey.*
 - *Routine water monitoring will continue at CN2 on a quarterly basis and at MP1, MP6, MP12 and MP13 on a bi-monthly basis when flow is available in line with the existing sampling obligations under the EA and REMF monitoring.*
 - *Conducting of a risk assessment for all water infrastructure and its potential for offsite discharge given a failure event and create mitigating actions to manage risk (To be completed by end of 2024).*

- *Increased scheduled inspections of the Void Line. Installation of flow meters on the Void Line to identify discrepancies in volumes which will provide early indicators of any potential leaks or issues with the infrastructure. Engage engineers to develop a project plan for the installation of flow meters and consider best practice solutions available to prevent further incidents (To be completed by end of 2025).*
10. The department alleges that between 24 January 2024 and 3 September 2024 you failed to comply with condition A3, A4, C1 and C2.
11. Condition A3 of your EA states: **Prevent and /or minimise likelihood of environmental harm**
In carrying out the environmentally relevant activities, you must take all reasonable and practicable measures to prevent and / or to minimise the likelihood of environmental harm being caused. Any environmentally relevant activity, that, if carried out incompetently, or negligently, may cause environmental harm, in a manner that could have been prevented, shall be carried out in a proper manner in accordance with the conditions of this authority.
12. During the site inspection on 6 September 2024, Coronado representatives stated the last maintenance check of the void line was completed in September 2023 as part of an annual inspection.
13. The department considers you have contravened condition A3 as you did not take all reasonable and practicable measures to prevent and / or minimise the likelihood of environmental harm being caused whilst carrying out the environmentally relevant activity.
14. Condition A4 of your EA states: **Maintenance of measures, plant and equipment**
The environmental authority holder must ensure:
- a) *install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority*
 - b) *maintain such measures, plant and equipment in a proper and efficient condition*
 - c) *operate such measures, plant and equipment in a proper and efficient manner*
 - d) *ensure all instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority are properly calibrated.*
15. The department considers that you have contravened condition A4(b) as you did not maintain the void line in a proper and efficient condition.
16. Within further written advice provided on 17 September 2024, you stated samples taken of the source water and the point of discharge indicate the following water quality results:
- *Electrical conductivity at the Discharge Point greater than the release criteria.*
 - *Sulfate as SO₄ slightly above release conditions at CN2 and Discharge Point.*
 - *Sodium levels above release limits at CN2 and Discharge Point.*
 - *Uranium is above release limits at CN2 and Discharge Point.*
 - *Nitrate is slightly elevated above release conditions at the Discharge Point but not at CN2.*
17. Condition C1 of your EA states: **Contaminant release**
Contaminants that will, or have the potential to cause environmental harm must not be released directly or indirectly to any waters except as permitted under the conditions of this environmental authority.
18. Contaminants with the potential to cause environmental harm were released directly to waters between 24 January 2024 and 3 September 2024.
19. The EA defines mine affected water to include:
- i) *pit water, tailings dam water, processing plant water*

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20. The further written advice received on 17 September 2024 confirmed the source of the water released to Blackwater Creek to be mine affected water: *Source water consists of groundwater from pit dewatering.*
21. Condition C2 of your EA states: *Unless otherwise permitted under the conditions of this environmental authority, the release of mine affected water to waters must only occur from the release points specified in Table C1 and depicted in Figure 1 and Figure 2 attached to this environmental authority.*

Table C1 (Mine Affected Water Release Points, Sources and Receiving Waters)

Release Point (RP)	Latitude (decimal degree, GDA94)	Longitude (decimal degree, GDA94)	Mine Affected Water Source and Location	Monitoring Point	Receiving waters description
RP 1	-23.5130	148.8753	Dam RD1	Dam	Blackwater Creek
RP 2	-23.5098	148.8868	Various sources – release outlet to diversion channel	End of pipe	Blackwater Creek
RP 3	-23.2837	148.8478	Dam CN3	Release channel downstream of pipe outlet	Mackenzie River
RP 4	-23.3588	148.8717	Dam CN5	Release channel downstream of pipe outlet	Mackenzie River
RP 5	-23.4522	148.9011	Various sources. Outlet pipe through plug on the former Blackwater Creek channel.	Release channel downstream of pipe outlet	Blackwater Creek
RP 6	-23.2615	148.8763	Various sources. Outlet pipe through Mackenzie River levee	End of pipe	Mackenzie River
RP 7	-23.3072	148.8565	Various sources. Release outlet to Mackenzie River on pipe network	End of pipe	Mackenzie River
RP8	-23.3167	148.8675	Various sources, predominantly S pit. Outlet pipe through Mackenzie River levee.	Standing water at pipe inlet	Mackenzie River
RP9	-23.2834	148.8936	Various sources. Pumped from behind the levee to the Mackenzie	End of pipe	Mackenzie River

22. During the site inspection on 6 September 2024, Coronado representatives confirmed the release of mine affected water did not occur from an authorised release point under the EA.

23. Section 430(3) of the Act says:

A person must not contravene a condition of the authority.

24. The department considers that you have failed to take all reasonable and practical measures to prevent and minimise the likely environmental harm caused by carrying out the activity and you have therefore failed to comply with your General Environmental Duty.

25. Section 319 of the Act says:

General Environmental Duty is defined as ‘A person must not carry out an activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable actions to prevent or minimise the harm’.

26. In summary, the delegate considers you have contravened section 430(3) and 319 of the Act and it is reasonable to require you to secure your compliance with the conditions of the EA and the General Environmental Duty.

27. The delegate has considered the circumstances (including the standard criteria and human rights) and determined that the required actions are reasonable to remedy or otherwise address the relevant matters.

28. This EEO takes effect from the date of service and remains in force until stayed, amended, revoked or finalised.

Definitions that apply to this notice:

“Authorised representative” Is a representative that has been nominated by the person this Order relates to, for acting on their behalf when dealing with the Queensland Government to manage matters. For more information, read the guideline Authorisation letter to nominate an Authorised Holder Representative (available at www.qld.gov.au using the publication number ESR/2019/5168 as a search term).

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“Appropriately qualified person(s)” Means a person(s) who has professional qualifications, training, skills, or experience relevant to the requirements of the Environmental Enforcement Order, and can give authoritative assessment, advice, and analysis using relevant protocols, standards, methods or literature.

For the purposes of this EEO only, “water management infrastructure” includes the various components that pump, divert, transport, and/or deliver mine affected water at the premises. This does not include dams, creek diversions or drains that do not have potential for offsite release.

Warnings and information about this EEO

A PERSON WHO IS BOUND BY THIS EEO AND WHO FAILS TO COMPLY WITH THIS EEO, WITHOUT A REASONABLE EXCUSE, COMMITS AN OFFENCE UNDER THE ACT.

- The maximum penalty for wilfully contravening an EEO is 1665 penalty units, totalling \$ 268,564.00 for an individual, or \$1,342,822.00 for a corporation.
- The maximum penalty for contravening an EEO is 600 penalty units, totalling \$96,780.00 for an individual, or \$483,900.00 for a corporation.

Note that under section 493 of the Act that each executive officer of the corporation may be taken to have also committed an offence, of failing to ensure the corporation complies with the Act.

If you propose to dispose of the premises or business to which the EEO relates, you must advise the buyer of the existence of this EEO. Failure to provide written notice to the buyer of the existence of the order is an offence under section 369C of the Act with a maximum penalty of 50 penalty units, totalling \$8,065.00 for an individual, or \$40,325.00 for a corporation.

Further information about EEOs can be found on the [department's website](#).

Review and appeal rights

Under Chapter 11, Part 3 of the Act, a dissatisfied person may apply for a review of this EEO within 10 business days of receiving this EEO; and a dissatisfied person who is dissatisfied with the review decision may appeal against the decision to the Court.

A request for review is to be made using the approved form ‘Application for review of original decision’ (available at www.qld.gov.au). Applications for reviews are to be sent to Permit and Licence Management, Department of Environment, Science and Innovation: via email at palm@des.qld.gov.au, or by mail to the following address: GPO, Box 2454, Brisbane, QLD, 4001.

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

You may have other legal rights or obligations and should seek your own legal advice.

Privacy statement

Section 540 of the Act requires the department to maintain a register of certain documents and information authorised under the Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety unless redaction in part is required by the Act. For more information on the department’s public register, search ‘public register’ at www.qld.gov.au. For queries about privacy matters, please email privacy@des.qld.gov.au or telephone 13 74 68.

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.

Interpreter assistance



If you need interpreter assistance or want this document translated, please contact us and advise your preferred language. If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service](#).