



2020 Annual Compliance Report – Stormwater Return Dam (EPBC 2010/5561)

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1 Introduction

The Stormwater Return Dam (SRD) is integral to the Terminal's water management system, facilitating water recycling via capture of water in the existing water management system for later reuse as process water around the site. Utilisation of the SRD storage is critical to the efficient use of water resources in operation of the Terminal.

The SRD Controlled Action Approval, EPBC 2010/5561, (Controlled Action Approval) was issued under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Controlled Action Approval is held by the Terminal lessee, North Queensland Export Terminal (NQXT).

The SRD is monitored and managed in accordance with the Operational Environmental Management Plan (OEMP), which has been developed in collaboration with the terminal lessee, North Queensland Export Terminal (NQXT), the terminal operator, Abbot Point Operations Pty Ltd (APO) and the Operation and Maintenance (O&M) Contractor, Abbot Point Bulkcoal Pty Ltd (APB).

The OEMP, including review and annual compliance reporting obligations are prescribed in the (Controlled Action Approval). This report is prepared in accordance with the annual compliance auditing and reporting requirements of Condition 7 of the Controlled Action Approval.

2 Controlled Action Approval Amendment 2019

During 2019 AAPT (now known as NQXT) applied to the Department of Environment and Energy (DOEE) for a variation of conditions of the Controlled Action Approval 2011/5561. The variation request sought replacement of the mandatory ministerial approval with the standard conditions applied to current EPBC controlled actions.

The variation of conditions was approved on the 10 August 2019 resulting in a change to conditions 7 (reporting of non-compliance) and 9 of the original approval. This Compliance Report addresses compliance status against the conditions prescribed in the Notice of Variation Conditions issued by the DOEE.

3 Compliance Report

TABLE 1. EPBC Controlled Action Approval Compliance Assessment

No.	Condition	Status
1	<p>The person taking the action must submit a <i>Construction Environment Management Plan (CEMP)</i> to protect the values of the Great Barrier Reef World Heritage Area and National Heritage Place. The CEMP must include but not be limited to:</p> <ul style="list-style-type: none"> a. Detailed Sediment and erosion control measures consistent with IECA (2008), <i>Best Practice Erosion and Sediment Control. International Erosion Control Association (Australasia)</i> b. Detailed Acid Sulfate Soil management measured consistent with the <i>Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland (1998)</i> and the <i>Queensland Acid Sulfate Soils (ASS) Technical Manual- Soil Management Guidelines (2002)</i>. <p>The person taking the action must not commence construction unless the CEMP is approved by the Minister or deemed acceptable by an appropriate Queensland government agency as agreed by the department in writing.</p>	<p>Construction of the SRD was undertaken in 2012-2013 and has since been completed. Construction did not commence until Ministerial Approval of the CEMP was obtained. The CEMP, as approved by the Minister, was fully complied with during construction.</p>
2	<p>The person taking the action must submit a <i>Water Quality Monitoring Plan (WQMP)</i> to protect the values of the Great Barrier Reef World Heritage and National Heritage Place.</p> <p>The <i>WQMP</i> must include by not be limited to:</p> <ul style="list-style-type: none"> a. A minimum of three (3) baseline water quality reference sites in Kaili (Caley) Valley Wetland (the wetland), as minimum of one (1) baseline water quality reference site in Sediment Pond 2, and one (1) baseline water quality reference site within the stormwater return dam; b. A description of the biophysical character and morphology of all baseline water quality reference sites; c. Baseline estimates for the 20th, 50th and 80th percentile for all water quality parameters in the wetland and Sediment Pond 2 in accordance with <i>Queensland Water Quality Guidelines (2009)</i>; d. Provisions to monitor and annually report water quality parameters in the wetland and Sediment Pond 2 before and after a discharge event for a period of 5 years e. Identify threshold triggers and the response activities that will be implemented if a threshold is reached; f. Measures to ensure that there is no net increase in background levels of nitrogen, phosphorous, salts, organic matter (measured by biochemical or chemical oxygen demand) or other contaminants in the wetland as a result of discharges from the stormwater return dam 	<p>The approved WQMP is included as Appendix D to the OEMP (see condition 3). All requirements of condition 2 have been addressed in the development of the WQMP, and ongoing monitoring activities undertaken by the Terminal.</p> <p>Construction did not commence until approval of the OEMP (and WQMP) was granted. The project was approved on the 2nd December 2011 and made operational in 2013.</p> <p>The requirement for annual reporting of monitoring results, as prescribed in condition 2d, has now expired. However water quality monitoring is maintained in accordance the WQMP.</p>

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	<p>g. Reporting arrangements to the department, management and external stakeholders including procedures for reporting non-compliance; and</p> <p>h. Monitoring that is in accordance with the relevant methods described in the <i>Queensland Water Quality Guidelines (2009)</i> and subsequent thereof.</p> <p>Results of the Monitoring Programs (including data and its interpretation) are to be provided annually, by 31st January each year to the Department. These results, including data and its interpretation, must be published on the proponent's website within 1 month of being approved and made available for 6 months.</p> <p>The person taking the action must not commence construction unless the WQMP is approved by the Minister or deemed acceptable by an appropriate Queensland government agency as agreed by the department in writing.</p>	
3	<p>The person taking the action must submit an <i>Operational Environmental Management Plan (OEMP)</i> to protect the values of the Great Barrier Reef World Heritage Area and National Heritage Place.</p> <p>The OEMP must address the matters listed below and state the environmental objectives, performance criteria, monitoring, reporting, corrective action, responsibility and timing of each of these matters but not be limited to:</p> <ul style="list-style-type: none"> a. Detailed sediment and erosion control measured, consistent with <i>IECA (2008), Best Practice Erosion and Sediment Control. International Erosion Control Association (Australasia)</i> b. Detailed Acid Sulfate Soil management measures, consistent with the <i>Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland (1998)</i> and the <i>Queensland Acid Sulfate Soil Technical Manual- Soil Management Guidelines (2002)</i>; c. Measures to deal with hydrocarbon , metals and other contaminants; d. Chemical and fuel management and spill response; e. Measures to protect adjacent waterways; and f. Emergency response measures. <p>The person taking the action must not commence operations unless the OEMP is approved by the Minister or deemed acceptable by an appropriate Queensland government agency as agreed by the department in writing.</p>	<p>The OEMP was approved by the Minister on the 1st July 2013, and a subsequent revision approved on the 26th July 2016.</p> <p>Monitoring activities prescribed in the OEMP are maintained to ensure ongoing compliance with this condition. All monitoring activities for the 2020 reporting period have been conducted in accordance with the OEMP.</p>
4	<p>The person taking the action must submit for the Minister's approval a <i>Decommissioning Management Plan</i>. Decommissioning must be done in a manner that does not cause significant environmental impacts and leaves the sites free from encumbrances (i.e. buildings, plant, equipment, concrete slabs, toxic chemical residues etc). Decommissioning cannot commence until the plan is approved by the Minister. The approved plan must be implemented.</p>	<p>The SRD is operational and will continue to be in the foreseeable future, hence there are no plans on the horizon to decommission. A decommissioning plan will be prepared and submitted for approval by the minister prior to entering the decommissioning phase.</p>

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No.	Condition	Status
5	Within 10 days after the commencement of the action, the person taking the action must advise the department in writing of the actual date of commencement.	Written notification of construction commencement was provided to the Department in 2011.
6	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval including measures taken to implement the management/monitoring plans required by this approval, and make them available upon request to the department . Such records may be subject to audit by the department or an independent auditor in accordance with Section 458 of the <i>EPBC Act</i> , or used to verify compliance with the conditions of approval. Summaries of the	Records of activities associated with the SRD operation and maintenance are maintained and managed by Abbot Point Bulkcoal Pty Ltd.
7	Each year, the person taking the action must publish on its website a report addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management/monitoring plans as specified in the conditions. The end date of the 12 month period reported on should be 28 February each year unless it is aligned with the similar requirement of a state approval, in which case the person taking the action must notify the Department in writing of the State requirement and the end date for future reports. Each report must be published within three calendar months of the end date of the period reported on.	Annual Compliance Reports are published on the company website by the 28 May each year. This report addresses this condition for the 2020 reporting period.
7.A.	Reporting non-compliance The person taking the action must notify the Department in writing of any: incident ; non-compliance with the conditions; or non-compliance with the commitments made in plans . The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> a) the condition which is or may be in breach; and b) a short description of the incident and/or non-compliance. 	Reporting and notification requirements are incorporated into the OEMP and APB procedures to ensure compliance with conditions 7.A. and 7.B in the event of an incident. There have been no notifications made during the reporting year.
7.B.	The person taking the action must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: <ul style="list-style-type: none"> a) any corrective action or investigation which the person taking the action has already taken or intends to take in the immediate future; b) the potential impacts of the incident or non-compliance; and c) the method and timing of any remedial action that will be undertaken by the person taking the action. 	
8	Upon the direction of the Minister , the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister . The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit	There have been no requests for independent audit to date.

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No.	Condition	Status
	criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister .	
9	The person taking the action may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 1, 2, 3 and 4 or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister approves a revised action management plan (RAMP) then, from the date specified, the person taking the action must implement the RAMP in place of the previous action management plan.	There have been no amendments to the OEMP in this reporting period.
9.A	The person taking the action may choose to revise an action management plan approved by the Minister under conditions 1, 2, 3 and 4, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act , if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact .	See Condition 9 above
9.B	<p>If the person taking the action makes the choice under condition 9.A. to revise an action management plan without submitting it for approval, the person taking the action must:</p> <ul style="list-style-type: none"> a) notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences between the approved action management plan and the RAMP; iii. an explanation of the differences between the approved action management plan and the RAMP; iv. the reasons the person taking the action considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and v. written notice of the date on which the person taking the action will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department. b) subject to condition 9.D., implement the RAMP from the RAMP implementation date 	See Condition 9 above
9.C.	The person taking the action may revoke its choice to implement a RAMP under condition 9.A. at any time by giving written notice to the Department . If the person taking the action revokes the choice under condition 9.A., the person taking the action must implement the action management plan in effect immediately prior to the revoked RAMP	See Condition 9 above

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No.	Condition	Status
9.D	If the Minister gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact , then: <ul style="list-style-type: none"> a. condition 9.A. does not apply, or ceases to apply, in relation to the RAMP; and b. the person taking the action must implement the action management plan specified by the Minister in the notice. 	See Condition 9 above
9.E	At the time of giving the notice under condition 9.D., the Minister may also notify that for a specified period of time, condition 9a does not apply for one or more specified action management plans . Note: conditions 9.A., 9.B., 9.C. and 9.D. are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised action management plan , at any time, to the Minister for approval.	See Condition 9 above
10	If the Minister believes that it is necessary or convenient for the better protection of the Great Barrier Reef World Heritage Area and National Heritage Place, the Minister may request that the person taking the action make specific revisions to the management/monitoring plan specified in the conditions and submit the revised management/monitoring plan for the Minister's written approval. The person taking the action must comply with any such request. The revised approved monitoring/management plan must be implemented. Unless the Minister has approved the revised management/monitoring plan, the person taking the action must continue to implement the management/monitoring plan originally approved, as specified in the conditions.	To date the Minister has not requested specific variation be made to the approved monitoring/management plans.
11	If at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	The controlled action has been substantially commenced. The stormwater return dam was deemed operational in 2013.
12	Unless otherwise agreed to in writing by the Minister , the person taking the action must publish all management/monitoring plans referred to in these conditions of approval on their website. Each management/monitoring plan must be published on the website within 1 month of being approved.	North Queensland Export Terminal publishes monitoring/management plans on their website as per condition 12.