

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

Cc: Peter Curtain p.curtain@curtainbros.com.au
Cc: Donna Bath d.bath@curtainbros.com.au

Your reference: EPVL00241013

Our reference: STAT1170

Dear Sir/Madam

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) Section 358 (d)(i) of the Act states that the administering authority may issue an EPO to secure compliance by the person with the general environmental duty.

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

1. Golden Ant Mining Pty Ltd is the holder of the environmental authority EPVL00241013 (EA) which comprises two mine sites.
2. Camel Creek mine site is located on ML4524, ML4522, ML4534, ML4523, ML4525, ML4540 and ML6952. Golden Cup mine site is located on ML4536.
3. Camel Creek site: 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. The bulk of rehabilitation was completed in 1998 and the heap leach pads were rehabilitated to the standard specified in the project EMOS including battering down slopes, ripping and seeding. Since this time the seepage water quality from the heap leaches has progressively deteriorated. Residual mine site infrastructure includes a number of pits, waste dumps, access roads and three heap leach pads.

4. Golden Cup site: mining commenced in 1989 and ceased in 1993. Since this time the site has been under care and maintenance. The bulk of rehabilitation was completed in 1998 and the heap leach pad was rehabilitated to the standard specified in the project EMOS. 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.
5. In 2002, the department determined that the EA would be converted to a standard mining project with additional conditions (i.e. variation EA) despite there being over 100 ha of disturbance.
6. The current variation EA is for gold exploration activity, environmental monitoring and some earthworks to contain any leachate generated, with residual conditions relating to the previous mining attached to the current approval. The current EA does not approve any other mining activity and a site specific EA would need to be sought before further mining can commence.
7. The department issued a "Decision on proposal to suspend an environmental authority" to Golden Ant Mining Pty Ltd, 15 July 2016 on the grounds that "You [Golden Ant Mining Pty Ltd] were issued an annual notice for the environmental authority, and you have not complied with the notice as the annual fee required to be paid by the notice has not been paid." No response was received from Golden Ant Mining Pty Ltd, and the EA was suspended on 15 July 2016.
8. Authorised officers undertook a compliance inspection on 9 November 2016 to assess compliance with the conditions of the EA and EPO STAT1077. The site representative was Alan Matthews (Site Senior Executive) for Golden Ant Mining Pty Ltd who accompanied officers during the inspection.
9. Observations made by authorised officers during the compliance inspection on 9 November 2016 identified the following:
 - a. Clean water diversions were in place at the Golden Cup site to secure additional capacity in Pit 2/2.5 for contaminated water flowing from the heap leach during wet season flows.
 - b. The diversion drain that runs between Pit 2/2.5 and Pit 3 contained sediments trapped prior to the wet season.
 - c. The drain depth was also reduced by regular stock crossings reducing the height of the drainage bund.
 - d. Water quality of the samples collected from both sites at the time of the compliance inspection and were found to be in exceedance of the conditions of the environmental authority.
 - e. The results obtained by department indicated that contaminated seepage was being generated from the heap leach pads at both Camel Creek and Golden Cup. At Camel Creek this leachate was flowing to a chain of pits which may fill and then overflow to Black Cow Creek. At Golden Cup this leachate may fill Pit 2/2.5 and then overflow to Black Snake Creek.
 - f. Maintenance work was required at this diversion drain to remove accumulated sediments and to armour the drain in this section to reduce any interference on the drainage function.
 - g. The requirement to provide monthly reporting was discussed. A monthly report required by EPO requirement 4 and was due on 17 November 2016. A monthly report has not been received by the department.
 - h. Officers observed exploration areas with samples remaining in place around the drill holes and a number of drill holes that were not capped. This is a non-compliance with the Code of Environmental Compliance for Exploration and Mineral Development Projects.

10. Authorised officers obtained consent from Golden Ant Mining Pty Ltd representatives to enter the project site and undertook a compliance inspection on 6 April 2017. The inspection was to assess compliance with the general environmental duty (GED), the conditions of the suspended EA and with the requirements of EPO STAT1077.
11. No site representatives were onsite or accompanied authorised officers during the inspection for either Golden Gup or Camel Creek mines.
12. During the inspection of the Golden Cup Mine, authorised officers observed non-compliances with the suspended EA as follows:
 - a. Condition A8 of the EA states "All exploration activities carried out on the mining leases must comply with the Standard environmental Conditions contained in the most recent version of the Code of Environmental Compliance for Exploration and Mineral Development Projects. Where there is any conflict between conditions of the Code and the conditions of this Environmental Authority, the Conditions of this Environmental Authority take precedence." Exploration drill pads were observed with drill wastes (oxidised drill chips and plastic exploration sample bags) remaining in place around the drill pads. Uncapped drill holes were also observed, with no change since the November 2016 compliance inspection.
 - b. Condition B3 of the EA states "Subject to the release limits defined in Schedule B, all reasonable and practicable measures must be implemented to prevent hazardous leachate being directly or indirectly released or likely to be released as a result of the activity to any groundwater or water course." The launder drains at the heap leach were observed to be unlined and required maintenance. A clear drainage line from the heap leach pad to the downstream Impoundment Dam was not present. The drainage line from the Golden Cup Impoundment Dam to pit 2/2.5 and pit 3 was observed to be unlined and was constructed with unconsolidated material. It was observed that stock have impacted the windrows to partially fill this drainage line in several places.
 - c. Condition C2 of the EA states "All areas significantly disturbed by mining activities must be rehabilitated to the final land description as defined in Schedule C – Table 2." Rehabilitation of the heap leach pad at ML4536 was observed to not be in compliance with the post mine land description listed for the structure in Schedule C – Table 2 (Final Land Use and Rehabilitation Approval Schedule). The heap leach structure exhibited the commencement of rill erosion in a number of areas on the surface of the structure. This will likely lead to a change in contour shape of the structure over time.
13. During the inspection of the Camel Creek Mine, authorised officers observed non-compliances with the suspended EA as follows:

Condition B3 of the EA states "Subject to the release limits defined in Schedule B, all reasonable and practicable measures must be implemented to prevent hazardous leachate being directly or indirectly released or likely to be released as a result of the activity to any groundwater or water course." Access was limited to the southern areas of the site due to locked access gates. In the areas which were accessible, significant erosion and sediment mobilisation was observed at the heap leach pads, with ore material observed to have escaped containment. The gully erosion present on these heap leach pads was estimated to be of a depth greater than 300mm.
14. During the site inspections carried at Golden Cup and Camel Creek mine sites, authorised officers observed non-compliances with the EPO STAT1077 as follows:
 - a. Requirement 1 of EPO STAT1077 states "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." No active water management was observed at the time of the inspection. Surface water drains were in place, however, no erosion or sediment control devices were installed in these drains and no structures were present to prevent erosion due to water velocity. Additionally, there was evidence that stock movement had impacted the effectiveness of these structures, by filling them with soil and sediment, reducing their capacity to manage flow events.

- b. Requirement 2 a) of EPO STAT1077 states "Ensure appropriately qualified and experienced personnel are at the premises to ensure compliance with this EPO; and." No personnel were encountered onsite at the time of the inspection by departmental officers.
 - c. Requirement 2 b) of EPO STAT1077 states "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." Maintenance of the heap leach and heap leach drainage structures at Golden Cup and Camel Creek was identified to be required. Operational pumping equipment required for water management was also not identified at either site.
 - d. Requirement 2 c) of EPO STAT1077 states "Maintain fuel supplies and access to power to ensure the ongoing operation of required measures, plant and equipment to ensure compliance with this EPO." No power supply/fuel supply equipment was observed at the time of the inspection by authorised officers.
 - e. Requirement 3 of EPO STAT1077 states "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." A submersible pump was located at Golden Cup Impoundment Dam downstream of the heap leach, however, there were no pipelines connecting the pump and no power supply or fuel was observed to be present on site. No other plant or equipment was observed onsite.
 - f. Requirement 4 of EPO STAT1077 states "Provide a written monthly report to the department detailing all actions taken to ensure compliance with the requirements of this EPO." Monthly reporting has not been submitted to the department since the EPO was issued.
15. Golden Ant Mining Pty Ltd have not complied with conditions of the suspended EA as stated above.
16. Golden Ant Mining Pty Ltd have not complied with the requirements of the EPO, as stated above, and are considered to have committed an offence under section 361(1) of the Act.
17. Golden Ant Mining Pty Ltd has not exercised the general environmental duty by taking all reasonable and practicable measures to prevent or minimise harm to the environment while undertaking out an environmentally relevant activity.

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 project site to the receiving environment.
- 2) Within five (5) business days of receipt of this EPO, you must provide in writing to the department the name and contact details of a suitable representative who is authorised to act on your behalf. Should these details change, or the contact person change, you must provide a written update to the department within twenty-four (24) hours of either change occurring.

- 3) In accordance with the Act, Section **360 Form and content of order**, an environmental protection order: *"may impose a reasonable requirement relevant to a matter or thing mentioned in section 358;"*.
- a) It is considered a reasonable requirement relevant to securing compliance by you with the general environmental duty and the conditions of your environmental authority to state that the actions required by this program must be completed by an **appropriately experienced and qualified person**.
 - b) An **appropriately experienced and qualified person** is, a person who has professional qualifications, training, and experience relevant to the nominated subject matter, and who can give authoritative assessment, advice and analysis on performance relative to the subject matter using relevant protocols, standards, methods and literature.
- 4) Within fifteen (15) business days of receipt of this EPO, you must submit to the department a program which determines the likelihood and consequences of environmental harm which may occur as a result of an unauthorised release of contaminants from the project site to the receiving environment. The program must include the ongoing controls and management to prevent the unauthorised release of contaminants from the project site. The program must, as a minimum:
- a) Assess erosion and stability of the heap leach stockpiles at both Golden Cup and Camel Creek Mines;
 - b) Assess the current structural state and hydraulic performance of all water storages, including process ponds and ancillary works associated with the heap leach pads;
 - c) The assessment must be in accordance with the "Manual for assessing consequence categories and hydraulic performance of structures" (ESR/2016/1933);
 - d) Identify all potential sources of contaminants on site including exploration activities and disturbance types listed in Schedule C - Table 2 (Final Land Use and Rehabilitation Approval Schedule) of the EA;
 - e) Identify contamination pathways from identified contaminant sources to the receiving environment;
 - f) Where contamination pathways have been identified, the program must detail the control measures to be implemented by you to prevent the unauthorised release of contaminants to the receiving environment;
 - g) Identify all necessary infrastructure, plant, equipment and measures required to comply with this EPO and the EA;
 - h) Include timeframes for the completion of Requirements 4 a) to 4 g); and
 - i) Include ongoing monitoring of the site and continuous review of the program.
- 5) The program detailed in Requirement 4 must be developed by an **appropriately qualified and experienced person**.
- 6) You must not materially alter or dispose of any infrastructure, plant or equipment on the site that is necessary to ensure compliance with the requirements of this EPO and the EA.
- 7) You must maintain fuel supplies and/or access to power to ensure the ongoing operation of required measures, plant and equipment to ensure compliance with this EPO and the EA.
- 8) You must implement the program within the nominated timeframes in accordance with Requirement 3 h).
- 9) You must provide a report to the department on 1 November and 1 April every year while this EPO remains in force. The report must address the requirements of this EPO, and must provide an update on progress of the works being undertaken.

- 10) You must notify the department within twenty-four (24) hours of becoming aware of any non-compliance with the requirements of this EPO.
- 11) 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 \$788,437.50 or five years imprisonment.
- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units, totalling \$3,942,187.50.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling \$567,675.
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units, totalling \$2,838,375.

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

- The maximum penalty for an individual is 50 penalty units, totalling \$6,307.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$31,537.50.

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 \$6,307.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$31,537.50.

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:

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- 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

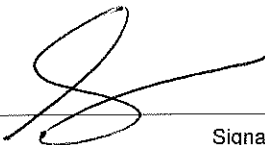
Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

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 Genevieve Tassan on telephone number (07)4722 5360.



Signature



Date

Natalie Simpson
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

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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.

