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### Russell Vale Colliery Revised Preferred UEP – 2022 Independent Environmental Audit – Response to Findings

CONDITION	CONTEXT	AUDITOR FINDINGS AND/OR RECOMMENDATION	RESPONSE TO FINDINGS & RECOMMENDATIONS	ACTION PROPOSED BY WCL	TIMING
MP09_0013 SCHEDULE 2, CONDITION A17	Development under this consent commenced in March 2021 and MP10_0046 is required to have been surrendered by April 2022. WCL commenced the surrender process on 4 May 2022, outside the time period required by this condition.	WCL commenced the surrender process on 4 May 2022, outside the time period required by this condition.	WCL commenced discussions with DPE on 5th April 2022 regarding the surrender of Development Consent MP10_0046. Confirmation of required action was received by WCL from DPE on 13 April 2022, to which WCL sought legal advice based on communication received by DPE. A decision and confirmation on surrender of the consent was reached and notified to DPE on 4 May 2022.	NIL	N/A
MP09_0013 SCHEDULE 2, CONDITION B11	During the reporting period, a non-compliance was reported by WCL to the NSW EPA for the period May 2020 to May 2021, with regards to condition M8.1 of EPL# 12040. The non-compliance was related to the availability of the meteorological station being less than 95%. According to the reported non-compliance, WCL replaced the meteorological station and implemented a regular maintenance regime. It's noted that during the remaining months of 2021, the weather station did not continuously measure wind speed, wind direction, temperature, relative humidity and pressure. It does appear that in the month of December there was an improvement in the reliability of the weather station, but an air quality and noise monitoring report for January to March 2022 was not available for the Auditor to review.	The meteorological station has not been capable of continuously recording real-time measurements for wind speed, wind direction and temperature. There is no evidence of the Planning Secretary approving an alternative meteorological station.	WCL would contend that the monitoring station at RVC has been designed and installed with the capability of achieving Condition B11 (a), (b), and (c). As such, WCL are compliant with Condition B11. Should evidence of this intent to achieve these requirements be necessary, the scope and installation quote from the engaged installation contractor can be supplied as evidence. Although availability of the weather station has not achieved 100%, Condition B11 does not state the minimum required availability of the unit, and WCL does not believe this would constitute a non-compliance against MP09_0013. Additionally, our latest air & noise monitoring report shows an availability of 92.5-94.4% for the quarter. It is evident that the improvements to the system have increased the units' reliability to an acceptable standard against EPL# 12040.	WCL will continue to maintain and operate the weather station in line with current maintenance plans, Conditions B11 of the Development Consent, and Condition M8.1 of EPL# 12040.	Ongoing
MP09_0013 SCHEDULE 2, CONDITION B18	With regards to the ESCP, clean water diversions are in place (i.e., Bellambi Creek Diversion Works) and the embankments of the diversion are vegetated. There was no obvious mixing of clean and dirty water, except for at LDP 2 where water from the water treatment plan is discharged into Bellambi Creek Diversion Works. The new dirty water sediment basin has been constructed and is being used, and the on-site detention basin has been constructed. While conducting the site investigation, the pre-existing enhanced dirty water settlement basins were being de-silted. WCL undertakes regular inspections of the water management system (inspection sited during site visit). Groundwater monitoring results as presented in the Compliance Report for EPBC 2020/8702 indicates there were no trigger exceedances and that groundwater levels have improved in parallel with the above average rainfall experienced during the reporting period. A review of environmental monitoring reports prepared by WCL indicates TARP criteria (Turbidity) have been within the warning category for LDP 11 monthly averages, however real-time measurements between January 2022 and May	There have been 41 days (9 multi-day rain events) between January 2022 and May 2022 where discharges via Point 11 have been significantly more turbid than the upstream ambient turbidity level (Point 12). Four of these events were notified to EPA and DPE, but three of these notifications were not immediate (i.e., the notification was issued more than 24 hours after the high turbidity readings commenced). WCL has not followed the requirements of the TARP in the water management plan by failing to notify DPE and EPA of all discharges where turbidity at PT 11 has been significantly higher than PT 12. There is also no evidence of WCL investigating the source and reason for the higher turbidity levels, and whether any additional mitigation measures or controls are proposed to be installed to mitigate future occurrences.	WCL accept that there have been periods where strict reporting under the TARP in the SOWMP have not been followed. WCL notes that under Section 6.1 of the SOWMP, there is clear intention that should events with clear relationships with inflow/rainfall occur, there be an assessment by WCL to determine the requirement to report. Although this may not be explicit in the TARP, WCL will take the opportunity to rectify the ambiguity surrounding the aforementioned assessment and determination, during Management Plan reviews, required under Condition F7 of MP09_0013. With the Bellambi Gully alignment changes, RVC now has a retarding basin to stem flow, as required under the Bellambi Gully order. It would be expected to see 'tails' in Point11 turbidity data following rainfall events.	Review SOWMP and related TARP during the Management Plan review, required under Condition F7. Amend the management plan appropriately to allow reporting to be required based on water-quality and visual colour assessment, along with the relationship between LDP11 & LDP12 and recent rainfall.	31/12/2022

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	2022 show there have been 1,361 measurements which have exceeded the 300 NTU Level 3 trigger between January 2022 and May 2022. Per Appendix C of the Pit Top Surface Water Management Plan, Level 2 and Level 3 Triggers should prompt a response and action. A review of the correspondence register shows some TARP Level 3 exceedances have been notified to DPE and EPA, but there are several events where the notification was days after the exceedances were recorded, or in some instances the exceedances weren't notified at all. A review of these discharge measurements indicates a significant difference between the water quality (turbidity) of LDP12 (upstream) and LDP11 (downstream), raising the question as to whether the cause for the potential exceedance originated from the site. There is no evidence in the correspondence register of informing DPE and EPA of these differences in water quality, or whether WCL undertook further investigations to clarify the sources of turbidity. It is also worth noting that several of these exceedances were registered after rainfall events that are not significant. LDP 11 receives water from the Storm Water Control Dam (SWCD). Section 4.3.4 of the Erosion & Sediment Control Plan states that the capacity of the SWCD needs to be managed to minimise the chance of surcharging Bellambi Gully. A review of aerial photography over several years indicates the current water level of the SWCD is very high. Given the high turbidity readings recorded soon after non-significant rainfall events, it seems to indicate WCL is struggling to manage the capacity of dirty water stored in the SWCD.				
MP09_0013 SCHEDULE 2, CONDITION B19	An Adit Discharge Management Plan has not been submitted to DPE within 12 months of commencing development under this consent.	The adit discharge water management plan has not been submitted to the Planning Secretary for approval within 12 months of commencing this consent.	DPE have been aware of the non-compliance during the IEA period, and details have been provided to them as to the cause of delay in submission of the management plan. WCL submitted the ADWMP to the Planning Secretary on 6 May 2022. DPE has issued WCL with a 'Caution' for the non-compliance.	NIL	N/A
MP09_0013 SCHEDULE 2, CONDITION B20	An Adit Discharge Management Plan has not been submitted to DPE within 12 months of commencing development under this consent.	There is no approved adit discharge water management plan.	NIL	WCL will implement the management plan as approved by the Planning Secretary	Ongoing
MP09_0013 SCHEDULE 2, CONDITION B46	A social impact management plan has not been submitted to DPE within 6 months of commencing development under this consent.	A social impact management plan has not been submitted within 6 months of commencement of development.	DPE have been aware of the non-compliance during the IEA period, and details have been provided to them as to the cause of delay in submission of the management plan. WCL submitted the SIMP to the Planning Secretary on 24 June 2022. DPE has issued WCL with a 'Caution' for the non-compliance.	NIL	N/A
MP09_0013 SCHEDULE 2, CONDITION B47	A social impact management plan has not been submitted to DPE within 6 months of commencing development under this consent.	There is no approved social impact management plan.	NIL	WCL will implement the management plan as approved by the Planning Secretary	Ongoing
MP09_0013 SCHEDULE 2, CONDITION F10	WCL responded to DPE in writing, with regards to a complaint about the adit discharge water management plan and social impact	WCL failed to notify DPE of a non-compliance with conditions B19 and B46.	DPE have been aware of the non-compliance during the IEA period.	WCL will review and improve its compliance tracking tools	Ongoing

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	management plan that's been lodged by a member of the public. Neither of these plans have been approved within the timeframes required by conditions B19 and B46.		DPE has issued WCL with a 'Caution' for the non-compliance.		
MP09_0013 SCHEDULE 2, CONDITION A14	<p>There is evidence of trucks for coal transportation arriving to site prior to 7am Monday to Friday and 8am Saturday. Per interview with Environment Superintendent, these trucks proceed to the truck parking area.</p> <p>It is noted that a complaint received on 9 September 2021 was related to an Over Size Over Mass delivery of equipment to site in the early morning of Friday 3 September 2021. WCL undertook an investigation after receiving the complaint and concluded the delivery was scheduled by WCL and needed to be undertaken outside normal hours due traffic approvals from the roads' authority. The auditor notes this event was not related to the transportation of coal and the timing was dictated by a third-party approval from the roads authority.</p>	<p>Opportunity for improvement: The auditor recommends, where planned transportation activities are required to occur outside normal operating times due to third party approvals, that WCL proactively notifies the surrounding community of the upcoming event at least 7 days prior to the event occurring.</p>	<p>WCL have delivered communications to all suppliers regarding suitable freight delivery times in July 2021.</p>	<p>Should planned deliveries need to occur outside normal operating hours, a notification process will take place, giving suitable notice to surrounding community members.</p>	Ongoing
MP09_0013 SCHEDULE 2, CONDITION B1	Noise emissions during the day, evening and night-time periods complied with the operational noise criteria. The Environment Manager has confirmed that there are no landowner noise agreements in place.	<p>Opportunity for improvement: The auditor recommends all noise compliance monitoring reports include the calibration certificates of the monitoring equipment as an appendix to the report.</p>	<p>Noted. WCL has confirmed that calibration certificates are available by the noise consultant upon request.</p>	<p>WCL will request that calibration certificates of the monitoring equipment be included in all future attended noise monitoring reports.</p>	Ongoing
MP09_0013 SCHEDULE 2, CONDITION B7	<p>Quarterly compliance monitoring reports prepared by EMM indicate the development has been compliant with the air quality criteria. However, the report dates are several months after the reporting period, meaning that non-compliances with air quality criteria would only be identified several months after an incident.</p>	<p>Opportunity for improvement: air quality compliance reports should be available more timeously so that potential non-compliances are identified earlier.</p>	<p>Previously, report turn-around times had been ~60 days given the high amounts of data to interpret. However, WCL have recently split the single 'air &amp; noise' report into 2 separate reports. Noise performance is now assessed and addressed as part of the quarterly attended noise monitoring report. This split is intended to reduce the turnaround time generating both performance reports.</p>	<p>WCL has recently split its previous 'air and noise' quarterly reports. Noise performance is now addressed in quarterly attended noise reporting. Air/dust performance is addressed separately. These changes should significantly reduce report drafting times and satisfy this improvement opportunity.</p>	Will be completed for the Q2CY'22 period, ongoing
MP09_0013 SCHEDULE 2, CONDITION B15	<p>It was explained to the Auditor that there is only 1 discharge point from the site which discharges water from Bellambi Gully at Princes Highway, labelled as Point 11 in EPL 12040. The discharge point provides real-time monitoring data to the general public.</p> <p>On 6 May 2021, WCL reported a turbid discharge from the site (via Point 11); on 8 May 2021 the EPA issued a Clean-up Notice. The Auditor has not been informed of any other reported pollution incidents.</p> <p>LDP 11 is not a licensed discharge point but is a downstream ambient monitoring point for Bellambi Gully, therefore water released via this downstream discharge point must comply with section 120 of the POEO Act. LDP 12 is not a licensed discharge point but is an upstream ambient monitoring point for Bellambi Gully and must also comply with section 120 of the POEO Act.</p>	<p>In summary, WCL's compliance with section 120 of the POEO Act via LDP 11 and LDP 12 cannot be confirmed as there are too many unknown variables influencing the water quality at these monitoring locations to rely on the monitoring results alone to determine compliance.</p>	<p>WCL believes that the EPA has accurately implemented requirements under its EPL instrument, and all discharges generated by RVC are captured in LDP's under EPL 12040. Point11 is described in EPL 12040 as 'Bellambi Gully Ambient Water Quality', with all discharges into Bellambi Gully monitored through LDP's (2, 3, 9).</p> <p>In-situ water-quality probe maintenance is carried out on a monthly basis to reduce potential for inaccurate probe measurements, and WCL have been working with the EPA to review alternative options to increase reliability and accuracy of probe measurements.</p> <p>As such, WCL are of the belief that it is compliant with Condition B15 and all surface discharges are compliant with requirements under its EPL.</p>	<p>WCL intend to liaise with the EPA, and review if there are more suitable locations for its real-time in-situ probes to reduce potential external sources of impact, and increase reliability and accuracy of probe data.</p>	In consultation with the EPA.

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	<p>Both LDP 12 and LDP 11 have recorded extremely high turbidity levels during the reporting period; significantly higher than the Level 3 TARP levels (300 NTU) and significantly higher than the 95th percentile from baseline data between 2016 and 2020 (166 NTU and 250 NTU respectively).</p> <p>The auditors have thoroughly investigated the high turbidity levels and can neither determine compliance or non-compliance with the requirement that all surface discharges from the site must comply with section 120 of the POEO Act.</p> <p>Turbidity levels in Bellambi Gully have historically been higher than the turbidity levels in other nearby waterways, but the turbidity levels currently being recorded are significant. The auditors cannot rely solely on the measured readings from LDP 11 and LDP 12 as the probes are poorly located and do not truly represent the ambient upstream and downstream ambient conditions. For example, the trash rack upstream of LDP 12 is often buried by natural materials carried down the waterway, clearly increasing the turbidity of the water entering WCL surface water management system. The origin of these upstream sediments and natural materials is unconfirmed. Similarly the origin of turbidity being recorded at LDP 11 is unconfirmed, but it's worth noting that the spillway for the stormwater control dam (dirty water storage) is downstream of WCL's licensed discharge point into Bellambi Gully (LDP 2) and there is potential for this dam, and the Highway Dam which catches surface water runoff from the road and is adjacent to LDP, to overflow and discharge via LDP 11.</p>				