Environmental Enforcement Order

Notice ID	STAT-E-100933950
Date of issue	~~5 September 2025~~ 11 September 2026
Issued to	ABERDARE COLLIERIES PTY LTD (009 659 367)
Registered address	Level 12, 31 Duncan Street, Fortitude Valley, QLD, 4006
Site address	Smiths Road, Brigalow, QLD, 4412
Land reference	ML50074
CC to	CS ENERGY LIMITED (078 848 745)
Administering Authority	Chief Executive of the Department of the Environment, Tourism, Science & Innovation
Legal reference	Pursuant to Section 362 of the *Environmental Protection Act 1994*
Service method	☒ Registered post ☐ Hand delivered ☒ Also by email ☐ Orally (s369(2))
Issued by	Tariq Khan, Compliance Delivery Manager, Department of the Environment, Tourism, Science, & Innovation (the department) as the delegate of the administering authority (the delegate).

Tariq Khan

Delegate Signature

Contact	If you have any questions about this notice, please contact: Senior Environmental Officer, Ethan Waldron, Toowoomba Compliance Centre Email: southwest.es@des.qld.gov.au Telephone: (07) 4529 8335

Please read the Information Sheet - Recipient of an Environmental Enforcement Order (detsi.qld.gov.au) for further information (search for ESR/2024/6802 on www.detsi.qld.gov.au).

This notice is issued as an amendment to the Environmental Enforcement Order (EEO) issued by the administering authority on 5 September 2025 in accordance with Section 24AA of the *Acts Interpretation Act 1954*. New text in the amended notice is shown as underlined and deleted text is shown as strikethrough. The EEO, issued on 5 September 2025, remained in force until the issue of this amended notice, dated 11 September 2026.

Why are we writing to you?

The department reasonably suspects that Aberdare Collieries Pty Ltd (009 659 367) (you) have contravened Section 430(3) of the *Environmental Protection Act 1994* with respect to your activities situated at Smiths Road, BRIGALOW, QLD, 4412 on mining lease (ML) 50074 (the premises).

What are you required to do?

Please read this Environmental Enforcement Order (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 Grounds and **Definitions** section of the EEO, or if not defined, in the Environmental Authority (EA) (EPML00417213) and then the *Environmental Protection Act 1994*. This EEO takes effect from the service date and remains in force until stayed, amended, revoked, or finalised.

A. Requirements

In accordance with this EEO, you are required to do the following:

1. Immediately on receipt of this notice, you must take all reasonably practicable steps to prioritise the mine affected water (MAW) within the Eastern Box Cut (EBC) when enacting any water reduction activities (e.g., irrigation, dust suppression, and/or evaporation).

2. By 30 June 2026, you must have engaged an **appropriately qualified person**(s) to complete an 'Impact Assessment' that investigates the extent of the EBC's seepage, and associated acid-rock drainage (ARD), at the premises. The Impact Assessment must include:
    a. the installation of additional groundwater monitoring bores in the vicinity of the EBC, MB27, and MB28.
    b. a characterisation of the ARD, and its spatial distribution, in the vicinity of the EBC.
    c. evaluate the risk and impact of the EBC's seepage has had, and will have, on groundwater (e.g., water quality, groundwater flow/movement, and standing water levels).
    d. measures on how to temporarily contain, reduce, or otherwise minimise the impact of the seepage and ARD (the temporary measures).

3. By ~~31 December 2026~~ 30 June 2027, you must have engaged and commissioned an appropriately qualified person(s) to complete the most suitable temporary measures identified in the Impact Assessment (as specified by Requirement 2 of this notice).

4. By 31 December 2026, you must engage an appropriately qualified person(s) to complete an 'Options Report' to provide recommendations on methods to permanently address the EBC's seepage and prevent releases to groundwater from the premises in the future.

5. You must provide written evidence to the department demonstrating compliance with Requirement 2, 3, and 4 by the dates specified in each respective requirement. You must submit a copy of the Impact Assessment and Options Report to demonstrate compliance with Requirement 2 and 4.

6. Any written notification or submission to the department, as required by this notice, must be provided via email to southwest.es@detsi.qld.gov.au or PO Box 9066, WILSONTON, QLD 4350.

B. Grounds and Definitions

1. In accordance with Section 359(e)(ii) of the *Environmental Protection Act 1994*, the Department of the Environment, Tourism, Science, and Innovation (the department) requires you to take reasonable measures to secure compliance with Condition C1 of your Environmental Authority (EA), EPML00417213, which states:

    '*Contaminants must not be released to any water unless otherwise permitted by a condition of this environmental authority.*'

2. In accordance with Section 359(c) of the *Environmental Protection Act 1994*, the department requires you to take reasonable measures to secure compliance with the General Environmental Duty, which states:

   '*A person must not carry out any activities that causes, or is likely to cause, environmental harm unless the person takes all reasonably practicable measures to prevent or minimise the harm.*'

The facts and circumstances forming the basis for these grounds are:

1. The department is the administering authority and has the responsibility for enforcing the *Environmental Protection Act 1994* (the Act).
2. You hold an Environmental Authority (EA) (EPML00417213) to carry out environmentally relevant activity, Mining black coal (Schedule 3: 13) (the activity) on mining lease (ML) 50074 (the premises).
3. You utilise the Eastern Box Cut (EBC), a former mine void, to capture and store mine affected water (MAW) from its catchment area (i.e., EBC's disturbance footprint) and as otherwise generated at the premises.
4. On 16 December 2024, you initiated the transfer of MAW from Strip 22 to the EBC (the transfer) to resume mining activities in Strip 22 (in South Pit). Strip 22 contained a mixture of pit water and rainfall runoff that had been in contact with areas disturbed by mining activities (i.e., MAW), following the 'triple La Nina' wet seasons that occurred from 2021 to 2023.
5. Under Section 11 of the Act, the MAW is considered to constitute a contaminant as it is a liquid. Especially, as the MAW has elevated levels of, but not limited to, the following parameters: electrical conductivity (EC), suspended solids, as well as hydrocarbons (predominately oil and grease).
6. The EBC contained negligible to incidental volumes of MAW prior to the transfer. You prepared for the transfer by covering the EBC's exposed coal seams with dry overburden that was then compacted, i.e., not an engineered liner (e.g., HDPE liner or compacted clay liner).
7. The EBC now currently contains approximately 697ML of MAW (as of 25 August 2025).
8. On 3 April 2025, the department received a notification that monitoring bore (MB) 28's standing water level (SWL) had changed by more than two (2) metres. MB28 recorded a 3.86 metre SWL increase in February 2025.
9. On 17 April 2025, the department received a notification that MB27 (EBC adjacent) has recorded a marked shift in the groundwater's hydrochemistry (refer to Table 1). MB27 and MB28 monitor groundwater in the Walloon Coal Measures (a confined to semi-confined fractured rock aquifer).
   a. MB27 is screened at a depth of 39.9m bgl* to 45.6m bgl in the Wallon Coal Measures. MB27 is also gravel packed in the Springbok Aquifer - creating a theoretical connectivity between the two (2) aquifers.
   b. MB28 is screened at a depth 75.0m bgl to 87.0m bgl in the Wallon Coal Measures.

   *metres below ground level.

Table 1: MB27's shift in hydrochemistry between 14 March 2025 and 7 April 2025. Data supplied by CS Energy, dated 17 April 2025.

Parameter	14 March 2025	7 April 2025	12 April 2025
pH			
pH (Field)	7.81	5.13	5.16
pH Value (LAB)	7.95	5.31	5.15
Electrical Conductivity (µS/cm)			

Electrical Conductivity (Field)	2450	19280	19940
Electrical Conductivity @ 25°C (LAB)	2290	21600	20100
Sulfate (mg/L)			
Sulfate as SO4 - Turbidimetric	157	4320	4200
Dissolved Metals (mg/L)			
Aluminium	0.01	11.7	11.7
Beryllium	<0.001	0.009	0.01
Cadmium	<0.0001	0.0037	0.0039
Cobalt	<0.001	0.14	0.123
Manganese	0.006	33.7	29.4
Nickel	<0.001	0.055	0.056
Strontium	0.514	42.3	39.9
Zinc	<0.005	1.42	1.53
Boron	0.16	0.88	1.12
Iron	<0.05	33.9	33.5

10. On 3 June and 12 June 2025, the department was provided with Investigation Reports (the reports) prepared by an appropriately qualified person(s) (AQP) in regard to the notifications.

11. The reports determined that the EBC was hydraulically connected to the underlying groundwater and seeping radially into the Walloon Coal Measures. MB27 and MB28's SWL and hydrochemistry shift was strongly correlated with when the EBC started to be used as a water storage body. Additionally, the AQP determined that there were no other viable alternate explanations for the observations, due to:

    a. Other mine water storage bodies within proximity to MB27 and MB28 had been largely, if not entirely, dewatered; and

    b. There was not any coinciding increase in the monthly cumulative rainfall deviation (MCRD).

12. Under the EA, the definition of waters includes groundwater.

13. Under Schedule 4 of the Act, the EBC is considered to have released, and continues to release, a contaminant into the environment (waters) as it has failed to prevent the contaminant from being deposited, discharged, emitted, or disturbed.

14. The release has acted as a catalyst for the on-set of acid rock drainage (ARD) through the introduction of oxygenised water into the Walloon Coal Measures. The ARD is resulting in the dissolution of bedrock aquifer minerals as observed in MB27.

15. The department considers that the ARD-induced shifts in the groundwater's hydrochemistry have resulted in a long-term change to groundwater's quality and has the capacity to cause environmental harm.

16. According to the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC Guidelines) the groundwater's ARD-induced hydrochemistry has reached trigger values for a moderately disturbed ecosystem for the following metals and metalloids: cadmium, manganese, nickel, zinc, and boron.

17. Under the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019*, 'Queensland Murray-Darling and Bulloo River Basins', the groundwater's ARD-induced hydrochemistry is above the water quality objectives for the

following applicable environmental values (for the Northeast Walloons): aquatic ecosystems, irrigation, stock water, aquaculture, farm use, and drinking water.

18. Condition C5 of the EA states: '*The release of mine affected water to waters must only occur from the release points specified in* ***Table C1 Mine affected water release points and receiving waters***.'. Table C1 does not identify EBC as an authorised release point, nor does it identify groundwater to be receiving waters.
19. You are only permitted to release MAW into the surface waters of Kogan Creek and the Eastern Branch Creek Diversion during periods of natural flow.
20. Under Section 430(3) of the Act, it is an offence for a person to contravene a condition of an environmental authority. The department alleges that you have contravened Condition C1 of the EA as the EBC is releasing contaminants to waters without permission.
21. The department considers it is reasonable to require you to secure compliance with Condition C1 of the EA and your General Environmental Duty.
22. The department has considered the facts and circumstances (including the standard criteria and human rights) and determined that the required actions are reasonable to prevent and/or mitigate any potential, or actual, environmental harm.

Definitions that apply to this notice:

Appropriately 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 protocols , standards, methods, or literature.

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 a requirement of an EEO is 6,250 penalty units, totalling $1,043,125 for an individual, or $5,215,625 for a corporation.
- contravening a requirement of an EEO is 4,500 penalty units, totalling $751,050 for an individual, or $3,755,250 for a corporation.

Note, that under Section 493 of the Act, 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 $8,345 an individual, or $41,725 for a corporation.

Note, you must also give the administering authority notice within 10 business days of ceasing activities to which this EEO relates. Failure to provide notice of ceasing to carry out activities is an offence under Section 369D of the Act with a maximum penalty of 50 penalty units, totalling $8,345 an individual, or $41,725 for a corporation. Further information about EEOs can be found on the department's website (ESR/2024/6802).

Review and appeal rights

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

A request for internal review is to be made using the approved form 'Application for review of original decision' (available on the department's website). Applications for reviews are to be sent to Permit and Licence Management, Department of the Environment, Tourism, Science and Innovation, via email at palm@detsi.qld.gov.au, or by mail to the following address: GPO. Box 2454, BRISBANE, QLD, 4001.

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

For a decision that is not an original decision, there are no formal review and appeal rights for a person who is dissatisfied with the decision made by the administering authority. The person may have other legal rights and may wish to seek 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. There is no general discretion allowing the department to withhold documents or information required to be kept on the public register. 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.