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 322 OR 323 OR 326B OR 326BA of the Environmental Protection Act 1994.

RTA Weipa Pty Ltd
123 Albert Street
Brisbane, Queensland, 4000

Your reference:

Our reference: 101/0008738, CR84931, STAT1304

Friday, 7 September 2018

Take notice: that under the *Environmental Protection Act 1994* (the Act) a notice to conduct or commission an environmental investigation is issued to RTA Weipa Pty Ltd by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The notice to conduct or commission an environmental investigation is issued in respect of the activities of RTA Weipa Pty Ltd on land described as ML7024, ML6024, Lot 17 on SP116853, Lot 15 on SP116851, and Lot 14 on SP120446 (the premises).

A. Grounds

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

- The administering authority is satisfied on reasonable grounds that an event has happened causing environmental harm while an activity was being carried out.

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

1. RTA Weipa Pty Ltd operates a bauxite mine located in and around the township of Weipa and holds Environmental Authorities BRMN0032, EPML00725113, EPPR03383115, and EPPR03433515. In addition, RTA Weipa Pty Ltd is responsible for the administration of the town of Weipa through the Weipa Town Authority, which includes the management and supply of drinking water for the township.

2. During groundwater sampling of drinking water bores that supply the town of Weipa, conducted in October and November 2017, and June and July 2018, RTA Weipa Pty Ltd has reported the detection of Poly-fluoroalkyl and Per-fluoroalkyl Substances (PFAS) in concentrations above the Limit of Reporting (LOR) in some bores, but less than the health-based guideline values for drinking water in all potable drinking bores.

Queensland Government

3. During groundwater sampling of non-drinking water bores and surface waters conducted in November 2017, June 2018 and July 2018, RTA Weipa Pty Ltd reported the detection of PFAS in concentrations greater than the aquatic ecosystem and health-based guideline values for drinking water and recreational water.

4. RTA Weipa Pty Ltd report that a historical review of the use of Aqueous Film Forming Foam (AFFF) containing PFAS has been conducted for the Weipa Township. RTA Weipa Pty Ltd report that AFFF has been previously used by RTA Weipa Pty Ltd and a preliminary assessment indicates four main areas as possible sources of historical PFAS contamination, namely: East Weipa Heavy Equipment Workshop (EWHEQ), Weipa Airport, Weipa Fire and Rescue, and Andoom Heavy Equipment Workshop (AHEQ).

5. As specified under the Environmental Protection (Water) Policy 2009 (EPP Water), the following environmental values may be impacted:

    a) for slightly disturbed waters—the biological integrity of an aquatic ecosystem that has effectively unmodified biological indicators, but slightly modified physical, chemical or other indicators;
    b) for waters that may be used for producing aquatic foods for human consumption—the suitability of the water for producing the foods for human consumption;
    c) for waters that may be used for recreation or aesthetic purposes, the suitability of the water for—
    d) primary recreational use; or
        i. secondary recreational use; or
        ii. visual recreational use;
    e) for waters that may be used for drinking water—the suitability of the water for supply as drinking water;
    f) for waters that may be used for industrial purposes—the suitability of the water for industrial use;
    g) the cultural and spiritual values of the water.

6. The source/s, cause and extent of PFAS contamination in and around the township of Weipa have not been fully delineated and require further investigation as specified in Part B of this Notice.

7. The department is satisified on reasonable grounds that an event has happened causing environmental harm while an activity has being carried out by RTA Weipa Pty Ltd.

8. The department has decided that an environmental investigation is required, pursuant to section 326B of the Act to identifiy the the source, cause and extent of environmental harm.

Definitions

activity includes the authorised mining activity.

environmental harm is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

event includes events (the plural).

guideline value, means the relevant guidance value listed in the PFAS National Environmental Management Plan 2018.

land includes-

(a) the airspace above land; and
(b) land that is, or is at any time, covered by waters; and
(c) waters.

B. Requirements

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

1. You must engage a suitably qualified person/s (SQP) to carry out the requirements of this Notice. The SQP must demonstrate skills and experience in technical fields with particular skills in the assessment of contamination by fluorinated organic compounds, and in particular PFAS.

2. In the event that monitoring of the affected environment identifies a risk of public exposure to PFAS at concentrations greater than the relevant human health guideline value, you must notify the department of the results and findings within 24 hours of becoming aware of the risk.

3. By 15 October 2018, submit to the department a Preliminary Site Invesitgation (PSI) report prepared in accordance with the National Environmental Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM). Notwithstanding ASC NEPM, the report must include:
   a) Identification of current and historical activities undertaken at the premises which has involved the use, storage (including volume), handling, foam types and potential release of PFAS containing material;
   b) Identification of all contaminant source zones and potential pathways into the environment;
   c) Identification of the relevant environmental values including an evaluation of the uses of land and waters, and any potential impact and risks to the users as a result of PFAS contamination;
   d) Identification of the Data Quality Objectives (DQOs);
   e) A summary of the monitoring results completed prior to 15 October 2018; and
   f) Preliminary Conceptual Site Model (CSM).

4. By 15 October 2018, submit to the department an assessment report detailing possible aquatic biota and human health exposure to PFAS as per the scope of works included in, but not necessarily be limited to, RTAW document "18100235-006-R-Rev0 – RTAW Weipa – Biota SAQP.pdf". The report at a minimum must include:
   a) Identification of the Data Quality Objectives as defined in Schedule B2 of the ASC NEPM;
   b) A description of the receiving environment, including ecological ecosystems, environmental values and fisheries;
   c) Details and rationale of sample procedures;
   d) Details and rationale of the analytical approach taken for the investigation including types of contaminants analysed, screening values for the analytical data, sampling locations and biota sampled;
   e) Details of rationale of quality assurance and quality control methods;
   f) A summary of the investigation results, conclusions and, if required, recommendations for further investigation; and
   g) An ecological and human health risk assessment.

5. By 30 November 2018, submit to the department a review of current foam stocks, and where samples can be obtained, include their PFAS content determined using the analysis for:

    a) Standard suite of PFAS using liquid chromatography-mass spectrometry; and
    b) Total Oxidisable Precursor Assay (TOPA) reported as the analyses for the resulting perfluorinated caboxylates for C4-C14 carbon chain length (TOPA C4-C14) at a National Association of Testing Authorities (NATA) accredited laboratory.

6. Using the findings and results of the PSI and Biota Assessment completed in requirements 3 and 4 respectively, by 30 November 2018, prepare and submit to the department an Interim Risk Assessment that assesses the risk to environmental values and details interim management measures to protect the relevant environmental values.

7. Prior to commencing requirement 8, submit to the department for review and comment, a draft Sampling, Analysis and Quality Plan (SAQP) designed to characterise the nature and extent of PFAS contamination impacts at all the locations to which this notice relates. Comments provided to you by the department in relation to the SAQP, must be considered before commencing monitoring.

8. By 30 April 2019, submit to the department a Detailed Site Invesitgation (DSI) report in prepared in accordance with ASC NEPM. Notwithstanding ASC NEPM, the report must:

    a) Delineate the lateral and vertical extent of contamination at the premises and adjoining impacted land;
    b) Include an updated CSM; and
    c) Where environmental harm has been identified, include remediation and management options to address the harm.

The environmental investigation must be carried out, and the environmental report prepared by a suitably qualified person. A suitably qualified person is defined as per s564 of the Act and Schedule B9 of the ASC NEPM.

The environmental report must be submitted to the department on or before: Tuesday, 30 April 2019

As the recipient of this notice, you are also required to provide a statutory declaration in the form attached, to accompany the environmental report submitted to the department.

The suitably qualified person who prepares the environmental report must also provide a statutory declaration in the form attached to the environmental report submitted to the department.

Copies of the template statutory declarations can also be accessed from the Queensland Government website at www.qld.gov.au, using the publication number as a search term:

2. Statutory declaration environmental evaluation for recipient (ESR/2016/1997)
3. Statutory declaration for suitably qualified person (ESR/2016/2266)
4. Statutory declaration environmental evaluation for auditor (ESR/2016/2265)

Take notice:

1. The requirements of the notice to conduct or commission an environmental investigation take effect immediately upon service of this notice;
2. This notice remains in force until further notice from the department; and
3. 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 form, Application for review of original decision (ESR/2015/1573) available on the Queensland Government website at www.qld.gov.au, using the publication number (ESR/2015/1573) as a search term.

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 appeals (ESR/2015/1742) available on the Queensland Government website at www.qld.gov.au, using the publication number (ESR/2015/1742) as a search term.

The information sheets are available on the Queensland Government website at www.qld.gov.au, using the publication number as a search term.

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.

1. The maximum penalty for an individual is 300 penalty units, totalling $ 39,165.
2. The maximum penalty for a corporation is 1500 penalty units, totalling $ 195,825.

Should you have any queries in relation to this notice, please contact Quinn McDonald of the department on telephone number 07 4222 5597.



Signature



Date

Gus Gonzo

Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

Enquiries:

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