

FIMISTON TAILINGS DAMS — SEEPAGE

6019. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for the Environment

I refer to the Fimiston 1 Tailings dam, a report titled 'Notice of intent and Works approval for Fimiston Leases Expansion Project at North Kalgurli Mine' and dated August 1988 produced by Australian Groundwater Consultants Pty Ltd', which I understand relates to the Fimiston 1 Tailings dam and question on notice No. 2563 of 30 August 2005, and I ask -

- (1) Is it correct that part of this Notice of Intent and Works Approval dated August 1988 under the heading of 'Geotechnical Investigation' states 'No areas of high permeability were encountered and no faulting was observed within the impoundment'?
- (2) If no to (1), will the Minister quote the full text from the document dated August 1988?
- (3) Is it correct that part of this Notice of Intent and Works Approval Dated August 1998 under the heading of 'Liners' states, 'The geotechnical investigation has revealed no areas of high permeability within the impoundment. Based on this evidence it is not considered necessary to seal the foundation within the impoundment.'?
- (4) If no to (3), will the Minister quote the full text from the document dated August 1988?
- (5) Does the Minister consider it unreasonable for any member of the public to rely upon statements and commitments made in any works approval and notice of intent documents throughout the whole State including the document dated August 1988, referred to above, lodged with the Department of Environment and the Environmental Protection Authority as a means of getting approval for projects?
- (6) If yes to (4), then why does the Department approve these projects knowing that statements and commitments made in works approval and notice of intent documents cannot be relied upon as a means of protecting the environment?
- (7) If no to (4), why not?
- (8) Can the Minister explain the rationale as to how the Fimiston 1 tailings dam came to have a licence condition imposed by the Department in 1990, which stated, 'All matter containing saline, alkaline or cyanide constituents shall be retained within impervious holding facilities such that there is no discernible impairment of surface or underground water'?
- (9) If no to (7), why not?
- (10) Does the Minister consider it unreasonable for any member of the public to expect proponents of all projects to adhere to works approval and licence conditions set and imposed by the EPA and the Department of Environmental Protection as a means of protecting the environment, given it is my understanding that the Fimiston 1 tailings dam originally held a licence condition which stated that 'All saline, alkaline and cyanide constituents shall be retained within impervious holding facilities, such that there is no discernible impairment of surface or underground water' with 'impervious' meaning a permeability of 10 - 9 metres per second and the Minister has stated in answer to question on notice No. 2563 of 30 August 2005, 'The Department continues to recommend that mining waste containment structures are constructed to limit seepage rates under normal conditions to 10 - 9 metres per second. This equates to an equivalent water seepage rate of three centimetres per year. This limit can be achieved by appropriate soils management and engineering compaction. This level of seepage is considered compatible with protection of surrounding values under most circumstances'?

Hon SALLY TALBOT replied:

- (1) The Department of Environment and Conservation (DEC) has advised that the report to which the question refers has been archived. The periods in question are eighteen to twenty years ago, and I do not support DEC spending the substantial amount of time and resources it would take to locate this information.
- (2)-(4) See the answer to (1).
- (5) Proponents are required to comply with their works approval and licence conditions. Where DEC investigates and determines a breach of the conditions has occurred, it will take the appropriate action consistent with its Enforcement and Prosecution Policy.
- (6) Not applicable, on the assumption that the question refers to (5) rather than (4).
- (7) See the answer to (5).
- (8)-(9) See the answer to (1).

(10) See the answer to (5).