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By email: Matthew.Sprott@planning.nsw.gov.au

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Dear Mr Sprott

**Mount Pleasant Coal Mine Modification (DA92/97 MOD3)
Comment on Response to Submissions**

Thank you for your email of 13 October 2017 seeking input and comment from the Environment Protection Authority (“EPA”) on Response to Submissions document from MACH Energy titled ‘*Mount Pleasant Operation Mine Optimisation Modification*’ (“RTS”).

The EPA has reviewed the RTS against the request for additional information in the EPA’s letter of 24 July 2017 to the Department of Planning & Environment (DP&E). Some of the EPA’s concerns have been addressed however, components are insufficient to satisfy the EPA the proposal will not adversely impact on the environment.

Water Management

The EPA understands that the discrepancies between the water management system schematics related to the Site Water Balance Review indicating additional information to demonstrating ‘gravity flow’ of where water would flow if the dam design criteria is exceeded. The EPA also understands that the Fines emplacement area and the Mine Water Dam have been model with the outcome that ‘*no spills were simulated*’ from these Dams.

The dams in Figure 8 in the main text of ‘*Mount Pleasant Operations – Mine Optimisation Modification – Environmental Assessment*’ dated 31 May 2017 marked as RLD, SD1, SD3, SD4, ED2 and ED3 all indicate discharges to waterways. In the EPA’s letter of 24 July 2017 information was sort on ‘*the frequency, volume and expected quality of water to be discharged to the environment, as well as the expected quality and quantity of water in the receiving environment during discharge events*’.

Insufficient information has been supplied to enable the EPA to licence any discharges from the premises. The proponent should be advised that in the event of a discharge it must meet, section 120 of the *Protection of the Environment Operations Act 1997* 'pollution of water' including the prescribed matter for the definition of water pollution at schedule 5 of the *Protection of the Environment Operations (General) Regulation 2009*. Any failure to meet these may result in regulatory action.

The EPA reiterates that consideration should be given to alternative sources of water rather than drawing from the Hunter River.

Air Quality

As identified in the EPA's letter of 24 July 2017, the exhibited assessment of modification 3 shows annual average concentrations of PM₁₀ greater than the EPA's impact assessment criterion of 25 µg/m³ at nine private residences over the proposed mine life (5 in scenario 1; 3 in scenario 2; and 5 in scenario 3 – tables 6.1, 6.2, and 6.3 in the Air Quality and Greenhouse Gas Assessment, Todoroski Air Sciences, 26 May 2017. Accordingly, the EPA sort further information regarding MACHEnergy's approach to mitigating the predicted exceedances.

The RTS does not provide additional assessment or information on additional mitigation. The RTS contends that predicted exceedances of the impact assessment criterion for annual PM₁₀ concentration are due to conservative assumptions in the exhibited modelling assessment and the contribution of neighbouring mines. The RTS makes the following points:

- the (five) affected residences are closer to other mines
- air quality assessment explicitly included neighbouring mines operating at maximum production
- Drayton South has been included but has not been granted development approval
- short-term management was excluded from assessment.

The EPA notes elements of the assessment that may contribute to impacts being conservatively estimated. However, it is legally permissible for all mines to concurrently operate at maximum approved production. Additionally, it is unlikely the inclusion of reactive management provisions at Mt Pleasant would significantly change predicted annual average concentrations.

The assessment predicts exceedances of the EPA's impact assessment criterion for annual average PM₁₀ concentration at 9 private residences (5 in any one year). DP&E should consider the significance of the predicted air quality impacts when determining the proposed modification.

Noise Generation

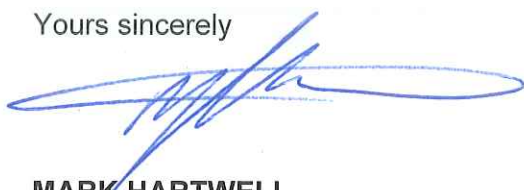
The proponent has indicated that they will not use a 60m tower to determine temperature inversions, instead they will use the sigma theta method.

The EPA does not accept the combination of inversion conditions specified as lapse rate and measurement by stability category. The EPA will accept noise limits applying for certain lapse rates with a reliable way of continuously determining lapse rate (usually a 60m tower) or noise limits applying for certain stability categories, which can then be determined by the sigma theta (or other similar) method from measurements on a 10m tower.

Again, the EPA reiterates that no correction factor has been added to measure noise levels to account for low frequency annoying characteristics. The proponent should make adequate contingency with respect to compliance limits and potentially with the application of acquisition and mitigation rights.

If you require any further information regarding this matter, please contact Jenny Lange on 4908 6891 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely



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