

Annual Audit Compliance Report Form

Environmental Protection Act 1986, Part V

Section A – Licence Details			
Licence number:	L6453/1990/12	Licence file number:	2011/009443
Licence holder:	BHP Nickel West Pty Ltd		
Trading as:			
ACN:	004184598		
Registered address:	125 St Georges Terrace PERTH 6000		
Reporting period:	01/01/2022 to 31/12/2022		

Section B – Statement of Compliance with Licence Conditions
Did you comply with all of your licence conditions during the reporting period? (please tick the appropriate box)
<input type="checkbox"/> Yes – please complete: <ul style="list-style-type: none"> • section C; • section D if required; and • sign the declaration in Section F.
<input checked="" type="checkbox"/> No – please complete: <ul style="list-style-type: none"> • section C; • section D if required; • section E; and • sign the declaration at Section F.

Section C – Statement of Actual Production	
Provide the actual production quantity for this reporting period. Supporting documentation is to be attached.	
Prescribed Premises Category	Actual Production Quantity
Category 5 Processing or beneficiation of metallic or non-metallic ore (13,500,000 tonnes per year)	Total Ore Treated/Milled – 10,344,127 tonnes
Category 54 Sewage facility (510 m ³ per day)	430 m ³ per day
Category 57 Used Tyre Storage (120 tyres)	Average 120 tyres stored at one time
Category 64 Class II putrescible landfill (2,200 tonnes per year)	2,079 tonnes
Category 73 Bulk storage of chemicals (13,500 m ³ in aggregate)	12397 m ³ in aggregate

Section D – Statement of Actual Part 2 Waste Discharge Quantity

Provide the actual Part 2 waste discharge quantity for this reporting period. Supporting documentation is to be attached.

Prescribed Premises Category	Actual Part 2 Waste Discharge Quantity
Category 5 Processing or beneficiation of metallic or non-metallic ore	Tailings to TSF – 9,121,584 tonnes

Section E – Details of Non-Compliance with Licence Condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	7	Date(s) of non-compliance:	15/01/2022
Details of non-compliance:			
Condition 7 requires that: The Licence Holder shall ensure that where wastes produced on the Premises are not taken off-site for lawful use or disposal, they are managed in accordance with the requirements in Table 2 – Which states that the licence holder shall ensure that asbestos waste is not deposited within 2 metres of the final tipping surface of the landfill.			
Visible inspections conducted in the waste area showed asbestos bags at the tipping surface. A review of waste management practices on site has shown that some special waste type 2 (medical and clinical waste) is disposed of on-site at the CDTSF.			
What was the actual (or suspected) environmental impact of the non-compliance?			
NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
No environmental harm caused because of the non-compliance, waste is contained within TSF area and filter bags found intact.			
Cause (or suspected cause) of non-compliance:			
Lack of adherence to the [site's] Landfill procedure.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Review of current landfill operations and licence requirements against the procedure.			
A licence amendment will be submitted for Special Waste Type 2 to accurately capture its disposal on site to amend condition 1, 7 and 8			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input type="checkbox"/> Reported to DWER in writing			

Section E – Details of Non-Compliance with Licence Condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	8	Date (s) of non-compliance:	15/09/2022
Details of non-compliance:			
<p>Condition 8 requires The Licence Holder shall ensure that cover is applied and maintained on landfilled wastes under Table 3 Cover Requirements. Cover requirements for "Special Waste Type 1" are "Covered with a minimum of 300mm of inert waste, type 1 or clean fill as soon as practicable after deposit and prior to compaction and by no later than the end of the working day".</p> <p>Observations during routine site inspections have found asbestos bags with incorrect fill applied, whereby intact filter bags (containing potential asbestos fibres) are visible at the final tipping surface. Inspections showed that this waste was currently sitting in large stockpiles at the surface, requiring second handling and management beyond the timeframes specified in this condition.</p>			
What was the actual (or suspected) environmental impact of the non-compliance?			
<p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p>			
No environmental impact known to have occurred. Correctly bagged "waste" contained within temporary stockpiles at CDTSF1.			
Cause (or suspected cause) of non-compliance:			
Incorrect practice regarding disposal compaction and cover activities and lack of awareness of licence requirements. Lack of adherence to landfill management procedure.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Review current compaction and fill requirements to align with the procedure. Ensure that sufficient volume for compaction is available, conduct inspections and training of all staff associated with landfill operations.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input type="checkbox"/> Reported to DWER in writing			

Department of Water and Environmental Regulation

Section E – Details of Non-Compliance with Licence Condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	11	Date(s) of non-compliance:	06/12/2022
Details of non-compliance:			
<p>Condition 11 requires that The Licence Holder shall: (a) undertake inspections as detailed in Table 4. (b) where any inspection identifies that an appropriate level of environmental protection is not being maintained, take corrective action to mitigate adverse environmental consequences as soon as practicable; and (c) maintain a record of all inspections undertaken.</p> <p>Review of the logbooks for the tailings pipelines and return water pipeline visual inspections were non-compliant based on the use of an incorrect/out-of-date logbook. Using this logbook has not captured all parameters of data required between the day and night shifts.</p>			
What was the actual (or suspected) environmental impact of the non-compliance?			
<p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p>			
No environmental impact arising from this non-compliance.			
Cause (or suspected cause) of non-compliance:			
Non adherence to site procedure.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Old logbooks have been removed.			
Additional audits logbooks shall be conducted as part of NiW field leadership and verification and compliance audits.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input type="checkbox"/> Reported to DWER in writing			

Section E – Details of Non-Compliance with Licence Condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	11(b)	Date(s) of non-compliance:	06/12/2022
Details of non-compliance:			
<p>Condition 11 requires that The Licence Holder shall: (a) undertake inspections as detailed in Table 4. (b) where any inspection identifies that an appropriate level of environmental protection is not being maintained, take corrective action to mitigate adverse environmental consequences as soon as practicable; and (c) maintain a record of all inspections undertaken.</p> <p>An inspection of the return water pond at the CDTSF identified that maintenance was required to reduce the silt level in the return water pond.</p>			
What was the actual (or suspected) environmental impact of the non-compliance?			
<p>NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.</p>			
There has been no environmental impact arising from this non-compliance.			
Cause (or suspected cause) of non-compliance:			
Abnormally high amounts of silt pumped from the decant water storage area into the return water pond. Issues at the time have also had been identified with the telemetry for this dam and data transfer from dropouts.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
A plan is being developed to desilt the return water pond. In the interim, increased inspections are occurring. New fibre optic cable has been installed to the return water dam to improve reliability of the telemetry system.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input type="checkbox"/> Reported to DWER in writing			


Section E – Details of Non-Compliance with Licence Condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	12	Date(s) of non-compliance:	31/12/2022
Details of non-compliance:			
Condition 12 requires that: The licence holder shall ensure that a) all water samples are collected and preserved in accordance with AS/NZS 5667.1 and that under section 5.2 of this standard blanks are taken during each sampling run to ensure that site-based contamination is avoided. During the 2022 sample rounds for the quarterly and yearly samples, no field blanks or transport blanks were completed.			
What was the actual (or suspected) environmental impact of the non-compliance?			
NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
No environmental impact, administrative non-compliance only			
Cause (or suspected cause) of non-compliance:			
Incorrect and incomplete monitoring scope provided to the monitoring contractor.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Internal chain of custody sheets and contractor scopes reviewed. Contractor review currently underway and planned for completion in Q4 2023.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally	Date: / /		
<input type="checkbox"/> Reported to DWER in writing			

Section E – Details of Non-Compliance with Licence Condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	17	Date(s) of non-compliance:	31/12/2022
Details of non-compliance:			
<p>Table 6 Condition 17 requires quarterly monitoring of multiple KMB series bores for Standing Water Level and quarterly arsenic monitoring for KMB03, KMB04 and KMB05.</p> <p>Quarterly sampling 2022 (July –Sep) was not completed for:</p> <ul style="list-style-type: none"> • Standing Water Level - KMB03, KMB04, KMB05, KMB06, KMB07, KMB08, KMB10, KMB11, KMB12, KMB13, KMB14, KMB15, KMB16, KMB17, KMB18, KMB25, KMB26, KMB27, KMB32; • Arsenic – KMB03, KMB04 and KMB05. 			
What was the actual (or suspected) environmental impact of the non-compliance?			
NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
No environmental harm, administrative non-compliance only			
Cause (or suspected cause) of non-compliance:			
Internal and external resourcing constraints throughout 2022 resulted in an inability to undertake sampling at the required frequency.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
We consider this a one-off issue because of exceptional circumstances (Covid and resourcing). An additional site-based resource has recently begun and will undertake the required sampling in the future.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input type="checkbox"/> Reported to DWER in writing			

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Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	18	Date(s) of non-compliance:	31/12/2022
Details of non-compliance:			
Condition 18 Requires the Licence Holder shall conduct an annual assessment of the risk associated with seepage from tailings storage facilities and if necessary, install and operate additional seepage recovery measures to ensure vegetation impact is minimised during operation and after closure.			
The annual risk assessment was not completed by the end of the reporting period as identified in the Golder Compliance report.			
What was the actual (or suspected) environmental impact of the non-compliance?			
NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
No environmental harm, administrative non-compliance only			
Cause (or suspected cause) of non-compliance:			
The Seepage risk assessment has usually been conducted in February after the relevant reporting period and prior to the submission of the AER. Whilst administrative and an assessment is completed it does not meet the reporting timeframes of this condition.			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Realign timing of this risk assessment through the 1SAP Work order system to ensure completion within the reporting timeframe. Conduct a review and amendment of the current condition with regulator and align the delivery of this assessment with the Annual Environmental Report.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
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Section E – Details of Non-Compliance with Licence Condition			
Please use a separate page for each condition with which the licence holder was non-compliant at a time during the reporting period.			
Condition no:	23	Date(s) of non-compliance:	01/4/2022
Details of non-compliance:			
Condition 23 requires that the Licence Holder shall submit to the CEO, an Annual Environmental Report (AER), within 90 days after the end of the annual period. The [2022] AER was submitted to the Department on the 1 April 2022 (93 days after the annual period).			
What was the actual (or suspected) environmental impact of the non-compliance?			
NOTE – please attach maps or diagrams to provide insight into the precise location of where the non-compliance took place.			
No environmental impact, administrative non-compliance only			
Cause (or suspected cause) of non-compliance:			
Delay in internal review and submission			
Action taken to mitigate any adverse effects of non-compliance and prevent recurrence of the non-compliance:			
Internal report preparation, review and scheduling processes have been amended to ensure the annual environmental report is submitted in future by the required date.			
Was this non-compliance previously reported to DWER?			
<input checked="" type="checkbox"/> No or <input type="checkbox"/> Yes, and			
<input type="checkbox"/> Reported to DWER verbally		Date: / /	
<input type="checkbox"/> Reported to DWER in writing			

Department of Water and Environmental Regulation

Section F – Declaration			
I/We declare that the information in this Annual Audit Compliance Report is true and correct and is not false or misleading in a material particular ¹ . I/We consent to the Annual Audit Compliance Report being published on the Department of Water and Environmental Regulation's (DWER) website.			
Signature ² :		Signature:	
Name: (printed)		Name: (printed)	
Position:		Position:	
Date:		28 February 2023	Date:
Seal (if signing under seal):			

¹ It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular

² AACRs can only be signed by the licence holder or an authorised person with the legal authority to sign on behalf of the licence holder