



BOGGABRI COAL MINE

Revised Modification 8:

Supplementary submission

1. Introduction

The Leard Forest Research Node (LFRN) is a citizen science group based in Maules Creek which has been conducting environmental monitoring of coal mines in the Leard Forest and Pilliga East Forest since 2015. This submission is supplementary to our objection to Modification 8, lodged 9th September 2021. We reaffirm our objection to Boggabri Coal Modification 8.

The Modification now proposes to add 3 years to the life of the mine, extending the life of the mine until 2036 and an additional 20.4 Million Tonnes per Annum of coal to be mined. Despite the reduction in the modification sought from 61.6 MTPA to 20.4 MTPA, this is still an increase that is unjustified. In our original submission we stated there is no justification at this point in time to extend the life of coal mines whether it is Boggabri mine or any other coal mine, due to overwhelming evidence of the catastrophic contribution that coal mining and use is making to climate change.

2. Greenhouse gas emissions – “reasonable and feasible abatement”

Previously, we submitted that the groundwater impacts are inadequately considered, as there are too many unknowns in 2021 and the data inadequately verified to ensure that modelling to the year 2039 is reliable.

Idemitsu claims that it will continue to minimise its direct GHG emissions. When originally submitted, Idemitsu did not supply any evidence of this in the modelling. It is proposed that Idemitsu would undertake “reasonable and feasible abatement”, but to date the Department of Planning and Environment has not provided guidelines and standards for mitigation measures.

Faced with this policy vacuum, we refer to the NSW Government’s newly released policy for addressing climate change and protecting the environment, published by the NSW EPA in January 2023 for guidance. Policy factors behind the newly announced State policy on greenhouse gas emissions include widespread, persistent, worsening and cumulative impact of climate change on the environment and communities of NSW and the scale and extent of the environmental or human health issues (page 35).

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/climate-change/23p4264-climate-change-policy.pdf>

The policy states: “Climate change mitigation is about taking action to reduce the rate of climate change. It includes actions that limit or prevent greenhouse gas emissions and activities that remove these gases from the atmosphere” (page 18). Actions envisaged under the Climate Change Policy include:

- working with industry, government and experts to improve the evidence base on climate change
- supporting licensees prepare, implement and report on climate change mitigation and adaptation plans
- partnering with NSW Government agencies to address climate change during the planning and assessment process for activities the EPA regulates
- establishing cost-effective emission reduction targets for key industry sectors
- providing industry best-practice guidelines to support them to reduce their greenhouse gas emissions
- phasing in the introduction of greenhouse gas emission limits on environment protection licences for key industry sectors

Any new approvals of coal mines, including extensions such as Modification 8, should be compatible with NSW State policy as enunciated by the responsible agency, the NSW EPA. As the NSW Government aspires to a whole-of-government approach, the DPE must now harmonise with the Climate Change Policy.

We reiterate the State’s GHG targets are now (at page 16):

- 70% reduction in emissions by 2035, compared to 2005 levels
- net zero emissions by 2050

In NSW, says the Policy, fugitive emissions are mainly from coal and gas extraction activities (eg coal mines). We say it is unreasonable modification 8 to be approved when there are no reasonable or feasible measures shown to reduce or minimise GHG emissions in open cut coal mines. This applies to carbon dioxide and methane.

The evidence speaks for itself. Even the New South Wales DPE has conceded, in the assessment of another coal mine in the Namoi Valley, Narrabri underground mine Stage 3 expansion, that:

- There is no clear methodology to assess the relative scale (or associated consequences) of emissions in a consistent manner, nor are there any definitions of different levels of emissions (e.g. low, moderate or high)
- there are no performance criteria or limits provided (e.g. maximum annual or total emissions) for any development types (e.g. coal mines) nor is there any clear timeline to measure any ratcheting down (e.g. a plan for staged productions in fugitive emissions)
- there is no clear guidance on how to assess potential mitigation or abatement measures, both for current and future activities nor what are considered reasonable and feasible, or best practice
- there is no guidance on whether offsets should be required for a particular development, e.g. trigger levels based on predicted unabated emissions.

Proof of these failures can be found at the Boggabri coal mine, where there has been no mitigation of greenhouse gas emissions. On the contrary, over the last five years, scope one emissions increased, scope two emissions increased and the emissions intensity per tonne of coal mined has also apparently increased. This information is derived from the annual review reports of the mine itself.

The Australian Academy of Science published its report ["The Risks to Australia of a 3 Degree Warmer World"](#), March 2021, which it states, "The Australian Academy of Science is calling on the Australian Government to accelerate Australia's transition to net zero greenhouse gas emissions over the next 10 to 20 years and stating that "The only way to reduce the risk of these unpredictable and dangerous outcomes is for a substantial reduction in the emissions of greenhouse gases into the atmosphere".

Any decision of the NSW Government to permit an expansion of a coal mine beyond this time frame is reckless in the extreme and unreasonable.

On a specific note we would like to add our objection to the subsidising of diesel fuel by the federal government, a subsidy which actually supports and facilitates increased scope one emissions. Fossil fuel companies were never intended to be the beneficiaries of diesel subsidy, and now we press the decision-maker the economic impacts of this practice and the unlevel playing field that it creates with renewable sources of energy which compete with coal. We say this knowing that the coal from Boggabri is for export, in some ways even more repugnant as the practice is also subsidising the scope 2 emissions.

3. Groundwater objections

In 2021 we voiced our extreme concern about groundwater modelling for modification 8. Again we voiced our concern, as there does not seem to be a serious recognition that this mine which now seeks to drill deeper is part of the Namoi River catchment, which has the largest groundwater system in the Murray Darling catchment.

4. Surface water – diversion of environmental flows continues

We previously pointed out that it was originally contemplated to construct high wall dams at the Boggabri. This has never occurred. We see parallels with the neighbouring Maules Creek Coal Mine, which has faced prosecution for surface water theft which included similar elements of wrongfully capturing rainwater which should have been returned to the environment.

We understand that Idemitsu has already purchased water access licenses for this water consultative committee and we do not see evidence of this.

Previously we stated:

‘According to the mine’s [2020 Annual Review](#), Boggabri Coal was found to be in breach of its current Surface Water Management Plan Schedule 3, Condition 38(b),

“The non-compliance was identified during the Independent Environmental Audit. The auditor’s comments were:

The implementation of the currently approved SWMP is non-compliant as the clean water drain presented in Appendix A of the SWMP to the north of the disturbance area has been mined through and has not been reinstated.

It is acknowledged that the update to the SWMP (Rev8) has been prepared depicting the absence of the clean water drain and that a report has been prepared by GHD to justify not reinstating this drain and to evidence that the site is not harvesting clean water outside of harvestable rights allowances.

The update to the SWMP was submitted to the DPIE for approval in July 2019; however, given that it has yet to be approved the implementation of the approved SWMP is non-compliant.” While this breach is marked as “Non-compliance Low Risk”, we dispute this labelling. The fact that the breach was associated with a potential criminal violation of the Water Management Act NSW, points to an offence which is not “Low Risk”.’

We regret to say that on our most recent study flight over the mine we observed that the practice of diverting environmental flows. Idemitsu has placed a dam in the path of this drainage to Nagero Creek. Also a soil stockpile is in the path of the drainage line.

Maps for this modification show Nagero Creek, a fourth order stream, and other streams, apparently flowing directly into the mine pit from the north with no diversion works in place, contrary to the mine’s 2010 Environmental Assessment.

The current (2017) Surface Water Management Plan for the mine only commits to using clean water diversion or high wall dams to prevent clean water entering the mine “where feasible.” Indeed, the Surface Water Management Plan only shows clean water dams in use in 2033. The Surface Water Management Plan states that, *In other locations it is not feasible to provide diversion drains or highwall dams due to the advancing topsoil stripping and stockpiling. In these circumstances clean water will be allowed to enter the active mining areas and the dirty water diversion system. BCOPL will be required to account for the additional captured water and hold adequate licences or harvestable rights.*

From what we can see, topsoil stripping and stockpiling prevents does not appear to be true and correct. We would like this to be thoroughly investigated in the course of this modification assessment.

Image 1: Battleaxe dam receiving water from 4 drainage lines



Image 2 Water being pumped from Nagero Creek to mine



This practice above throws the current water balance of the mine into doubt.

5. The NSW Cumulative impact Assessment Guidelines and need to consider A346

In July 2021, the NSW Government introduced new [Cumulative Impact Assessment Guidelines](#) which purport to manage the cumulative impacts at strategic level and site-specific levels. We submit that Mod 8 poses strategic level impacts and site-specific impacts which have not been adequately considered.

Under “relevant future projects”, there is a list of types of development which need to be identified and considered. However, there is a major gap in this policy, in that it does not include other nearby coal mining exploration which is not yet in the planning assessment phase, notwithstanding that this exploration might be in an advanced stage of development and that the holder of the exploration licence might fully intend to proceed with such an application. A relevant example of this omission is the absence of considering Whitehaven Coal’s A 346 which is also in Zone 11.

Cumulative impacts with Whitehaven Coal A346 should be considered. We argue that A346 falls under the category listed at Section 3.4 of the Cumulative Impact Assessment Guidelines, as a project “where there is market interest and the project has been publicly announced, but no formal application steps have been taken”. [insert New Matilda article – Whitehaven prospectus is an indication of “publicly announced”] It is clear that the

publication of a prospectus of a publicly-listed company like Whitehaven Coal falls within the definition of a project “which has been publicly announced” even though “no formal application steps have been taken”.

The strategic level is indicated by the fact that Boggabri Coal is within a highly controversial and troubled mining precinct, formerly known as the Leard Forest Mine Precinct, now commonly referred to as the Boggabri-Tarrawonga-Maules Creek or BTM Precinct. As Whitehaven Coal’s A 346 is, in our assessment, a matter requiring cumulative impact assessment in the assessment of Boggabri Mod 8, the following “key factors” (source: page 19 of the Cumulative Impact Assessment Guidelines). At the very least, Boggabri Coal should have acknowledged that A 346 poses a potential cumulative impact and the difficulty to predict the cumulative impacts, and the limitations of any proposed methods of impact assessment addressed.

Furthermore, in addition to A 346 other realistic development scenarios for the Leard Mining Precinct include at this stage:

- Mining of the 500m Biodiversity Corridor (which Whitehaven Coal has stated it proposes to mine, even though Boggabri Coal has not disclosed such an intention it has not precluded it either)
- Mining Goonbri Mountain
- the availability of relevant data for other relevant future projects
- the quality of the available data whether further investigations or research
- are required to secure additional data
- any key constraints to securing additional data (e.g. data may be commercial in confidence; other proponents may be unwilling to share data that is not publicly available)

The ability to avoid or mitigate the impacts of the project on the key matter, including:

- using alternative project designs
- using tested mitigation measures
- investigating the potential use of untested mitigation measures
- investigating the scope for adaptive management

As the above matters are not considered, we are of the opinion that realistic cumulative impacts have not been captured by the Boggabri Mod 8 Assessment application and pose a critical risk to atmospheric impacts, groundwater and surface water.

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