

Notice

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

Golden Ant Mining Pty Ltd
44-46 SIXTH STREET,
SOUTH TOWNSVILLE, QLD, 4810

Your reference: EPVL00241013

Our reference: STAT1077

17 October 2016

Dear Sir

Take notice: that under the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to Golden Ant Mining Pty Ltd (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The EPO is issued in respect to your activities at Mining Leases 4522, 4525, 4534, 4540, 6952, 4524, 4523, 4536 on land described as Lot 3 on WU48 and Lot 6 on WU50 (the project site).

A. Grounds

This EPO is issued on the following grounds:

1. To secure compliance with the general environmental duty which pursuant to section 319 of the Act, requires that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.

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

1. You are the holder of Environmental Authority EPVL00241013 (the EA) for the project site.
2. The project site is approximately 100 km west southwest of Ingham by road. The project site consists of the Camel Creek and Golden Cup mine sites covered by the EA.
3. Gold mining and heap leach processing commenced at the Camel Creek site in 1989 and ceased in 1993. Since this time the site has been under care and maintenance with exploration, rehabilitation and monitoring occurring. Residual mine site infrastructure includes a number of pits, waste dumps, access roads and three heap leach pads. The heap leach pads produce contaminated leachate with flows through the heap leaches to a launder system which then delivers the leachate to a former

impoundment dam. From the water flows via diversions through a chain of shallow pits with an eventual exit point to Black Cow Creek.

4. Gold mining at Golden Cup commenced in 1989 and ceased in 1993. Since this time the site has been under care and maintenance with exploration, remediation and monitoring occurring. Since this time the seepage water quality from the heap leaches has progressively deteriorated. Mining infrastructure includes several pits, waste dumps and one heap leach pad. At this site heap leach leachate flows from the heap leach pad to the impoundment dam and then onto Pit 2/2.5 via a diversion before a final exit point to Black Snake Creek.
5. The department has previously obtained water quality samples from the project site that indicate there are high levels of contaminants present at the project site including and in particular arsenic generated by the heap leaches and present in the water storages.
6. The results obtained by EHP indicated that contaminated seepage was being generated from the heap leach pads at both Camel Creek and Golden Cup. At Camel Creek this leachate has potential to flow offsite to Black Cow Creek. At Golden Cup this leachate may fill Pit 2/2.5 and then overflow to Black Snake Creek.
7. A transitional environmental program (TEP) was approved by the department on 17 February 2012. The term of the amended Transitional Environmental Program was until 27 June 2014.
8. The TEP required the development of a number of control measures including the operation of an evaporation spray system to reduce the impoundment dam level at Golden Cup. Further to this diversion drains were installed to divert clean water away from the contaminated water storages and direct contaminated water to the appropriate storages to maximise storage potential for onsite contaminated water.
9. On 22 September 2016 Mt Moss Mining Pty Ltd wrote to the department and in relation to the passing of Michael Curtain stated that:

There is therefore no director or ultimate executive of Mt Moss at present. Therefore no one has the authority, or can be delegated the authority to bind the company to anything until probate has been obtained.
10. The company structure of Golden Ant Mining Pty Ltd is the same as that of Mt Moss Mining Pty Ltd, with both companies sharing the same sole director and company secretary.
11. Therefore the department considers that the current management status at the site is unclear and on the basis of the risks identified above actions are required to secure compliance with the general environmental duty.

Summary

12. The above summarised monitoring data indicates that there are contaminants in surface water that are above the ANZECC guideline livestock drinking water quality levels.
13. An active pumping system may be required and maintenance of diversion drains is required to ensure that the dams on the mine sites have the capacity to contain contaminated waters during wet season flows and prevent release of water from Golden Cup to Black Snake creek and from Camel Creek to Black Cow Creek.
14. Monitoring is required at the site to detect the release of contaminants to Black Snake Creek and Black Cow Creek.

15. Therefore the department considers that additional reasonable and practicable actions are required to prevent or minimise environmental harm in accordance with the general environmental duty.

B. Requirements

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

1. Immediately upon receipt of this EPO, you must take all necessary actions to prevent any unauthorised release of contaminants from the premises to the receiving environment.
2. At all times you must:
 - a. Ensure appropriately qualified and experienced personal are at the premises to ensure compliance with this EPO; and
 - b. Secure and maintain all infrastructure necessary to ensure compliance with the requirements of the EPO and that may be required for the ongoing mitigation of environmental risks and/or site rehabilitation is functional and operable; and
 - c. Maintain fuel supplies and access to power to ensure the ongoing operation of required measures, plant and equipment to ensure compliance with this EPO.
3. You must not, without the administering authority's prior written approval, materially alter or dispose of any infrastructure on the premises that is necessary to ensure compliance with the requirements of this EPO, and that may be required for the ongoing mitigation of environmental risks and/or rehabilitation.
4. Provide a written monthly report to the department detailing all actions taken to ensure compliance with the requirements of this EPO.
5. The requirements of this EPO remain in force until the EPO is revoked or otherwise concluded by the department.
6. The requirements of the EPO continue to apply to you despite environmental authority EPVL00241013 being cancelled, surrendered, suspended or otherwise brought to an end including by force of law.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the Act;
- this order remains in force until further notice from the administering authority.

D. Penalty

Failure to comply with an EPO is an offence.

- The maximum penalty for an individual for wilfully contravening an EPO is 6250 penalty units, totalling \$761,675 or five years imprisonment.

- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units, totalling \$3,809,375.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling \$548,550.
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units, totalling \$2,742,750.

Failure to provide written notice to the buyer is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling \$6,095.
- The maximum penalty for a corporation is 250 penalty units, totalling \$30,475.

Failure to provide written notice within 10 business days of ceasing the activity to the department is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling \$6,095.
- The maximum penalty for a corporation is 250 penalty units, totalling \$30,745.

Section 3 of the Penalties and Sentences Regulation 2015 prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form ([ESR/2015/1573](#)).¹

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.

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

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court ([ESR/2015/1572](#)). You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to the notice, please contact Andrew Wallace on telephone number (07) 4722 5366.

¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.

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Signature



Date

Rebecca Booker
A/Manager(Compliance)
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

Enquiries:

Level 10, 445 Flinders Street
PO Box 5391
Ph: (07) 4722 5366
Email: andrew.wallace@ehp.qld.gov.au

