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## Sibelco Mine penalised for polluting 2.8 km of creek in Upper Hunter

### Media release: 9 September 2011

Sibelco Australia Limited has pleaded guilty in the Land and Environment Court for polluting Middle Brook in May 2010 with up to 5 million litres of sediment laden water from its open cut bentonite mine at Parkville, in the Upper Hunter, following a prosecution by the NSW Environment Protection Authority.

Her Honour Justice Nicola Pain convicted Sibelco and ordered that it pay a penalty of \$78,000 to the Hunter Central Rivers Catchment Management Authority (CMA) to be used to deliver environmental outcomes set out in its Catchment Action Plan.

In addition, the company must pay the EPA's legal and investigation costs of \$35,000 and publish details of the offence in local newspapers and an industry journal.

The incident occurred when part of a dam wall at Sibelco's mine collapsed resulting in up to five million litres of sediment laden water being discharged to Middle Brook. As a result a significant amount of sediment impacted on 2.8km of Middle Brook and caused environmental harm.

As well as impacting on macro-invertebrates and their habitat, the incident made the water in the brook unsuitable for drinking by neighbours for several months.

In sentencing Sibelco, Her Honour noted that: "a neighbouring landowner noticed the sediment in the water and notified the EPA. The alarm was not raised as result of any system in place on the mine site. This suggests more could have been done to monitor the dam wall and have in place a system to deal with the possibility of collapse."

Office of Environment and Heritage Chief Executive Lisa Corbyn said this case is an important reminder to mines that it is vital to have processes in place to monitor, identify and control environmental risks.

"This judgement and the EPA's firm regulatory action in this matter demonstrate the serious consequences that result from breaches of the environmental legislation," Ms Corbyn said.

"In this case, the penalty will assist the Hunter CMA to improve and protect the local environment."

Ms Corbyn said as a result of the incident the EPA has issued Sibelco with three Pollution Reduction Programs requiring Sibelco to undertake improvement works and clean up action, and to review its management systems.

"The Programs required Sibelco to provide reports to OEH on the dam wall integrity, effectiveness of clean up actions in Middle Brook and its review of the sites water management system.

"Sibelco has complied with the Program's requirements and acted promptly to remove the majority of the sediment from the affected area.

"Fortunately the impact on the water quality in Middle Brook and surrounding environment was temporary and Middle Brook has now recovered to its condition prior to the incident."

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