

Philip Halton

From: LOWE Trinity <Trinity.Lowe@ehp.qld.gov.au> on behalf of ESR
<ESR@ehp.qld.gov.au>
Sent: Wednesday, 1 June 2016 10:19 AM
To: Steven Miles; ROBERTS Tony; Philip Halton; Peter Spencer; Danielle Cohen; Cameron Mitchell; Neil Doorley; Media NPSR/EHP
Cc: ELLWOOD Dean; ESR Snr Mgt
Subject: ESR ALERT: Appeals by the Queensland Nickel Group of persons from Environmental Protection Orders

ALERT CATEGORY:

- Court action – Appeals to the Planning and Environment Court

ALERT NAME:

- Appeals from six internal review decisions all confirming the original decisions to give environmental protection orders (EPOs) to persons associated with the Yabulu Nickel Refinery.

CUSTOMER DETAILS:

- 1. QUEENSLAND NICKEL SALES Pty Ltd (QNS);
- 2. Mr Clive Mensink, as sole director and secretary of QNS;
- 3. QNI RESOURCES Pty Ltd (QNI Resources);
- 4. Mr Clive Mensink, as sole director and secretary of QNI Resources;
- 5. QNI METALS Pty Ltd (QNI Metals); and
- 6. Mr Clive Mensink, as sole director and secretary of QNI Metals.
- All of the customers are of 1 Greenvale Street Yabulu QLD 4818.

SUMMARY OF ISSUE/S:

- On 31 May 2016 all of the EPO recipients appealed their respective EPOs to the Planning and Environment Court.
- EPOs were given to Mr Mensink and the subject companies on the basis that there are large quantities of harmful contaminants at the refinery and that active management of plant, measures and infrastructure is required to prevent the release of these contaminants. Further the EPOs were issued to ensure appropriate personnel and resources would be directed towards the required active environmental management of the site.
- EHP received confirmation on 27 April 2016 that QN is in liquidation, which has no immediate effect on the charges against QN.
- QNS hold an environmental authority (EA) to operate a nickel and cobalt refinery at Yabulu, approximately 20 kilometres northwest of Townsville. The refinery is close to Halifax Bay, which is part of the Great Barrier Reef Marine Park and World Heritage Area.
- QNS is the operator of the refinery, appointed under an agreement between the joint owners of the refinery and the land, QNI Metals and QNI Resources.
- Mr Clive Mensink is the sole director and company secretary for all of the subject companies. Mr Clive Palmer is the ultimate owner of the refinery through several companies.
- This EA was previously held by Queensland Nickel Pty Ltd (in liquidation) (ACN 009 842 068) (QN). QN is facing two charges of wilfully contravening a condition of its then EA (relating to QN's failure to act to prevent unauthorised discharge from a tailings dam once it rose above the mandatory reporting level and discharging from the dam). It is expected that a hearing date for the indictable charges will likely commence on 24 August 2016. (There are a further three non-wilful charges are listed for mention in the Townsville Magistrates Court on 1 June 2016 and are likely to be adjourned until the finalisation of the District Court proceedings).

POTENTIAL IMPACTS / RISKS:

- Whilst there is always a risk that the EPOs will not be upheld in Court in their current form, there will be opportunity to amend and reissue where it is appropriate to do so. For example there is likely to be Court orders made about the parties attending mediation.

- Additionally, consideration is being given to additional EPOs based on the Chain of Responsibility amendments to the *Environmental Protection Act 1994*, which may partially or completely address the objectives in the current EPOs. Any subsequent EPOs will be consistent with existing EPOs as appropriate.
- Whilst it is likely that any hearing of the appeals will be completed together, there is likely to be significant litigation costs incurred by EHP in responding to these appeals and the stays of the respective EPOs. The legal costs are likely to exceed \$100,000.00.
- There is also a risk of an adverse costs order being made against EHP in the event that the appeals are wholly successful.

DEPARTMENT ACTIONS:

- On 11 March 2016, EHP gave an EPO to each of the companies as well as each sole director and secretary (Mr Mensink) (Six EPOs in total).
- On 1 April 2016, Mr Mensink, on behalf of each EPO recipient applied for an internal review of all of the original decisions to issue the EPOs.
- On 15 April 2016, each original decision was confirmed by the internal reviews conducted and on 29 April 2016, reasons were given of each review decision to the applicants.
- On 31 May 2016, EHP received notices of appeal in respect of each EPO.
- Also on 31 May 2016, EHP was put on notice that an application would be made to the Planning and Environment Court for stays of the respective EPOs pending the outcomes of the appeals.

KEY COMMUNICATION MESSAGES:

- EHP takes the protection of the environment seriously, and all holders of an EA doing business in Queensland must abide by strict environmental obligations.
- There is likely to be significant media interest in this matter.

CONTACT DETAILS:

- Name: Adam Cradick, Senior Director, Litigation Branch
- Phone number: 3330 5541
- Division: Environmental Services and Regulation

This email is an initial alert in respect of this matter.

If further advice or action is required, it will be communicated via normal channels such as a briefing note.

END



Queensland
Government

Trinity Lowe
Senior Program Officer
Office of the Deputy Director General
Environmental Services and Regulation Division
Department of Environment and Heritage Protection

P 07 3330 5812
Level 7 400 George St Brisbane

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RTI DL RELEASE - EHP

Philip Halton

From: LOWE Trinity <Trinity.Lowe@ehp.qld.gov.au> on behalf of ESR <ESR@ehp.qld.gov.au>
Sent: Wednesday, 1 June 2016 11:07 AM
To: Steven Miles; ROBERTS Tony; Philip Halton; Peter Spencer; Danielle Cohen; Cameron Mitchell; Neil Doorley; Media NPSR/EHP
Cc: ELLWOOD Dean; BRIDGE Tracy; ESR Snr Mgt; SENGERS Nathalie; STEELE Mary
Subject: UPDATE 2 - ESR Alert - Prosecution of Queensland Nickel Pty Ltd - Magistrates Court mention

Good Morning All

Please see below update 2 to the ESR original ESR alert dated 28 April 2016.

- On 1 June 2016, the 3 non-wilful charges were mentioned in the Townsville Magistrates Court and were adjourned until 19 September 2016, after the finalisation of the District Court proceedings.

Kind regards
Trinity



Trinity Lowe
Senior Program Officer
Office of the Deputy Director General
Environmental Services and Regulation Division
Department of Environment and Heritage Protection

P 07 3330 5812
Level 7 400 George St Brisbane

From: LOWE Trinity
Sent: Friday, 29 April 2016 12:08 PM
To: REEVES Jim; Philip Halton (Philip.Halton@ministerial.qld.gov.au); Peter.Spencer@ministerial.qld.gov.au; Danielle Cohen (Danielle.Cohen@ministerial.qld.gov.au) (Danielle.Cohen@ministerial.qld.gov.au); Cameron Mitchell (Cameron.Mitchell@ministerial.qld.gov.au); neil.doorley@ministerial.qld.gov.au; media@ehp.qld.gov.au
Cc: ELLWOOD Dean; SENGERS Nathalie; STEELE Mary; ESR Snr Mgt
Subject: UPDATE - ESR Alert - Prosecution of Queensland Nickel Pty Ltd - District Court mention

Morning All

This matter was before the Townsville District Court this morning Friday, 29 April 2016.

- Townsville District Court set the matter down for a 2 week trial, likely to commence on Wednesday, 24 August 2016.

Kind regards
Trinity



Trinity Lowe
Senior Program Officer
Office of the Deputy Director General
Environmental Services and Regulation Division
Department of Environment and Heritage Protection

P 07 3330 5812
Level 7 400 George St Brisbane

From: LOWE Trinity

Sent: Thursday, 28 April 2016 3:53 PM

To: REEVES Jim; Philip Halton (Philip.Halton@ministerial.qld.gov.au); Peter.Spencer@ministerial.qld.gov.au; Danielle Cohen (Danielle.Cohen@ministerial.qld.gov.au) (Danielle.Cohen@ministerial.qld.gov.au); Cameron Mitchell (Cameron.Mitchell@ministerial.qld.gov.au); neil.doorley@ministerial.qld.gov.au; media@ehp.qld.gov.au

Cc: ELLWOOD Dean; SENGERS Nathalie; STEELE Mary; ESR Snr Mgt

Subject: ESR Alert - Prosecution of Queensland Nickel Pty Ltd - District Court mention

ALERT CATEGORY:

- Court action – District Court mention

ALERT NAME:

- Prosecution of Queensland Nickel Pty Ltd – Contravention of conditions of an Environmental Authority

CUSTOMER DETAILS:

- QUEENSLAND NICKEL Pty Ltd (in liquidation) (ACN 009 842 068), 1 Greenvale Street Yabulu QLD 4818

SUMMARY OF ISSUE/S:

- Queensland Nickel Pty Ltd (in liquidation) (QN) held an Environmental Authority (EA) to operate a nickel and cobalt refinery at Yabulu, approximately 20 kilometres northwest of Townsville. The refinery is close to Halifax Bay, which is part of the Great Barrier Reef Marine Park and World Heritage Area.
- In early April 2014, Cyclone Ita passed over north Queensland, causing rain in the Townsville region. On 13 April 2014, QN notified EHP that the Tailings Storage Facility (TSF) was overflowing. EHP conducted a series of site inspections over the following days and weeks, and identified a number of apparent non-compliances with QN's EA, leading to wilful (indictable) and non-wilful (simple) charges being laid against QN in December 2014.
- On 27 April 2016, EHP received confirmation that QN has moved into liquidation. The liquidation has no immediate effect for the continuing prosecution.
- The matter is next before the Townsville District Court on Friday, 29 April 2016.

POTENTIAL IMPACTS / RISKS:

- Whilst QN has maintained its not guilty plea to the charges, it is unclear how the liquidator intends to proceed.

DEPARTMENT ACTIONS:

- On 4 December 2014, EHP commenced a prosecution in the Townsville Magistrates Court against QN for:
 - 3 charges of wilful contravention of a condition of an EA (contrary to section 430(2) of the Environmental Protection Act 1994 (EP Act)); and
 - 3 charges of non-wilful contravention of a condition of an EA (contrary to section 430(3) of the EP Act).
- On 29 January 2015, QN pleaded not guilty to the 3 non-wilful contraventions.
- On 13 March 2015, QN elected to have the 3 wilful contraventions dealt with on indictment (meaning they are heard before a jury in the District Court).
- During the committal hearing on 7 – 9 December 2015 in the Townsville Magistrates Court, one of the wilful charges was discontinued.

- On 9 December 2015, QN was committed to stand trial in the District Court on 2 counts of wilfully contravening a condition of their EA contrary to section 403(2) of the EP Act. QN entered pleas of not guilty to both of the charges.
- On 22 February 2016, after obtaining approval from the Director of Public Prosecutions, the indictment was presented to the Townsville District Court and the 2 counts of wilfully contravening a condition of an EA (relating to QN's failure to act to prevent unauthorised discharge from the TSF once it rose above the Mandatory Reporting Level and discharging from the TSF) were listed for mention before the Townsville District Court on 29 April 2016.
- It is expected that a hearing date for the indictable charges will be set down for some time in the last 3 months of the year.
- The 3 non-wilful charges are listed for mention in the Townsville Magistrates Court on 1 June 2016 and are likely to be adjourned until the finalisation of the District Court proceedings.

KEY COMMUNICATION MESSAGES:

- EHP takes the protection of the environment seriously, and all holders of an EA doing business in Queensland must abide by strict environmental obligations.
- There is likely to be significant media interest in this matter.

CONTACT DETAILS:

- Name: Tracy Bridge, Senior Lawyer, Litigation Branch
- Phone number: 3330 5552
- Division: Environmental Services and Regulation

This email is an initial alert in respect of this matter.

If further advice or action is required, it will be communicated via normal channels such as a briefing note.

END



**Queensland
Government**

Trinity Lowe
Senior Program Officer
Office of the Deputy Director General
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Philip Halton

From: Neil Doorley
Sent: Tuesday, 7 June 2016 2:04 PM
To: LEWIS Kieran; Katharine Wright
Cc: ELLWOOD Dean; CRADICK Adam; LAWRENCE Rob; Media NPSR/EHP
Subject: RE: Neil / Kat - for approval - response to ABC re QNS appeal to Planning and Environment Court

Categories: Media

Hello that is fine thank you



**Queensland
Government**

GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6284 (M) Personal information: Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

From: LEWIS Kieran [mailto:Kieran.Lewis@ehp.qld.gov.au]

Sent: Tuesday, 7 June 2016 1:56 PM

To: Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Katharine Wright
<Katharine.Wright@ministerial.qld.gov.au>

Cc: ELLWOOD Dean <Dean.Ellwood@ehp.qld.gov.au>; CRADICK Adam <Adam.Cradick@ehp.qld.gov.au>; LAWRENCE
Rob <Rob.Lawrence@ehp.qld.gov.au>; Media NPSR/EHP <Media@npsr.qld.gov.au>

Subject: Neil / Kat - for approval - response to ABC re QNS appeal to Planning and Environment Court

Importance: High

Hi Neil and Kat

For your approval, please.

Are you OK if we send the below response to ABC Townsville journalist David Chen, who has today asked about the Queensland Nickel Sales appeal to the Planning and Environment Court about the EPOs they were issued with. This is the same response the department approved for the Courier Mail's similar question Tuesday last week.

Please attribute to a Department of Environment and Heritage spokesperson

Queensland Nickel Sales Pty Ltd, QNI Resources Pty Ltd, QNI Metals Pty Ltd and the sole director and secretary of each of these companies, Mr Clive Mesink, filed appeals in the Planning and Environment Court on 27 May 2016 in relation to six Environmental Protection Orders (EPOs) issued by the Department of Environment and Heritage Protection.

The Department was served with the appeal documents on 31 May 2016.

As this is now a matter for the Court, the Department is unable to comment further.

ENDS

Regards

Kieran Lewis
Media Services
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media@ehp.qld.gov.au
media@npsr.qld.gov.au

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Tel 07 3339 5887
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www.npsr.qld.gov.au

If you are emailing about a media matter, please cc media@ehp.qld.gov.au

From: David Chen [<mailto:Chen.David@abc.net.au>]
Sent: Tuesday, 7 June 2016 1:00 PM
To: LEWIS Kieran
Subject: RE: Media

Hi Kieran,

Thanks for the chat – this is what I'm after.

2037/16 QUEENSLAND NICKEL SALES PTY LTD -V- CHIEF EXECUTIVE DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

If you could provide details of the case and where it's at, that'd be greatly appreciated.

Regards

David



David Chen
Journalist, Townsville

P +61 7 4722 3034 E chen.david@abc.net.au
M +61 7 4722 3099
T @dchen21

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Philip Halton

From: Philip Halton
Sent: Thursday, 16 June 2016 1:12 PM
To: Neil Doorley
Subject: Re: Neil / Kat - for approval - response to ABC Townsville re Queensland Nickel Sales report

Fine thanks

On 16 Jun 2016, at 12:39, Neil Doorley <Neil.Doorley@ministerial.qld.gov.au> wrote:

Can you check this please

<image002.png> **Neil Doorley**

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 5334 (6) Personal information
Level 13, 400 George Street Brisbane QLD 4000
GPO Box 2454 Brisbane QLD 4001

From: LEWIS Kieran [<mailto:Kieran.Lewis@ehp.qld.gov.au>]

Sent: Thursday, 16 June 2016 12:38 PM

To: Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Katharine Wright
<Katharine.Wright@ministerial.qld.gov.au>

Cc: ROBERTS Tony <Tony.Roberts@ehp.qld.gov.au>; GRIFFIN Peter <Peter.Griffin@ehp.qld.gov.au>; STEELE Mary
<Mary.Steele@ehp.qld.gov.au>; Media NPSR/EHP <Media@npsr.qld.gov.au>

Subject: Neil / Kat - for approval - response to ABC Townsville re Queensland Nickel Sales report

Importance: High

Neil and Kat

For your approval please.

The attached response to ABC Townsville re the QNS report on ammonia exceedances has been departmentally approved.

Note the "additional information" referred to is a consultant's report on macro invertebrates.

Kieran Lewis

Media Services

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If you are emailing about a media matter, please cc media@ehp.qld.gov.au

From: SPACKMAN Maria
Sent: Monday, 13 June 2016 2:14 PM
To: Media NPSR/EHP
Subject: NEW media enquiry - David Chen ABC Townsville re Queensland Nickel

Kieran –

Another one for you:

David would like to know if EHP is on track to receive the full report by 16 June and will the media be able to access the full report?

m

<image002.png>Maria Spackman

Senior Media Officer

Media Services | Corporate Communications

Department of Environment and Heritage Protection
Department of National Parks, Sport and Racing

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<150616 - QNS report - ABC Townsville.docx>

Philip Halton

From: Neil Doorley
Sent: Thursday, 16 June 2016 1:13 PM
To: LEWIS Kieran; Katharine Wright
Cc: ROBERTS Tony; GRIFFIN Peter; STEELE Mary; Media NPSR/EHP
Subject: RE: Neil / Kat - for approval - response to ABC Townsville re Queensland Nickel Sales report

Categories: Media

Hello that is fine thank you



**Queensland
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GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6234 M (6) Personal information Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

From: LEWIS Kieran [mailto:Kieran.Lewis@ehp.qld.gov.au]
Sent: Thursday, 16 June 2016 12:38 PM
To: Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Katharine Wright <Katharine.Wright@ministerial.qld.gov.au>
Cc: ROBERTS Tony <Tony.Roberts@ehp.qld.gov.au>; GRIFFIN Peter <Peter.Griffin@ehp.qld.gov.au>; STEELE Mary <Mary.Steele@ehp.qld.gov.au>; Media NPSR/EHP <Media@npsr.qld.gov.au>
Subject: Neil / Kat - for approval - response to ABC Townsville re Queensland Nickel Sales report
Importance: High

Neil and Kat

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Note the "additional information" referred to is a consultant's report on macro invertebrates.

Kieran Lewis

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m

<image002.png>Maria Spackman

Senior Media Officer

Media Services | Corporate Communications

Department of Environment and Heritage Protection

Department of National Parks, Sport and Racing

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media@ehp.qld.gov.au

media@npsr.qld.gov.au

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Philip Halton

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Sent: Thursday, 16 June 2016 1:13 PM
To: LEWIS Kieran; Katharine Wright
Cc: ROBERTS Tony; GRIFFIN Peter; STEELE Mary; Media NPSR/EHP
Subject: RE: Neil / Kat - for approval - response to ABC Townsville re Queensland Nickel Sales report

Categories: Media

Hello that is fine thank you



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GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

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Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6224 M 6 Personal information Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

From: LEWIS Kieran [mailto:Kieran.Lewis@ehp.qld.gov.au]

Sent: Thursday, 16 June 2016 12:38 PM

To: Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Katharine Wright
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Importance: High

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Kieran Lewis

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<image002.png>Maria Spackman

Senior Media Officer

Media Services | Corporate Communications

Department of Environment and Heritage Protection

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Philip Halton

From: Neil Doorley
Sent: Friday, 17 June 2016 5:03 PM
To: HANSON Anna
Cc: LEWIS Kieran; Philip Halton; Katharine Wright; Peter Spencer; Megan Surawski
Subject: FW: ESR Alert Compliance Inspection Queensland Nickel

Hello can I get a holding statement done up in advance please,

Regards



**Queensland
Government**

GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6231 M (6) Personal info Neil.Doorley@ministerial.qld.gov.au

Level 13, 400 George Street Brisbane QLD 4000

From: DAUNT Bettina [<mailto:Bettina.Daunt@ehp.qld.gov.au>]

Sent: Friday, 17 June 2016 4:51 PM

To: ROBERTS Tony <Tony.Roberts@ehp.qld.gov.au>; Steven Miles <Steven.Miles@ministerial.qld.gov.au>; Philip Halton <Philip.Halton@ministerial.qld.gov.au>; Peter Spencer <Peter.Spencer@ministerial.qld.gov.au>; Danielle Cohen <Danielle.Cohen@ministerial.qld.gov.au>; Cameron Mitchell <Cameron.Mitchell@ministerial.qld.gov.au>; Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Media NPSR/EHP <Media@npsr.qld.gov.au>

Cc: ELLWOOD Dean <Dean.Ellwood@ehp.qld.gov.au>

Subject: ESR Alert Compliance Inspection Queensland Nickel

ALERT CATEGORY:

- Departmental activity

ALERT NAME:

- Proactive Compliance Inspection of the Yabulu Nickel Refinery

CUSTOMER DETAILS:

- Queensland Nickel Sales Pty Ltd (QNS)
- 1 Greenvale Street, Yabulu

SUMMARY OF ISSUE/S:

- EHP will conduct a compliance inspection at the Yabulu Nickel Refinery on 22 June 2016.
- The purpose of the inspection is to assess compliance with the relevant Environmental Authority and Environmental Protection Orders (EPOs)
- QNS submitted the investigation report to EHP on 15 June 2016 regarding the Ammonia exceedances that were reported by QNS in March.
- EHP is currently considering the content of this report and a formal investigation into the exceedance notifications is currently occurring.

POTENTIAL IMPACTS / RISKS:

- The site is in care and maintenance and there are significant quantities of potential environmental contaminants stored on site that require active management.
- These include the contaminated water storage facilities and chemical storage.



Queensland
Government

CUSTOMER ACTIONS:

- QNS has arranged for relevant staff to be available for the inspection.
- QNS has advised that since March 2016, a number of staff had been contracted to carry out "care and maintenance" activities at the refinery including management of the site's environmental obligations.
- A number of these staff were former environmental staff at the site when it was operated by Queensland Nickel Pty Ltd and as such have a familiarity with the environmental controls on-site.

DEPARTMENT ACTIONS:

- EHP has scheduled a proactive compliance inspection at the Yabulu Refinery on 22 June 2016.
- EHP will obtain water quality samples from licensed compliance points during the inspection.

LOCALITY DETAILS AND PHOTOGRAPHS:

- The Yabulu Nickel Refinery is located approximately 25km North-West of Townsville.



KEY COMMUNICATION MESSAGES:

- EHP is continuing to monitor the environmental performance of the Palmer Cobalt and Nickel Refinery and is carrying out another compliance inspection on 22 June 2016.

CONTACT DETAILS:

- Name: Rob Lawrence (Executive Director)
- Phone number: 4222 5338
- Division: ESR

Bettina Daunt

Executive Assistant to Dean Ellwood

Deputy Director-General, Environmental Services and Regulation Division
Department of Environment and Heritage Protection

P 07 3330 5550

Level 7, 400 George St, Brisbane QLD 4000
GPO Box 2454, Brisbane QLD 4001

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RTI DL RELEASE - EHP

Philip Halton

From: DAUNT Bettina <Bettina.Daunt@ehp.qld.gov.au>
Sent: Thursday, 23 June 2016 2:25 PM
To: REEVES Jim; Steven Miles; Philip Halton; Peter Spencer; SURAWSKI Megan; Cameron Mitchell; Neil Doorley; Media NPSR/EHP
Cc: ELLWOOD Dean; ESR Snr Mgt; ESR
Subject: ESR Alert Compliance Inspection Queensland Nickel Sales

ALERT CATEGORY:

- Departmental activity

ALERT NAME:

- Proactive Compliance Inspection of the Yabulu Nickel Refinery

CUSTOMER DETAILS:

- Queensland Nickel Sales Pty Ltd (QNS)
- 1 Greenvale Street, Yabulu

SUMMARY OF ISSUE/S:

- EHP conducted a compliance inspection at the Yabulu Nickel Refinery on 22 June 2016.
- The purpose of the inspection is to assess compliance with the relevant Environmental Authority and Environmental Protection Orders (EPOs)
- EHP did not observe any significant changes to the operations of the refinery since the most recent inspection on 21 April 2016.
- At the time of the inspection EHP did not identify any new non-compliances or previously unknown areas of concern with either the Environmental Authority (EA) or the Environmental Protection Orders.
- QNS advised that all monitoring requirements required under the EA are being undertaken, with the exception of Stack emission testing due to the shutdown status of the refinery.
- QNS advised that a core number of staff have been retained on full-time employment, with a pool of staff available on a casual basis when needed. The number of staff stated to be onsite at any one time may be between 4-20 staff.
- The Contaminated water structures appeared to have significant storage capacity and the company indicated that it expects to meet Design Storage Allowance by November 1 as required by the Environmental Authority.
- QNS submitted the investigation report to EHP on 15 June 2016 regarding the Ammonia exceedances that were reported by QNS in March.
- EHP is currently considering the content of this report and a formal investigation into the exceedance notifications is currently occurring.

POTENTIAL IMPACTS / RISKS:

- The site is in care and maintenance and there are significant quantities of potential environmental contaminants stored on site that require active management.
- These include the contaminated water storage facilities and chemical storage.

CUSTOMER ACTIONS:

- QNS has advised that since March 2016, a number of staff had been contracted to carry out "care and maintenance" activities at the refinery including management of the site's environmental obligations.
- A number of these staff were former environmental staff at the site when it was operated by Queensland Nickel Pty Ltd and as such have a familiarity with the environmental controls on-site.

DEPARTMENT ACTIONS:

- EHP has carries out a proactive compliance inspection at the Yabulu Refinery on 22 June 2016.

LOCALITY DETAILS AND PHOTOGRAPHS:



- The Yabulu Nickel Refinery is located approximately 25km North-West of Townsville.



KEY COMMUNICATION MESSAGES:

- EHP is continuing to monitor the environmental performance of the Palmer Cobalt and Nickel Refinery and is carrying out another compliance inspection on 22 June 2016.

CONTACT DETAILS:

- Name: Rob Lawrence (Executive Director)
- Phone number: 4222 5338
- Division: MANQC

Bettina Daunt

Executive Assistant to Dean Ellwood
Deputy Director-General, Environmental Services and Regulation Division
Department of Environment and Heritage Protection

P 07 3330 5550

Level 7, 400 George St, Brisbane QLD 4000

GPO Box 2454, Brisbane QLD 4001

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RTI DL RELEASE - EHP

Philip Halton

From: Neil Doorley
Sent: Tuesday, 12 July 2016 2:59 PM
To: ESR; Steven Miles; REEVES Jim; Philip Halton; Peter Spencer; Megan Surawski; Cameron Mitchell; Media NPSR/EHP
Cc: ELLWOOD Dean; ESR Snr Mgt; HANSON Anna
Subject: RE: ESR Alert- Queensland Nickel Sales - Exceedance of ammonia contaminant limit

Hello thank you.

I have asked for a holding statement to be done up on this,

Regards



**Queensland
Government**

GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6231 M (6) Personal information Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

From: LOWE Trinity [mailto:Trinity.Lowe@ehp.qld.gov.au] **On Behalf Of** ESR

Sent: Tuesday, 12 July 2016 2:56 PM

To: Steven Miles <Steven.Miles@ministerial.qld.gov.au>; REEVES Jim <Jim.Reeves@ehp.qld.gov.au>; Philip Halton <Philip.Halton@ministerial.qld.gov.au>; Peter Spencer <Peter.Spencer@ministerial.qld.gov.au>; Megan Surawski <Megan.Surawski@ministerial.qld.gov.au>; Cameron Mitchell <Cameron.Mitchell@ministerial.qld.gov.au>; Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Media NPSR/EHP <Media@npsr.qld.gov.au>

Cc: ELLWOOD Dean <Dean.Ellwood@ehp.qld.gov.au>; ESR Snr Mgt <ESRSnrMgt@derm.qld.gov.au>; ESR <ESR@ehp.qld.gov.au>

Subject: ESR Alert- Queensland Nickel Sales - Exceedance of ammonia contaminant limit

ALERT CATEGORY:

- Customer / Stakeholder activity.

ALERT NAME:

- Queensland Nickel Sales Pty Ltd – Detected exceedance of Ammonia Contaminant Limit

CUSTOMER DETAILS:

- Queensland Nickel Yabulu Refinery, operated by Queensland Nickel Sales Pty Ltd (QNS) as of 9 March 2016
- Prior to 9 March 2016, the refinery was operated by FTI Consulting Pty Ltd on behalf of Queensland Nickel Pty Ltd (in administration)
- On 11 March 2016 Queensland Nickel Sales Pty Ltd became the holder of Environmental Authority EPPR00940913 (EA) for operation of the Queensland Nickel Yabulu Refinery.

SUMMARY OF ISSUE/S:

- QNS is a joint venture arrangement of QNI Metals Pty Ltd (QNM) and QNI Resources Pty Ltd (QNR).
- On 11 March 2016, a number of Environmental Protection Orders (EPOs) were issued to QNS, QNM and QNR as well as the sole director of all three companies, Mr Clive Mensink.
- Requirements of the EPOs include:

- Continued operation of the water management and seepage collection systems at the refinery;
 - Provision of personnel to operate and maintain the water management and seepage infrastructure; and
 - QNS to continue to meet environmental monitoring and reporting requirements under the EA.
- EHP officers attended the refinery on 22 June 2016 for the purpose of assessing compliance with the site's EA and the requirements of the EPOs.
- The inspection covered all areas of the EA including monitoring requirements, water management practices, hazardous dams maintenance and response to community complaints.
- EHP inspected key water management infrastructure at the site including the seepage collection systems, which were operational at the time of the inspection, and contaminated water storages.
- EHP obtained environmental samples from the receiving environment compliance monitoring points at Alick Creek and Blind Creek.
- EHP did not observe any significant changes to the operations of the refinery since the previous inspection on 21 April 2016.
- On 11 July 2016, EHP received the results of departmental samples taken during the inspection:
 - These results indicate that the Ammonia levels measured at Blind Creek exceeds the EA contaminant limit.
 - Previous exceedances of Ammonia at the Blind Creek and Alick Creek sampling points in March 2016 and a formal investigation into those exceedances is currently occurring.

POTENTIAL IMPACTS / RISKS:

- The exceedance of the Ammonia contaminant release limit indicates that not all seepage from the refinery has been captured.
- EHP is currently undertaking a formal investigation into previously reported exceedances of Ammonia at the Blind Creek sampling location.
- Recent company actions have increased community and media awareness of refinery operations and management. There is likely to be a level of interest in any non-compliances.

CUSTOMER ACTIONS:

- QNS also obtained receiving environment samples during the inspection on 22 June 2016.
- QNS has not reported an exceedance from their samples obtained on 22 June 2016.

DEPARTMENT ACTIONS:

- EHP has received sample results which indicate non-compliance with receiving environment contaminant limits.
- EHP will make contact with QN to determine the results of QN's samples taken during the inspection.
- The exceedance will be incorporated into the current investigation.
- EHP will consider what further statutory action may be necessary in accordance with the enforcement guidelines.

LOCALITY DETAILS AND PHOTOGRAPHS:

- Queensland Nickel Refinery is located 20km North of Townsville.
- Blind Creek and Alick Creek discharge to Halifax Bay, which is part of the Great Barrier Reef Marine Park



KEY COMMUNICATION MESSAGES:

- As an outcome of a proactive compliance inspection, the Department of Environment and Heritage Protection has detected non-compliance with a condition of the Queensland Nickel Sales Environmental Authority.
- The non-compliance relates to water quality results measured in the receiving environment.
- EHP is currently investigating the matter.
- Matters of this nature can be reported through the Pollution Hotline on 1300 130 372.

CONTACT DETAILS:

- Name: Rob Lawrence, Executive Director
- Phone number: 4222 5338
- Division: ESR, Minerals and North Queensland Compliance



Trinity Lowe
 Senior Program Officer
 Office of the Deputy Director General
 Environmental Services and Regulation Division
 Department of Environment and Heritage Protection

 P 07 3330 5812
 Level 7 400 George St Brisbane

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RTI DL RELEASE - EHP

Philip Halton

From: Neil Doorley
Sent: Thursday, 14 July 2016 3:00 PM
To: Steven Miles
Cc: Philip Halton; Katharine Wright
Subject: urgent approval needed

Ammonia investigation continues

The Department of Environment and Heritage Protection is investigating another apparent ammonia exceedance from the Yabulu nickel and cobalt refinery.

Water samples taken during an EHP inspection on June 22 have been analysed, and indicate a further elevated ammonia result for Blind Creek.

In March 2016, Queensland Nickel Sales (QNS) advised EHP that ammonia had been detected in Blind Creek – and nearby Alick Creek - at levels higher than the surface water quality limits in the company's environmental authority (EA).

QNS subsequently submitted a report in relation to the elevated ammonia levels detected in March, which the department is considering as part of its investigation into the matter.

EHP conducted further routine inspections of the refinery on 21 April, and 22 June to assess QNS's compliance with its EA.

Under the *Environmental Protection Act 1994*, the contravention of a condition of an Environmental Authority can attract a penalty of up to 4500 penalty units (\$2,650,500 for a corporation) although penalties may be higher if it is proved that the contravention was wilful.

Environment Minister Dr Steven Miles said EHP would consider the latest sampling results (June 22) as part of its current investigation.

"While the refinery is in care and maintenance and is not currently in production, EHP issued enforcement orders remain in place to direct Queensland Nickel Sales to ensure environmental protection systems at the refinery keep operating," Dr Miles said.

"The department is now considering what actions, in accordance with relevant enforcement guidelines, might be taken against the company.

"I'm pleased to see the regulator is maintaining a vigilant regime of testing. The inspections in April, and again last month, covered monitoring requirements, water management practices, contaminated water storage, and key water management infrastructure at the site including seepage collection sections," he said.

ENDS



Queensland
Government

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6231 M (6) Personal information Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

GPO Box 2454 Brisbane QLD 4001

Philip Halton

From: Neil Doorley
Sent: Thursday, 14 July 2016 4:00 PM
To: Stephanie Smail
Cc: Philip Halton; Katharine Wright
Subject: Yabulu

Ammonia investigation continues

The Department of Environment and Heritage Protection is investigating another suspected ammonia exceedance from the Yabulu nickel and cobalt refinery.

Water samples taken during an EHP inspection on June 22 have been analysed, and indicate a further elevated ammonia result for Blind Creek.

In March 2016, Queensland Nickel Sales (QNS) advised EHP that ammonia had been detected in Blind Creek – and nearby Alick Creek - at levels higher than the surface water quality limits in the company's environmental authority (EA).

QNS subsequently submitted a report in relation to the elevated ammonia levels detected in March, which the department is considering as part of its investigation into the matter.

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"While the refinery is in care and maintenance and is not currently in production, enforcement orders issued by EHP remain in place to direct Queensland Nickel Sales to ensure environmental protection systems at Yabulu keep operating," Dr Miles said.

"The department is now considering what actions, in accordance with relevant enforcement guidelines, might be taken against the company.

"I'm pleased to see the regulator is maintaining a vigilant regime of testing. The inspections in April, and again last month, covered monitoring requirements, water management practices, contaminated water storage, and key water management infrastructure at the site including seepage collection sections,' he said.

ENDS



**Queensland
Government**

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6234 M 06 Personal information Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

RTI DL RELEASE - EHP

Neil Doorley

From: Neil Doorley
Sent: Friday, 17 June 2016 5:03 PM
To: 'HANSON Anna'
Cc: 'LEWIS Kieran'; Philip Halton; Katharine Wright; Peter Spencer; Megan Surawski
Subject: FW: ESR Alert Compliance Inspection Queensland Nickel

Hello can I get a holding statement done up in advance please,

Regards



Queensland
Government

GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 5444 (6) Personal information Doorley@ministerial.qld.gov.au

Level 13, 400 George Street Brisbane QLD 4000

From: DAUNT Bettina [mailto:Bettina.Daunt@ehp.qld.gov.au]

Sent: Friday, 17 June 2016 4:51 PM

To: ROBERTS Tony <Tony.Roberts@ehp.qld.gov.au>; Steven Miles <Steven.Miles@ministerial.qld.gov.au>; Philip Halton <Philip.Halton@ministerial.qld.gov.au>; Peter Spencer <Peter.Spencer@ministerial.qld.gov.au>; Danielle Cohen <Danielle.Cohen@ministerial.qld.gov.au>; Cameron Mitchell <Cameron.Mitchell@ministerial.qld.gov.au>; Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Media NPSR/EHP <Media@npsr.qld.gov.au>

Cc: ELLWOOD Dean <Dean.Ellwood@ehp.qld.gov.au>

Subject: ESR Alert Compliance Inspection Queensland Nickel

ALERT CATEGORY:

- Departmental activity

ALERT NAME:

- Proactive Compliance Inspection of the Yabulu Nickel Refinery

CUSTOMER DETAILS:

- Queensland Nickel Sales Pty Ltd (QNS)
- 1 Greenvale Street, Yabulu

SUMMARY OF ISSUE/S:

- EHP will conduct a compliance inspection at the Yabulu Nickel Refinery on 22 June 2016.
- The purpose of the inspection is to assess compliance with the relevant Environmental Authority and Environmental Protection Orders (EPOs)
- QNS submitted the investigation report to EHP on 15 June 2016 regarding the Ammonia exceedances that were reported by QNS in March.
- EHP is currently considering the content of this report and a formal investigation into the exceedance notifications is currently occurring.

POTENTIAL IMPACTS / RISKS:

- The site is in care and maintenance and there are significant quantities of potential environmental contaminants stored on site that require active management.
- These include the contaminated water storage facilities and chemical storage.

**CUSTOMER ACTIONS:**

- QNS has arranged for relevant staff to be available for the inspection.
- QNS has advised that since March 2016, a number of staff had been contracted to carry out "care and maintenance" activities at the refinery including management of the site's environmental obligations.
- A number of these staff were former environmental staff at the site when it was operated by Queensland Nickel Pty Ltd and as such have a familiarity with the environmental controls on-site.

DEPARTMENT ACTIONS:

- EHP has scheduled a proactive compliance inspection at the Yabulu Refinery on 22 June 2016.
- EHP will obtain water quality samples from licensed compliance points during the inspection.

LOCALITY DETAILS AND PHOTOGRAPHS:

- The Yabulu Nickel Refinery is located approximately 25km North-West of Townsville.

**KEY COMMUNICATION MESSAGES:**

- EHP is continuing to monitor the environmental performance of the Palmer Cobalt and Nickel Refinery and is carrying out another compliance inspection on 22 June 2016.

CONTACT DETAILS:

- Name: Rob Lawrence (Executive Director)
- Phone number: 4222 5338
- Division: ESR

Bettina Daunt

Executive Assistant to Dean Ellwood

Deputy Director-General, Environmental Services and Regulation Division
Department of Environment and Heritage Protection

P 07 3330 5550

Level 7, 400 George St, Brisbane QLD 4000

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RTI DL RELEASE - EHP

Department of Environment and Heritage Protection (EHP)

Draft holding statement

Deadline	Briefing officer Scott Sullivan
Media Services contact Kieran Lewis	Phone 4722 52004 (6) Personal information
Phone 3339 58874 (6) Personal information	DDG:
Approved Program Manager (Compliance) Scott Sullivan; ED Rob Lawrence; DDG Environmental Services and Regulation Dean Ellwood	Phone
Geographical area/s of interest Townsville	

Please attribute to a Department of Environment and Heritage Protection spokesperson:

The Department of Environment and Heritage Protection (EHP) is undertaking a further inspection of Queensland Nickel Sales' (QNS) nickel and cobalt refinery on Wednesday 22 June.

The inspection is routine and follows previous inspections in January, March and April this year.

Queensland Nickel Sales has an environmental authority (EA) to operate the refinery, at Yabulu some 20 kilometres north of Townsville.

Among other things, the EA includes conditions to prevent environmental harm and to secure site rehabilitation should the refinery close.

The EA and QNS's general environmental duty under the Environmental Protection Act remain binding regardless of the company's operating or financial status.

Wednesday's inspection will assist EHP in monitoring the company's ongoing environmental compliance with the EA and the Environmental Protection Orders (EPOs) issued on 11 March 2016.

EHP is also currently reviewing QNS's environmental report, received Wednesday last, into ammonia exceedances in Alick and Blind creeks in March this year.

ENDS

Neil Doorley

From: Neil Doorley
Sent: Tuesday, 21 June 2016 11:44 AM
To: Steven Miles
Cc: Philip Halton; Katharine Wright
Subject: This is happening tomorrow
Attachments: 200616 - HS - QNS refinery inspection.docx

There might be some media interest around this.



Queensland
Government

GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 6231 M 6 Personal information Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

RTI DL RELEASE - EHP

Please attribute to a Department of Environment and Heritage Protection spokesperson:

The Department of Environment and Heritage Protection (EHP) is undertaking a further inspection of Queensland Nickel Sales' (QNS) nickel and cobalt refinery on Wednesday 22 June.

The inspection is routine and follows previous inspections in January, March and April this year.

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ENDS

Neil Doorley

From: Neil Doorley
Sent: Thursday, 23 June 2016 2:40 PM
To: LEWIS Kieran
Cc: Katharine Wright; Media NPSR/EHP
Subject: Re: Neil - Courier Mail seeking any update on Queensland Nickel inspection

Sure

Sent from my iPhone

On 23 Jun 2016, at 2:32 PM, LEWIS Kieran <Kieran.Lewis@ehp.qld.gov.au> wrote:

Hi Neil

Matt Killoran thanked us yesterday for the statement we provided re the Queensland Nickel inspection and asked that we get back to him to tell him if there was any significant outcome. (His email attached)

Are you OK if reply to his email saying the inspection did not show any significant issues?

Kieran Lewis
Media Services
EHP | NPSR
media@ehp.qld.gov.au
media@npsr.qld.gov.au

Level 6 | 400 George Street | Brisbane
Tel 07 3339 5887
www.ehp.qld.gov.au
www.npsr.qld.gov.au

If you are emailing about a media matter, please cc media@ehp.qld.gov.au

From: DAUNT Bettina
Sent: Thursday, 23 June 2016 2:25 PM
To: REEVES Jim; Steven.Miles@ministerial.qld.gov.au; Philip Halton (Philip.Halton@ministerial.qld.gov.au); Peter.Spencer@ministerial.qld.gov.au; SURAWSKI Megan; Cameron Mitchell (Cameron.Mitchell@ministerial.qld.gov.au)
Cc: ELLWOOD Dean; ESR Snr Mgt; ESR
Subject: ESR Alert Compliance Inspection Queensland Nickel Sales

ALERT CATEGORY:

- Departmental activity

ALERT NAME:

- Proactive Compliance Inspection of the Yabulu Nickel Refinery

CUSTOMER DETAILS:

- Queensland Nickel Sales Pty Ltd (QNS)
- 1 Greenvale Street, Yabulu

SUMMARY OF ISSUE/S:

- EHP conducted a compliance inspection at the Yabulu Nickel Refinery on 22 June 2016.
- The purpose of the inspection is to assess compliance with the relevant Environmental Authority and Environmental Protection Orders (EPOs)
- EHP did not observe any significant changes to the operations of the refinery since the most recent inspection on 21 April 2016.
- At the time of the inspection EHP did not identify any new non-compliances or previously unknown areas of concern with either the Environmental Authority (EA) or the Environmental Protection Orders.
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- QNS advised that a core number of staff have been retained on full-time employment, with a pool of staff available on a casual basis when needed. The number of staff stated to be onsite at any one time may be between 4-20 staff.
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POTENTIAL IMPACTS / RISKS:

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- These include the contaminated water storage facilities and chemical storage.

CUSTOMER ACTIONS:

- QNS has advised that since March 2016, a number of staff had been contracted to carry out "care and maintenance" activities at the refinery including management of the site's environmental obligations.
- A number of these staff were former environmental staff at the site when it was operated by Queensland Nickel Pty Ltd and as such have a familiarity with the environmental controls on-site.

DEPARTMENT ACTIONS:

- EHP has carried out a proactive compliance inspection at the Yabulu Refinery on 22 June 2016.

LOCALITY DETAILS AND PHOTOGRAPHS:

- The Yabulu Nickel Refinery is located approximately 25km North-West of Townsville.

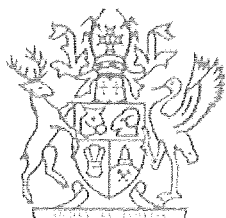


KEY COMMUNICATION MESSAGES:

- EHP is continuing to monitor the environmental performance of the Palmer Cobalt and Nickel Refinery and is carrying out another compliance inspection on 22 June 2016.

CONTACT DETAILS:

- Name: Rob Lawrence (Executive Director)
- Phone number: 4222 5338
- Division: MANQC



Queensland
Government

Bettina Daunt

Executive Assistant to Dean Ellwood
Deputy Director-General, Environmental Services and Regulation Division
Department of Environment and Heritage Protection

P 07 3330 5550

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<mime-attachment>

RTI DL RELEASE - EHP

Neil Doorley

From: Neil Doorley
Sent: Thursday, 30 June 2016 10:28 AM
To: Katharine Wright
Subject: Fwd: Yabulu nickel refinery to reopen

Sent from my iPhone

Begin forwarded message:

From: "Killoran, Matthew" <matthew.killoran@news.com.au>
Date: 30 June 2016 at 10:21:35 AM AEST
To: Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>
Subject: Yabulu nickel refinery to reopen

Hi Neil,

I understand Clive Palmer is later today claiming he will be reopening the nickel refinery at Yabulu. He has said this before, but I wanted to check if Queensland Nickel Sales has the appropriate EA's and other approvals required to do this. Can you tell me if QNS has the current environmental approvals in place to reopen?

Cheers,

--

MATTHEW KILLORAN
Reporter

Courier Mail Sunday Mail

Cnr Mayne Road & Campbell Street Bowen Hills QLD 4006
T +61 7 3666 6016
E matthew.killoran@news.com.au W www.couriermail.com.au

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SUNDAY AUGUST 28

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Neil Doorley

From: Neil Doorley
Sent: Tuesday, 12 July 2016 2:59 PM
To: 'ESR'; Steven Miles; REEVES Jim; Philip Halton; Peter Spencer; Megan Surawski; Cameron Mitchell; Media NPSR/EHP
Cc: ELLWOOD Dean; ESR Snr Mgt; HANSON Anna
Subject: RE: ESR Alert- Queensland Nickel Sales - Exceedance of ammonia contaminant limit

Hello thank you.

I have asked for a holding statement to be done up on this,

Regards



**Queensland
Government**

GPO Box 2454 Brisbane QLD 4001

Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

P 07 3719 7336 F 07 3220 5244 M (6) Personal information Neil.Doorley@ministerial.qld.gov.au
Level 13, 400 George Street Brisbane QLD 4000

From: LOWE Trinity [mailto:Trinity.Lowe@ehp.qld.gov.au] **On Behalf Of** ESR

Sent: Tuesday, 12 July 2016 2:56 PM

To: Steven Miles <Steven.Miles@ministerial.qld.gov.au>; REEVES Jim <Jim.Reeves@ehp.qld.gov.au>; Philip Halton <Philip.Halton@ministerial.qld.gov.au>; Peter Spencer <Peter.Spencer@ministerial.qld.gov.au>; Megan Surawski <Megan.Surawski@ministerial.qld.gov.au>; Cameron Mitchell <Cameron.Mitchell@ministerial.qld.gov.au>; Neil Doorley <Neil.Doorley@ministerial.qld.gov.au>; Media NPSR/EHP <Media@npsr.qld.gov.au>

Cc: ELLWOOD Dean <Dean.Ellwood@ehp.qld.gov.au>; ESR Snr Mgt <ESRSnrMgt@derm.qld.gov.au>; ESR <ESR@ehp.qld.gov.au>

Subject: ESR Alert- Queensland Nickel Sales - Exceedance of ammonia contaminant limit

ALERT CATEGORY:

- Customer / Stakeholder activity.

ALERT NAME:

- Queensland Nickel Sales Pty Ltd – Detected exceedance of Ammonia Contaminant Limit

CUSTOMER DETAILS:

- Queensland Nickel Yabulu Refinery, operated by Queensland Nickel Sales Pty Ltd (QNS) as of 9 March 2016
- Prior to 9 March 2016, the refinery was operated by FTI Consulting Pty Ltd on behalf of Queensland Nickel Pty Ltd (in administration)
- On 11 March 2016 Queensland Nickel Sales Pty Ltd became the holder of Environmental Authority EPPR00940913 (EA) for operation of the Queensland Nickel Yabulu Refinery.

SUMMARY OF ISSUE/S:

- QNS is a joint venture arrangement of QNI Metals Pty Ltd (QNM) and QNI Resources Pty Ltd (QNR).
- On 11 March 2016, a number of Environmental Protection Orders (EPOs) were issued to QNS, QNM and QNR as well as the sole director of all three companies, Mr Clive Mensink.

- Requirements of the EPOs include:
 - Continued operation of the water management and seepage collection systems at the refinery;
 - Provision of personnel to operate and maintain the water management and seepage infrastructure; and
 - QNS to continue to meet environmental monitoring and reporting requirements under the EA.
- EHP officers attended the refinery on 22 June 2016 for the purpose of assessing compliance with the site's EA and the requirements of the EPOs.
- The inspection covered all areas of the EA including monitoring requirements, water management practices, hazardous dams maintenance and response to community complaints.
- EHP inspected key water management infrastructure at the site including the seepage collection systems, which were operational at the time of the inspection, and contaminated water storages.
- EHP obtained environmental samples from the receiving environment compliance monitoring points at Alick Creek and Blind Creek.
- EHP did not observe any significant changes to the operations of the refinery since the previous inspection on 21 April 2016.
- On 11 July 2016, EHP received the results of departmental samples taken during the inspection:
 - These results indicate that the Ammonia levels measured at Blind Creek exceeds the EA contaminant limit.
 - Previous exceedances of Ammonia at the Blind Creek and Alick Creek sampling points in March 2016 and a formal investigation into those exceedances is currently occurring.

POTENTIAL IMPACTS / RISKS:

- The exceedance of the Ammonia contaminant release limit indicates that not all seepage from the refinery has been captured.
- EHP is currently undertaking a formal investigation into previously reported exceedances of Ammonia at the Blind Creek sampling location.
- Recent company actions have increased community and media awareness of refinery operations and management. There is likely to be a level of interest in any non-compliances.

CUSTOMER ACTIONS:

- QNS also obtained receiving environment samples during the inspection on 22 June 2016.
- QNS has not reported an exceedance from their samples obtained on 22 June 2016.

DEPARTMENT ACTIONS:

- EHP has received sample results which indicate non-compliance with receiving environment contaminant limits.
- EHP will make contact with QN to determine the results of QN's samples taken during the inspection.
- The exceedance will be incorporated into the current investigation.
- EHP will consider what further statutory action may be necessary in accordance with the enforcement guidelines.

LOCALITY DETAILS AND PHOTOGRAPHS:

- Queensland Nickel Refinery is located 20km North of Townsville.
- Blind Creek and Alick Creek discharge to Halifax Bay, which is part of the Great Barrier Reef Marine Park



KEY COMMUNICATION MESSAGES:

- As an outcome of a proactive compliance inspection, the Department of Environment and Heritage Protection has detected non-compliance with a condition of the Queensland Nickel Sales Environmental Authority.
- The non-compliance relates to water quality results measured in the receiving environment.
- EHP is currently investigating the matter.
- Matters of this nature can be reported through the Pollution Hotline on 1300 130 372.

CONTACT DETAILS:

- Name: Rob Lawrence, Executive Director
- Phone number: 4222 5338
- Division: ESR, Minerals and North Queensland Compliance



Queensland
Government

Trinity Lowe
Senior Program Officer
Office of the Deputy Director General
Environmental Services and Regulation Division
Department of Environment and Heritage Protection

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RTI DL RELEASE - EHP

Neil Doorley

From: HANSON Anna <Anna.Hanson@ehp.qld.gov.au>
Sent: Tuesday, 12 July 2016 3:07 PM
To: LAWRENCE Rob; FOMIATTI MINNESMA Ingrid; Neil Doorley
Cc: Media NPSR/EHP
Subject: Rob/Ingrid/Neil - FW: ESR Alert- Queensland Nickel Sales - Exceedance of ammonia contaminant limit

Hello Rob and Ingrid

So we can turn around a media statement quickly, can we get our hands on the info before the alert is sent to the MO?

We asked for the info this morning. If we need to change our process for requesting such info, please let me know..

Neil – we will do our best to get you an approved statement this afternoon, but it might have to wait until tomorrow. Sorry.

Thanks, Anna.

From: LOWE Trinity **On Behalf Of** ESR
Sent: Tuesday, 12 July 2016 2:56 PM
To: Steven.Miles@ministerial.qld.gov.au; REEVES Jim; Philip Halton (Philip.Halton@ministerial.qld.gov.au); Peter.Spencer@ministerial.qld.gov.au; megan.surawski@ministerial.qld.gov.au; Cameron Mitchell (Cameron.Mitchell@ministerial.qld.gov.au); neil.doorley@ministerial.qld.gov.au; Media NPSR/EHP
Cc: ELLWOOD Dean; ESR Snr Mgt; ESR
Subject: ESR Alert- Queensland Nickel Sales - Exceedance of ammonia contaminant limit

ALERT CATEGORY:

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- QNS is a joint venture arrangement of QNI Metals Pty Ltd (QNM) and QNI Resources Pty Ltd (QNR).
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- The inspection covered all areas of the EA including monitoring requirements, water management practices, hazardous dams maintenance and response to community complaints.
- EHP inspected key water management infrastructure at the site including the seepage collection systems, which were operational at the time of the inspection, and contaminated water storages.
- EHP obtained environmental samples from the receiving environment compliance monitoring points at Alick Creek and Blind Creek.
- EHP did not observe any significant changes to the operations of the refinery since the previous inspection on 21 April 2016.
- On 11 July 2016, EHP received the results of departmental samples taken during the inspection:
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RTI DL RELEASE - EHP

Neil Doorley

From: Neil Doorley
Sent: Thursday, 14 July 2016 3:00 PM
To: Steven Miles
Cc: Philip Halton; Katharine Wright
Subject: urgent approval needed

Ammonia investigation continues

The Department of Environment and Heritage Protection is investigating another apparent ammonia exceedance from the Yabulu nickel and cobalt refinery.

Water samples taken during an EHP inspection on June 22 have been analysed, and indicate a further elevated ammonia result for Blind Creek.

In March 2016, Queensland Nickel Sales (QNS) advised EHP that ammonia had been detected in Blind Creek – and nearby Alick Creek - at levels higher than the surface water quality limits in the company's environmental authority (EA).

QNS subsequently submitted a report in relation to the elevated ammonia levels detected in March, which the department is considering as part of its investigation into the matter.

EHP conducted further routine inspections of the refinery on 21 April, and 22 June to assess QNS's compliance with its EA.

Under the *Environmental Protection Act 1994*, the contravention of a condition of an Environmental Authority can attract a penalty of up to 4500 penalty units (\$2,650,500 for a corporation) although penalties may be higher if it is proved that the contravention was wilful.

Environment Minister Dr Steven Miles said EHP would consider the latest sampling results (June 22) as part of its current investigation.

"While the refinery is in care and maintenance and is not currently in production, EHP issued enforcement orders remain in place to direct Queensland Nickel Sales to ensure environmental protection systems at the refinery keep operating," Dr Miles said.

"The department is now considering what actions, in accordance with relevant enforcement guidelines, might be taken against the company.

"I'm pleased to see the regulator is maintaining a vigilant regime of testing. The inspections in April, and again last month, covered monitoring requirements, water management practices, contaminated water storage, and key water management infrastructure at the site including seepage collection sections," he said.

ENDS



Queensland
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Neil Doorley

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Minister for National Parks and the Great Barrier Reef

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Level 13, 400 George Street Brisbane QLD 4000

Neil Doorley

From: Neil Doorley
Sent: Thursday, 14 July 2016 4:00 PM
To: 'Stephanie Smail'
Cc: Philip Halton; Katharine Wright
Subject: Yabulu

Ammonia investigation continues

The Department of Environment and Heritage Protection is investigating another suspected ammonia exceedance from the Yabulu nickel and cobalt refinery.

Water samples taken during an EHP inspection on June 22 have been analysed, and indicate a further elevated ammonia result for Blind Creek.

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ENDS



Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

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Level 13, 400 George Street Brisbane QLD 4000

Neil Doorley

From: Neil Doorley
Sent: Thursday, 14 July 2016 5:08 PM
To: 'j.tin@news.com.au'
Cc: Neil Doorley
Subject: QNS

Hello,

As requested.

Ammonia investigation continues

The Department of Environment and Heritage Protection is investigating another suspected ammonia exceedance from the Yabulu nickel and cobalt refinery.

Water samples taken during an EHP inspection on June 22 have been analysed, and indicate a further elevated ammonia result for Blind Creek.

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ENDS



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Neil Doorley

Senior Media Advisor

Office of the Hon Dr Steven Miles

Minister for Environment & Heritage Protection

Minister for National Parks and the Great Barrier Reef

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Level 13, 400 George Street Brisbane QLD 4000

RTI DL RELEASE - EHP

Neil Doorley

From: Neil Doorley
Sent: Thursday, 14 July 2016 5:40 PM
To: 'Elks, Sarah'
Subject: Hello QNS

Ammonia investigation continues

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Level 13, 400 George Street Brisbane QLD 4000

Media response

Re: Queensland Nickel Sales report

For: David Chen
ABC Townsville
4722 3034 / Section 78B
chen.david@abc.net.au

Date: 15 June 2016

Is EHP is on track to receive the full report by 16 June and will the media be able to access the full report?

Please attribute to a Department of Environment and Heritage Protection spokesperson

Queensland Nickel Sales submitted its report into recent ammonia exceedances at the company's Yabulu nickel and cobalt refinery to EHP on 15 June 2016.

The company has advised EHP that it has additional information to support the report which should be available by the end of July.

If the report meets the relevant criteria it will be placed on the Public Register and would be available to the public on application.

ENDS

For further media enquiries contact Media Services on (07) 3339 5831 or email media@ehp.qld.gov.au

Agency Background (for internal information only – not to be provided to media):