

Notice

Environmental Protection Act 1994 **Environmental Evaluation**

Notice requiring further information

This notice requiring further information is issued by the administering authority pursuant to section 326F(2) of the Environmental Protection Act 1994.

CopperChem Ltd
Level 2, 160 Pitt Street
SYDNEY NSW 2000

Your reference: EPML0088742

Our Reference: 101/0088742, STAT877

27 October 2014

Take notice: that under the *Environmental Protection Act 1994* (the Act), a notice requiring further information on an environmental report is issued to CopperChem Ltd by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

This notice requiring further information is issued in respect of the activities by CopperChem Ltd at Mining Leases 90065 and 90108, Great Australian Mine, situated at Round Oak Road, located approximately 2 kilometres south of Cloncurry (the site).

The further information is required in regard to a report on an environmental investigation submitted by you to the department on 13 October 2014.

A. Grounds

The notice requiring further information is issued on the following grounds:

- A Notice to conduct or commission an environmental evaluation (the Notice) was issued to CopperChem Ltd by the department on 12 June 2014;
- A report titled "Environmental Evaluation – Great Australia Mine" (environmental report) was submitted by CopperChem Ltd to the department on 3 October 2014 and validated on 13 October 2014;
- The department is satisfied that further information is needed to decide whether to approve the environmental report.

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

- s326F of the *Environmental Protection Act 1994* allows for the Administering authority to request further information needed to decide whether to approve an environmental report.

B. Requirements

The further information you are required to provide is as follows:

- Reference is made to requirement 1.a of the Notice. The department recognises that CopperChem Ltd identified the Flinders River Catchment as an environmental value, however not all values relevant to the location were identified or described.
 - CopperChem Ltd is required to identify and define the relevant environmental values in accordance with the ANZECC 2000 guidelines. Guidance material is available specifically in section 2.1.3 of ANZECC 2000, to fully address this requirement. Another document which may assist in meeting this requirement is the department's Receiving Environment Monitoring Program (REMP) guideline, (attached).
- Reference is made to requirement 1.b of the Notice. As not all environmental values were identified in the initial environmental report, the assessment did not cover all potential impacts on those values.
 - CopperChem Ltd is required to assess the impacts on the additional environmental values defined under requirement 1.a.
- Reference is made to requirement 1.d of the Notice. The department believes the reference bores identified may not be consistent with recognised standards for determining reference bores.
 - CopperChem is required to provide supporting information to justify how the chosen 'proxy' reference bores meet the criteria of a reference location in accordance with recognised standards, such as ANZECC 2000. If the 'proxy' bores are determined to not meet the criteria in the recognised standards, further works, including installation of suitable reference bores, is required to be undertaken to address requirement 1.d.
- Reference is made to requirement 2 of the Notice.
 - The environmental report nominates potential sources of contaminants in the way of landform identification. There is also a reference to previous spills and discharge events that may have influenced the quality of groundwater. However, the report does not identify a specific source or relevant contribution of contamination input to groundwater. CopperChem Ltd is required to identify the likely source and distribution of ongoing contamination discharge and inputs.
 - The environmental report states that all open voids act as groundwater sinks and that the geology is laterally discontinuous. However, the environmental report also identified a fault line through the GAM pit. CopperChem Ltd is required to provide further information as to the hydrological implication of this fault line.
 - Further information is required regarding the shallow ephemeral groundwater system at the site. CopperChem Ltd is required to provide details of the flow paths, including hydraulic gradients, of the shallow groundwater system and an assessment of site geology to determine the degree to which structural geology (fault zones / joints etc) act as conduits enabling contaminant migration.
- Reference is made to requirement 3.a of the Notice.
 - While the environmental report outlines the components of the current water management system, it does not assess the extent to which the system protects groundwater quality. Further information is required to evaluate the extent to which the current water management system is effective in protecting the groundwater quality from impacts of mining activities.

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- The Groundwater Sampling and Analysis Programme (SAP): CopperChem Operations document provides guidance on the filtration of water samples, however there is no indication in the environmental report as to whether the data for metals represent filtered (0.45 µm) or unfiltered concentrations. CopperChem Ltd is required to clarify whether the metal values referred to are filtered or unfiltered samples.
- Reference is made to requirement 3.b of the Notice required identification of the following:
 - (i) location and types of groundwater aquifers
 - The environmental report presents insufficient information to identify the locations and types of groundwater aquifers at the Great Australia Mine. CopperChem Ltd is required to address this requirement of the Notice.
 - (ii) groundwater contours and levels for contaminants which include but not limited to sulphate at the site and receiving environment
 - While the environmental report focused on sulphate, the Notice required that investigations are not limited to this parameter. The department requires further justification regarding the basis for selection of contaminants for investigation and reasons for discounting contaminants from the investigation.
 - The department recognised that CopperChem Ltd has included groundwater contours and level of contaminants for the sulphate. However, the department requires further mapping be provided for other contaminants of concern and/or justification for discounting contaminants from the investigation.
- Reference is made to requirement 4 of the notice. CopperChem Ltd has stated that a Groundwater Management Plan will be provided, however the department does not consider this to adequately address requirement 4.
 - CopperChem Ltd is required to provide a report outlining remediation options to ensure protection of the environmental values of the receiving environment, including those that were not previously identified under requirement 1.a

The further information must be submitted to the department on or before:

- **30 April 2015.**

Take notice:

- The requirements of the notice to provide further information 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 providing the further information to 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:

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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 using the search term (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.

If you fail to provide the further information, the department may consider alternative compliance or enforcement action.

Should you have any queries in relation to this notice, please contact Laura Rehn of the department on telephone number 07 4722 5354.



Signature



Date

Gus Gonzo
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.