Notice

Environmental Protection Act 1994

Direction Notice

This direction notice is issued by an authorised person pursuant to section 363B of the Environmental Protection Act 1994.

Glencore Coal Queensland Pty Limited (ACN: 098156702)
Level 38, 1 Macquarie Place
Sydney NSW 2000

Your reference: STAT1184

Our reference: 101/0000018 / EPML00332013 / CA46285 / CR78104 / CR78211

7 August 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a direction notice is issued to Glencore Coal Queensland Pty Limited (ACN: 098156702) by an authorised person under section 363B of the *Environmental Protection Act 1994*.

The direction notice is issued in respect to the activities of Glencore Coal Queensland Pty Limited (GCQ) at Collinsville Coal Mine on land described as Mining Lease (ML) ML1005, ML1006, ML1007, ML1008, ML1009, ML1015, ML1037, ML1064, ML10111, ML10250 and ML10333 (the premises).

A. Grounds

The direction notice is issued on the grounds that the authorised person reasonably believes that:

1) GCQ have contravened a prescribed provision, being section 440ZG of the Act and depositing a prescribed water contaminant into waters; and

2) the matter relating to the contravention can be remedied and it is appropriate to give you an opportunity to remedy the matter.

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

1) The Department of Environment and Heritage Protection (the department) received a notification from GCQ in relation to:

   a) an unauthorised release of mine affected water (MAW) that occurred on 28 March 2017 from the Workshop Anti-Pollution Pond (WAPP) which entered a drain that reports to the Barracks Creek and Three Mile Creek system at Collinsville Coal Mine; and

   b) an unauthorised release of MAW that occurred on 28 March 2017 from the Collinsville Coal Mine No. 2 Mine Pit which entered Three Mile Creek due to the flooding from the creek and a tributary gully.

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2) The department is satisfied that the notifications from GCQ demonstrate that on 28 March 2017 GCQ permitted a prescribed water contaminant, being mine affected water (Item 3, Schedule 9 of the Environmental Protection Regulation 2008), to be deposited to waters identified as Barracks and Three Mile Creeks.

3) On 5 April 2017, authorised officers of the department conducted an inspection of both incident locations. The inspections noted the following:

   a) That despite efforts to reduce WAPP water levels prior to an expected rainfall event, GCQ have been unable to provide details of the causes of blockages in the drainage systems; and

   b) That the bund wall of No. 2 Mine Pit failed due to piping as described within the incident report.

4) The final WAPP incident report provided to the department on 12 May 2017 identified that stormwater runoff from Tropical Cyclone (TC) Debbie caused partial blockages to road culverts, which in turn caused the drainage system to back-up at the Haul Road culverts and the side gully to flood into the WAPP, then consequently back-flowed into the creek system releasing MAW.

5) The final No. 2 Mine Pit incident report provided to the department on 18 May 2017 identified that the flood event during TC Debbie resulted in Three Mile Creek breaching its low flow channel as a result of tree and branch debris caused by the high winds, and inundated the creek's flood plain. In doing so, the flood waters had risen as high as 1.0m (approximate) up the protective bunding of the mine void. At that level, the flood waters appeared to have piped through the lower interface of the bund and natural ground. Once this occurred, the bund could not contain the flood water and subsequently failed (in two separate locations), allowing flood water to enter the mine void.

6) At the commencement of the rainfall event, No. 2 Mine Pit void contained approximately 335ML of MAW. It is estimated that around 365ML entered the void from the creek and approximately 33ML of mixed flood water and MAW discharged into Three Mile Creek (predominately through the downstream failure point).

7) The final No.2 Mine Pit incident report provided to the department on 15 May 2017 identified that the intensity of the event conditions that resulted in the release of MAW from the WAPP and No. 2 Mine Pit were such that:

   a) during the week of cyclone period up to 200mm of rain fell;

   b) the rainfall intensity ranged from a 1:5 to 1:10 Annual Exceedance Probability (AEP) event for the various time durations as the cyclone passed;

   c) the downstream flow gauging data for the Three Mile Creek gauging station indicates that the flow event was the highest recorded flow rate during the 28 year period when assessed against combined operation gauging station data (1977 to 1988 monitoring by Department of Natural Resources and Mines and 2000 to 2017 monitoring by Collinsville Coal Mine); and

   d) the flood frequency analysis indicates that the flow event was approximately a 1:18 AEP flood event.

8) On 11 July 2017, authorised officers from the department conducted an inspection at various locations at Collinsville Coal Mine. The inspection noted the following:

   a) That a temporary diversion of Three Mile Creek has been undertaken to divert the course of water around the bund failure points of No. 2 Mine Pit and that repair works for the failed bund wall had not yet commenced;

   b) An area of mine pit No.14 had been inundated by inadequate water separation due to a gap in the bund;

c) That the additional water captured across Collinsville Coal Mine during the event has put further pressure on MAW storage capacity; and

d) Failure to have current flood modelling and adequately maintained water diversion infrastructure to prevent inundation of pits pose a significant risk to the site by further increasing the volume of MAW, reducing available MAW storage with no current ability to release MAW due to the legacy and nature of the acid mine drainage issue at Collinsville Coal Mine.

B. Reasonable steps

The authorised person considers that the following reasonable steps are necessary to avoid further contravention of the prescribed provision:

Action	**Completion Date**
1) Complete all repair works as identified in the document titled '*Environmental Incident 28th March 2017 – Spill of Mine Affected Water from the Collinsville Coal Mine Workshop Anti-Pollution Pond to Barracks Creek/Three Mile Creek'* (dated 12 May 2017) to minimise future flood inundation of the Workshop Anti-pollution Pond.	On or before 31 October 2017
2) Complete all repair works as identified in the document titled *'Incident Investigation – Collinsville Coal (EPML00332013) Uncontrolled Discharge of Mine Affected Water from No. 2 Mine into Three Mile Ck'* (dated 18 May 2017) to minimise future flood inundation of the No. 2 Mine Pit.	
3) Restore and stabilise the natural water course of Three Mile Creek and remove all temporary diversion works undertaken to allow repairs of No. 2 Mine Pit.	
4) Provide the department with notification of completion of **actions 1, 2** and **3**. The notification must include photographs of the completed works. The notification must be sent via email to cwes_mackay@ehp.qld.gov.au.	On or before 7 November 2017
5) Update the flood assessment of operational areas of the mine based on current LIDAR information and conduct an assessment of key flood mitigation structures to identify any areas at risk of flood. The assessment must include: a) Review of the flood modelling results against the triggers for the requirement of levees and the classifications of regulated structure requirements set out within the department guideline EM635 *'Manual for assessing hazard consequence and hydraulic performance of structures';* b) review of the current integrity and performance of all water management structures in operational areas, such as bunds, drains, dams, culverts and pumping infrastructure used for the separation of clean water and mine affected water or for the purpose of water diversion; c) identification of maintenance and measures required for all water management structures in operational areas such as bunds, drains, dams, culverts and pumping infrastructure used for the separation of clean water and mine affected water or for the purpose of water diversion. Maintenance and measure items includes the: i. repair, replace or maintenance of pumping infrastructure;	On or before 31 October 2017

ii. raising the height of protective bunds; iii. adequate earthwork repairs or maintenance of protective bunds; iv. the removal of trees or vegetation of protective bunds to maintain integrity of the structure; v. maintenance of drainage systems and culvert used to divert clean water or mine affected water in operational areas of the mine; or vi. the commencement of the design and construction of a levee where applicable. d) List of equipment, structure(s) or location(s) identified with the details of maintenance or measures that are required to prevent flood inundation, including a time line of expected completion dates for the works required. The flood risk assessment must also consider annual exceedance probability for flood events and rainfall that may result in the following risk to: a) overtopping of a protective bund or levee; b) inundation of mine affected water storages; c) the requirement to release mine affected water; d) the management and diversion of clean water; e) the current storage capacity of mine affected water. *Note: Operational areas are defined as the catchments draining to these areas and the adjacent watercourses of; Pit 14 – Mining/Tailings, Blake Central – Rejects, Workshop/CHP/APP1 and APP2 – Coal Processing and Stockpile, Pit 4 – Mine Water Storage, Pit 12 – Mine Water Storage, Blake West Pit – Mining, Blake Under Bowen Pit – Mining, Blake North – Mining and 2 Mine Pit – Rejects.*	
6) Provide the department with: a) a report detailing the findings of the flood modelling and the flood risk assessment required under **action 5**; and b) the prioritised schedule of works based on the flood modelling and the flood risk assessment with the highest prioritisation being given to: i. areas of an immediate risk of inundation; ii. failure of containment or diversion; and/or iii. failure separation of MAW with clean water. c) The report and the prioritised schedule of works must be submitted to the department via email to cwes_mackay@ehp.qld.gov.au.	On or before 31 October 2017

Take notice:

- The requirements of the direction notice take effect immediately upon service of the notice
- This notice remains in force until further notice from the department.

C. Reviews and appeals

The provisions regarding reviews of decisions and appeals are 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
- be made using the application for review of an original decision form (EM709).[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 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 (EM1866). You may have other legal rights or obligations and should seek your own legal advice.

D. Penalties

Failing to comply with a direction notice is an offence unless the person has a reasonable excuse.

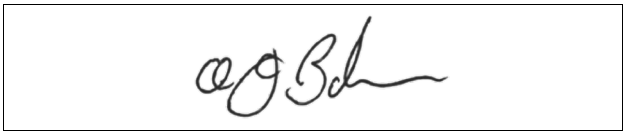
- The maximum penalty for an individual for wilfully contravening a direction notice is 1665 penalty units, totalling $196, 137.
- The maximum penalty for a corporation for wilfully contravening a direction notice is 8325 penalty units, totalling $980,685.
- The maximum penalty for an individual contravening a direction notice is 600 penalty units, totalling $70,680.
- The maximum penalty for a corporation contravening a direction notice is 3000 penalty units, totalling $353,400.

Section 2B of the Penalties and Sentences Regulation 2005 prescribes the monetary value of a penalty unit.

The department may also consider alternative compliance or enforcement action in relation to the offences that are the subject of this notice.

Should you have any queries in relation to the notice, please contact Alisha Stewart on telephone number 49996885

[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>.



Signature

7 August 2017

Date

Tony Baker

Delegate Coal

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

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