CENTENNIAL
CHARBON

5 January 2024

Jennifer Rowe
Senior Compliance Officer
Compliance
Department of Planning, Industry and Environment
PO Box 5475
Wollongong NSW 2500

Dear Jennifer,

Charbon Colliery 08_0211 – Environmental Incident Report

Please find attached, a written report outlining the circumstances associated with the environmental incident, reported on 5 January 2024 at Charbon Colliery, in accordance with Schedule 5, Condition 6 of Project Approval 08_0211.

If you have any questions or require any further information in regard to this matter, please contact Will Olson on 02 6355 9509, email william.a.olson@centennialcoal.com.au

Yours sincerely,

Will Olson
Environment and Community Officer

Attached: Environmental Incident Report

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CENTENNIAL CHARBON

Environmental Incident Report– Charbon Colliery

Development Consent:	MP 08_0211
EPL Licence Number:	EPL 528
Licensee:	Charbon Coal Pty Limited Level 18 1 Market Place Sydney NSW 2000
Licenced Premises:	Charbon Coal Mine, Charbon Road, Charbon NSW 2848
Mining Lease Title:	ML 1647
Title Holder:	Charbon Coal Pty Ltd and SK Energy Australia Pty Ltd
Date Granted:	17 December 2010
Expiry Date:	16 December 2031

Scope

This report contains information following an investigation in to an event involving overflows and discharges at Charbon Colliery during and following heavy rain over Tuesday 2 to Thursday 4 January 2024.

Notification

The event was not notified immediately once aware under the PIRMP, Part 5.7 of the POEO Act, the Project approval conditions or Condition 5 of ML 1647.

The event was not considered to constitute Material harm due to the rainfall, field sampling results and concurrent releases of Licenced Discharge point permitted under EPL 528.

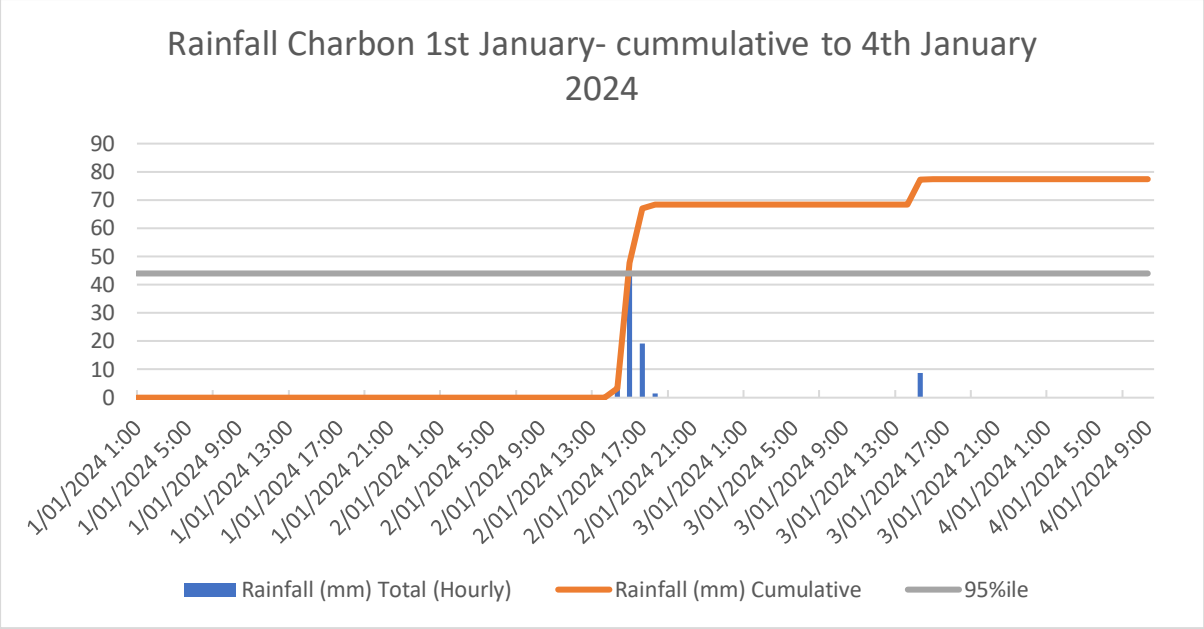
Rainfall.

Rainfall event started from around 2 pm on the 2nd of January 2024. Rainfall accumulated to 44mL by 4 pm on the 2nd of January 2024. Rainfall ceased at around 6pm on the 2nd of January 2024 with a total of 68.8mL for the period.

The period in which any five-day rainfall exceeded 44mL is 4pm on the 2nd of January 2024.

Condition L2.5 of EPL528 states that:

> *"L2.5 The limits specified under Condition L2.4 for the sediment basins identified as EPA licence discharge points 2, 3, 4, 5 and 6 do not apply when the discharge occurs solely as a result of rainfall measured at the premises which exceeds;*
>
> - *a total of 44 millimetres of rainfall over any consecutive 5 day period."*



Discharges.

Mine workers undertaking daily inspections noticed that water in the Haystack South dam was overflowing and started pumping to the LDP2 dam at around 9am on the 4th of January 2024. The Haystack South Dam ceased overflowing not long after pumping began.

LDPs 2 and 3 were opened to discharge between 9 and 10 am on the 4th of January. These have continued to discharge until dam levels were below the TARP indicators.

Sampling

A sample was collected from Rileys Creek at the 109 Mountview Road property and at Brogan Creek Road Bridge at around 10am on the 4th of January 2024.

Sampling was conducted by ALS on 5th of January 2024.

Field results

Further sample analysis is being undertaken by the laboratory.

Characterisation of Event.

Haystack South is not a licenced discharge point. The overflow is filtered and dispersed by haybales and flows across a paddock and into Rileys Creek.

LDP2 discharged into Rileys Creek above Haystack South Dam.

LDP discharges are permitted under the licence in accordance with L2.5.

The discharge from Haystack South is not expressly permitted under the consent, Water Management Plan or Environment Protection Licence.

The event may be classified as a pollution Incident under the POEO Act as pollution of waters is possible. Pollution needs to have occurred or is likely to occur to meet the definition of a pollution incident.

> ***pollution incident*** *means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.*

The receiving waters subject to the overflow from Haystack South were impacted by surrounding rainfall events in the catchment area. It is considered that water pollution is not likely to have occurred.

The event **does not constitute Material harm** as there are no quantifiable damages and any actual harm incurred would be trivial.

> *(a) harm to the environment is material if—*
> *(i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or*
>
> *(ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding $10,000 (or such other amount as is prescribed by the regulations),*

Therefore, the event **does not** meet the requirements to activate the PIRMP or duty to notify under the Part 5.7 of the POEO Act.

> (1) **Kinds of incidents to be notified** This Part applies where a pollution incident occurs in the course of an activity so that material harm to the environment is caused or threatened.

The event does not require immediate notification under the Consent Schedule 5 condition 6 as the Consent defines an incident as circumstances that threatens or causes material harm to the environment or breaches or exceeds limits performance measures/criteria of the approval.

Schedule 3 condition 28 Discharge Limits. The proponent must not discharge any water except as may expressly be provided by an EPL or in accordance with s 120 of the POEO Act.

Section 120 of the POEO Act states that a person must not cause water pollution.

Given that Riley Creek was already subject to localised rainfall in the catchment area, it was not considered likely to meet the definition of pollution i.e. a physical or chemical change to the receiving waters.

> ***water pollution*** *or* ***pollution of waters*** *means—*
> *(a) placing in or on, or otherwise introducing into or onto, waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, so that the physical, chemical or biological condition of the waters is changed,*

Conclusion

Visual inspections indicate the Haystack Dam (dam water rather than overflow water) was cloudy (waiting on lab results). The water reaching Rileys creek is likely to have lower turbidity due to the decanting and filtering that occurred between the dam and the creek.

The whole site water management had elevated turbidity following the rainfall event >44mL. Discharge water quality will be published in the Monthly EPL Report required under EPL528.

The mixing of waters from LDP2, LDP3 and Haystack dam from 4th January are likely to have resulted in a reduction of impacts on the stream compared to a release solely from the Haystack dam.

Therefore, the impact of discharges from Haystack South dam along with LDP2 and LDP3 as well as general rainfall runoff from the Rileys Creek catchment appear to have had little impact on Rileys Creek downstream.

Follow up Actions

Centennial are continuing to monitor the Haystack area and pump out sediment dams to LDP2 in accordance with the Water Management Plan (WMP) from 2021.

The WMP identifies that the Haystack Sediment dams are undersized by up to 10 ML and work to rectify this is being progressed although construction is still in occurring to build an extra settlement pond.