

# ENVIRONMENT PROTECTION ACT 1993 CLEAN UP AUTHORISATION

(Issued pursuant to Section 100(1) of the *Environment Protection Act, 1993*)

<b>TO:</b>	Buckland Dry Creek Pty Ltd (ACN 114 007 153)	
<b>OF:</b>	412 Hanson Road N DRY CREEK SA 5094	
<b>SITE(S) to which the Order relates</b>	Saltfields, Eastern Side of Gulf St Vincent, SA <ul style="list-style-type: none"> <li>• CR 5766/820</li> <li>• CR 5766/821</li> <li>• CR 5766/822</li> <li>• CR 5766/823</li> <li>• CR 5766/824</li> <li>• CR 5766/825</li> <li>• CR 5766/826</li> <li>• CR 5766/827</li> <li>• CR 5766/828</li> <li>• CR 5844/945</li> <li>• CR 5760/408</li> <li>• CR 5760/407</li> <li>• CR 5744/249</li> <li>• CR 5744/250</li> <li>• CT 6168/803</li> </ul> (together, " <b>the Site</b> ")	

**1. BASIS OF AUTHORISATION:**

2. In accordance with section 100(1) of the *Environment Protection Act 1993 (the Act)* the Environment Protection Authority (**the EPA**) is satisfied that Buckland Dry Creek Pty Ltd has caused environmental harm by contraventions of:

2.1. **Section 79(2)** of the Act which provides:

*A person who by polluting the environment causes serious environmental harm is guilty of an offence.*

2.2. In the alternative to paragraph 2.1, **section 80(2)** of the Act, which provides:

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*A person who by polluting the environment causes material environmental harm is guilty of an offence.*

2.3. Further and in the alternative to paragraphs 2.1 and 2.2, **section 25** of the Act which provides:

*A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm.*

### 3. PARTICULARS OF CONTRAVENTION(s):

As to the contravention of s79(2), or in the alternative s80(2), of the Act:

3.1. Between approximately December 2019 and the date of this Authorisation Buckland Dry Creek Pty Ltd caused environmental harm by polluting the environment near the Site in that:

- 3.1.1. At all material times Buckland Dry Creek Pty Ltd was the occupier of the Site.
- 3.1.2. At all material times Buckland Dry Creek Pty Ltd used the Site for the purpose of a salt mining operation.
- 3.1.3. In or around December 2019, Buckland Dry Creek Pty Ltd caused, suffered or permitted hypersaline water to enter Ponds numbered 6 to 11 as shown on the Attached Figure 1 (known and referred to hereafter as "**Section 2**").
- 3.1.4. From approximately December 2019 to the date of this Authorisation, Buckland Dry Creek Pty Ltd has caused, suffered or permitted hypersaline water to remain in Section 2.
- 3.1.5. Between approximately December 2019 and the date of this Authorisation, hypersaline water escaped from Section 2 into the adjacent land and waters to the west and south of the Site, thereby polluting the environment in the adjacent land and waters.
- 3.1.6. The escape of the hypersaline water caused actual and potential harm to mangrove forests, saltmarshes and associated ecosystems in the adjacent land and waters.
- 3.1.7. The presence of hypersaline water in Section 2 continues to pose a risk of harm to ecosystems adjacent to the Site.
- 3.1.8. The harm is serious harm or, in the alternative, material harm.

As to the contravention of s25 of the Act:

3.2. Between approximately December 2019 and the date of this Authorisation, Buckland Dry Creek Pty Ltd, while undertaking an activity that pollutes, or might pollute, the environment, failed to take all reasonable and practicable measures to prevent or minimise any resulting environmental harm.

3.2.1. Particulars 3.1.1 to 3.1.8 above are repeated.

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3.2.2. Prior to causing, suffering or permitting the hypersaline water to enter Section 2, Buckland Dry Creek Pty Ltd failed to take all reasonable and practicable measures to prevent or minimise the harm, in that it failed to:

3.2.2.1. undertake an adequate risk assessment of the potential environmental impacts of hypersaline water entering Section 2, prior to causing, suffering or permitting the entry of the hypersaline water; and

3.2.2.2. ensure that Section 2 (particularly the western bund wall) had sufficient structural integrity to prevent the escape of the hypersaline water, prior to causing or permitting the entry of the hypersaline water; and

3.2.2.3. remove all the hypersaline water from Section 2 as soon as reasonably practicable after its entry into that area.

## 4. PERSONS TO BE AUTHORISED TO TAKE SPECIFIED ACTION TO MAKE GOOD ENVIRONMENTAL DAMAGE:

4.1. The following people are authorised to take the action specified below on behalf of the EPA to make good the resulting environmental damage, and/or to prevent or mitigate further environmental harm:

4.1.1. All authorised officers appointed under the Act:

("the Authorised Personnel").

## 5. AUTHORISED ACTION

5.1. The Authorised Personnel are authorised to:

5.1.1. remove the hypersaline water from Section 2 and move it to another location on the Site or elsewhere; and

5.1.2. undertake such reasonable ancillary works or other actions to facilitate the removal and transfer of the hypersaline water, including but not limited to:

5.1.2.1. any preparatory or scoping works;

5.1.2.2. civil works at the Site;

5.1.2.3. use of existing infrastructure at the Site; and

5.1.2.4. the conduct of tests, sampling or observations on or off the Site to monitor the works under this Clean-Up Authorisation.

Dated: 26 February 2021

  
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**KEITH BALDRY**  
**DELEGATE**  
**DIRECTOR SCIENCE & INFORMATION OF THE ENVIRONMENT PROTECTION AUTHORITY**



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### Notes:

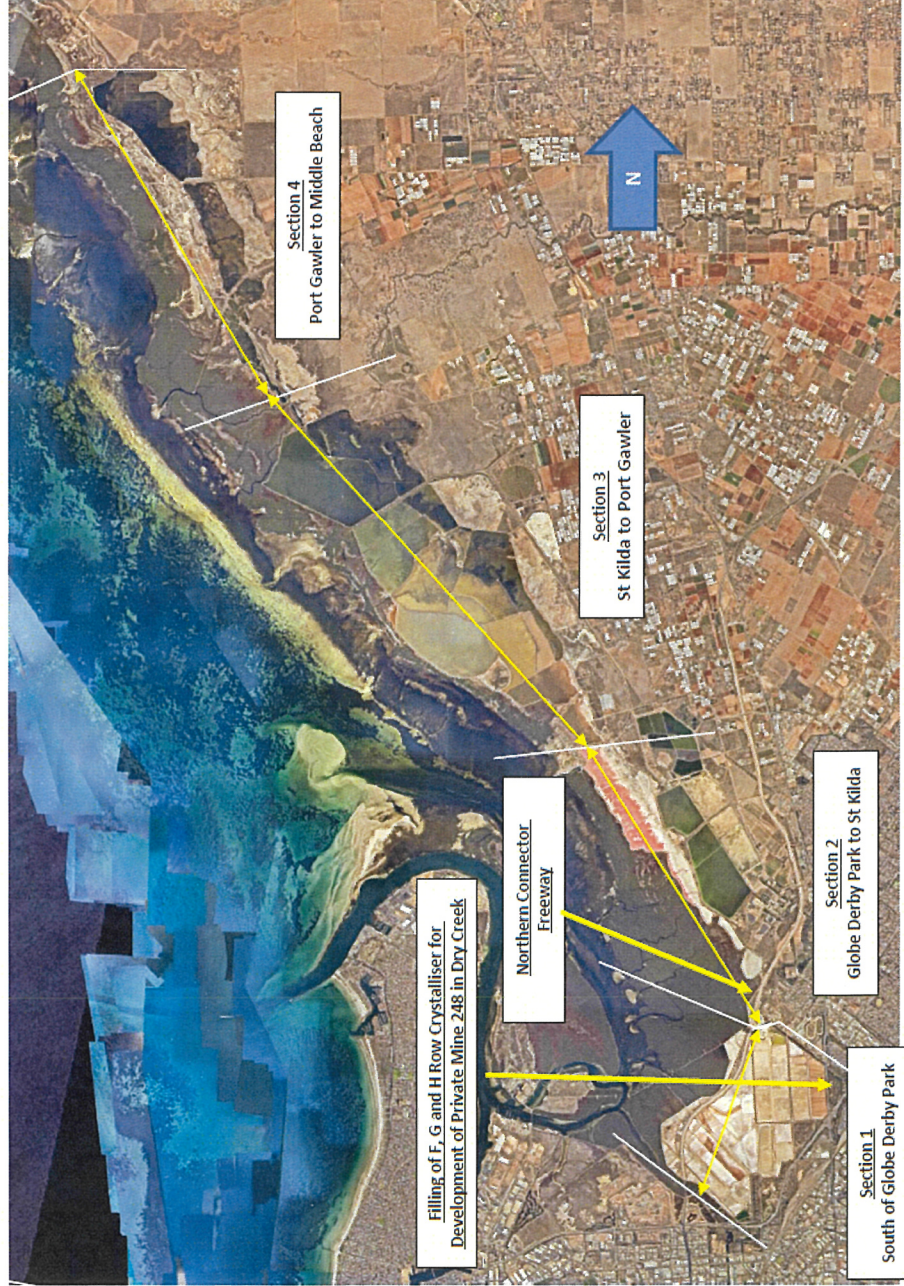
1. Authorised personnel who are not authorised officers under the Act may exercise such powers of an authorised officer under s87 of the Act as are reasonably required for the purpose of taking action under this Clean Up Authorisation. The provisions of the Act apply in relation to the exercise of such powers by the person in the same way as in relation to an authorised officer. It is an offence under s90 of the Act to hinder or obstruct an authorised officer, or a person assisting an authorised officer, in the exercise of powers conferred by the Act.
2. Where action has been taken by the EPA in pursuance of a clean-up authorisation, the EPA may recover under s103(2) of the Act the reasonable costs and expenses incurred by the Authority in taking that action as a debt from the person whose contravention gave rise to the issuing of the authorisation.
- 3.

<b>ISSUE OF AUTHORISATION</b>	
To:	<i>Peter Leticovic Dred BDC Pty Ltd</i>
At:	<i>2-35m at Wryfield</i>
Time and Date:	<i>1/3/21</i>
Personal/post/facsimile:	<i>Personal</i>
Signed:	<i>[Signature]</i>
Name:	<i>Deputy Bang</i> of the Environment Protection Authority

# ENVIRONMENT PROTECTION ACT 1993 CLEAN UP AUTHORITY

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**FIGURE 1 – MAPS OF SITE AND LOCATION OF SECTIONS AND PONDS**





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