



Our Ref: SO1003454/L02

**ENVIRONMENT PROTECTION ACT 1970
SECTION 22(1)
NOTICE TO SUPPLY FURTHER INFORMATION**

TO: JOZSEF PATARICA

OF: KALBAR OPERATIONS PTY LTD

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

WHEREAS an application by you for a WORKS APPROVAL (No. 1003454) in respect of premises situated at FINGERBOARDS, EAST GIPPSLAND, VIC was received by the Environment Protection Authority ("the Authority") on 22 JULY 2020.

AND WHEREAS we consider the information specified herein is necessary and relevant to the consideration of the application.

NOW TAKE NOTICE that pursuant to section 22(1)(a) of the Environment Protection Act (1970) ("the Act") you are **HEREBY REQUIRED** to supply to the Authority by 17:00 hours on the 25 January 2021 the information specified in Attachment A of this notice.

DATED: 22 December 2020

[REDACTED]

Quentin Cooke
Team Leader
DELEGATE OF THE
ENVIRONMENT PROTECTION AUTHORITY

ATTACHMENT A

KALBAR OPERATIONS PTY LTD must provide responses to the following requests:

Response to submissions

- (1) A response to all relevant works approvals matters (for example surface water and groundwater discharges, DAF) raised in submissions received.
- (2) Without limiting (1) above, detailed responses to the following submissions
 - a. Sections 4 – 7 of Submission 291 from Southern Rural Water
 - b. Submission 692 from East Gippsland Region Water Corporation
 - c. Unnumbered sections on Surface Water, Groundwater, Environmental Risk Assessment, Draft EPA Works Approval of Submission 716 from East Gippsland Shire Council
 - d. Chapters 1: Water; 4: Tailings Storage Facility; 19: EPA Victoria Works Approval and 20: Risk of Submission 813 from Mine-Free Glenaladale Inc.

Surface water discharges & State Environment Protection Policy (Waters) (SEPP (Waters))

- (3) Please provide further information on the quality of surface water (including levels of nitrogen) to be discharged to the Mitchell River from the Freshwater Dam;
- (4) Please provide detailed location and design details for the discharge point on the Mitchell River. Given it is understood the discharge point is due to be via the intake pipe, please additionally clarify how this bidirectional intake and discharge point will be designed to maximise efficiency, minimise potential environmental impacts at the location and downstream;
- (5) Please provide further information on the proposed operational procedures (inclusive of timing, frequency and volume of any discharges) that will identify when discharges will occur;
- (6) Please provide an explanation of how the proposed treated wastewater discharges to the Mitchell River are consistent with SEPP (Waters) and specifically clauses 21, 22 and 23 as they apply to the works approval application. In particular, EPA requests the following:
 - a. What is the area of the Mitchell River where Kalbar considers it is not reasonably practicable to meet the environmental quality objectives set out in Schedule 3 to SEPP (Waters).
 - b. With respect to clause 21(2)(b), provide detailed information to demonstrate how all reasonably practicable measures have been and will be taken in design, operation and management to minimise risks to beneficial uses of the receiving Mitchell River from the point of discharge, having regard to potential contaminants (including flocculants) that may be present in the discharges.
 - c. In the eventuality that EPA does determine that a mixing zone is required that the discharge will not result in any of scenarios identified in clause 23(2).

Groundwater discharges & State Environment Protection Policy (Waters) (SEPP (Waters))

- (7) Please provide information on the groundwater discharge from the wet tailings being placed in the mine voids. Specifically please set out the:
 - a. measures proposed to minimise the discharge;
 - b. the concentrations of any potential contaminants within the discharge;
 - c. demonstration that either the discharge will not exceed the environmental quality objectives set out in Schedule 3 to SEPP (Waters) or that risks to beneficial uses of groundwater are minimised so far as reasonably practicable (by appropriate design, operation and management) and the discharge will not pose an unacceptable risk to beneficial uses;

Radiation

Whilst EPA is not the regulator of radiation matters, as stated in EPA's submission to the IAC in considering whether the works the subject of the WAA are a "*radiation source within the meaning of the Radiation Act 2005*" (s 2(2) the Act), EPA does need to consider a number of matters.

- (8) To assist its consideration, EPA requests the following information be provided.
 - a. the potential presence and concentrations of radionuclides within the mine contact water being treated;

- b. the effectiveness of the DAF plant to remove any potential radionuclides present in the suspended solids within the mine contact water;
 - c. whether radionuclides are expected to be present within the solid wastes from the DAF plant and their concentrations;
 - d. the potential presence and concentrations of radionuclides within the treated water being discharged into the Mitchell River and the potential to affect the beneficial uses of those surface water resources, with information provided on whether the treatment will remove any radionuclides
 - e. the potential presence and concentrations of radionuclides within the discharge of water into the aquifer beneath the site and the potential to affect the beneficial uses of those groundwater resources; and
 - f. whether the infrastructure of the DAF treatment plant could become irradiated such that when it comes to the decommissioning of the DAF and mine the concrete, steel etc would need to be buried within the mine voids.
- (9) If radionuclides are expected to be present in the discharges, please clarify if the discharges would be considered to be radiation sources, within the definition of the Radiation Act 2005.
- (10) If it is expected that radionuclides will be present in the surface water discharge to the Mitchell River, please provide, with respect to clause 21(2)(b) of SEPP (Waters) detailed information to demonstrate how all reasonably practicable measures have been and will be taken in the design, operation and management to minimise risks to beneficial uses of the receiving Mitchell River from those radionuclides.
- (11) If it is expected that radionuclides will be present in the groundwater discharge, please provide, with respect to clause 53 of SEPP (Waters) detailed information to demonstrate how all reasonably practicable measures have been and will be taken in the design, operation and management to minimise risks to beneficial uses of the groundwater from those radionuclides.

Waste

- (12) Please provide information on the waste categorisation of the solids anticipated to be collected in the DAF.
- (13) Please describe the consideration given to the appropriate disposal of those wastes and the confirm how those wastes will be disposed.