

# Environmental Regulation of the Mining Industry

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# Purpose

- Provide an overview of the Qld legislative framework for assessing and approving mining projects from pre-design to end of mine life

# Outline of Presentation

1. Provide an overview of the Qld legislative framework for assessing environmental impacts associated with mining
2. Describe the process industry undertakes to obtain an environmental authority including the community consultation and objection phases
3. Administration during life of mine – Compliance & Enforcement
4. Overview of the rehabilitation requirements and surrender process at end of mine life

# Outline (Cont.)

5. Identify how and when community can be involved
6. 10-15 minutes
7. Questions?

# Legislation

- Environmental management administered by in Qld by EPA
- *Environmental Protection Act 1994* (EP Act)
- EP Act provides for the assessment, decision making and the issuing of Environmental Authorities (EA's) for mining including the enforcement of conditions of the EA.

# Role of EPA

- Assess submitted environmental management documents and decide applications for EA's (mining)
- Issue and regulate environmental authorities for mining activities on mining tenures  
(Note: MC/PP administered by DME)
- Decide the level of assessment (i.e code compliant or non-code complaint, L1 or L2, EIS)
- Set financial assurance amounts (\$) and decide on any discharges during and at end of life / surrender

# EPA/DME Relationship

- DME limited role in environmental management decision making except on MC's / PP's or abandoned sites
- DME decide applications for mining tenements (i.e grant and regulate mining tenements through MR Act)
- Issuing of EA and tenure is simultaneous

# EA Approval & Assessment Process

- Chapter 5 (Approval process for EA)
- Chapter 3 (EIS)
- Level 1 and Level 2 activities (Risk)
- Code compliant / Non-code compliant
- EA applicant must be a holder or applicant for a tenement – concurrent process with DME

# Level 2 & Code Compliant

- Activity that has a low risk of serious environmental harm
- Complies with criteria in Schedule 1A of EP Reg (i.e less than 10ha disturbance, no level 1 ERA's being undertaken)
- Self-certification

# Level 1 Non-code Compliant

- Can not comply with code
- Activity has a medium to higher risk of environmental harm (Level 1)
- For example Kestrel, Blackwater, German Creek Mines

# Approval Process (Cont.)

- Pre-design Conferencing Recommended
- Initial Advice Statement
- Applications must contain enough information for EPA to make initial decision
- Application submitted – EIS decision made using EIS Triggers

# EIS Triggers

- Significant impact on Category A or B ESA's
- Involve mining of more than 2 million tonnes of mineral or ROM ore per year
- Involve abstraction for more than 2 million m<sup>3</sup> of water per year from natural surface and/or groundwater
- Include mining uranium or asbestos
- Include Level 1 ERA
- Involve mining less than 2km from a town

# Standard Criteria

Schedule 3 of EP Act states must consider:

- Principles of ESD
- Applicable EPP's
- Applicable Commonwealth, State or local government plans or standards
- Applicable impact studies, assessment reports

# Standard Criteria (Cont.)

- Character, resilience and values of the receiving environment
- All submissions made by the applicant [and interested parties]
- Best practice environmental management for the activity under the authority, program, order or permit
- Financial implications

# Standard Criteria (Cont.)

- Public interest
- Applicable site management plan
- Other matter prescribed under a regulation

# EPA Project Team

- Project Director
- EIS Co-ordinator
- Project Manager
- Project Team (Virtual)

# Terms of Reference (ToR)

- Set out the requirements, identified and studies to be undertaken as part of the EIS process
- Draft ToR – Public notice required, comments invited
- Final ToR – comments incorporated and public notification occurs

# Environmental Impact Statement

- EIS must meet requirements of ToR
- Assess potential adverse & beneficial impacts of the project
- Obtain input from community
- Consider alternatives
- Propose monitoring, planning to minimise identified impacts
- A Draft EIS is advertised submission invited

# EIS (Cont.)

- Final EIS developed and notice published
- EPA prepares EIS assessment report
- Identified requirements met from EIS
- Suitability of project
- Conditions on EA
- 1-2 year process

# EM Plan (EMOS)

- Provides information to support application (mining)
- Describes scope of the project
- Identifies potential impacts
- Proposes control strategies and environmental protection commitments

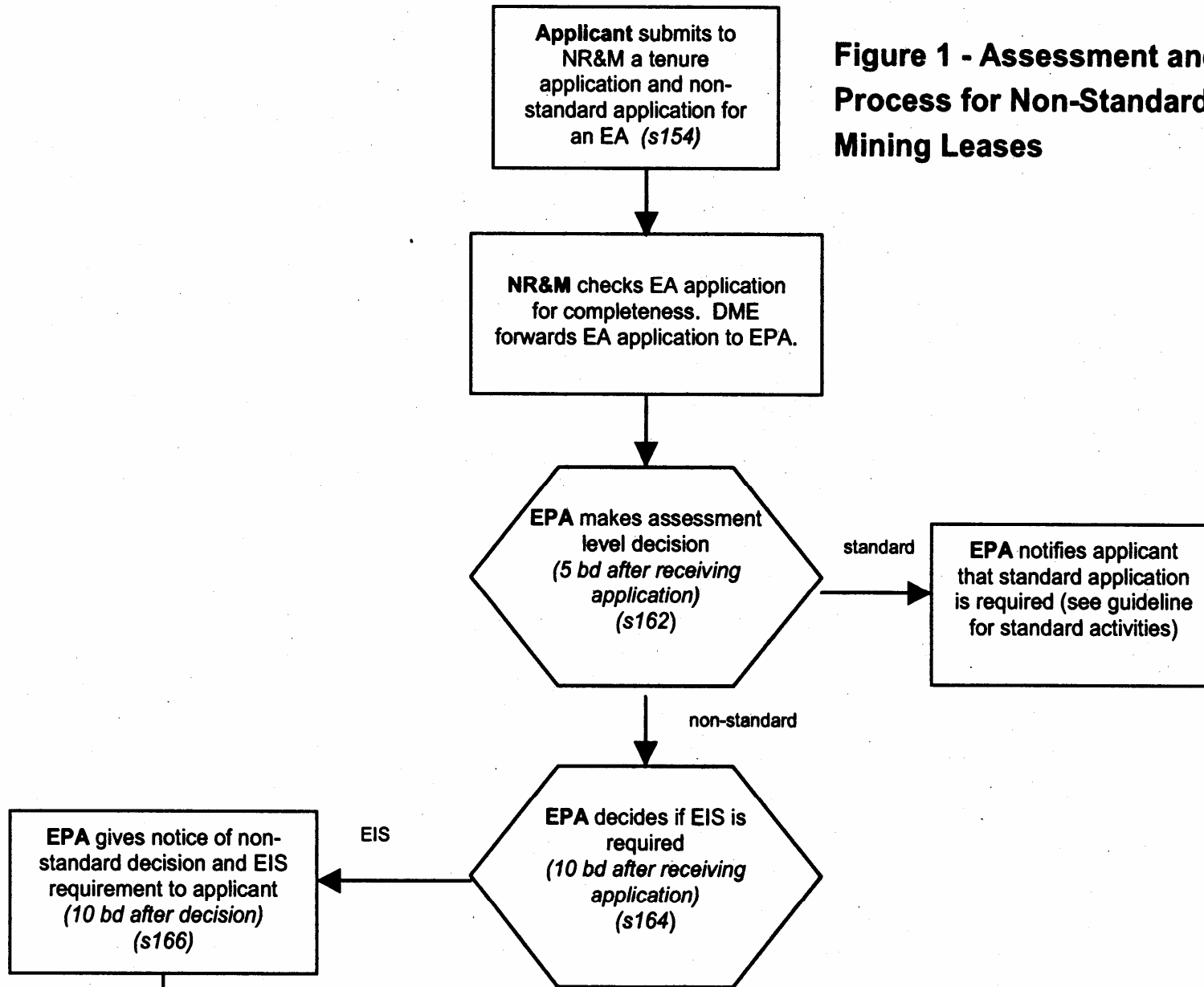
# Draft EA

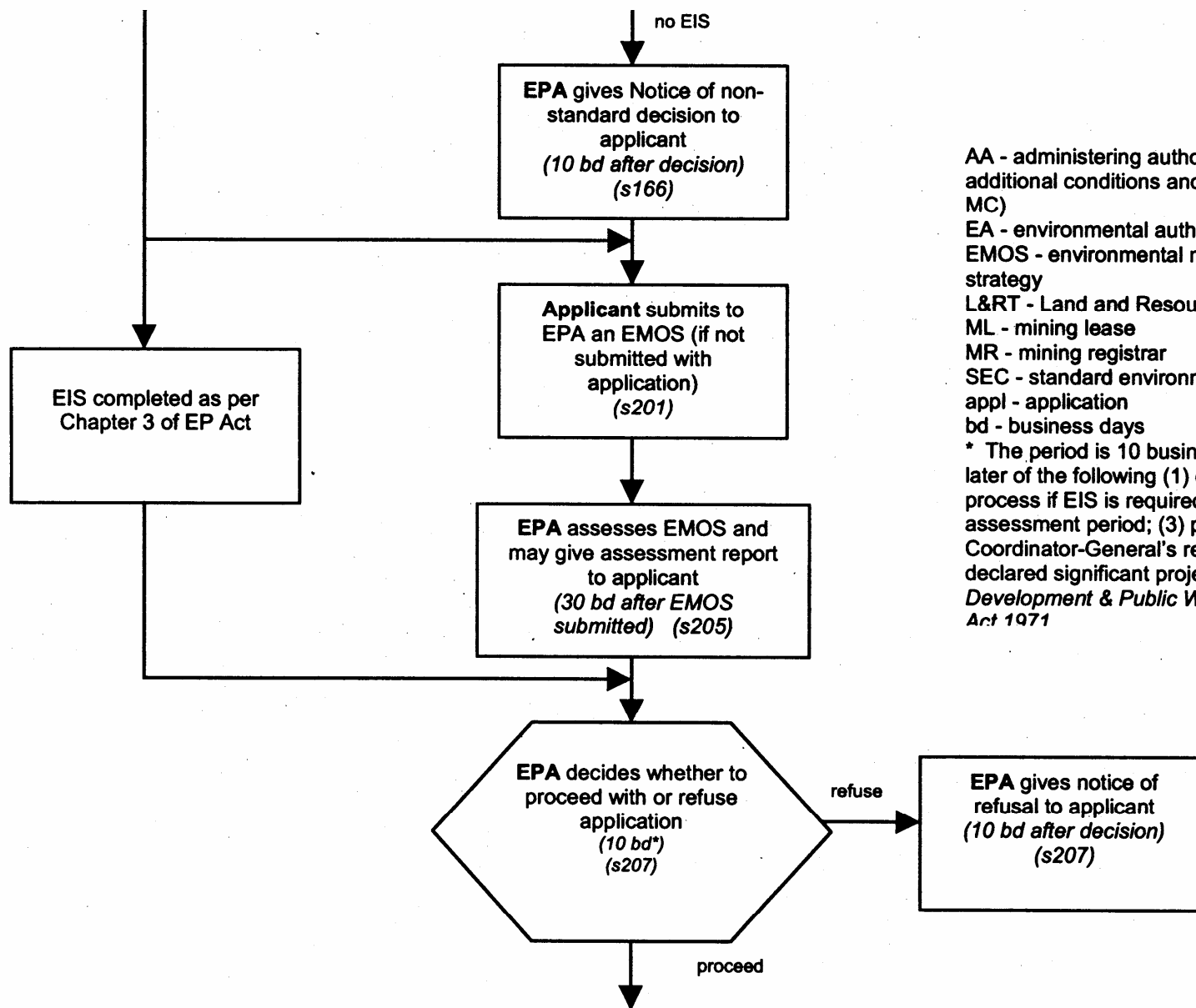
- Draft EA developed
- Public notification required
- No objections – grant EA
- Objections – LRT hearing
- Objections withdrawn – Grant EA
- Minister decision

# Plan of Operations (PoO)

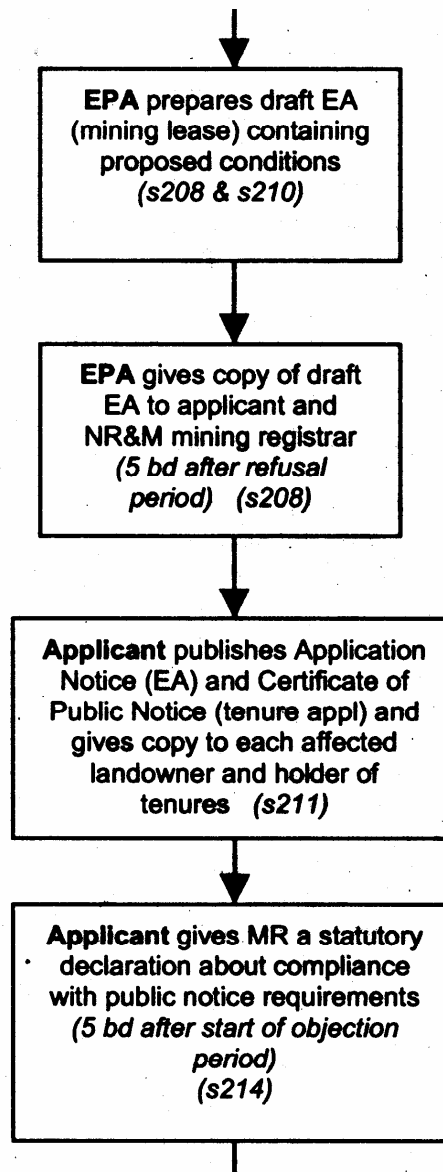
- Overview of operation
- Action Program
- 1-5 life
- Submitted 28 days prior to works being undertaken
- Financial Assurance Calculated
- Performance Discount Category (1-5)
- Audit Statement

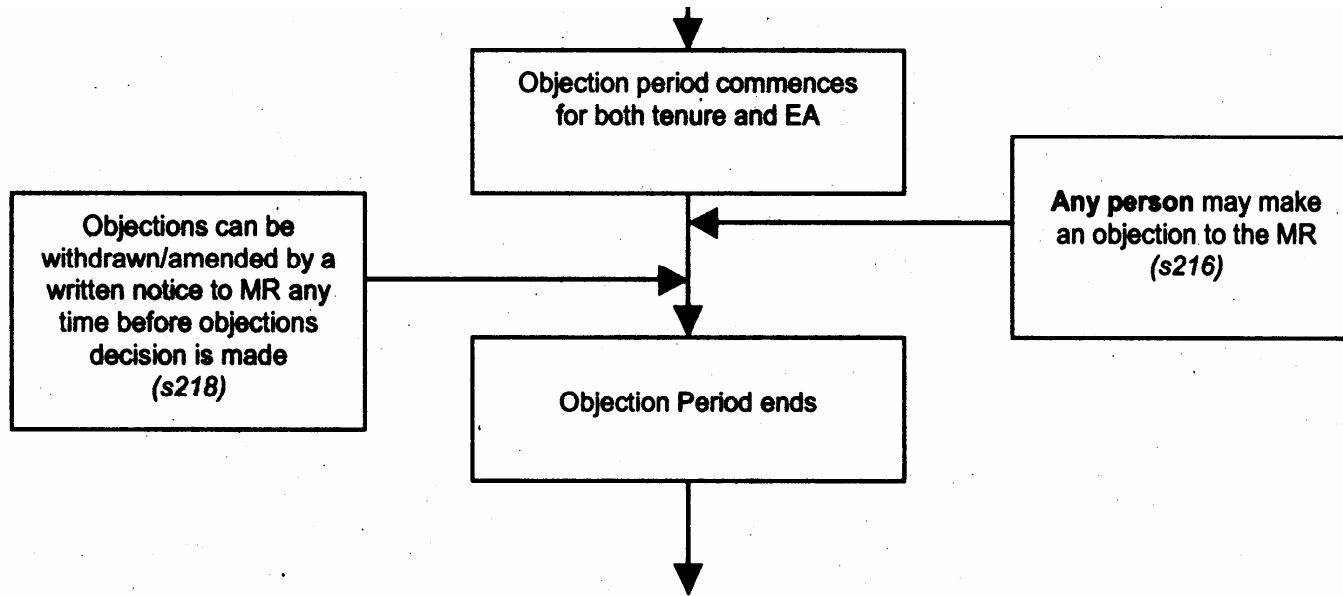
**Figure 1 - Assessment and Approval Process for Non-Standard Activities on Mining Leases**





AA - administering authority (EPA for MC with additional conditions and ML and NR&M for MC)  
 EA - environmental authority  
 EMOS - environmental management overview strategy  
 L&RT - Land and Resources Tribunal  
 ML - mining lease  
 MR - mining registrar  
 SEC - standard environmental conditions  
 appl - application  
 bd - business days  
 \* The period is 10 business days after the later of the following (1) completion of EIS process if EIS is required; (2) end of assessment period; (3) preparation of Coordinator-General's report if project declared significant project under *State Development & Public Works Organisation Act 1971*



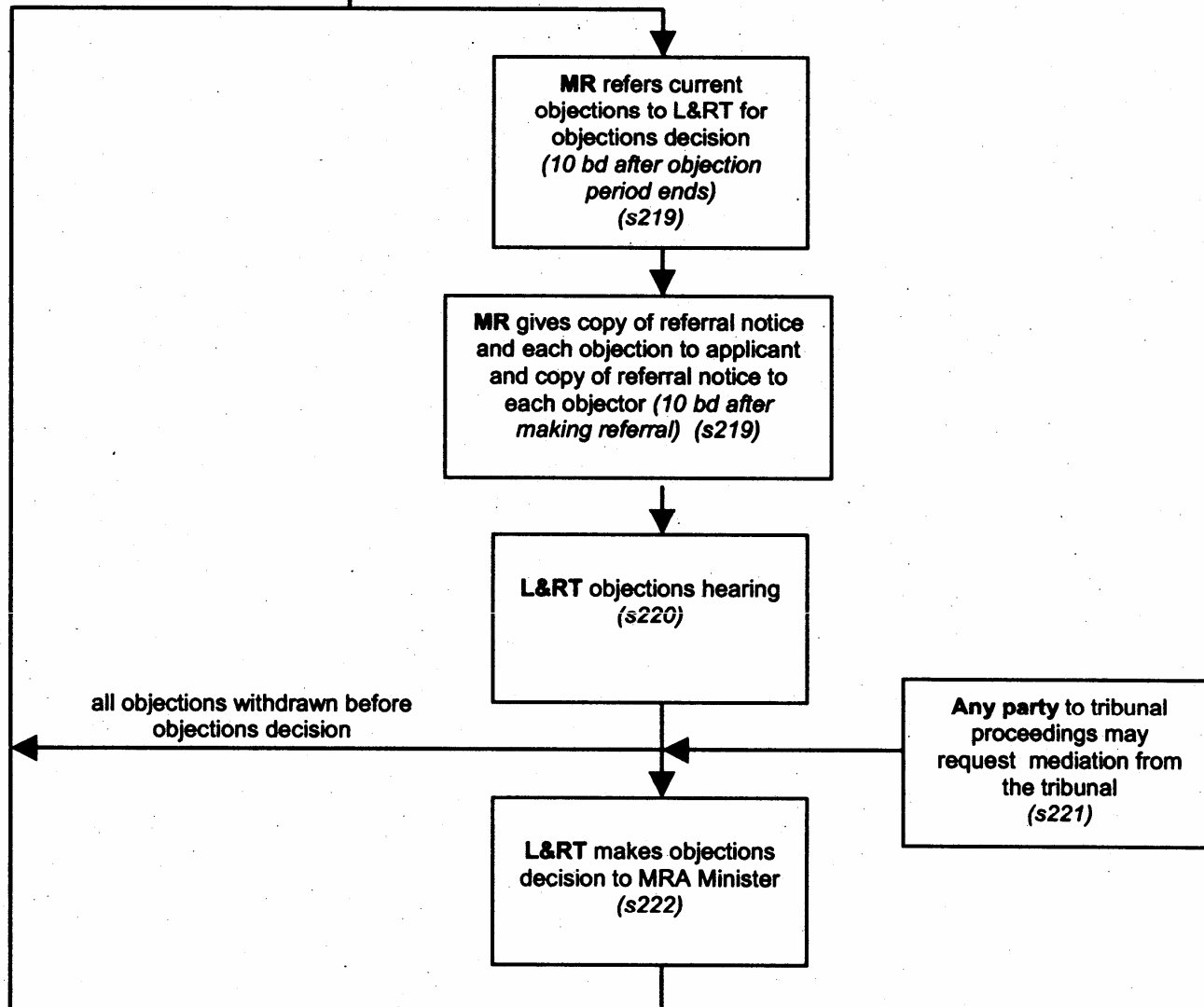


**Figure 1 continued  
over page**

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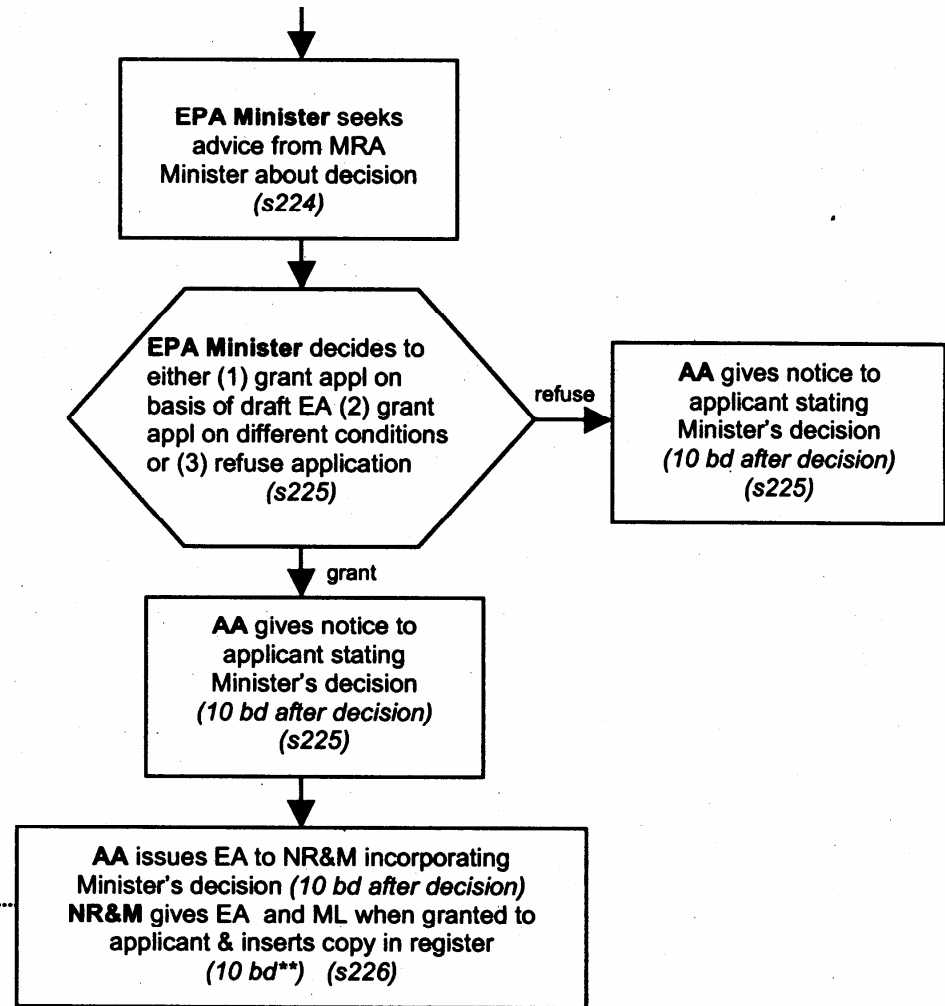
**No Objections**

**Objections**



AA issues EA on basis of draft EA  
*(10 bd after objection period)*  
 NR&M gives EA & ML to applicant and  
 inserts copy in register  
*(10 bd after grant of tenure)*  
 (s228)

Applicant submits plan of  
 operations and financial  
 assurance 28 days before  
 commencing operations



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\*\* 10 business days after later of the following (1) making of decision, or (2) granting of relevant tenure.



**Environmental Authority No. <XXXXX>  
 (mining activities)**

Section <XXX> *Environmental Protection Act 1994*

*This environmental authority is granted under the Environmental Protection Act 1994 and includes conditions to minimise environmental harm caused, or likely to be caused, by the authorised mining activities. An environmental authority (mining activities) may be for mining activities authorised (under the Mineral Resources Act 1989) to occur under one of the following mining tenements: a prospecting permit; mining claim; exploration permit; mineral development licence; or mining lease. In general, a mining activity means: prospecting, exploring, mining, or processing minerals; remediation; rehabilitation; and includes facilitation and supporting activities and any action taken to prevent environmental harm.*

Under the provisions of the *Environmental Protection Act 1994* this environmental authority is issued to:

<Company Name>  
 <Address>  
 <Address>  
 <Address>

In respect of carrying out activities as part of the following mining project:

Type of environmental authority (mining activities)	Authorised mining tenements	Location
<Mining Lease>	<ML>	<Project location>
<Exploration>	<EP>	<Project location>
<Mineral Development>	<ML>	<Project location>

The mining activities are authorized to the extent defined in Schedule 6 of the *Environmental Protection Regulation Act 1994*.

<Insert relevant section from EP Regulation 1998 >

This environmental authority is subject to the conditions set out in the attached schedules.  
 The anniversary date of this environmental authority is

This <amended> environmental authority takes effect from.

Signed \_\_\_\_\_

Date \_\_\_\_\_

<XXXXX>

# Example Conditions

## **Schedule A - General**

### **Monitoring**

(A3-1) Record, compile and keep for a minimum of five years all monitoring results required by this environmental authority and make available for inspection all or any of these records upon request by the administering authority.

(A3-2) Where monitoring is a requirement of this environmental authority, ensure that a competent person(s) conducts all monitoring.

## **Schedule C - Water**

### **Release to waters**

(C1-1) Receiving waters affected by the release of process water or storm water contaminated by the mining activities or both must be monitored at the locations and frequencies defined in Schedule C - Table 1 and Schedule I – Map [INPUT X] and comply with the contaminant limits defined in Schedule C - Table 2.

# Example Conditions (Cont.)

## **Schedule G - Community**

### **Complaint response**

(G1-1) All complaints received must be recorded including details of complainant, reasons for the complaint, investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.

## **Schedule F - Land**

### **Rehabilitation landform criteria**

(F1-1) All areas significantly disturbed by mining activities must be rehabilitated to a stable landform with a self-sustaining vegetation cover in accordance with Schedule F – Table 1.

# Compliance with EA

- EPA SCMP sites rated Level 1 – 3 (Risk), (Type) A – C inspections, EPA audit team
- Monitoring requirements in accordance with EA
- Annual Return
- Incident reporting and General Environmental Duty, Duty to Notify non-compliances / exceedences

# Enforcement

- Warning Notices
- PIN
- Environmental Evaluation/Investigation
- Environmental Management Program
- Environmental Protection Order, Court Order, Suspension, Cancellation
- Prosecution

# Surrender

- End of Mine life
- Partial Surrender during
- Progressive Rehabilitation
- FRR
- Audit Statement
- Landholder Statement

# Community Consultation – How & When?

## Regulatory:

- EIS process = Draft ToR, Final ToR, Draft EIS, Final EIS, Draft EA, EM Plan
- New EA = Public notification/objection stage s211 (Draft EA, Appl'n, EM Plan)
- Amendment to Existing EA (Sig. Inc) = Public notification s254 (Draft EA, EM Plan, Appl'n)

# Community (Cont.)

## Non-Regulatory:

- EPA in consultation relevant stakeholders have developed guidelines to promote transparency throughout the approval process
- *'Guideline 7: Issue Identification and Community Consultation'* gives guidance to industry on expected consultation for mining projects provided within the framework of the EP Act
- Surrender = Landholder Statement

# Community (Cont.)

Key focus suggests:

- Preliminary community consultation during feasibility stage/pre-application

Benefits:

- Facilitate understanding of community values/concerns
- Smoother, more transparent process

# Key Points in Summary

- Comprehensive approach applied when assessing environmental impacts associated with mining activities in accordance with Qld Environmental Legislative Framework
- Environmental Authority process allows for significant community consultation and objection process where a significant increase or EIS required

# Summary (Cont.)

- The EPA takes a proactive role in administering rehabilitation commitments and EA requirements throughout life of mine
- Surrender process requires stakeholder involvement and landholder sign-off prior to relinquishment of EA.
- EPA currently working with Industry/QRC to identify incentives and promote progressive rehabilitation to expedite sign-off.

# Contacts & Further Information

- Emerald District Office  
99 Hospital Road  
Ph: 4982 4555
- EPA website [www.epa.qld.gov.au](http://www.epa.qld.gov.au)
- Alternatively Ecoaccess Customer Service Unit on  
1300 368 326

# Questions?