



GS Environmental Risk Assessment Framework
Strategy and Reform
Department of Environment Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850

11 March 2016

Dear Sir / Madam

Submission regarding DER's draft Guidance Statements

Kalgoorlie Consolidated Gold Mines (KCGM) is pleased to provide a submission to the Department of Environment Regulation (DER) on the series of inter-related draft Guidance Statements, as follows:

- Guidance Statement: Regulatory Assessment Framework
- Guidance Statement: Environmental Risk Assessment Framework
- Guidance Statement: Regulatory Controls

The focus of KCGM's submission relates to the draft Guidance Statement on the Environmental Risk Assessment Framework and particularly the proposed proxy health and ecosystem criteria for ambient air quality set out in Appendix 5.

Draft Environmental Risk Assessment Framework Guidance Statement

KCGM supports the establishment of a recognised set of criteria for the assessment of environmental impacts. However, it is essential that such criteria are drawn from reputable sources. The ambient air quality criteria presented in the draft Guidance Statement have been taken from a variety of sources, most of which are recognised, either within Australia or internationally, as reputable. However, it is not clear that the most suitable ambient air quality criteria have been selected, particularly where the New South Wales (DEC, NSW, 2005) guidelines have been adopted, which have been adopted from the Environment Protection Authority Victoria (EPAV, 2001).

KCGM would like to see a more transparent approach be adopted to ensure the most suitable ambient air quality criteria are selected. This would involve identifying the various national and international organisations recognised by the DER as reputable sources (i.e. National Environment Protection Measures, World Health Organisation, U.S. Agency for Toxic Substances and Disease Registry, U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS), etc.), and then evaluating their suitability against a set of benchmarks related to the scientific basis underlying the air quality criteria.



It is also essential that the criteria are set within a framework that clearly states how they will be applied in practice to regulate industry, to ensure they are used in an appropriate and consistent manner. The draft Guidance Statement, in its current form, does not provide the context as to how these health and ecosystem criteria are intended to be applied. For example, in the case of the ambient air quality criteria:

- Where will the criteria be applied? At the premises boundary or nearest sensitive receptor?
- Are the criteria intended to be compared to ambient monitoring data and/or air dispersion model predictions?
- Will the criteria apply within buffer zones or inside the DER recommended separation distances?
- How will the criteria be applied in the event of process upsets and emergency releases?

KCGM considers that further guidance is necessary to provide the context as to how the proxy health and ecosystem criteria are intended to be applied in practice to environmental regulation.

One of the key issues for KCGM is where (i.e. location) the ambient air quality criteria for particulate matter (PM) will be applied, particularly if the new PM₁₀ and PM_{2.5} standards contained in the 2015 variation to the Ambient Air Quality NEPM (NEPC, 2015) are adopted in the final Guidance Statement.

Clause 13 (2) of the Ambient Air Quality NEPM states:

"Performance monitoring station(s) must be located in a manner such that they contribute to obtaining a representative measure of the air quality likely to be experienced by the general population in the region or sub-region."

However, for the purposes of regulating industry emissions, the Ambient Air Quality NEPM standards often tend to be applied either at the facility/mining tenement boundary, or the closest residence/sensitive receptor (i.e. a peak monitoring site). The application of the Ambient Air Quality NEPM standards in this manner is not consistent with the intention of the NEPM.

This is further supported by the Impact Statement prepared for the Draft Variation to the Ambient Air Quality NEPM (NEPC, 2014), which noted that the NEPM standards are sometimes applied by State regulators at different locations as part of an environmental assessment:

"The AAQ NEPM standards are often used in a variety of locations and contexts, some of which are inconsistent with the intention of the Ambient Air Quality NEPM. The Ambient Air Quality NEPM standards are designed for use at locations representative of overall air quality in those areas..."

As part of the Fimliston Air Quality Management Plan (FAQMP), KCGM currently undertakes continuous ambient PM₁₀ concentration monitoring at seven sites; four of which are located along the eastern edge of Kalgoorlie-Boulder and another is located within KCGM's operational area (these would be considered as peak monitoring sites). The two remaining sites are located in areas which could be considered representative of general community exposure (although one of these sites is less than 1 km west of KCGM's Fimliston Open Pit operations).



It is KCGM's position that the Ambient Air Quality NEPM standards adopted within the Guidance Statement as proxy health and ecosystem criteria for the purposes of environmental regulation, should be applied in a manner that is consistent with the intent of the source documentation (i.e. the application of the draft Guidance Statement PM₁₀ and PM_{2.5} criteria to a peak monitoring site represents a significant tightening of the ambient air quality objectives and is inconsistent with the intention of the Ambient Air Quality NEPM.)

Draft Regulatory Assessment Framework Guidance Statement

The draft Guidance Statement on the Regulatory Assessment Framework refers to a set of Guidelines on Emissions, including a Guideline on Emissions to Air, which are currently under development by the DER and are scheduled to be released for public consultation in March 2016. It is not ideal that the draft Regulatory Assessment Framework specifies guidelines that have not yet been published. We believe that it would have been more appropriate to have these proposed emission guideline documents available as part of the review, as the draft Regulatory Assessment Framework Guidance Statement includes direct reference to them.

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Thank you for the opportunity to provide a submission in relation to the DER's draft Guidance Statements. If further clarification is required regarding this submission, please contact Graeme Smith, Senior Environment Coordinator (ph: 08 9022 1323).

Yours faithfully



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Kalgoorlie Consolidated Gold Mines Pty Ltd