APPENDIX A

RECENT MAJOR CYANIDE GOLD MINE DISASTERS

1986 MANKAYAN, BENGUET, PHILIPPINES

In October 1986, the wall of the tailings dam collapsed due to weakened foundations caused by an earthquake. The toxic pollution entered the Abra River, and destroyed huge crop areas and fish stocks downstream.

1984-2013 OK TEDI MINE, PNG

BHP's unrestricted waste discharges from the Ok Tedi gold mine in the Western Province of Papua New Guinea, had devastating impacts on the environment and on the 50,000 people who lived downstream on the Ok Tedi River and the Fly River. Over 2 billion tonnes of untreated mining waste was discharged into the rivers between 1984 and 2013 and caused massive harm to the environment along 1,000 km of the rivers. About 1,600 square km of forest died or was put under stress. These actions were considered to be one of the worst environmental disasters caused by man.

In 1984 the Ok Tedi tailings dam system collapsed because of an earthquake, and with the lack of a proper waste retention facility, BHP simply dumped waste into the rivers. It was the subject of legal action brought by local landowners. In 2013, the PNG Government seized ownership the mine.

1984-2013 SUMMITVILLE MINE, COLORADO, USA

In 1984 a subsidiary (Summitville Consolidated Mining Ltd.) of the Canadian-based Galactic Resources Ltd. acquired 1,230 acres in Colorado on which to develop a gold mine, including a cyanide gold extraction processing plant. The mining operations finished in October 1991.

In 1991 the subsidiary was served with a 'cease and desist' order by the British Columbia State Government, which was concerned with heavy metal levels in nearby water courses due to the run-off of excess water from the heap leach pad, and because of a damaged pad liner. About 3,000 US gallons of contaminated water leaked into nearby creeks per minute.

The company closed the site and converted on-site equipment for the detoxification process, with around 160 million U.S. gallons of stored water and waste needing treatment. In December 1992 Galactic Resources Ltd. declared itself bankrupt and closed down the clean-up operations. The leaching continued because the contaminated water was held in an inadequate pond system, was escaping from the damaged dam liner, and was also leaking from older underground workings.

T the US Government declared the site a disaster zone, and the US Environmental Protection Agency took over the cleanup, spending an estimated $US170 million.

1990 BREWER GOLD MINE, CAROLINA, USA

Rain caused an earthen dam at the Brewer Gold Mine in Carolina to collapse and release more than 38 million litres of cyanide solution, killing thousands of fish in the Lynches River. The mine was closed for cleanup and repairs, for many months.

1995 OMAI MINE, GUYANA, SOUTH AMERICA

Omai Gold Mines Limited, a consortium between a Canadian company (Cambior Inc.) and the Government of Guyana, carried out mining operations at the Omai Gold Mine with funding from the World Bank and International Monetary Fund. Located in the Essequibo region, Omai mine was one of the largest open pit gold mines in the world.

In 1995, an estimated 4 million m^3 (1.1 billion gallons) of waste containing cyanide, other heavy metals and other pollutants from the mine, overflowed the retention dam for over five days into the Omai River. The Omai is a short tributary stream that feeds into the Essequibo River, Guyana's largest river. The Government declared 80 km of the Essequibo River an environmental disaster zone because of the contamination. While concentrations of cyanide of 2 ppm are fatal, the slag along the Omai River values reached 28 ppm. This ecological disaster was one of the reasons for the closure of the mine in 2005.

Thousands of dead fish were found floating on the river used by the Native Indians of Guyana. An estimated 23,000 people who lived in the region surrounding the river, depended on the river for drinking water, bathing and fishing.

A public interest group filed a class action against Cambior in 1997 in Québec's Superior Court seeking damages on behalf of the Guyanese victims of the spill. The Québec Superior Court dismissed the case in August 1998, on the grounds that the courts in Guyana were in a better position to hear the case. A lawsuit against Cambior and the was then filed in Guyana, but was dismissed by the High Court of Guyana in 2002.

A new suit was filed against Cambior in 2003 in Guyana again seeking US$2 billion in damages for the effects of the 1995 spill. In October 2006, the High Court of Guyana ordered the dismissal of the 2003 action and ordered the plaintiffs to pay the defendants' legal costs.

1995 MATHINNA, TASMANIA

A dam failure at a gold mine near Mathinna, released 40,000 m^3 of material containing cyanide and heavy metals. Fish kills occurred in the polluted streams.

1995 LAUNCESTON, TASMANIA

At the old gold mine at Launceston (believed to be under 'care and maintenance', the dam over-topped releasing 5,000 m^3 of material containing cyanide and heavy metals.

1996 MT. TAPIAN, PHILLIPINES

This incident relates to a copper mine not a gold mine.

The Marcopper Mining was a Canadian copper miner. The disaster occurred on March 24, 1996 on the Philippine island of Marinduque. It remains one of the largest mining disasters in Philippine history. A fracture in the drainage tunnel of a large pit containing leftover mine tailings led to the discharge of toxic mine waste into the Makulapnit-Boac River system and caused flash flooding in areas along the river. The discharge released over 1.6 million m^3 of tailings along 27 km of the river and coastal areas.

One village, Barangay Hinapulan, was buried in six feet of muddy floodwater, causing the displacement of 400 families. Twenty other villages had to be evacuated.

Drinking water was contaminated killing fish and freshwater shrimp. Large animals such as cows, pigs and sheep were killed. The flooding caused the destruction of crops and irrigation channels. Following the disaster, the Boac River was declared unusable. A United Nations assessment mission declared the accident to be a major environmental disaster.

After the disaster, Marcopper closed all its mines. The Government attempted to cover up the fact Government agencies had not enforced environmental laws over the years. The local residents in Marinduque have claimed they knew about the tunnel for almost 20 years. Evidence came to light that Marcopper knew of the leak in the faulty drainage tunnel in advance of the accident, as there had been a long history of problems regarding the tunnel and pit.

1997 GOLD QUARRY MINE, NEVADA, USA

Gold Quarry Mine in Nevada, is owned by Newmont Mining Corporation. Newmont is the second largest gold miner in the world. In 1997, 245,000 gallons of cyanide solution leaked from the heap leach pad, and discharged into two nearby waterways.

1998 HOMESTAKE GOLD MINE, SOUTH DAKOTA, USA

The Homestake Gold Mine closed in 2002, but until then was the largest and

deepest gold mine in North America. In 1998 there was a pipe failure at the mine, resulting in the release of 6-7 tonnes of tailings into a creek. It resulted in substantial fish kills.

The Homestake mine ceased production at the end of 2001. Earlier that year Barrick Gold, had merged with Homestake Mining commenced negotiations with the US government to convert the mine into a research facility to look for dark matter and neutrinos. But as progress was slow and maintaining the pumps and ventilation was costing $250,000 per month, Barrick switched them off in 2003 and closed the mine.

1999 SURIGAO DEL NORTE, PHILIPPINES

In April 1999, the Manila Mining Corporation's tailings dam failed and discharged around 881,320 m^3 of tailings (700,000 tonnes). Twenty-two houses and 51 hectares of croplands, coconut or nipa areas and marshlands, including the Batayakan area, were submerged under waste materials. The cause of the tailings release is the failure of a known damaged concrete pipe.

2000 BAIA MARE, ROMANIA

In 2000, a dam failure occurred at the Baia Mare Mine in Romania. The dam over flowed and failed because of high rainfall and melting snow. 100,000 m^3 of cyanide-contaminated mud and wastewater flowed into the Someş then Tisza Rivers. This pollution then flowed into Europe's second largest river, the Danube, and finally into the Black Sea, across six countries. It killed all the fish in its path, cut off water supplies in Romania, Hungary and the old Yugoslavia.

It was described as the worst environmental disaster in Europe since Chernobyl. Hungary alone asserted the spill killed more than 1,000 tonnes of fish in Hungary.

2001 TARKWA GOLD MINE, GHANA

In October 2001, a tailings dam at the Tarkwa Gold mine, burst sending thousands of cubic meters of mine waste into the Asuman River, contaminating it with cyanide and heavy metals. The disaster left over 1,000 people without drinking water. All forms of life in the river were killed. Hundreds of fish, crabs and birds perished. Communities along the river lost their drinking water and could not sell or eat produce from their farms. It resulted in social turmoil and dislocation.

2001 TIMBARRA GOLD MINE, TENTERFIELD, NSW

The Timbarra gold mine was opened in the late 1990s, at the headwaters of the Clarence River near Tenterfield NSW. The NSW Government claimed it was a world-class operation. The mine site was unsuitable for the use of cyanide due to the soil type, the wetland conditions, elevation and high rainfall, yet it was approved for mining.

After 6 months the mine was placed into 'care and maintenance'. In 2001 the mine was closed after heavy rainfall resulted in two successive overflows of cyanide from the ponds into the Timbarra Wetlands and the Clarence River, causing environmental damage. These incidents occurred because the rainfall data had been miscalculated and the dams were of inadequate size to cope with rainfall peaks. However, that damage was mitigated as the mine was inactive at that time, and cyanide levels in the tailings were low. After a number of owners, he mine site was rehabilitated, and the licence relinquished in September 2013.

2002 TWIN CREEKS MINE, NEVADA, USA

A spill occurred in May 2002, at the Twin Creek Mine in Nevada, of 24,000 gallons of cyanide solution. The mine, was then owned by the Newmont Mining Company. The spillage entered a creek.

2002 DENTON-RAWHIDE MINE, NEVADA, USA

Approximately 40,000 gallons of dilute cyanide process solution spilled into the environment at the Denton-Rawhide Mine, in Nevada. The spill was caused by a failure of a weld on a 16-inch diameter pipeline that was carrying process solution from a lined storage pond to a lined heap leach pad. The spill overflowed containment structures, which had been put in place.

2003 SAN ANDRES MINE, WESTERN HONDURAS

A massive cyanide spill from the San Andrés mine contaminated the Lara River, which feeds into the river providing drinking water for the town of Santa Rosa de Copán. Even though local inhabitants reported witnessing company employees hauling away evidence, they managed to amass some 18,000 dead fish, a testament to the environmental destruction caused to the then lifeless river and the adjoining ecosystems.

The chemicals killed off fish in the Lara River, which flows into the Higuito, the main supply of potable water for the Santa Rosa de Copan region.

2003 NICARAGUA

A cyanide spill occurred at a Canadian gold-mining company's mine. The cyanide solution flowed into the Bambana River. Health workers from local Indigenous communities reported the deaths of 12 children who are suspected of having been poisoned by drinking water from the River.

2004 MISIMA MINE, PNG

Cyanide was discharged from the Misima mine in PNG, during decommissioning of the mine-site. It polluted oceans around the small island. The discharge poisoned marine life, with reports of dead fish found floating in the oceans. The company linked the dead fish to the discharge.

2004 DUMASI, GHANA

There was a cyanide spill at the Dumasi Mine from the tailings dam into the Ajoo Stream, then into the Aprepre River. It was the result of leakage, because of inadequate facilities at the time the effluent was being transferred to a new facility. Reports were made of hundreds of dead fish, crabs, shrimp and birds both on the riverbanks and in river.

2005 RAPU-RAPU, PHILIPPINES

Lafayette Mining's Rapu Rapu project in the Philippines had two spills of process treatment water, causing cyanide contamination of nearby waters and fish kills.

2005 BAIA BORSA MINE, ROMANIA

In November 2005, 300 m^3 of effluent containing cyanide was accidently discharged into a drainage ditch at the Borsa mine. The discharge flowed into the Viseu River, a tributary of the Tisza River, killing fish in a limited area.

2005 PHU BIA MINE, LAOS

A cyanide spill occurred at the Phu Bia gold mine in Laos, operated by Australian company Pan Australian Resources. The cyanide killed fish in the nearby rivers and poisoned villagers within at least 3km distance from the mine site.

It appears that at least 60-100s of villagers fell ill as a result of poisoning after eating contaminated fish and drinking contaminated water. Despite confirmation by the government owned media that hundreds of villagers were poisoned from the cyanide spill, the company has claimed that no one suffered illness as a result of the incident.

2006 BOGOSO MINE, GHANA

A cyanide spillage at Bogoso Gold Limited tailings dam, polluted the Ajoo stream, killing fish and lobsters. A joint on the main tailings returning pipe was disengaged and cyanide-laden tailings poured into the external environment. 30 community members who drank the water or ate the fish and lobsters suffered dizziness, headaches, stomachaches, loss of appetite, itching tongue and skin itches.

2007 ZAMBOANGA, PHILIPPINES

Toronto Ventures Incorporated, a Canadian mining company in Zamboanga, Philippines suffered a major tailings spill in 2007. During a heavy rainstorm the dam collapsed, and the toxic mine tailings flowed down to Siocon River and into the sea. Two days later the silt was up to 3 meters thick.

2009 AHAFO GOLD MINE, GHANA

US based Newmont Mining Corporation, the world's second biggest corporate

gold miner, spilt cyanide at its Ahafo Gold Mine in Ghana. This pollution caused a huge impact to the people's livelihood, health problems and loss of aquatic life in surrounding communities.

2009 NORTH MARA MINE, TANZANIA

In May 2009, toxic sludge from Barrick Gold's North Mara mine seeped into the Thigithe River. A report from the surrounding villages alleged that the toxic material led to the deaths of 20 people and to fish, crops and animals dying from the contaminated water.

2009 AHATO GOLD MINE, GHANA

Overflow of process solution containing cyanide occurred at Newmont Ghana's open pit Ahafo Mine. This resulted in water contamination and fish mortality.

2011 KAZAKHSTAN

Kazakhstan Hambledon Mining, a British mining company, was fined $US 1.8M by the Kazakh government over a leak at one of its waste dams into the Sekisovka River in eastern Kazakhstan. Dead fish were found. In downstream water tests cyanide levels were over 500 times the legal limit. The Ministry of Emergency Situations warned local residents to stay away from the river.

2014 MOUNT POLLEY MINE, BRITISH COLUMBIA, CANADA

This disaster began on 4 August 2014 with a breach of the Imperial Metals owned Mount Polley copper and gold mine tailings pond. This released water and slurry into Polley Lake. The spill flooded Polley Lake, its outflow Hazeltine Creek, and continued into nearby Quesnel Lake and Cariboo Creek.

By 8 August the 4 square km sized tailings pond was empty. Apparently Imperial Metals had a history of operating the pond beyond capacity since at least 2011. The tailings pond breach resulted in 10 million m^3 of water and 4.5 million m^3 of toxic slurry being spilled.

The contaminated slurry carried trees, mud and debris and scoured the banks of Hazeltine Creek, which flows out of Polley Lake and continued into the nearby Quesnel Lake. The spill caused Polley Lake to rise by 1.5 m, Hazeltine Creek was transformed from a 2-metre-wide stream to a 50-metre-across wasteland and Cariboo Creek was also affected.

As of 8 August 2014, toxic water and mud continued to pour into the once pristine Quesnel Lake, the cleanest deep water lake in the world. By the end of the day tailings pond was virtually empty. Mine safety experts have called the spill one of the biggest environmental disasters in modern Canadian history.

The matter is still under investigation.

2015 EX GOLD KING MINE ANIMUS RIVER, US

The Gold King underground mine near Silverton was active in the 1920s. It is situated about 40 river miles north of Durango on a tributary (Cement Creek) of the Animas River. The ex mine was to be plugged so that acid mine drainage would stop spilling into the river system. It had been leaking toxic water at the rate of 50-250 gallons a minute for years.

When crews began clearing debris and erect a temporary blockade to finish the work, they underestimated how much water had collected behind the inactive mine, and 3 million gallons of acidic, heavy metal-laden water was discharged, turning the clear waters of the Animas deep orange for about 60 miles.

The river was closed to all recreational activities while samples were taken. The acidity had doubled within 48 hours. Municipal water suppliers, farmers and ranchers shut off taps and valves.

The spill contained the toxic metals arsenic, cadmium and lead, as well as aluminum and copper. Agencies consider there may be other toxic heavy metals in the plume. Businesses who rely on the river may have to close.

2015 GOLD RIDGE MINE, SOLOMAN ISLANDS

This is a potential devastation waiting to happen.

The Solomon Island Government agreed to an arrangement in 2006 to allow Australian Solomons Gold to take over the operation of the badly damaged Gold Ridge Mine, damaged because of civil unrest. Production restarted in 2010.

In April 2014 the mine was closed because of flash floods and the failure of the Government to allow the miner to release waste water from the dam into the environment. The mine was also looted. After the closure, xpat employees were banned from re entering the Soloman Islands. The mine was then sold for $A100 to local landowners Goldridge Community Investment Ltd. in May 2015, which included all legal and rehabilitation liability.

In July 2015 the mine was declared a Disaster Area by the Government, because the tailings dam was full, and the Government refused a request by advisers to release some polluted water. There was a risk to the dam if there were an earthquake or further flooding.

Heavy rain from tropical cyclone Raquel has filled the dam to about 20 cm below capacity, the highest recorded level. The dam holds 10s of millions of tonnes of toxic sludge with high levels of arsenic, cyanide and heavy metals, and was never designed as a water-storage.

In July 2015, the mine was for sale.

APPENDIX B

RECENT CYANIDE TRANSPORT DISASTERS

1984 TORRES STRAIT, PNG

A barge carrying 15 containers of sodium cyanide (2600 drums, each 100kg) sank off the Fly River en route to the Ok Tedi mine. One container with 100 drums was recovered, the other 14 containers lost.

1992 CONDOBOLIN, NSW AUSTRALIA

A freight train carrying 120 tonnes of solid sodium cyanide in 1 tonne containers (within steel shipping containers), collided with a semi trailer. Much of the train was derailed, and 40 tonnes of sodium cyanide spilt. Most was recovered as it was in solid form.

1996 WESTERN AUSTRALIA

A road haulage tanker rolled over while hauling a tanker load of liquid sodium cyanide solution. None was spilt.

1999 SOUTHERN TABLELANDS, NSW

A freight train (Brisbane to Adelaide) carrying dangerous goods including sodium cyanide was derailed. No sodium cyanide was spilt.

1998 KUMTOR GOLD MINE, KYRGYZSTAN

In May 1998, a truck carrying cyanide to the Kumtor mine plunged off a bridge spilling almost 2 tonnes of sodium cyanide into the Barskaun River.

Local people reported at least 4 deaths but that figure was disputed. Hundreds of people also checked into local hospitals complaining of health problems following the spill. Compensation of $US 3.7 million was paid to local residents.

2000 TOLUKUM GOLD MINE, PNG

The Australian mining company Dome Resources contaminated an important water system in a PNG rainforest in March 2000. A helicopter was flying from Port Moresby to the Tolukuma mine. A 1 tonne cyanide crate underneath the helicopter fell into the jungle, and heavy rain in the area washed about 100–150 kg of it into a river, the rest was recovered. Locals were also warned not to drink the water.

2000 SHAANXI, CHINA

A truck accident spilled 5.2 tonnes of liquid sodium cyanide into the Tieyupu River. The river was dammed and the site treated with bleaching powder. Damage was confined to a 14 km zone from the spill. The contaminated area suffered severe damage to biological life.

2001 HENAN, CHINA

11 tonnes of liquid sodium cyanide leaked into the Luohe River after a traffic accident. Livestock were poisoned, and there was a major fish kill. The site was treated with 500 tonnes of hypochlorite (bleach).

2002 TAMINI DESERT, NORTHERN TERRITORY

In February 2002 there was an accident in the Northern Territory. It involved the spillage of 4,000 litres of liquid cyanide, which killed more than 500 birds, a dingo and some kangaroos.

2003 TAIWAN

More than 100 people in Taichung County were hospitalised after being poisoned by liquefied cyanide from an overturned truck. Environmental officials feared the cyanide, which flowed into a nearby sewer, could create a disaster when it entered the sea through Taichung Harbour.

2004 LOWER HUTT, NZ

Two 180 litre drums of cyanide solution were damaged inside a freight depot, possibly by a fork lift. The spill was contained.

2005 CRACOW MINE, QUEENSLAND

A 21 tonne container of liquid sodium cyanide, fell from a truck turning into the Cracow Mine, and leaked through a pressure valve. About 50-60 litres of the liquid escaped from the container, and was collected in small drums.

2007 EUABALONG WEST, NSW

A goods train was derailed. It was carrying 44 tonne of sodium cyanide. The wagon carrying the cyanide was not derailed and did not spill.

2007 TENANT CREEK, NT

Two 20 tonne cyanide filled containers, were being transported in a road train to Inata Gold Mine in the NT, when the truck swerved off a dam wall at the side of a reservoir, and overturned. Sodium cyanide pellets spilt from 2 containers.

The pellets were protected from rain and the site cleaned up over 9 days, and removed to the mine site. Animals were excluded from the area.

Local newspapers noted “that despite coming close to causing catastrophic contamination to water supplies, and the fact that it was the third such accident, of this kind, in recent months, the accident was hardly reported.

Further investigations have now revealed that, incredibly, only relatively small amounts of cyanide were lost in the spill, but the accident and its aftermath, have demonstrated the incredible dangers posed to remote communities by the use of toxic chemicals in gold mining.”

APPENDIX C.

DARGUES REEF GOLD MINE
POLLUTION AND CONSTRUCTION FAILURE INCIDENTS
February-August 2013

Incident 1: Discharge from the Box Cut 23-25 February 2013

The discharging water left the incomplete Box Cut excavation, drained into a small sediment basin, across the office car park, past the site offices, through a culvert pipe underneath the Old Dargues Gold Mine Access Track into an unnamed Drainage Line 2, finally into Spring and Majors Creeks. Silt from the incident was noted as far down as Little Oakey Creek, 20 km downstream from the mine site. All other streams in the vicinity were clear.

Incident 2: Discharge from the Box Cut, 1 March 2013

The discharging water left the incomplete Box Cut excavation, drained into a small sediment basin and then into two temporary basins, across the office car park (past the site offices), through a culvert pipe underneath the Old Dargues Gold Mine Access Track and into Unnamed Drainage Line 2. The discharging water then entered Spring Creek and flowed into Majors Creek.

Incident 3: Discharge from the Site Access Road, 28 February - to 1 March 2013

The discharging water ran from the Site Access Road construction area, between the intersection with Majors Creek Road and Culvert Crossing 4, into the Unnamed Drainage Line 1. It became yellow and turbid as it continued to flow downstream of the Site Access Road construction area.

Incident 4: Discharge from Mine Site 20 April 2013

On the morning of Saturday 20 April, after 30 mls of rain over a ten-hour period, two pollution plumes entered Majors Creek from the Dargues Reef mine site. One was minor, consisting of a light clay colour from a partially compromised sediment trap. Due to the early intervention of Dargues Reef mine staff, the clay-coloured pollution did not persist far along Majors Creek and the suspended solids soon settled because of moving fresh water. The larger plume of dark muddy sediment persisted for longer and reached about 4.5 km below the Dargues Reef site.

Incident 5: Flocculent Discharge, October 2013

The fifth incident involved the use of an unregistered flocculent. The EPA contacted downstream water users by phone, requesting them to quarantine their household and irrigation water, until the safety of the flocculent could be established. Apparently, the mine failed to contact affected land owners.

EPA Press Release 1 September 2014

Pollution incidents cost Big Island Mining close to $200,000

Big Island Mining Pty Limited (BIM), the operator of the Dargues Gold Mine near Braidwood has been ordered to pay $196 000 in penalties and costs after pleading guilty in the Land and Environment Court to polluting Spring and Majors Creeks on three separate occasions in 2013.

The offences occurred in February and March 2013 during the construction of the Dargues Gold Mine at Majors Creek. During construction, BIM failed to install adequate sediment and erosion controls and following a period of rainfall, muddy water was allowed to discharge from the construction site into Spring and Majors Creeks.

Majors Creek provides a water supply for rural properties and flows into Araluen Creek, which is a tributary of the Deua River. The Deua River catchment provides 60 per cent of the water supply for the people of Eurobodalla.

The NSW Environment Protection Authority (EPA) conducted an investigation into the discharges and commenced prosecution proceedings against BIM in the Land and Environment Court. After pleading guilty to the charges, on 26 August 2014, the Land and Environment Court convicted BIM of each charge and ordered it:

- to pay $103,000 to the Upper Deua Catchment Landcare Group Inc to be used for riparian health works in and around Araluen Creek;
- to pay the EPA $93,000 in legal and investigation costs; and
- to publicise its conviction in the *Sydney Morning Herald*, *The Braidwood Times*, and *Australian Mining Magazine*.

In handing down the sentence, Land and Environment Court Judge, Justice Nicola Pain, found that, 'As the operator of a gold mine of this size the Defendant should have ensured it had sufficient expertise to confirm that its project approval was being complied with, including where a contractor selected for its particular skills was being employed. That obligation included the ability to ensure adequate implementation of controls on the ground.'

Further, Justice Pain noted that 'it is concerning that these offences occurred in the first two weeks of work'.

Justice Pain also noted that the BIM unreservedly expressed its contrition. Justice Pain accepted that in addition to pleading guilty at the earliest opportunity, BIM acted promptly and vigorously to attempt to rectify the deficiencies in the erosion and sediment controls when it was alerted to them.

The EPA's Director South, Gary Whytcross said, "There are clear and practical measures that could have been taken to minimise the pollution from the mine site. Had the correct measures been implemented there would have been less

impact on Majors Creek and the downstream water users".

"The EPA hopes that this judgement sends a clear message to other companies that controls must be planned and implemented prior to construction to ensure water pollution does not occur," said Mr Whytcross.

Anyone who has a concern about environmental non-compliance or has information about a potential incident should contact the EPA's 24-hour Environment Line on 131 555 to make a report.