



Minister for Environment  
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Dear Minister

## Appeal - Kintyre Uranium Project

I write in my capacity as the Greens WA Member of Parliament for the Mining and Pastoral Region and I hereby lodge an appeal against the content and recommendations in Report 1522 under section 100(1)(d) of the *Environmental Protection Act 1986* (WA) (EP Act). The proposal description is the Kintyre Uranium Project located 270km north-east of Newman and the proponent is Cameco Australia Pty Ltd (Cameco). The Report 1522 was published on 28 July 2014. I do not wish my name to be withheld from the proponent and it may be published after the determination of appeals, consistent with regulation 8 of the *Environmental Protection Regulations 1987*.

The grounds of my appeal are based on the aforementioned report and recommendations, and are as follows:

### *Environmental Impacts*

There is clear evidence that uranium mine tailings remain a risk to the environment for no less than 10,000 years. In Report 1522 on page 12 the Environmental Protection Agency (EPA) states that "the proposal has designed the tailings storage facility for a 1:1000 year event".<sup>1</sup> They also state that the minimum criteria for mining (as distinctly different to uranium mining) are a 1:100 year event. The proponent has specifically commented, in response to public submissions Appendix 3 – 71, that "the cover (of the tailings) is designed to be effective for 1,000 years, to the extent reasonably achievable".<sup>2</sup>

Cameco has not provided a commitment that the tailings will be physically, chemically, biologically and radiologically isolated from the environment for no less than 10,000 years and demonstrate that this will be the case, based on extensive field, laboratory and modelling studies (and demonstrate an ability to finance such an endeavour). The modelling for managing tailings is inadequate and poses a risk to the environment post mine closure – for which there is no comprehensive plan.

In this regard the EPA has failed in their duty to apply the precautionary principle and principles of intergenerational equity. The EPA should, in lieu of assessing the tailings ensure that strict environmental conditions are in place. This includes the conditions endorsed by the current government, in particular isolating the tailings from the environment for no less than 10,000 years. Failure to do so is an abject failure to ensure high environmental protection standards.

### *Mine Closure*

Cameco intend to leave behind a permanent hypersaline lake, whereby the levels of uranium in the pit will increase over the first 10 years post closure.<sup>3</sup> Cameco have not described in detail the

<sup>1</sup> EPA, Report 1522, 28th July 2014, p. 12.

<sup>2</sup> Kintyre Uranium Project ERMP Assessment No. 1845 Summary of Public Submissions, pg 6-7

<sup>3</sup> Kintyre Uranium Project ERMP Assessment No. 1845 Summary of Public Submissions, pg 2 - 6



radiological pathway of where the uranium concentrations will come from nor have they explained why the levels will increase over the first 10 years post closure and not after. The proponent plans to relinquish the Kintyre site 20-30 years post mining which is an indication that Cameco intends to leave the community with a contaminated site as defined under the Contaminated Sites Act 2003 (WA). This is not best practice or consistent with the Mine Closure Guidelines adopted by both the EPA and DMP.

It is clear the EPA has ignored its own guidelines in assessing this proposal. There are no agreed post-mining outcomes and land-uses (even provisional ones) and an ongoing liability to the State appears to be inevitable given Cameco's own disclosures. Therefore, the Minister should require Cameco pay a bond that reflects the total estimated cost of mine closure cost and that this bond be annually reviewed and adjusted to ensure that there are sufficient funds held to rehabilitate the site in the event that there is an unplanned closure. This is particularly important given the extraordinary costs of rehabilitation of uranium mines. For example, the ERA Ranger uranium mine in the Northern Territory have an estimated mine closure cost of \$640 million.<sup>4</sup>

### *Dust Mitigation*

According to the EPA, dust is not considered to be a key environmental factor and does not require further evaluation. This however ignores the impact of dust storms and high winds resulting from cyclones off the coast of WA heading inland, which the proponent has severely underestimated and the EPA has failed to properly assess. In the event of an extreme dust event and the deposition of radioactive particles in neighboring communities, the potential impacts on human health in Parnngurr, Punmu and Kunawarritji are significant. It is unclear how the proponent can be confident that there will not be dust deposition with radiological particles in the communities. Importantly, the community should have the right to live without anxiety that a radioactive particle that cannot be smelt, felt, heard, seen or touched, is not contaminating their homes and surrounding environment.

The EPA, the proponent, and the two key agencies responsible for regulation of radiation, the DMP and the Radiological Council, need to take an approach that ensures measurements and monitoring changes to the radiological environment take place and offer some peace of mind or evidence to the communities one way or another. This is especially important when it concerns human health and even more so when those communities have not consented to the mine and have unwillingly been placed in a position where their health and the health of future generation may be compromised.

### *Other Important Issues*

There are other serious problems with the environmental impact assessment of the proposed Kintyre Uranium Mine and the conditions recommended by the EPA in Report 1522 are seriously inadequate. These issues need to be addressed:

- The uncertainty around the quality and cleanliness of the drinking water and the anxiety within the community around the potential health impacts.
- The EPA's failure to assess the risk to regional water sources, and the assumption put forward in the EPA report that the area is "entirely outside the Ruddall River watershed" which was actively challenged by Traditional Owners during the negotiations with the proponent.
- The exclusion of important fauna surveys by the proponent.
- The number of potential environmental impacts and risks associated with the transport of uranium oxide concentrates.

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<sup>4</sup> ERA Annual Report 2012-2013 [http://www.energyres.com.au/documents/Annual\\_Report\\_2013.pdf](http://www.energyres.com.au/documents/Annual_Report_2013.pdf)



In conclusion, I would like to address the major problems within the current regulatory framework for mining and uranium mining.

As you know, in November 2008, the Liberal-National Government lifted an eight-year ban on uranium mining in WA. In May 2010, the previous Minister for Mines and Petroleum, the Hon. Norman Moore, stated that “best practice regulation will govern any future uranium mining.”<sup>5</sup> However, a review of uranium mining regulation in WA, conducted in April 2012 by the Uranium Advisory Group (UAG) stated that “at present, the overwhelming conclusion of the review is that the current framework, albeit robust and subject to regular updating with national guidelines does not fully deliver World Best Practice.”<sup>6</sup> The UAG identified a number of areas where the existing regulatory framework was inadequate, including “the uneven adherence to risk-based assessments, the lack of legislative and policy support for open publication of regulatory compliance data, and the lack of the required quality management systems in some agencies.”<sup>7</sup>

It is within this regulatory framework that the government has recommended the proposed Kintyre Uranium Mine, the first of its kind to be implemented in WA. The current and previous governments have failed to adequately regulate the mining industry in general in WA, and this raises the question about the government’s ability to regulate the uranium mining industry. The WA Auditor General’s Report 8, ‘Ensuring Compliance with Conditions on Mining’ tabled in Parliament September 8, 2011 identified the failure of government agencies to adequately monitor and assess mining compliance and environmental performance. Problems were specific to the Department of Mines and Petroleum’s (DMP) planning and management of mines inspection; failure to enforce environmental policy and conditions; and regulation of tailings.

I strongly urge you to acknowledge the serious problems with the environmental impact assessment of the proposed Kintyre Uranium Mine to date, and to reassess the proposal. It is of serious concern that the EPA has not recommended that any conditions be imposed with regard to certain environmental impacts, such as radiation. At the very least, the government has a responsibility towards protecting the community and the environment, and should ensure the proponent commits to the following:

- Installation of dust and water monitoring stations at Punmu and Parnngurr communities and other sites around the National Park.
- Working with the radiological council and the Department of Health to undertake regular documented health impact assessments in the communities of Punmu and Parnngurr.
- Regular research in conjunction with the Departments of Water and Environment to assess and monitor the quality of public water, air and the environment.

Yours sincerely,

The Hon Robin Chapple MLC  
**Member for the Mining and Pastoral Region**  
7 August 2014

<sup>5</sup> Minister for Mines and Petroleum, 20 May 2012, State Budget 2010-11: World’s best practice will rule uranium sector [Media statement].

<sup>6</sup> Uranium Advisory Group, April 2012, Volume 2: Independent Review of Uranium Mining Regulation, p.vii.

<sup>7</sup> *ibid*