

Environmental Enforcement Order

Section 362 of the *Environmental Protection Act 1994*

Contravention of condition of environmental authority



Order id: STAT-E-100744070

Issued to: Moranbah North Coal Pty Ltd
ACN 007 083 249
Level 11, 201 Charlotte 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: Moranbah North Coal Mine, Goonyella Road, Moranbah QLD 4744
ML70108, ML700042 and PPL191 ("the premises")

Cc: Jason Fittler: jason.fittler@angloamerican.com
Sunita Lata: sunita.lata@angloamerican.com

Issued by: Cate Puschmann, Manager Compliance, Department of the Environment, Tourism, Science and Innovation, an authorised person of the administering authority ("the delegate")

A handwritten signature in black ink, appearing to read "Cate Puschmann".

Cate Puschmann

Date: 05 February 2025

Relevant matter/ enforcement grounds: Section 359 (e)(ii) to secure compliance with conditions of your environmental authority, specifically conditions **A4** and **C1** of EPML00738813 (the EA) effective 5 September 2024.

Service method: Via registered post and email

Why are we writing to you?

The delegate reasonably suspects that you have contravened section 430 of the *Environmental Protection Act 1994* (the Act) at the premises and 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 of the Environment, Tourism, Science and Innovation ("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 the Mackay Compliance centre on (07) 4999 6861 or via email at CWES_Mackay@des.qld.gov.au.

You must complete all requirements by the completion date prescribed in **Table 1** below.

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Table 1 – Requirements and Completion Dates

	Requirements	Completion Date
1	Develop and submit to the department (via CWES_Mackay@des.qld.gov.au) a plan outlining short-term measures that will be implemented to manage actual and potential environmental impacts associated with water management at the Moranbah North Coal Mine. These short-term measures must: a) Ensure mine affected water (MAW) and clean water segregation; b) Prevent contamination of clean water with coal fines; c) Include temporary sediment and erosion control measures; d) Be implemented from 21 February 2025 and for the duration of this EEO or until requirements 13 and 14 of this EEO are completed; and e) Be at locations identified in requirements 13 and 14 of this EEO.	28 February 2025
2	Complete the installation of underpans on the UC001 conveyor crossing the clean water drain (-21.88191, 147.96447 GDA2020).	28 February 2025
3	Submit to the department (via CWES_Mackay@des.qld.gov.au) the following information: a) written confirmation (with evidence including photographs) confirming completion of requirement 2; and b) written operational and maintenance procedures for the underpans installed on UC001 conveyor.	28 February 2025
4	Complete the clean water drain bridge remediation project which includes but is not limited to the installation of measures (including infrastructure) to prevent MAW from entering the clean water drain at the clean water drain bridge (-21.87672, 147.96902 GDA2020).	28 February 2025
5	Complete initial bathymetric surveys of Dam 4, Dam 5 and Environment Dam to determine the current storage capacity of each structure. This must be completed prior to any desilting works taking place on the dams.	2 May 2025
6	Submit to the department (via CWES_Mackay@des.qld.gov.au) a report that details: a) the results of the bathymetric surveys as prescribed by requirement 5; b) the current storage capacity (ML) of each of the structures; and c) information that compares the current storage capacity to the design storage capacity of the structures.	30 May 2025
7	Complete desilting and removal of vegetation from the Environment Dam to return its capacity to as close as practicable to the original storage design capacity or to an appropriate capacity assessed and determined by an appropriately qualified person (AQP) to meet operational requirements and prevent potential environmental harm.	25 July 2025
8	Complete a bathymetric survey of the Environment Dam to determine the restored capacity of the structure.	26 September 2025
9	Submit information to the department (via CWES_Mackay@des.qld.gov.au) including: a) The final storage capacity of the Environment Dam following the completion of desilting and removal of vegetation; and	31 October 2025

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	b) Confirmation that an amendment to the water management plan has occurred which reflects the current storage capacity of the Environment Dam and any future proposed desilting program to maintain the capacity of the dam.	
10	Complete an options assessment which evaluates all practicable measures and actions for reducing silt in Dam 5 and makes a determination for the preferred methods for the reduction of silt in Dam 5 to be implemented. This must take into consideration the operational storage and inventory requirements against the Life of Mine Plan to inform the minimum desilting actions required for Dam 5.	31 October 2025
11	Submit to the department (via CWES_Mackay@des.qld.gov.au) the outcomes and recommendations of the options assessment as prescribed by requirement 10.	31 October 2025
12	Submit to the department (via CWES_Mackay@des.qld.gov.au) a progress report detailing the: a) outcomes of completed EEO requirements to date; and b) status of the remaining requirements of this EEO.	31 October 2025
13	Complete the clean water drain project. The clean water drain project must achieve the following outcomes: a) the segregation of MAW from clean water by construction and installation of engineered structures including but not limited to sediment sumps, bunding and enclosed culvert pipes; b) prevent MAW from entering the clean water drain for its length from -21.89161, 147.95368 to -21.87672, 147.96902 GDA 2020; and c) prevent coal fines from entering the clean water drain from any location including but not limited to conveyor overpass locations at UC001 (-21.88191, 147.96447 GDA2020) and CV008 (-21.87718, 147.96837 GDA2020). Note – The clean water drain is a constructed drain that runs between the coal handling and processing plant dams and the mine infrastructure area (MIA). It directs clean stormwater entering the site from culverts underneath the mine access road, to the stilling basin located adjacent to Transfer Station 44.	29 May 2026
14	Complete the MAW and Erosion and Sediment Control (ESC) Segregation Project. The MAW and ESC Segregation Project must achieve segregation of MAW and clean stormwater by construction and installation of engineered structures including but not limited to sediment sumps, civil works to redirect flows and erosion and sediment control measures in the following locations: a) Grosvenor (CV043) Transfer Station 044 (-21.87732, 147.96879 GDA2020); b) Raw Coal Stockpile (RCS) Yard near ROM Conveyor (MAW) (-21.89882, 147.97262 GDA 2020); c) RCS Yard near road (ESC) (between -21.89672, 147.97259 -21.89823, 147.97329 GDA2020) and ; d) RCS Conveyor Runoff i. Mine affected water drain approximate location between -21.89672, 147.97259 and -21.89823, 147.97329 GDA2020; ii. Mine affected water drain to tributary approximate location between -21.90197, 147.97318 and -21.91279, 147.97476 GDA2020; and	29 May 2026

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	e) any other relevant locations.	
15	Complete desilting of Dam 4 to return its capacity to as close as practicable to the original storage design capacity or an appropriate capacity assessed and determined by an AQP to meet operational requirements and prevent potential environmental harm.	30 October 2026
16	Submit to the department (via CWES_Mackay@des.qld.gov.au) progress report detailing the: a) outcomes of completed EEO requirements to date; and b) status of the remaining requirements of this EEO.	30 October 2026
17	Complete a bathymetric survey of Dam 4 to determine the restored capacity of the structure.	15 January 2027
18	Submit information to the department (via CWES_Mackay@des.qld.gov.au) including: a) The final storage capacity of Dam 4 following the completion of desilting: and b) Confirmation that an amendment to the water management plan has occurred which reflects the current storage capacity of Dam 4 and any future proposed desilting program to maintain the capacity of the dam.	12 February 2027
19	Finalise the implementation of measures to reduce siltation of Dam 5 as identified under requirement 10 and complete a bathymetric survey of Dam 5 to determine the restored capacity of the structure.	29 October 2027
20	Submit a report to the department (via CWES_Mackay@des.qld.gov.au) that details: a) the restored storage capacity of Dam 5 following the completion of the silt reduction methods; and b) evaluates the effectiveness of silt reduction methods in Dam 5.	26 November 2027
21	Complete updates to all relevant management plans to reflect the measures and procedures implemented under the requirements of this EEO, including but not limited to the following: a) Site Catchment Map; b) Water Management Plan; and c) Erosion and Sediment Control Plan. Updated plans are be submitted are to the department on request only .	26 November 2027
22	Prepare a report detailing how you have completed each of the actions specified in requirements (1) to (21) of this EEO to the department (via CWES_Mackay@des.qld.gov.au)	26 November 2027

Background and Definitions

1. The department is the administering authority and has responsibility for enforcing the Act.
2. You are the holder of Environmental Authority EPML00738813 dated 5 September 2024.
3. The department is satisfied that you are responsible for the operation and maintenance of the premises under the EA.

4. On 17 October 2023, authorised persons from the department conducted the 2023/2024 pre-wet season compliance inspection at the premises and observed:
 - a. evidence of MAW flow and dark sediment deposits in the clean water drain from the MIA adjoining the UC001 bridge due to the observation of an erosion gully and flow path (-21.88218, 147.96445 GDA2020);
 - b. dark sediment deposits observed in the clean water drain under the UC001 conveyor (-21.88191, 147.96447 GDA2020)
 - c. Dam 4 (-21.88823,147.95854 GDA2020) to have accumulated silt with silt beaching at the inlet into the structure (-21.89149,147.99839 GDA2020);
 - d. Dam 5 to have accumulated silt with a desilting plan in place. You advised the department that this included desilting traps which were in the design phase.
5. On 22 February 2024, you advised the department that the following measures were planned to be installed:
 - a. underpans under the UC001 conveyor during the next major longwall shutdown (estimated August 2024);
 - b. measures to divert all MAW from the MIA to the dirty water drain and to prevent the MAW from entering the clean water drain;
 - c. clean water drain bridge remediation works including integrity inspection of the concrete layer under road base, additional drain and bund to divert MAW to the Dirty Water Drain and repair of the bridge.
6. On 10 October 2024, authorised persons from the department conducted the 2024/2025 pre-wet season compliance inspection at the premises and observed:
 - a. deposition of coal fines from transfer station 44 into the stilling basin (-21.87672, 147.96902 GDA 2020);
 - b. evidence of MAW flow through port holes in the bottom of the cement bund at transfer station 44 into the stilling basin (-21.87732,147.96879 GDA2020);
 - c. evidence of MAW flow into the clean water drain from the MIA adjoining the UC001 bridge due to the observation of an erosion gully and flow path (-21.88221,147.96446 GDA2020);
 - d. coal fines entering the clean water drain at the crossing of UC001 conveyor. The source of the coal fines was determined to be fallout from the UC001 Conveyor (-21.88191, 147.96447 GDA2020);
 - e. Dam 4 to be heavily silted with silt beaching at the inlet into the structure and water level approaching the spillway (-21.89149,147.99839 GDA2020);
 - f. Dam 5 to be silted and the water level reaching the spillway (-21.88823,147.95854 GDA2020); and
 - g. Environment Dam to be supporting stands of vegetation and the water level to be at the spillway (-21.87506,147.96749 GDA2020).
7. As of September 2023, the capacity of Dam 4 was 228ML due to silt accumulation and information provided by you as part of the 2024 pre-wet season inspection identifies that the as constructed design storage capacity of Dam 4 (which is a regulated structure) is 418ML. This is a lost capacity of 190ML.
8. The 2023 annual regulated structures recommendations (dated 20 June 2024) provided to the department identifies a number of recommendations made by the Registered Professional Engineer of Queensland (RPEQ) in relation to maintenance works required on Dam 4, specifically:
 - a. The removal of coal fines from the embankment crest; and
 - b. The development of a plan to remove fines deposited in Dam 4.
9. These actions are listed in the 2023 annual regulated structures recommendations as to be completed within the short term (1-3 months) and their urgency level are classified as 'verify/check'. Observations made during

the 2024 pre-wet season inspection did not support that these requirements had been fully completed and you have not commenced any works to remove fines deposited in Dam 4.

10. As of September 2023, the capacity of Dam 5 was 407.33ML due to silt accumulation and information provided by you as part of the 2024 pre-wet season inspection identifies that the as constructed design storage capacity of Dam 5 (which is a regulated structure) is 4106ML. This is a lost capacity of 3,698.67ML.
11. Given the information above, the department alleges that you have failed to comply with conditions C1 and A4 of the EA.
12. Section 430(3) of the Act says:

A person must not contravene a condition of the authority.

13. Condition **C1** of the EA states:

Contaminants that will, or have the potential to cause environmental harm must not be released directly or indirectly to any waters as a result of the mining activities carried out under this environmental authority, except as permitted under the conditions of this environmental authority.

14. Condition **A4** of the EA states:

The environmental authority holder must:

- (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; and*
- (c) operate such measures, plant and equipment in a proper and efficient manner.*

15. Coal fines are considered to be a contaminant pursuant to section 11 of the Act. The department considers coal fines to be a contaminant for the following reasons:

- a. its physio-chemical properties (high electrical conductivity and total suspended solids);
- b. it can contain traces of heavy metals;
- c. it can impact the natural composition of sediments within a creek bed and causes smothering and death of aquatic life and impact macroinvertebrate assemblages.

16. Further, any water that comes into contact with areas disturbed by mining activities (that have not been rehabilitated or managed through an erosion and sediment control structure in accordance with the Erosion and Sediment Control Plan that contains sediment only) is considered to be MAW as per the definition in EA EPML00738813 which states:

- a. *means the following types of water:*
 - i. *pit water, tailings dam water, processing plant water;*
 - ii. *water contaminated by a mining activity which would have been an environmentally relevant activity under Schedule 2 of the Environmental Protection Regulation 2008 if it had not formed part of the mining activity;*
 - iii. *rainfall runoff which has been in contact with any areas disturbed by mining activities which have not yet been rehabilitated, excluding rainfall runoff discharging through release points associated with erosion and sediment control structures that have been installed in accordance with the standards and requirements of an Erosion and Sediment Control Plan to manage runoff containing sediment only, provided that this water has not been mixed with pit water, tailings dam water, processing plant water or workshop water.*
 - iv. *groundwater which has been in contact with any areas disturbed by mining activities which have not yet been rehabilitated;*
 - v. *groundwater from the mine's dewatering activities;*

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- vi. a mix of mine affected water (under any of paragraphs i)-v) and other water.*
- b. does not include surface water runoff which, to the extent that it has been in contact with areas disturbed by mining activities that have not yet been completely rehabilitated, has only been in contact with:*
 - i. land that has been rehabilitated to a stable landform and either capped or revegetated in accordance with the acceptance criteria set out in the environmental authority but only still awaiting maintenance and monitoring of the rehabilitation over a specified period of time to demonstrate rehabilitation success; or*
 - ii. land that has partially been rehabilitated and monitoring demonstrates the relevant part of the landform with which the water has been in contact does not cause environmental harm to waters or groundwater, for example:*
 - (a) areas that have been capped and have monitoring data demonstrating hazardous material adequately contained with the site;*
 - (b) evidence provided through monitoring that the relevant surface water would have met the water quality parameters for mine affected water release limits in this environmental authority, if those parameters had been applicable to the surface water runoff, or*
 - (c) both.*

17. The EA defines 'waters' as a:

- a. *river, creek, stream in which water flows permanently or intermittently either:*
 - i. *in a natural channel, whether artificially improved or not; or*
 - ii. *in an artificial channel that has changed the course of the river, creek or stream; or*
- b. *lake, lagoon, pond, swamp, wetland, dam; or*
- c. *unconfined surface water; or*
- d. *storm water channel, storm water drain, roadside gutter; or*
- e. *bed and banks and any other element of a river, creek, stream, lake, lagoon, pond, swamp, wetland, storm water channel, storm water drain, roadside gutter or dam confining or containing water; or*
- f. *groundwater; or*
- g. *non-tidal or tidal waters (including the sea); or*
- h. *any part-thereof.*

18. The department considers that the clean water drain meets point d. and the stilling basin meets point b. of the definition of 'waters'.

19. The stilling basin releases passively to the Isaac River during flow events.

20. The EA does not contain conditions that authorise the release of contaminants to the clean water drain or the stilling basin from the MIA, UC001 conveyor or transfer station 44.

21. The department considers that the MIA, UC001 Conveyor and transfer station 44 to be associated with mining activities carried out under the EA.

22. The department alleges that Moranbah North Coal Pty Ltd has contravened Condition **C1** of the EA by failing to prevent the release of contaminants to waters. Specifically, by failing to prevent:

- a. MAW from entering the Clean Water Drain from the MIA;
- b. coal fines from entering the Clean Water Drain from UC001 conveyor;
- c. coal fines and MAW from entering the Stilling Basin from Transfer Station 44.

23. Management measures including MAW dams, drainage infrastructure and erosion and sediment controls are considered to be measures that are operated to manage MAW on site in accordance with conditions of the EA.
24. Departmental officers have observed evidence of the release contaminants (being MAW and coal fines) to waters at several locations during the 2023/2024 wet season inspection and again during the 2024/2025 pre-wet season inspection, despite prevention measures being proposed after the 2023/2024 pre-wet season inspection.
25. The department considers that you are failing to install, maintain and operate measures to prevent the release of contaminants to waters including MAW and coal fines from various locations to the clean water drain and stilling basin.
26. Departmental officers have observed the accumulation of silt, resulting in the lost design capacity and accumulation of MAW in the Environment Dam, Dam 4 and Dam 5.
27. You have not commenced desilting works to remove the accumulation of silt and restore the design capacity in Dam 4 for at least two (2) wet seasons. Therefore, the department considers that you are failing to maintain and operate Dam 4 in proper and efficient condition.
28. Whilst desilting works have commenced within Dam 5, the department considers that the accumulation of silt within Dam 5 is still significant and is contributing to lost design capacity and high levels of MAW in Dam 5. The department considers that you are failing to maintain and operate Dam 5 in proper and efficient condition.
29. Departmental officers have observed the water levels within Environment Dam to be at the spillway and stands of vegetation including reeds which is likely to be reducing the capacity of the structure. The department considers that you are failing to maintain and operate Environment Dam in proper and efficient condition.
30. Environment Dam, Dam 4 and Dam 5 are measures installed as part of the MAW management system to ensure compliance with condition C1 of the EA.
31. The department alleges that Moranbah North Coal Pty Ltd has contravened condition A4 of the EA by failing to ensure that measures have been maintained and operated in proper and efficient condition.
32. On 24 October 2024, you provided the department with correspondence which included proposed short and long-term actions to address the matters described above.
33. On 28 November 2024, you met with the department to discuss the matters described above including the short and long-term actions proposed in the correspondence dated 24 October 2024.
34. Furthermore, the department met with you to discuss the proposed requirements of the EEO on 6 December 2024, 17 December 2024 and 22 January 2025.
35. In conclusion, the delegate considers you have contravened section 430(3) of the Act and it is reasonable to require you to secure your compliance with those conditions.
36. 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.
37. 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:

“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.

“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,

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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).

“infrastructure” means water storage dams, roads and tracks, buildings and other structures built for the purpose of mining activities but does not include other facilities required for the long term management of mining impacts or the protection of potential resources. Such other facilities include dams, waste rock dumps, voids, or ore stockpiles and buildings as well as other structures whose ownership can be transferred and which have a residual beneficial use for the next owner of the operational land or the background land owner.

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 1655 penalty units, totalling \$266,951.50 for an individual, or \$1,334,757.50 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 to 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](#).