

Tomago SPL Processing Facility Capacity Expansion

Independent Audit Report Proponent Response to Audit Findings

Application Number

The Project is the subject of NSW Department of Planning, Industry and Environment (DPIE) Major Project Approval MP06_0050 as modified MOD 2 dated 22 August 2019 (MP06_0050 MOD 2).

Version Control

Version	Date Prepared	Date Issued
1.1	28 Sept 2023	29 Sept 2023

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1. Introduction

This Response to Independent Audit Report findings has been prepared to support operation of the Regain Spent Potlining Process Facility located inside the boundaries of the Tomago Smelter. The current facility operates under NSW Department of Planning, Industry and Environment (DPIE) Major Project Approval MP06_0050 dated 7th August 2009 (MP06_0050). The expanded capacity process plant is the subject of NSW DPIE Major Project Approval MP06_0050 MOD 2 dated 22 August 2019 (MOD 2).

Condition 30 of Development Approval MP 06_0050 MOD 2 requires Independent Audits to be carried out in accordance with the approved Independent Audit Program.

An Independent Audit of the Regain Spent Potlining Process Facility located at Tomago was conducted by Lana Shoemith, Ardent Group, during the period 28 July to 15 August 2023. The objective of the audit was to determine the environmental performance and compliance status of the project.

The audit scope was established in accordance with the requirements specified by the NSW Department of Planning, Industry and Environment Independent Audit Post Approval Requirements (May 2020). The Independent Audit Report was issued 29 September 2023.

This Proponent Response to Audit Findings has been prepared to meet the requirements of Section 4.3.2 of the Independent Audit Post Approval Requirements (Department 2020).

2. Proponent's Response to Audit Findings

Regain's Response to the Audit Findings is set out in tables 1 and 2 where:

- table 1 sets out the single non-compliances that was identified and proposed action and timing; and
- table 2 shows Observations & Opportunities for Improvement along with Proponent's proposed actions and timing.

Table 1 – Non-Compliances

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action / Action Taken/Response (as applicable)	Proposed Action Due Date
Condition 31	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Proponent must: <ul style="list-style-type: none"> a) review and respond to each Independent Audit Report prepared under Condition 30 of this approval; b) submit the response to the Department; and c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least seven days before this is done. 	<p>The audit report and response were made available to the public via the Regain website within 60 days.</p> <p>Regain did not notify the Department in writing at least seven days before this is done – non-compliance.</p>	An action to advise the Department in writing at least seven days before making the Independent Audit Report publicly available on the website be noted as a requirement in the "actions required" list relating to management of the audit report.	Requirement to notify the Department in writing at least seven days before making audit report available to the public via the Regain Website to be notes as a requirement in the "actions required" list relating to management of the audit report.	16 Oct 2023

Table 2 – Observations & Opportunities for Improvement

Condition Number (ID)	Compliance Requirement	Independent Audit Observation/Opportunity for Improvement	Proponent's Proposed Action or reason to not implement measures/changes	Proposed Action Due Date (if Applicable)
EPL #13269 - Condition L2.2.	Not Applicable	<p>It is noted that Cadmium is not specified in Condition M2.2 air monitoring requirements despite it being listed in the Air Concentration Limits table at Condition L2.2. Cadmium is also not listed in the annual return, despite being assessed during the biannual monitoring program.</p> <p>An opportunity for improvement is during the current EPL review to update the EPL to establish consistency between the air concentration limits (L2.2), the air monitoring requirements (M2.2) and the annual report template annual return to the EPA.</p> <p>This was raised in the 2020 audit. It is intended that this amendment would occur at the same time as the amendment related to the post-commissioning Air Verification Report. As commissioning is not yet completed the Air Verification Report has also not been completed.</p>	<p>Regain agrees with this opportunity for improvement.</p> <p>Regain's communication with NSW EPA is that a licence variation to EPL #13269 is required for Cadmium to be included in the annual return.</p> <p>NSW EPA suggested approach is for Regain to include the Cadmium modification at the same time the licence variation application for the Air Emissions Verification Report is submitted (EPL Condition 8 - Pollution Studies and Reduction Programs).</p> <p>The plant is currently in an extended commissioning period due to a requirement to adjust the cyanide emissions limit specified in EPL13269. The Air Emissions Verification is to take place over a 12-month period and is expected to be completed by December 2024.</p>	30 December 2024