



EnergyAustralia

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Steve O'Donoghue
Department of Planning and Environment

Sheridan Ledger
NSW Environment Protection Authority

BY EMAIL

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EPA.Southopsregional@epa.nsw.gov.au

Dear Steve and Sheridan,

**MT PIPER POWER STATION - LAMBERTS NORTH ASH REPOSITORY - EMERGENCY WORKS
OUTSIDE STANDARD OPERATIONAL HOURS TO PREVENT ENVIRONMENTAL HARM**

As the Department of Planning and Environment (**DPE**) and NSW Environment Protection Authority (**EPA**) are aware:

- EnergyAustralia NSW Pty Ltd (**EnergyAustralia**) is currently in the process of installing new liner, with associated leachate management system (holding ponds and transfer pipelines) within the Lamberts North Ash Repository (**LNAR**) at Mt Piper Power Station (**MPPS**) as authorised by Modification 1 (**Mod 1 Operations**) to development consent no. 09_0186 (**LNAR Consent**).
- The Mod 1 Operations were proactively instigated by EnergyAustralia to improve environmental outcomes for the placement of brine conditioned ash, solid mixed salts and other authorised wastes within the LNAR.
- Under the conditions of the LNAR Consent as modified, it is necessary to complete the Mod 1 Operations for each relevant stage of the LNAR prior to any placement of brine conditioned ash, solid mixed salts and other authorised wastes occurring within each stage of the LNAR.

The purpose of this letter is to advise and update the DPE and EPA that an emergency situation has developed which renders it necessary to carry out the Mod 1 Operations outside the standard operational hours approved by condition E1 of Part E of the LNAR Consent so as to prevent environmental harm as authorised by condition E2 of Part E of the LNAR Consent.

LNAR Consent Provisions

The LNAR Consent relevantly:

- Expressly defines "operation" to include the "installation of a leachate barrier system (liner and associated water management systems). Accordingly, the Mod 1 Operations constitute "operation" for the purpose of the LNAR Consent.
- Contains conditions regulating operational work hours as follows:
 - E1. *Operational activities associated with the project shall only be undertaken from 6.00am to 8.00 pm Monday to Friday and 6.00am to 5.00pm Saturday and Sunday.*
 - E2. *Operations outside the hours stipulated in condition E1 of this approval are only permitted in the following emergency situations:*
 - (a) *where it is required to avoid the loss of lives, property and/or to prevent environmental harm; or*
 - ...
 - ...
 - E4. *The Proponent shall notify the EPA prior to undertaking any emergency ash haulage or placement operations outside of the hours of operation stipulated in condition E1 of this approval and keep a log of such operations.*
 - E5. *The Proponent shall notify the Secretary in writing within seven days of undertaking any emergency ash haulage or placement operations outside of the hours of operation stipulated in condition E1 of this approval.*
 - E6. *The Proponent shall notify nearby sensitive receivers (as defined in the OEMP required under condition D3(a) of this approval) prior to 8.00 pm where it is known that emergency ash haulage or placement operations will be required outside of the hours of operation stipulated in condition E1 of this approval.*

Condition E2(a) permits EnergyAustralia to carry out works outside the standard operational hours specified in condition E1 in an emergency situation "where it is required to ... prevent environmental harm" subject to complying with conditions E4 to E6 where the works relate to "emergency ash haulage or placement operations."

The Emergency Situation

The current La Nina weather pattern has caused unprecedented levels of rainfall and flooding across NSW which is forecast to continue into the future. In particular, at the MPPS, unseasonal rainfall has caused and is expected to continue to cause delays to the Mod 1 Operations resulting in an emergency situation at the MPPS where out of hours works in accordance with Condition E2 of the LNAR Consent are now required to prevent environmental harm, as outlined below.

As the DPE and EPA are aware, since the Springvale Water Treatment Plant was approved and constructed, MPPS has been receiving significantly increased volumes of brine in accordance with each of:

- the LNAR Consent;
- development consent no. 80/10060 as currently modified (**Mt Piper Consent**)
- development consent no. 7592 as currently modified (**SWTP Consent**).

EnergyAustralia considers that, unless the Mod 1 Operations are further expedited in accordance with the emergency procedures in Condition E2 of the LNAR Consent, there will be an unacceptable risk that

uncontrolled release of brine to the environment will occur which will give rise to environmental harm. This is because:

- The brine is stored in specially designed ponds at MPPS before being used to condition ash prior to placement in authorised locations within the Mt Piper Ash Repository (**MPAR**).
- The brine storage ponds at MPPS are all currently rapidly approaching the point where adequate freeboard to prevent uncontrolled releases to the environment cannot be maintained. This is because:
 1. the MPAR is rapidly approaching the maximum permitted level for brine conditioned ash placement and no brine conditioned ash may be placed in the LNAR until such time as the Mod 1 Operations are complete for the relevant stage;
 2. MPPS has experienced a number of unplanned outages which have materially reduced the volume of ash available to be conditioned with brine and placed in authorised locations in the MPAR;
 3. the unprecedented severe rainfall events currently being experienced across NSW have materially both:
 - further decreased the available capacity in the brine storage ponds at MPPS; and
 - delayed the completion of the Mod 1 Operations at the LNAR by both making it unsafe to carry out works for extended periods and by damaging works in progress (in particular, two separate rain fall events have recently been experienced where more than 40mm of raine was received in under an hour which caused damage to the works necessitating repairs).
- Accordingly, if the Mod 1 Operations are not completed by approximately 1 May 2022, EnergyAustralia considers that it will be unable to continue to manage brine storage at MPPS so as to prevent environmental harm arising from an potential uncontrolled or unauthorised release of brine. This would not be an acceptable outcome for EnergyAustralia and we consider it would be equally unacceptable to the DPE and EPA.

EnergyAustralia has already instructed our contractor to commence working on Sundays as authorised by Condition E1. However, in order to complete the Mod 1 Operations by 1 May 2022 and in the emergency situation described above, EnergyAustralia will also commence carrying out the works 24 hours per day, 7 days per week (as far as the weather permits), on a temporary basis with effect from Monday 7 March 2022 in accordance with Condition E2 to prevent any environmental harm.

EnergyAustralia intends to return to operating within the standard operational hours in Condition E1 as soon as the emergency situation described above has been resolved (ie when brine levels do not pose an unacceptable risk of environmental harm). At this stage, the emergency situation is expected to be resolved by 1 May 2022.

Potential Impacts

Energy Australia is satisfied that the Mod 1 Operations can continue to be carried out in accordance with Condition E2 of the LNAR Consent without breaching any of the conditions imposed on the LNAR Consent, as outlined in the Emergency Works Assessment contained in Attachment A to this letter.

In particular, EnergyAustralia:

- will continue to comply with all Operational Noise conditions, noting that the nearest potential sensitive receiver is approximately 1 kilometre from the nearest Mod 1 Operations;
- will continue to implement the approved Operational Environmental Management Plan (**OEMP**);
- will continue to carry out the Mod 1 Works generally in accordance with the EA (as defined in the LNAR Consent);
- will ensure that there will be no offsite medium or heavy vehicle movements as part of the Mod 1 Operations outside of standard operational hours.

As the Mod 1 Operations involve "emergency ash haulage or placement operations outside of the hours of operation":

- this letter formally gives prior notification to the EPA in accordance with condition E4 of the LNAR Consent of the need to undertake emergency ash haulage and placement operations outside of the hours of operation stipulated in condition E1 of the LNAR Consent. EnergyAustralia confirms it will keep a log of all such operations as required by condition E4;
- in accordance with condition E5, EnergyAustralia will formally notify the Secretary in writing within seven days of first undertaking any emergency ash haulage or placement operations outside of the hours of operation stipulated in condition E1 of the LNAR Consent; and
- in accordance with condition E6, EnergyAustralia will notify nearby sensitive receivers (as defined in the OEMP) prior to commencing emergency ash haulage or placement operations outside of the hours of operation stipulated in condition E1 of the LNAR Consent.

Next Steps

Energy Australia takes its environmental obligations very seriously and is committed to full compliance with the conditions of the LNAR Consent. EnergyAustralia will continue to engage with DPE and the EPA transparently as we continue to work to resolve this emergency situation by expediting the Mod 1 Operations as authorised by condition E2 of Part E of the LNAR Consent so as to prevent any environmental harm.

We thank DPE and the EPA for their understanding in relation to the above matters, and welcome the opportunity to discuss this matter further with you if considered necessary.

Please contact Ben Eastwood, EnergyAustralia Environment Leader on ben.eastwood@energyaustralia.com.au or 0478 420 887 if you would like any further information.

Yours sincerely,



Steve Marshall

Acting Head of Mt Piper Power Station
EnergyAustralia NSW Pty Ltd

Attachment A - Emergency Works Assessment



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4 March 2022

Mt Piper Power Station Ash Placement Project Lamberts North Ash Repository 09_0186 Emergency Works Assessment

Prepared by: EnergyAustralia NSW Pty Ltd

1. Introduction

EnergyAustralia NSW Pty Ltd (**EnergyAustralia**) is currently in the process of installing new liner, with associated leachate management system (holding ponds and transfer pipelines) within the Lamberts North Ash Repository (**LNAR**) at Mt Piper Power Station (**MPPS**) as authorised by Modification 1 (**Mod 1 Operations**) to development consent no. 09_0186 (**LNAR Consent**).

An emergency situation has developed which renders it necessary to install the approved Leachate Barrier System, outside the standard operational hours approved by condition E1 of Part E of the LNAR Consent to prevent environmental harm as authorised by condition E2 of Part E of the LNAR Consent (**Emergency Works**).

The purpose of this Emergency Works Assessment is to confirm that the Emergency Works can be conducted outside of standard operational hours in accordance with Condition E2 of the LNAR Consent in a manner which is consistent with all other relevant conditions of the LNAR Consent.

2. Environmental Assessment

To ensure full compliance with the LNAR Consent, and for abundant caution, an urgent high level environmental assessment has been carried out by EnergyAustralia to compare the environmental impacts of the Emergency Works to the environmental impacts assessed as part of the approval of the Mod 1 Operations.

No aspects of the currently approved Mod 1 Operations are proposed to change to accommodate the Emergency Works other than the extended operating hours. However, EnergyAustralia acknowledges that the extended operating hours have the potential to give rise to noise and lighting impacts at night which have been considered in further detail below.

3. Noise Impacts

The MPPS is located in a very remote location which is not near any population centre. There are no noise limits in Environment Protection Licence 13007 for the MPPS.

The LNAR Consent contains Operational Noise requirements in conditions E7 to E10. EnergyAustralia has determined that it will be able to comply with all of these conditions in carrying out the Emergency Works.

In particular, it is noted that:

- since the approval of the LNAR Consent, almost all of the sensitive receivers at Blackmans Flat have been demolished and no longer exist;
- the last remaining sensitive receiver in Blackmans Flat consists of a house which is currently listed for sale and unoccupied. EnergyAustralia notes that it is likely that the residence will remain unoccupied during the Emergency Works proposed to be undertaken at LNAR;
- one of the sensitive receivers considered as part of the environmental assessment for the LNAR Consent is associated with the Lamberts South Ash Repository and will not be impacted by the Emergency Works.

As a result, the nearest sensitive receiver is currently located approximately 1km distance from the LNAR.

In light of the above, it is considered that the Emergency Works will be able to be carried out in compliance with the Operational Noise requirements in conditions E7 to E10 of the LNAR Consent.

To ensure ongoing compliance with these Operational Noise conditions in the LNAR Consent, the following mitigation controls will be implemented for the Emergency Works:

- EnergyAustralia will contact the owner of the currently vacant house at Blackmans Flat and notify them of the Emergency Works;
- If the currently vacant house at Blackmans Flat becomes occupied during the Emergency Works and requested by the owner of the house, undertake noise monitoring at night; and
- If any noise complaints are received these will be investigated. Where any noise complaints are substantiated, EnergyAustralia will modify operations as required to ensure ongoing compliance with the Operational Noise conditions or negotiate an agreement with affected landowners.

4. Lighting Impacts

LNAR is largely surrounded by industrial areas, mining areas and State Forest including the Mt Piper Power Station to the west, Centennial Coals Western Coal Services to the South and East and the Ben Bullen State Forest to the North. The LNAR is located in an open cut mining void with associated high walls and mine spoil located nearby.

As discussed above, all of the dwellings located at Blackmans Flat have been demolished with the exception of one house which is currently unoccupied pending its sale and is located further away from LNAR.

It is accordingly considered very unlikely that night lighting will cause any adverse impacts on any sensitive receiver. However, for abundant caution, the following mitigation measures will be implemented for the Emergency Works:

- EnergyAustralia will contact the owner of the currently vacant house at Blackmans Flat and notify them of the Emergency Works;
- Direct lighting plant to the work area only;
- Avoid light spillage by installing light shields on mobile plant is required;
- Avoid truck movements in elevated areas on the LNAR at night where possible; and
- Vehicles should use low beam at night, where practicable, to avoid unnecessary lighting impacts.

5. Conclusion

This Emergency Works Assessment has considered the potential environmental impacts associated with the Emergency Works.

The Emergency Works are considered to be consistent with the LNAR Consent and are able to be undertaken under condition E2 of the LNAR Consent in response to the emergency situation.
