

# Administrative Arrangement

Between

**South Australian Environment Protection Authority (EPA)**

And

**Mineral Resources Division, Resources and Energy Group, Department for Manufacturing, Innovation, Trade, Resources and Energy (DMITRE)**

## 1. Scope of Administrative Arrangement

This Administrative Arrangement has been prepared for the purpose of satisfying the requirements detailed in paragraphs 5.2 and 5.3 of the Memorandum of Understanding (dated 17 August 2012), between the EPA and the Mineral Resources Division of DMITRE.

The key objective of this administrative arrangement is to achieve consistent, collaborative and efficient environmental regulation of South Australia's mineral resources, especially when the obligations and responsibilities of the parties (under the Acts specified below) overlap. This arrangement is not intended to create legal relations, but is intended to create a long term commitment to a mutual working relationship between the parties.

No part of the Agreement restricts participating agencies from the application of relevant legislation and associated regulatory tools.

This Administrative Arrangement applies to activities administered by DMITRE under the:

- *Mining Act 1971* (Mining Act);
- *Roxby Downs (Indenture Ratification) Act 1982* (RD Act);
- *Mines and Works Inspection Act 1920* (MWI Act), and

those activities administered by the EPA under the:

- *Environment Protection Act 1993* (EP Act); and
- *Radiation Protection and Control Act 1982* (RPC Act).

These activities are referred to here-in as "regulated activities", and includes Mineral Exploration Activities, Extractive, Metallic and Uranium Mining Operations.

## 2. Training and Knowledge Exchange

Both parties will undertake any necessary training to facilitate a better understanding of any provisions of the Acts to which this arrangement applies. Each party shall endeavor to inform the other of any such appropriate opportunities, including where appropriate the inclusion to in-house training. Each party shall provide up to date reference information to assist in meeting the requirements of this arrangement (e.g. EPA guidance information for the regulation of licensed and non-licensed activities, mining activities which trigger an EPA authorisation or similarly DMITRE provide EPA information on DMITRE Determinations).

## 3. Areas of Responsibility

To achieve consistent, collaborative and efficient environmental and radiological regulation of South Australia's mineral resources, it is important to recognize and define the areas of responsibility for both parties (in accordance with the legislation summarised in Section 1).

The following table provides a summary of these responsibilities:

### Joint Responsibility

- Noise (not related to blasting)
- Air Quality (not related to blasting)
- Dust (not related to blasting)
- Odour
- Environmental Incident and Environmental Incident Management (e.g. spills)
- Hazardous substances
- Surface Water & Groundwater quality
- Environmental Radiation Protection
- Radioactive material management
- Public Radiation Protection
- Waste Disposal/Management (including waste water, radioactive waste, but excluding overburden waste)
- Stormwater Management
- Mine Rehabilitation and Closure
- Site Contamination

### EPA Sole Responsibility

- Occupational Radiation Protection

### DMITRE Sole Responsibility

- Blasting (including noise, air quality and dust management from activity)
- Public safety

- Unauthorised Access
- Visual Amenity
- Mine Workings
- Surface Water and Groundwater depletion
- Soil Quality/Quantity
- Overburden Waste Management
- Aboriginal and European Heritage
- Flora and Fauna
- Weeds and Pests (including feral animals)
- Community Consultation (EPA may have some responsibility from time-to-time depending on circumstances)
- Traffic/Transport Management
- Land Disturbance
- Impacts on adjacent Land Use / Infrastructure (EPA may have some responsibility depending on circumstances)
- Protection of Third Party Property
- Fire
- Caves and Geological Heritage

## 4. Where Both DMITRE and EPA Have a Regulatory Role

### 4.1. EPA

There are a number of regulated activities for which the EPA has administrative responsibility. This includes activities that require an environmental authorisation (works approval, licence or exemption) under the EP Act, or an authorisation under the RPC Act. In these cases, the EPA has the sole responsibility for administering and ensuring these regulated activities meet their respective conditions.

In addition, the EPA may have a regulatory or advisory role in the development of trial projects associated with regulated activities (e.g. Managed Aquifer Recharge and other water disposal trials).

Relevant EPA licensed activities which are also regulated by DMITRE under the Mining Act, RD Act and MWI Act are detailed in Schedule 1 of the EP Act and include (but are not limited to):

- 1(1) Chemical Storage >1000 m<sup>3</sup>
- 1(2)(a) Chemical Works >1000 tpa

- 1(2)(b) Salt Production >5000 tpa
- 2(5) Concrete batching works
- 2(9) Mineral Processing activities
- 3(3) Waste disposal (other than overburden and tailings)
- 7(2) Mine related railways
- 7(7) Extractive industries > 100,000 tpa
- 8(2) Fuel burning (i.e. power generation)
- 8(7) Discharge into marine or inland waters (e.g. underground aquifers)

With regards to the RPC Act, any person or company that conducts mining or mineral processing that involves radioactive substances must hold a licence from the EPA. This applies to the following activities when the radioactivity thresholds defined in the RPC Act and the *Radiation Protection and Control (Ionising Radiation) Regulations 2000* are triggered:

- the mining and processing of ore that results in a radioactive product, by-product, or waste;
- developmental testing of mining and mineral processing procedures (e.g. trials/pilot plants, underground exploratory activities);
- facilities for the storage and handling of radioactive material that do not meet the requirements for the above licenced activities (e.g. drill core libraries, small pilot plants), and
- using radiation apparatus (e.g. Prompt Fission Neutron tools).

Ionising radiation apparatus and sealed radioactive sources used at mine sites must be registered with the EPA under the RPC Act.

The offsite storage and handling of radioactive materials directly related to mining projects are also regulated under the RPC Act where the radioactivity threshold is triggered. This includes laboratories, the storage of heavy mineral sands at port facilities and off site mine equipment workshops. Furthermore these facilities may also require an authorisation under Schedule 1 of the EP Act.

The primary condition on any licence to conduct mining and mineral processing issued under the RPC Act requires compliance with the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) *Code of Practice on Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (2005)* (the Mining

Code).

Where exploration for radioactive elements are likely to occur, explorers are required to comply with requirements of the EPA's *Radiation Protection Guidelines on Mining in South Australia: Mineral Exploration* (or subsequent revisions). Revisions of this guideline are to occur in consultation with DMITRE's Mineral Tenement and Exploration Branch.

#### **4.2. DMITRE**

There are a number of regulated activities for which DMITRE has administrative responsibility. This includes the assessment and compliance of tenements and statutory work programs for activities under the Mining Act, RD Act or MWI Act, such as:

- conditions attached to a lease or licence (if granted);
- a Program for Environment Protection and Rehabilitation (PEPR) or Mining Operation Plan (MOP) under the Mining Act;
- an Environment Protection and Management Plan (EPMP) under the RD Act, or
- an Approved Development Plan under the MWI Act.

In these cases, DMITRE has the sole responsibility for administering, assessing and ensuring that these regulated activities meet their respective approvals. In addition, DMITRE has sole responsibility under the Mining Act for the regulation of illegal mining.

### **5. Regulated Activity Assessment Process**

#### **5.1. Tenements and Statutory Work Programs for activities administered by DMITRE**

##### ***5.1.1. Under the Mining Act***

The procedures for responding to applications for authorisation of tenements (i.e. exploration licences, mining leases, retention leases and miscellaneous purposes licences), administered by DMITRE will be as follows:

- DMITRE will receive, assess and where appropriate approve all applications for grant of tenements under the Mining Act;
- DMITRE will refer to the EPA any proposal for a lease, retention lease or management plan for a miscellaneous purposes licence application which is likely to require a licence under the EP Act or RPC Act. DMITRE will not refer those activities that do not require an EPA licence, however on occasions will refer certain

applications where EPA expert advice may be required;

- Where exploration occurs in areas of known uranium and thorium mineralisation, DMITRE will require a Radiation Management Plan. DMITRE will refer the plans to the EPA's Radiation Protection Branch for endorsement. The Radiation Protection Branch will liaise with the explorer if alterations to the plan are required. Once the plan is finalised, a copy the letter endorsing the plan will be provided to DMITRE<sup>NB</sup>;
- DMITRE will provide to the EPA, via the Mining and Petroleum Referrals email address ([EPAMining&PetroleumReferrals@epa.sa.gov.au](mailto:EPAMining&PetroleumReferrals@epa.sa.gov.au)) an electronic copy of all referral documentation;
- DMITRE will allow up to 20 business days for a response and provide details of a contact officer;
- Upon receiving the response, DMITRE will consult with EPA, and where relevant the proponent to address any issues which may arise;
- DMITRE will provide a formal copy of lease or licence conditions to the EPA upon granting the lease or licence to the proponent<sup>NB2</sup>;
- Once granted, DMITRE will consult with the EPA throughout the subsequent development (or revision, where applicable) of a PEPR or MOP to ensure that:
  - The PEPR or MOP is sufficient to meet the requirements of an EPA works approval and licence to construct and commission the mining operation;
  - The PEPR or MOP is consistent with requirements for issue of an EPA authorisation;
- DMITRE will, where appropriate, refer to the EPA those mining activities whose status may have changed, resulting in a change to the lease, licence, PEPR or MOP, and
- DMITRE will, where appropriate, ensure that the terms and conditions of leases, licences and PEPR's or MOP's are consistent with requirements of the EP Act and RPC Act.

*NB. DMITRE will not approve an exploration PEPR, where exploration occurs in areas of known uranium and thorium mineralisation without a radiation management plan being endorsed by the EPA.*

*NB<sub>2</sub>. DMITRE will not provide any approval documentation associated with exploration licenses unless requested by the EPA.*

### **5.1.2. Under the RD Act**

The Olympic Dam Mine is the only mining operation regulated under the RD Act.

The following clauses of the RD Act stipulate the legislative requirements for the assessment of relevant (i.e. those which also apply to the EP Act and the RPC Act), regulated activities:

- *Clause 7 – Approvals*
- *Clause 10 – Compliance with Codes*
- *Clause 11 – Protection and Management of the Environment.*

When the mine operator applies for new approvals under the RD Act (relevant to Clauses 10 & 11 above), it will be referred to the EPA for advice prior to approval. Should the new approval require a change to the EPA licence conditions for the operation, the EPA will consult with DMITRE as appropriate, and provide a copy of the amended licence.

The consultation process associated with any new assessments under the RD Act will meet the requirements of Clause 7 of the RD Act, specifically the assessment timeframes and approval conditions.

### **5.1.3. Under the MWI Act**

The Leigh Creek Coal Mine is the only major mining operation regulated under the MWI Act. The operator may from time to time update their Approved Development Plan (ADP) and if so, it may be referred to EPA for advice prior to approval under the MWI Act.

Should the update to the ADP require a change to the EPA licence conditions for the operation, the EPA will consult with DMITRE as appropriate, and provide a copy of the amended licence.

### **5.1.4. EPA's Assessment and Response to Referrals from DMITRE**

The EPA's assessment and response to referral documentation will cover matters concerning likely environmental impacts and nuisance such as (but not limited to):

- Noise (not related to blasting)
- Air Quality (not related to blasting)
- Dust (not related to blasting)
- Odour
- Environmental Incident and Environmental Incident Management (e.g. spills)

- Hazardous substances
- Surface Water & Groundwater quality
- Environmental Radiation Protection
- Radioactive material management
- Public Radiation Protection
- Waste Disposal/Management (including waste water, radioactive waste, but excluding overburden waste)
- Stormwater Management
- Mine Rehabilitation and Closure
- Site Contamination

The EPA will:

- Provide a written response to the referral documentation to the nominated DMITRE contact within specified timeframes;
- Provide details of an EPA contact officer;
- Summarise any significant issues that the EPA is aware of, which have not been adequately addressed in the mining proposal, management plan, PEPR, MOP, EPMP or ADP;
- Recommend any changes to proposed outcomes and assessment criteria that should be included in the PEPR or EPMP,
- Ensure, where appropriate, that the requirements and conditions of the lease, licence, PEPR, MOP, EPMP or ADP are:
  - sufficient to allow granting of relevant authorisations, and
  - consistent with any conditions issued by the EPA; and
- Not grant approvals (e.g. licences, works approvals) until DMITRE have issued relevant approvals/licences.

**5.2. Licences and approvals for activities administered by EPA**

**5.2.1. Under the EP Act**

The procedures for responding to applications for authorisation of prescribed activities under the EP Act will be as follows:

- EPA will receive and assess all applications for authorisations and approvals under the EP Act (including licences, process change, exemptions and works approvals);
- EPA will consult with DMITRE where appropriate (i.e. in accordance with areas of



responsibilities in Section 3), and provide to DMITRE, via the DMITRE Mining Regulation and Rehabilitation email address

([DMITRE.MiningRegRehab@sa.gov.au](mailto:DMITRE.MiningRegRehab@sa.gov.au)), an electronic copy of relevant referral documentation;

- The EPA will provide DMITRE 20 business days for a response and provide details of an EPA contact officer;
- The EPA will assess the application and set licence conditions, ensuring (where appropriate) consistency with any DMITRE lease/licence conditions and the approved PEPR, MOP, EPMP or ADP, and
- A copy of authorisation(s) will be provided to DMITRE.

#### **5.2.2. Under the RPC Act**

- EPA will receive and assess all applications for mining related licences, submitted in accordance with the RPC Act and all applications for authorisations and approvals submitted in accordance with the Mining Code;
- EPA will consult with DMITRE where appropriate (i.e. in accordance with areas of responsibilities in Section 3), and provide to DMITRE, via the DMITRE Mining Regulation and Rehabilitation email address ([DMITRE.MiningRegRehab@sa.gov.au](mailto:DMITRE.MiningRegRehab@sa.gov.au)), an electronic copy of relevant referral documentation;
- EPA will provide DMITRE 20 business days for a response and provide details of an EPA contact officer;
- The EPA will assess the application and set licence conditions, ensuring (where appropriate) consistency with any lease/licence conditions, and that the RWMP is consistent with the approved PEPR or EPMP, and
- A copy of the licence or letter of approval/authorisation will be provided to DMITRE.

#### **5.2.3. Joint PEPR and RWMP approvals for Uranium or Mineral Sand Mines**

- Both parties will work towards streamlining operational plans for Uranium and Mineral Sand mines by requiring proponents to submit a combined PEPR and RWMP document. This process will commence once relevant guidance documentation has been published;
- The combined PEPR and RWMP will be jointly assessed and approved by both parties within the scope of their respective legislation, and
- Any revisions to an existing combined PEPR and RWMP must be re-assessed

and re-approved by both parties as required, but within the scope of their respective legislation.

## 6. Operational Compliance

### 6.1. Agency to take lead role to ensure operational compliance

Each party has the sole responsibility for administering and ensuring that regulated activities meet the conditions and requirements of their respective lease/license/authorisation, PEPR, MOP, RWMP, EPMP or ADP. However, for jointly regulated activities, it is agreed that both parties will undertake a collaborative approach to:

- Ensure that both parties are kept up to date as required for aspects of operational compliance in accordance with areas of responsibilities in Section 3, and
- Ensure that operational compliance is managed consistently and efficiently in accordance with the legislative powers of each party.

*NB. DMITRE will take the lead role to manage the operational compliance of all regulated activities where there is no regulatory overlap (excluding occupational radiation exposure), but may seek advice as required from the EPA.*

## 7. Incident Reporting Requirements

### 7.1. DMITRE Incident Reporting Requirements

Regulation 87(1) of the *Mining Regulations 2011* defines a reportable incident under the *Mining Act*. These incidents must be reported in accordance with with regulations (2, 3, 4, 5 & 6) of the *Mining Regulations 2011*. Refer to Appendix 1 for more information.

### 7.2. EPA Incident Reporting Requirements

The EP Act defines:

- Material and Serious environmental harm;
- The notification process where serious or material environmental harm has been caused or threatened (Section 83);
- The notification process for site contamination of underground water, and
- The notification process for EPA authorisations.

The RPC Act also defines a reportable incident and notification process (Regulation 32). Refer to Appendix 1 for more information.

### **7.3. Licensee Incident Reporting - DMITRE/EPA Protocol**

Where DMITRE and EPA both authorise an activity, site or facility, tenement holders or licensees are required to report incidents to both DMITRE (Minerals Resources Number: 08 8463 3000) and the EPA (Pollution and Environment Incident Reporting Number: 1800 100 833 or 08 8204 2004), as per the reporting requirements specified in Sections 7.1 & 7.2. Tenement Holders or licensees may also report directly to the appropriate compliance officer/licence coordinator (if known).

Where DMITRE is first notified of an incident relating to a mining activity which may be deemed serious or material in accordance with section 83 and 83A of the EP Act or may be deemed to be a radiation emergency in accordance with Regulation 32 of the Ionising Regulations (refer Appendix 1), DMITRE will endeavour to advise the EPA within 2 hours of being notified (Pollution and Environment Incident Reporting Number: 08 8204 2004), and the relevant License Coordinator or Manager if known. DMITRE will also inform licensees of their obligations to report the incident to the EPA.

Where the EPA is first notified of an incident relating to a mining activity where serious environmental harm/breach of an outcome has, or is likely to occur, the EPA will endeavour to advise DMITRE (Minerals Resources Number 08 8463 3000) of the details within 2 hours of notification and the relevant Compliance Officer or Manger if known. The EPA will also advise the person reporting to notify DMITRE if the incident is likely to fall under the reporting requirements of the Mining Act, RD Act or MWI Act.

### **7.4. Uranium/Radiation Incident Reporting – DMITRE/EPA Protocol**

Uranium/Radiation incidents are reported to DMITRE and the EPA in accordance with the Criteria and Procedures for Recording and Reporting Incidents at SA Uranium Mines (currently known as the Bachmann Criteria). These criteria define which incidents (i.e. by location, volume) are deemed immediately "reportable" to government. Refer to Appendix 2 for further information.

All reportable radiation spill incidents are made publically available via the DMITRE website.

## **8. Communication and Response to Environmental Incidents**

### **8.1. Agency to take Lead Role Following an Environmental Incident**

For incidents related to jointly regulated activities (i.e. an incident causing or threatening

serious or material environmental harm, breach of an outcome or a radiation incident), it is agreed that both parties will undertake a collaborative approach to:

- Notify each other of the incident in accordance with the incident reporting protocols discussed in Section 7;
- Ensure that any relevant incident reports submitted by licensees are made available to both parties;
- Consult and agree on which party will take the lead role in managing the incident (in accordance with the areas of responsibilities summarised in Section 3);
- Consult and agree on an appropriate media strategy (if applicable), and
- Ensure that both parties are kept up to date during the process of managing the incident.

*NB. DMITRE will take the lead role for all incidents where there is no regulatory overlap (excluding occupational radiation exposure), but may seek advice as required from the EPA.*

## **8.2. Follow up of Environmental Incidents**

Following the occurrence of an incident causing or threatening serious or material environmental harm, breach of an outcome or is likely to occur, or radiation incident, both parties will immediately consult to agree on:

- Whether a DMITRE and/or an EPA or independent investigation, in addition to that undertaken by the licensee, is required;
- The level of enforcement action required, and
- In the case where prosecution action is agreed to by both parties, agree under which Act the enforcement action should proceed.

This consultation will occur at the earliest practical time following an incident.

## **9. Public Complaints and Enquiries**

For jointly regulated sites, both DMITRE and EPA will continue to receive public complaints and enquiries related to mining activities and will continue to record complaint details in the CARES system (Complaints and Reports of Environmental Significance).

Incidents and enquiries are to be reported to the EPA (Pollution and Environment Incident Reporting Number: 1800 100 833 or 08 8204 2004) and DMITRE (Minerals Resources Number 08 8463 3000).

For complaints related to jointly regulated activities, it is agreed that both parties will undertake a collaborative approach to:

- Notify each other of the complaint;
- Consult and agree on which party will take the lead role in managing the complaint (i.e. in accordance with the areas of responsibility summarised in Section 3);
- Consult and agree on an appropriate media strategy (if applicable), and
- Ensure that both parties are kept up to date during the process of managing the complaint.

*NB. DMITRE will take the lead role for all complaints and enquiries where there is no regulatory overlap (excluding occupational radiation exposure), but may seek advice as required from the EPA.*

## 10. Policy

Both parties shall consult with each other on the development of regulatory policies, review of legislation and regulatory instruments (e.g. Acts, determinations, guidelines), which may impact on the successful implementation of this arrangement.

## 11. Review of Administrative Arrangement

This Administrative Arrangement shall be jointly reviewed by DMITRE and EPA within two years of endorsement, and as required thereafter (e.g. in accordance with relevant legislative or policy amendments).

**ENDORSED and AGREED:**



Geoff Knight  
Chief Executive, DMITRE

DATE: 28 March 2013



Campbell Gemmell  
Chief Executive, SA EPA

DATE: 13 February 2013

## APPENDIX 1. Incident Reporting Requirements

### 1. DMITRE Incident Reporting Requirements

Regulation 87(1) of the *Mining Regulations 2011* states:

*A reportable incident means a situation where the holder of a tenement has failed to achieve an outcome specified in a program for the purposes of section 70B(2)(b)(i) of the Mining Act (as measured according to criteria adopted to measure that outcome).*

#### Incident Reporting Procedure

A reportable incident under the Mining Act must be reported in accordance with regulations (2, 3, 4, 5 & 6) of the *Mining Regulations 2011*:

*(2) If or when the holder of a mining tenement becomes aware of the occurrence of a reportable incident, the holder of the tenement must ensure that the reportable incident is reported to the Minister—*

*(a) initially (and within 1 business day after the holder of the tenement becomes aware of the occurrence of the incident)—*

*(i) by telephone (using a number determined by the Minister); or*

*(ii) by email (using an email address determined by the Minister); and*

*(b) by providing a written report on the reportable incident within 3 months after the holder of the tenement becomes aware of the occurrence of the incident, or within such longer period as the Minister may determine or allow.*

*(3) The initial report under subregulation (2)(a) must include the following information:*

*(a) the full name and business address of the holder of the mining tenement;*

*(b) the name and telephone number of a person who may be contacted about the matter;*

*(c) the circumstances constituting the reportable incident;*

*(d) the steps that have been taken to address or rectify the effects of the reportable incident.*

*(4) The written report under subregulation (2)(b) must include the following information:*

*(a) the results of any assessment of the conditions or circumstances that caused or contributed to the occurrence of the reportable incident;*

*(b) the nature and extent of any damage to the environment that has occurred on account of the reportable incident;*

*(c) the steps that have been taken, or are proposed to be taken, to rehabilitate any area affected by the reportable incident or to address the effect of the incident;*

*(d) the steps that have been taken, or are proposed to be taken, to prevent a reoccurrence of the incident.*

(5) A report under subregulation (2)(b) must be signed by a person (being the holder of the mining tenement or a person authorised by the holder of the mining tenement) who has taken reasonable steps to review the report to ensure the accuracy of the information contained in the report.

(6) A report under subregulation (2)(b) must be furnished in a manner and form determined by the Minister.

## **2. EPA Incident Reporting Requirements**

Section 83 of the EP Act states:

### Notification where serious or material environmental harm caused or threatened

Where an incident occurs so that serious or material environmental harm from pollution is caused or threatened in the course of an activity undertaken by a person, the person, as soon as reasonably practicable after becoming aware of the incident, notify the Authority of the incident, its nature, the circumstances in which it occurred and the action to deal with it.

### Material Environmental Harm

Environmental harm<sup>1</sup> is considered to be material environmental harm if:

- (i) it consists of environmental nuisance of a high impact or on a wide scale; or
- (ii) it involves actual or potential harm to the health or safety of human beings that is not trivial, or other actual or potential environmental harm (not being merely environmental nuisance) that is not trivial; or
- (iii) it results in actual or potential loss or property damage of an amount or amounts in aggregate, exceeding \$5 000

Causing material environmental harm by polluting the environment (intentionally, recklessly and with knowledge, or not) is also an offence and carries significant financial penalties for both a body corporate and natural persons, again with natural persons facing criminal prosecution and potential imprisonment<sup>2</sup>.

### Serious Environmental Harm

Environmental harm is considered serious environmental harm if:

- (i) it involves actual or potential harm to the health and safety of human beings that is of a high impact or on a wide scale, or other actual or potential environmental harm (not being merely an environmental nuisance) that is of a high impact or on a wide scale; or

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<sup>1</sup> EP Act, s 5

<sup>2</sup> EP Act, s 80

- (ii) *it results in actual or potential loss or property damage of an amount or amounts in aggregate, exceeding \$50 000*

A person who pollutes the environment intentionally or recklessly and with the knowledge that environmental harm will or might occur is guilty of the offence of causing serious environmental harm<sup>3</sup>. If a person causes serious environmental harm by polluting the environment (no intent, recklessness or knowledge necessary), this is also an offence. Heavy monetary penalties apply for both a body corporate and natural persons, with natural persons also facing criminal prosecution and possible imprisonment.

*Notification of site contamination of underground water*

Section 83A of the EP Act states:

*A person to whom this section applies must notify the Authority in writing as soon as reasonably practicable after becoming aware of the existence of site contamination at the site or in the vicinity of the site (whether arising before or after the commencement of this section) that affects or threatens water occurring naturally under the ground or introduced to an aquifer or other area under the ground.*

*The notification must—*

- (a) describe the location of the site contamination sufficient to identify it; and*
- (b) include the information known to the person about the nature and extent of the site contamination.*

*For the purposes of this section—*

- (a) a person is not required to notify the Authority of a matter if the person has reason to believe that the matter has already come to the notice of the Authority or an officer engaged in the administration or enforcement of this Act; but*
- (b) a person is required to notify the Authority of a matter despite the fact that to do so might incriminate the person or make the person liable to a penalty.*

*A notification given by a person in compliance with this section is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).*

*Conditions on EPA licenses regarding reportable incidents*

In addition to obligations that exist under sections 83 and 83A of the EP Act, licences issued under the EP Act include a note which requires incident reporting as follows:

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<sup>3</sup> EP Act, s 79



*"The Authority (EPA) must be notified as soon as reasonable practical but in any case within two hours of becoming aware of an incident which results in the release of solid, liquid or gas (or a combination thereof) that is not specifically authorised by an environmental authorisation and is not trivial"*

*Incident reporting under the RPC Act*

Regulation 32 of the *Radiation Protection and Control (Ionising Radiation) Regulations 2000* requires employers to report radiation emergencies to the Minister as soon as reasonable practicable after becoming aware of the event.

This regulation applies to the following kinds of events:

- (a) radiation emergencies; and*
- (b) radiation accidents in which control is not fully regained; and*
- (c) loss or theft of any apparatus; and*
- (d) loss or theft of any radioactive substance with an activity in excess of the following amounts:*

*for group 1 radionuclides: 50 kBq*

*for group 2 radionuclides: 500 kBq*

*for group 3 radionuclides: 5 MBq*

*for group 4 radionuclides: 50 MBq; or*

- (e) damage to any sealed radioactive source resulting in leakage or suspected leakage of its contents.*

Clause 2.10.1 (h) of the Mining Code states:

*The operator and employer must report any unauthorised effluent discharges to the relevant regulatory authority<sup>4</sup>*

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<sup>4</sup> For the purpose of regulation of the Mining Code, Table A2 of the Mining Code identifies the EPA as the South Australian relevant regulatory authority

## APPENDIX 2. Bachmann Uranium Incident Reporting Criteria

The following reporting and recording conditions are to be applied:

### A. General Requirements

- Report**
- Any defect, due to design or malfunction, discovered in the mine, mill, plant, equipment or working procedure, that is likely to lead to an urgent change in plant, equipment or work procedure in order to keep radiation doses as low as reasonably achievable.
  - Release or loss of control of radioactive process materials, liquids or wastes, leading to the accidental exposure of a worker to radioactive materials through inhalation, ingestion or significant contact.
  - Unplanned dispersal to the atmosphere of any radioactive process materials through failure of a section of the plant or by an abnormal event (e.g. fire or explosion).
- Record**
- The results of an investigation which reveals any defect, due to design or malfunction, discovered in the mine, mill, plant, equipment or working procedure, that is likely to cause significant increase in radiation exposure, together with the causes and resulting actions taken.

### B. Undisturbed Environment

- Report**
- Unexpected degradation or defect in the in situ recovery (ISR) trunklines, Tailings Retention System (TRS) pipelines and structures, pipelines or structures associated with Evaporation Ponds or Storage Ponds that, unless remedied, is likely to lead to a reportable release of radioactive process materials, liquids or wastes.
  - Any unplanned release of radioactive process materials, liquids or wastes to the undisturbed environment.
  - ISR mining fluid underground excursions.
  - Release of radioactive process materials, liquids or wastes which enter or threaten to enter an ephemeral watercourse.
- Record**
- Any unplanned release to the surface of more than 10 m<sup>3</sup> of natural groundwater.

### C. ISR Wellfields

- Report**
- Any unplanned release of more than 10 m<sup>3</sup> of radioactive liquids.
- Record**
- Unplanned release to the surface of more than 10 m<sup>3</sup> natural groundwater.
  - Any unplanned release of more than 1 m<sup>3</sup> of radioactive liquids.
  - Unexpected degradation or defect in ISR lateral lines that, unless remedied, is likely to lead to a reportable release of radioactive liquids.

### D. Process Plant

- Report**
- Any release of uranium concentrate outside secondary containment.
  - Release of more than 50 m<sup>3</sup> of radioactive process materials, liquids or wastes beyond secondary containment, but contained within the engineered controls of the plant perimeter.
  - Unplanned release of more than 2 m<sup>3</sup> uranium concentrate within secondary containment.
- Record**
- Unplanned release of radioactive process materials, liquids or wastes, or more than 50 m<sup>3</sup> into secondary containment or result in filling of

- more than 50% of secondary containment volume.
- Release of more than 10 m<sup>3</sup> of radioactive process materials, liquids or wastes beyond secondary containment, but contained within the engineered controls of the plant perimeter.
- Unplanned release of more than 0.2 m<sup>3</sup> of uranium concentrate within secondary containment.

#### **E. TRS, Corridors and Pipelines**

- |               |   |
|---------------|---|
| <b>Report</b> | <ul style="list-style-type: none"><li>• Unplanned release of more than 50 m<sup>3</sup> radioactive process materials, liquids or wastes within TRS bunded areas and pipeline corridors.</li><li>• Unexpected degradation or defect in the TRS or evidence of leakage from Evaporation Ponds or Storage Ponds that, unless remedied, is likely to lead to a reportable release of radioactive process materials, liquids or wastes.</li></ul> |
| <b>Record</b> | <ul style="list-style-type: none"><li>• Unplanned release of more than 10 m<sup>3</sup> radioactive process materials, liquids or wastes within TRS bunded areas and pipeline corridors.</li></ul>  |

