

Notice

Environmental Protection Act 1994

Environmental Evaluation

Notice to conduct or commission an environmental evaluation

This notice to conduct or commission an environmental evaluation is issued by the administering authority pursuant to section 326B of the Environmental Protection Act 1994.

Anglo Coal (Dawson) Limited (ACN: 100155342)
Level 11, 201 Charlotte Street
BRISBANE CITY QLD 4000

Our reference: STAT1209

11 September 2017

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to Anglo Coal (Dawson) Limited (ACN: 100155342) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of Anglo Coal (Dawson) Limited at Dawson Mine on land described as Lot 4 on Plan RP613366 and Lot 27 on Plan FN187.

A. Grounds

The notice to conduct or commission an environmental investigation is issued on the following grounds:

- Under section 326B of the *Environmental Protection Act 1994*, the administering authority is satisfied that an activity or proposed activity is causing, or is likely to cause material environmental harm.

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

1. Anglo Coal (Dawson) Limited is a holder of environmental authority (EA) EPML00565813 dated 5 May 2014, which authorises environmentally relevant activities (mining black coal and associated activities) on Mining Leases (ML) ML80146 and ML5656.
2. On 21 June 2017, Anglo Coal (Dawson) Limited site personnel observed what appeared to be salt crusting within the dry bed of Rock Hole Gully Creek in the natural reach of the creek downstream of Dawson Mine.
3. On 22 June 2017, Anglo Coal (Dawson) Limited reported the matter to the Department of Environment and Heritage Protection (DEHP) in which mine affected water had been released off-lease from Dawson North.
4. Engeny Water Management (Engeny) were engaged by Anglo Coal (Dawson) Limited to investigate the incident. Engeny undertook a site visit on 29 June 2017 with representatives of Anglo Coal (Dawson) Limited.

Notice to conduct or commission an environmental evaluation

5. EA EPML00565813 permits Anglo Coal (Dawson) Limited to release of mine affected water from Release Point RP-DN02T at an electrical conductivity (EC) between 1500µS/cm and 5000µS/cm depending on natural flow criteria.
 - a. Condition F2 of the EA states, *“unless otherwise permitted under the conditions of this environmental authority, the release of mine affected water to waters must only occur from the release points specified in Table F1 – Mine affected water release points, sources and receiving waters and depicted in Figure 1 Attached to this environmental authority”*.

Table F1 includes RP-DN02T as a release point. Observations made by departmental officers on 4 July 2017, in conjunction with information within the Engeny report provided by Dawson on 6 July 2017, identified that the release of mine affected water was occurring from RP-DN02T.

- b. Condition F9 of the EA states, *“notwithstanding any other condition of this environmental authority, the release of mine affected water to waters in accordance with condition F2 must only take place during periods of natural flow in accordance with the receiving water flow criteria for discharge specified in Table F4 – Mine affected water release during flow events for the release point(s) specified in Table F1 – Mine affected water release points, sources, and receiving waters”*.

Information within the Engeny report provided by Dawson on 6 July 2017, states that EC had been measured as high as 3800 µS/cm between November 2015 and January 2016, at which time there had been no recorded upstream flow. As there was no recorded upstream flow, it is highly likely that there was no natural flow in accordance with the EA occurring at the time of the release. Departmental officers attended the site on 4 July 2017 and observed a release occurring at RP-DN02T, while no natural flow was occurring.

6. As a release of mine affected water was released outside of a period on natural flow, the releases are regarded as non-compliant with condition F9. Any harm caused by these releases would not have been permitted by the EA.
7. The Engeny report submitted by Anglo Coal (Dawson) Limited on 6 July 2017, also stated:
 - a. Dieback of riparian canopy trees has occurred and could likely be a result of the uncontrolled mine affected water releases in the waterway since January 2015.
 - b. Close to the source of the incident, areas of ground cover vegetation have been ‘scalded’ by salinization and are now bare. In these bare areas there is evidence of surface crusting and salt formation.
 - c. Soil crusting and collapse of soils structure due to salt substitution on clay lattice makes the exposed soil surface prone to erosion during rain events. These areas may require remediation actions in order to prevent erosion and to encourage vertical salt movement into the naturally saline and sodic subsoils.
8. Given the primary land use activities that are known to occur downstream of Dawson Mine, the primary Environmental Values (EV) of surface water along the receiving waters between the site and the Dawson River are considered to be aquatic ecosystems, stock water, and cultural and spiritual values, as per the *Environmental Protection (Water) Policy 2009 Dawson River Sub-basin Environmental Values and Water Quality Objectives Basin No. 130 (part), including all waters of the Dawson River Sub-basin except the Callide Creek Catchment*.

Notice to conduct or commission an environmental evaluation

9. As the release of mine affected water was not permitted by the EA, and indicators of environmental harm were observed by Engeny, including, vegetation dieback, salt formation and collapse of soil structure, it is alleged that Anglo Coal (Dawson) Limited is or has not protected or supported the aquatic ecosystem EV in accordance with the *Environmental Protection (Water) Policy 2009 Dawson River Sub-basin Environmental Values and Water Quality Objectives Basin No. 130 (part), including all waters of the Dawson River Sub-basin except the Callide Creek Catchment*.
10. As a result of the information identified in the report, the administering authority is satisfied that activities being undertaken by Anglo Coal (Dawson) Limited are causing or are likely to cause environmental harm. The cause, source and extent are still unknown both by the department and Anglo Coal (Dawson) Limited.

B. Requirements

The report on the environmental investigation must address the following relevant matters:

1. Anglo Coal (Dawson) Limited must engage a suitably qualified person to conduct a site investigation as per the National Environment Protection (Assessment of Site Contamination) Measure as amended 2013 (ASC NEPM) (NEPC, 1999).

The investigation must include:

- a) Identification of all sources of water seeping into Rock Hole Gully Creek from the Dawson North spoil dumps including both rehabilitated and non-rehabilitated areas;
 - b) Identification of areas/locations of contamination caused by the water seeping from the Dawson North rehabilitated and non-rehabilitated spoil dumps; and
 - c) An assessment of the level of impact the contamination has had on the soil, water ways and vegetation of the receiving environment. The assessment must contain a quantification of the impact represented in a kmz map format.
2. Anglo Coal (Dawson) Limited must engage a suitably qualified person to prepare a contamination action plan (CAP) which includes but is not limited to:
 - a) Details of current risk controls used to mitigate soil and surface water contamination;
 - b) Details of any additional mitigation measures that are required to manage or remediate contamination as a result of the water seepage, including proposed methods to monitor seepage; and
 - c) Details of any procedural or structural changes that require implementation to reduce the risk of further soil and surface water contamination, including timeframes that the changes will be implemented.

The environmental investigation must be carried out, and the environmental report prepared, by a suitably qualified person. A suitably qualified person is defined as a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter, and can give authoritative assessment, advice and analysis using relevant protocols, standards, methods or literature.

The environmental report must be submitted to the department on or before:

- **30 November 2017**

As the recipient of this notice, you are also required to provide a statutory declaration, to accompany the environmental report submitted to the department. The suitably qualified person who prepares the environmental report must also provide a statutory declaration to accompany the environmental report submitted to the department.

Notice to conduct or commission an environmental evaluation

You can view an electronic version of the statutory declaration for a recipient using the following search term ([ESR/2016/1997](#)).¹

Take notice:

- the requirements of the notice to commission an environmental investigation take effect immediately upon service of this notice;
- this notice remains in force until further notice from the department; and
- you are responsible for meeting the costs of conducting or commissioning the environmental evaluation, preparing the environmental report and providing any further information as requested by 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; and
- be made using the application for review of an original decision form ([ESR/2015/1573](#)).

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 \(ESR/2015/1572\)](#).
- Information sheet - internal review and appeal to the Land Court ([ESR/2015/1742](#)).

You may have other legal rights or obligations and should seek your own legal advice.

D. Penalty

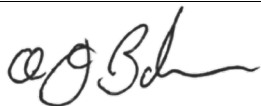
Failure to comply with a notice to conduct or commission an environmental evaluation is an offence.

- The maximum penalty for an individual is 300 penalty units, totalling \$37,845.00
- The maximum penalty for a corporation is 1500 penalty units, totalling \$189,225.00

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>.

Notice to conduct or commission an environmental evaluation

Should you have any queries in relation to this notice, please contact Kelly Cleary, Senior Environmental Officer of the department on telephone number 07 4971 6506



Signature

11 September 2017

Date

Tony Baker

Manager (Compliance)

Delegate of the Chief Executive

Department of Environment and Heritage Protection

Environmental Protection Act 1994

Enquiries:

PO Box 5065, GLADSTONE QLD 4680

Ph: (07) 4971 6533

Email: CWES_Gladstone@ehp.qld.gov.au