

S.22

**From:** S.47F [redacted]@ozemail.com.au]  
**Sent:** Tuesday, 10 April 2007 11:25 AM  
**To:** >EPBC Referrals  
**Cc:** S.47F [redacted]  
**Subject:** submission to the Pilot Desalination Plant - Olympic Dam Expansion Project  
**Attachments:** Submission to Pilot desalination plant, Olympic Dam Expansion Project.doc [redacted]

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Please find attached my submission for what it's worth!

Thanks  
S.47F [redacted]  
Resident of Victoria

11/04/2007

## SUBMISSION IN RESPONSE TO:

### BHP Billiton Olympic Dam Corporation Pty Ltd/Commercial development/Port Bonython/SA/Pilot desalination plant, Olympic Dam Expansion Project

Date Received: 30 Mar 2007 Reference Number: 2007/3391

"The purpose of the referral stage is to determine whether or not a proposal requires approval under the EPBC Act. A proposal will require approval if it will have, or is likely to have, a significant impact on a **matter of national environmental significance (protected matter)**, or another matter protected under the EPBC Act, such as Commonwealth land. The decision about approval is made on the basis of information contained in a referral and any other information available to the Department including information received as part of the public comment process.

Whether a proposal requires EPBC Act approval is independent of any approvals that may be required by state, territory or local governments. If it is determined that approval is required under the EPBC Act, that proposal cannot proceed until after a further public environmental impact assessment and approval process has been completed."

I would like to start out by saying that it is of concern that this list was not available until recently and it wasn't listed at the same time as the referral. Also when I tried to get a list myself the map function wasn't working. I have only therefore seen this list 6<sup>th</sup> April 2007. This appears to be very unfair seeing that the public now only has ten days to comment!

I am not a scientist but rather a very concerned ordinary member of the public. I am totally against uranium mining and all its associated problems. Our water resources are far too precious to be wasting on this unacceptably dangerous activity. Nuclear power is not the solution to climate change nor is it sustainable and will leave a legacy of irreparable harm to our precious environment. When will the government realise this? There is still no safe long term storage method and we will contaminate our environment including our water -it is just a matter of time if you push ahead with this. We cannot go on like this.

### MARINE SPECIES RECORDED OR POTENTIALLY OCCURRING IN NORTHERN SPENCER GULF

<i>Caretta caretta</i>	Loggerhead turtle	E	E	EN
<i>Chelonia mydas</i>	Green turtle	V	V	EN
<i>Eretmochelys imbricata</i>	Hawksbill turtle	V	V	CR

Red list = The World Conservation Union (IUCN) Red list, CR (critically endangered), EN (endangered),

I would like to point out that whilst the proponent mentions the Australian Giant Cuttlefish in their submission there is no mention of these critically endangered and endangered turtles listed above.

The following is an excerpt from a recent newspaper article titled;  
**DON'T GO NUCLEAR, US EXPERT WARNS**

By Rosemary Desmond (March 14, 2007 03:36pm)

**".....But the US experience had been that marine life was seriously affected by coast-based nuclear plants, Mr Kamps said. "Even large animals like endangered sea turtles are sucked into these cooling systems," he said. "In one year, 933 endangered sea turtles were sucked into a reactor in Florida."Sixteen of these were killed and many of the others were injured or traumatised, so it's having very serious impacts on endangered species on the sea coasts." "**

Based on this I believe there would exist a similar danger for the above listed Critically Endangered and Endangered Species the Loggerhead Turtle, the Green Turtle and the Hawksbill Turtle especially in the intake process.

I'm not sure but I believe that the process by which this pilot desalination plant works is similar in that it will draw in huge amounts of sea water together with any sea creatures to their peril. The benthic survey is only being proposed for a radius of only 50 metres which I do not believe is anywhere near enough for a fair representation of baseline data on the ecological community.

**"Point Lowly:**

2kms past Santos is Point Lowly Lighthouse built in 1883. The lighthouse is owned and operated by the Whyalla City Council, which took it over in 1995. The area is often frequented by dolphin and coastal birdlife,..."

([http://www.tep.com.au/region/whyalla\\_att.htm](http://www.tep.com.au/region/whyalla_att.htm))

The Pilot Plant intake and outfall are within an area that extends 1km from the coastline around the Port Bonython Jetty. That there is no suitable historical information on the quality of sea water for the Spencer Gulf would make it even more important to conduct a wider benthic survey. Whilst the proponent of this project may believe there will be little damage to the local ecological community and is surveying a 50 metre radius from the discharge point, their own submission states that it can be up to 100 metres before the discharge returns to background levels.

The following is an article from

["http://www.moles.org/ProjectUnderground/drillbits/6\\_10/2.html](http://www.moles.org/ProjectUnderground/drillbits/6_10/2.html)

## DRILLBITS & TAILINGS

Volume 6, Number 10, December 30, 2001

## **BHP BILLITON RUNS FROM RESPONSIBILITIES IN PAPUA NEW GUINEA**

BHP Billiton has convinced the Papua New Guinea (PNG) government to endorse the Ok Tedi Mine Continuation (Ninth Supplementary) Act (MCAAct) and the associated Community Mine Continuation Agreement (CMCAgreement). Both of these pieces of legislation have caused an uproar in the environmental and human rights communities who say that the company will escape responsibility for the damage it has caused to the environment and communities living near the Ok Tedi in the western province of PNG.

According to a summary provided by Slater and Gordon, an Australian law firm who has filed a lawsuit against the company, the agreements will give BHP and Ok Tedi Mining (OTML), a consortium led by Australia-based BHP Billiton, unrestricted legal indemnity for the pollution and destruction caused now and into the future by the operations of the Ok Tedi mine. OTML will have no obligation to stop tailings entering the river system in future, and will be permitted to increase the amount of copper it is currently permitted to dump into the river system.

The Mine Continuation Agreements will release BHP and OTML from any liability in the current Victorian Supreme Court proceedings in Australia. Landowners will also lose their common law rights to enforce a 1996 settlement as well as any future legal rights to sue OTML for any damage or environmental catastrophes.

Gabia Gagarimabu, the South Fly Member of Parliament describes the decision as a disgrace. "The Bill is typical of the way BHP has dictated terms to the PNG Government ever since it came to Papua New Guinea."

The Supreme Court of Victoria, Australia extended an interim injunction won on December 7 by Gagarimabu to block Ok Tedi Mining Ltd from signing landowners to Mine Continuation Agreements. The Papua New Guinea (PNG) government claims that 138 of the required 149 villages have already signed the agreements, but Gagarimabu says OTML handpicked people to sign on behalf of their villages.

"There has been no consultation with the people. More than 1,500 people have already sent affidavits to the Supreme Court saying no one was authorized to sign any agreements with BHP on their behalf," said Gagarimabu. The Mine Continuation Agreements signed by any member of a village with or without proper authority would be binding on other members of that village.

The Ok Tedi mine is seen as a national asset by Papua New Guinea's Prime Minister Sir Mekere Morauta and the government has feared that closing the mine would devastate the national economy and ruin communities in the province that borders West Papua. The mine accounts for 10 percent of the country's gross national product and 20 percent of total exports. Under the plan, BHP Billiton will transfer its 52 percent stake to a newly created Singapore-based company called PNG Sustainable Development Programme next year. The mine will continue to be operated by Inmet Corporation, BHP Billiton's Canadian partner.

According to the Australian Conservation Foundation, nearly 70 kilometers of the Ok Tedi River has become "almost biologically dead," and 130 kilometers of riverbank have been "severely degraded." Fish stocks have declined between 50 and 80%, according to OTML's own internal report. Some 30,000 downstream landowners have lost their ability to live off their own land. And an OTML scientist Peer Review Group identified the potential for a total collapse of the fishery.

BHP Billiton has been eager to close the Western Province mine rather than face further environmental litigation over mine waste polluting nearby rivers, but was opposed by minority partners Inmet Corporation of Canada and the Papua New Guinea government.

SOURCE: "BHP Billiton nears Ok Tedi mine exit," PlanetArk, December 13, 2001; "BHP's Ok Tedi Exit Plans Face Challenge," Press Release, Slater & Gordon Lawyers, December 12, 2001; Pers. Comm. Simon Devesha, Mineral Policy Institute, December 16, 2001. "

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Another article which shows the proponent does not place the environment as a high priority;

[http://www.mpi.org.au/campaigns/protected/mipa\\_africa\\_indon/](http://www.mpi.org.au/campaigns/protected/mipa_africa_indon/)

### **"LEAVE PROTECTED FORESTS ALONE, GHANAIA, INDONESIAN, AUSTRALIAN ENVIRONMENT GROUPS TELL BHP BILLITON**

Saturday 22 February 2003

#### **BHP Billiton pressures cash-strapped governments in Ghana and Indonesia to sacrifice their forests for strip-mining**

Community groups in Ghana, Indonesia and Australia are appalled at BHP Billiton's push to scrap legal protection for forests in Ghana and Indonesia. BHP Billiton is challenging laws protecting forests from mining at the Gag Island nickel project in West Papua, Indonesia, and again with its hopes of mining bauxite deposits within forest reserves at Kyebi and Nyinahin, Ghana. Both deposits would need to be strip-mined, their precious vegetation cover destroyed.

The Ghanaian government is in the process of granting mining licences to two Australian companies who are asking for the removal of forest protection, Red Back Mining NL's Chirano gold project in the Tano Suraw protected forest, and BHP Billiton's bauxite/aluminium plans. (1)

In Indonesia, Gag Island is protected by environment law prohibiting open cut mining in protected forests, so BHP Billiton has been pushing to have the law overturned to enable nickel mining. Announcements by Indonesian government officials this month indicate forest protection will be scrapped to allow BHP Billiton's project to proceed.

BHP Billiton's mining plans cover much of Gag Island, and include dumping huge

volumes of mine waste (tailings) into the surrounding ocean through the discredited practice of Submarine Tailings Disposal. The ocean around Gag Island is described as an undersea paradise owing to its uniquely high marine biodiversity, and is likely to be nominated for World Heritage listing.

Indonesian NGOs have also voiced concern over a mining lease they say BHP Billiton holds over Indonesia's Wanggameti National Park on Sumba Island, and the company's refusal to comment on its activities and plans for the area.

Indonesian officials have stated that a prime motivation to overturn the forest protection is a threat of legal action by transnational mining giants, through an international tribunal. Most recently, Indonesia's Minister for Environment, Nabeli Makarim expressed his fear that mining would accelerate forest destruction in Indonesia: "This is a dilemma for us (the government) on how to save the forests. There are only two alternatives: First, we continue to save the forests but the consequence is that we may be sued by investors at the international court. Second, we avoid the lawsuit but the forests will continue to degrade." (2)

"The threat of legal action brought by bullying foreign mining TNCs is morally reprehensible. It's also a heavy constraint on decision-makers who would rather act in the best interests of Indonesia's environment and sustainable development", responded Igor O'Neill of mining watchdog, the Mineral Policy Institute.

BHP once planned to mine in South Australia's Gammon Ranges National Park, but after vocal campaigns by outraged South Australians, BHP cancelled the plan and on February 7 2001 these leases were officially allowed to lapse by BHP.

"BHP Billiton is pursuing a cynical double standard: it seeks to mine in protected areas in developing countries, but renounces such destruction in Australia. After bringing shame to Australia over waste dumping in PNG's Ok Tedi River, BHP Billiton plans to dump waste from their Gag Island nickel mine into the sea. BHP Billiton has to know this is not going to help their tarnished image."

After BHP Billiton CEO Brian Gilbertson's departure last month, the Australian Financial Review published an article asking "Which kittens should Goodyear drown?" (2) In the article, the AFR speculated on which of the more adventurous or politically risky of BHP Billiton's \$10bn worth of proposed new projects "Chip" Goodyear may decide to scrap.

"BHP Billiton must have learned from the OK Tedi disaster that wholesale environmental destruction brings the highest political risks to the mining sector. This is because local people, while they may be dazzled by big promises during mine planning, will quickly turn against a mine if it turns out that their goodwill has been cynically taken for granted and their environment poisoned", commented Mr O'Neill in reference to the AFR article.

"If Chip is in the business of best environmental practice and minimising risk, his decision is easy. No need to drown any kittens; just put down the dog of an idea of mining in protected forests."



For media inquiries:

Igor O'Neill, phone 02 9557 9019 or 0405 325 897

#### Notes

(1) "Ghana opens forests to miners", BBC 20 February, 2003 at <http://news.bbc.co.uk/2/hi/business/2783873.stm>

and

"Ghana's gold dilemma" by Kwaku Sakyi-Addo, BBC, Accra, 4 February, 2003 at <http://news.bbc.co.uk/2/hi/africa/2724339.stm>

(2) "Minister urges more appropriate policies to protect environment, but without mining", MiningIndo.com, January 27, 2003, including quotes from Media Indonesia.

(3) "Which kittens should Goodyear drown?", Trevor Sykes, Australian Financial Review, Jan 11-12 2003."

Considering this I firmly believe that this action of building a desalination plant in this location could become another environmentally irresponsible disaster as is the actual mining of uranium which is what this proposal seeks to support. We need to conserve our water not waste it in such a reckless manner.

In light of these issues I totally object to this proposal and believe a further public environmental impact assessment and approval process has to been completed unless of course this whole thing is thrown out which would be the sensible thing to do as far as I'm concerned.

Yours sincerely,

**S.47F**

(Resident Victoria, Australia)

Email **S.47F**@ozemail.com.au

S.22

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**From:** S.47F [redacted]@ozemail.com.au]  
**Sent:** Tuesday, 10 April 2007 11:44 PM  
**To:** >EPBC Referrals  
**Cc:** S.47F [redacted]@alphalink.com.au  
**Subject:** further to my submission today re BHP pilot desalination plant  
**Attachments:** Billiton plan for LNG terminal rejected.doc

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Hi,

Just thought I would send this too....A wonderful victory in California. It is great to see the environment receive due protection.

S.47F



# Billiton plan for LNG terminal rejected

April 10, 2007 04:00pm

Article from:  news.com.au

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**A PROPOSAL by BHP Billiton Ltd for a liquefied natural gas (LNG) terminal off the Californian coast was rejected today by the State Lands Commission for environmental reasons.**

The decision was cheered by close to 1000 people who packed the commission hearing for the outcome, the Associated Press said.

DEH 33/5922

S.22



Government of South Australia

Department for Environment  
and Heritage

Date: 19.4.2007

S.22

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[www.environment.sa.gov.au](http://www.environment.sa.gov.au)

Dear S.22

**Re: BHP Billiton Olympic Dam Corp Pty Ltd / Commercial Development / Port Bonython / SA / Pilot desalination plant, Olympic Dam Expansion project (EPBC 2007/3391)**

Thank you for inviting South Australian Government's comments on the above referral pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Description

BHP Billiton is proposing to construct and operate a small-scale pilot desalination plant adjacent the Santos facility at Pt Bonython, on Spencer Gulf. The trial will assist in determining the parameters of the concept design to be developed for a full scale desalination plant in the region. The pilot plant will filter and desalinate raw seawater, and trial process parameters. The return water, which will be diluted back to ambient sea water salinity levels, will be monitored via a water quality testing program.

State Assessment

On 2 April 2007, the South Australian Government approved this proposal under the *Development Act 1993* subject to a range of environmental and other conditions, the principal ones including compliance with licences issued by the Department of Transport, Energy and Infrastructure (relating to jetty use) and the Environment Protection Authority (to meet requirements under the Environment Protection Act). Conditions also include a monitoring program to investigate and to report on EPA discharge requirements and marine impacts.

Conclusion

Based on the information provided in the referral document, the proposed action is unlikely to have a significant impact on matters of national environmental significance. Given the conditions of South Australian Government development approval, ongoing monitoring should ensure appropriate attention to environmental requirements.

For further information on EPBC Act process in South Australia, please contact S.22 on telephone (08) 8463 S.22 or S.22 on telephone (08) 8463 S.22 or e-mail: sa.epbc@saugov.sa.gov.au.

More detailed information on the BHP Billiton project and associated South Australian Government approvals can be provided by S.22 Director Olympic Dam Expansion, on telephone (08) 8303 S.22

Yours sincerely



Allan Holmes  
**CHIEF EXECUTIVE**