



Hon Andrew Powell MP
Minister for Environment and Heritage Protection

Ref CTS 12796/14

18 JUN 2014

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CTPI - personal info

Dear CTPI - personal info

Thank you for your email of 23 May 2014 concerning the Queensland Nickel Refinery. The Minister for Environment and Heritage Protection has asked me to respond on his behalf.

I can advise that Queensland Nickel is not permitted to discharge toxic sludge and that its new Environmental Authority (EA) allows for water release provided the water meets stipulated release limits. The new EA for the Yabulu Nickel Refinery represents a significant step forward in the environmental regulation of the site. The new EA significantly raises the bar in terms of the environmental standards required and it places the onus firmly on Queensland Nickel to meet these standards.

The Department of Environment and Heritage Protection is committed to ensuring that the objectives of the *Environmental Protection Act 1994* (EP Act) are achieved. To assist the department in this regard, a new Regulatory Strategy was implemented in 2013 and outlines the way in which the department will carry out its role as Queensland's environmental regulator. If you would like further information about the Regulatory Strategy, please visit the department's website at <www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy>.

Officers of the department are continuing to closely monitor the situation at the Yabulu Nickel Refinery and are undertaking regular compliance inspections. I assure you that the department takes any breach of the EP Act as a serious matter and significant penalties can apply.

The Minister hopes this information is of assistance to you. Should you have any further enquiries, please contact Mrs Ingrid Fomiatti Minnesma, Regional Manager, Environmental Services and Regulation of the Department of Environment and Heritage Protection on telephone (07) 4222 5337.

Yours sincerely

CTPI - signature

Troy Collings
Chief of Staff

CTPI - signature

TAYLOR Erin

From: [REDACTED]
Sent: Friday, 23 May 2014 4:34 PM
To: Corro EHP Minister
Subject: RE: Yabula Nickel Refinery

Dear Mr Collings,

So, am I take to this email as a guarantee that no toxic sludge will be discharged? I will keep this email as proof of that guarantee.

yours sincerely

[REDACTED]

From: EHPMinister.Corro@ehp.qld.gov.au
To: [REDACTED]
Subject: Yabula Nickel Refinery
Date: Thu, 22 May 2014 00:32:01 +0000

ref CTS 09864/14

[REDACTED]

Dear [REDACTED]

Thank you for your recent email 22 April 2014 concerning the new Environmental Authority (EA) for the Yabulu Nickel Refinery (the refinery). The Minister for Environment and Heritage Protection has asked me to respond on his behalf.

The new EA for the refinery is an important step forward in environmental regulation for the site. The EA sets specific enforceable conditions in relation to releases that significantly raise the environmental performance of the refinery. To suggest otherwise demonstrates a serious lack of understanding of the new EA.

The Australian's recent article "Palmer gets nod for more toxic sludge" (17 April 2014), is not accurate.

The Queensland Government is not permitting Queensland Nickel to discharge "toxic sludge". Queensland Nickel's new EA allows for water releases provided the water meets stipulated release limits.

Queensland Nickel's new EA, issued in November 2013, represents a significant improvement over its old EA in terms of the refinery's required environmental performance. Some of the critical differences between the new and old EAs include:

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- The new EA significantly improves stormwater management practices and imposes stringent quality criteria for stormwater that can be released. These criteria were scientifically assessed and are consistent with the philosophy and intent of Australian and New Zealand Environment and Conservation Council (ANZECC) and Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) water quality guidelines and the Queensland Environmental Protection (Water) Policy 2009.
- The compliance points for water discharges are different between the old and the new EA. The new EA sets specific standards for water releases at the mouth of Alick and Blind Creeks, within the refinery boundary, that will ensure that beyond the mouths of Alick and Blind Creeks water quality will meet the accepted water quality objectives for Halifax Bay.
- Within the Alick Creek and Blind Creek systems, which have been historically impacted, the new EA requires Queensland Nickel to meet standards that will ensure that onsite, the water quality will be maintained or improved. For example:

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- For ammonia, the maximum limit is 18mg/L with a long term median of 1.7mg/L at the discharge point. The old permit required that 2mg/L of ammonia be achieved beyond the refinery boundary.
- For cobalt and nickel respectively, 0.15mg/l and 0.56mg/L is required to be met at the discharge point that is on the refinery premises, while the old EA required 1mg/L for both cobalt and nickel beyond the refinery boundary.
- The new EA includes a discharge standard for lead and chromium, which was not stipulated in the old EA.
- The new EA requires a receiving water monitoring program, event based and routine monitoring at release points and a detailed groundwater monitoring program to be implemented, ensuring the refinery's long-term environmental impacts are continually assessed. These were not a part of the old EA.
- The new EA sets enforceable limits on the refinery discharging water via its ocean outfall pipeline. The old EA gave no stipulation for discharge water quality via the ocean outfall. Joint state and commonwealth approvals are also required for the refinery to use the ocean outfall and, to date, approvals have not been granted.
- The new EA stipulates new requirements around the design, construction and operation of all regulated structures on the site and brings the site in line with the requirements for other regulated dams, including tailings dams, in Queensland.
- The new EA includes a requirement for an annual dam safety inspection by a registered engineer to ensure that any safety issues with the dams are quickly identified and fixed. This was not a requirement of the old EA.
- The new EA contains requirements for ambient air quality monitoring and a range of new limits to protect nearby communities, including for particulates and metals such as nickel within those communities. This was not a requirement of the old EA.

In relation to the report by *The Australian* stating "*Federal government scientists have described a major discharge from the dams to the ecosystem of Halifax Bay in the World Heritage Area as 'similar to the daily discharge of treated sewage from a city of seven million people'*", this information was obtained under a Right to Information request to the Great Barrier Reef Marine Park Authority and was taken out of context. The Queensland Nickel tailings dam is a significant size, however the above statement assumes that most tailings and water are lost from the tailings storage facility for such impact to occur. This would mean a catastrophic failure of the dam. This is neither what is authorised through the EA nor what has occurred recently.

Overall, regulated dams at the refinery, including the tailings storage facility, do contain high levels of contaminants, which is why these contaminants are contained within regulated structures, which must be designed and certified by engineers.

As highlighted above, the new EA stipulates requirements around the design, construction and operation of all regulated structures. These are the same as for other tailings dams in Queensland and are in accordance with the Department of Environment and Heritage Protection's guideline for 'Structures which are dams or levees constructed as part of environmentally relevant activities' and the 'Manual for Assessing Hazard Categories and Hydraulic Performance of Dams'.

The new EA under which Queensland Nickel is required to operate at Yabulu, clearly illustrates the Queensland Government's ongoing commitment to ensuring the refinery's operations continue to meet strict environmental safeguards.

The Minister hopes this information is of assistance to you. Should you have any further enquiries, please contact Mrs Ingrid Fomiatti Minnesma, Regional Manager, Environmental Services and Regulation of the Department of Environment and Heritage Protection on telephone (07) 4222 5337.

Yours sincerely

Troy Collings

Chief of Staff

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