



Our ref: DOC26/108728-2

6 March 2026

Mr Jack Turner
Department of Planning, Housing and Infrastructure
PARRAMATTA NSW 2124

Via Major Projects Portal

**EPA Advice on Response to Residual Agency Advice – HVO North and HVO South
Continuation Projects – SSD 11826681 & SSD 11826621**

Dear Mr Turner

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to review the information provided in response to the EPA's letters of 15 September 2025 (DOC25/1004627-10) and 23 December 2025 (DOC25/1004627-2). These letters provided comment on additional information supplied for the Amendment Report's Response to Submissions for the Hunter Valley Operations Continuation Project North and South Open Cut Coal Continuation Projects (the Project) (SSD-11826681 and SSD-11826621).

The EPA has reviewed the document titled *Hunter Valley Operations Continuation Project Response to residual Agency Advice* (Version 2) by EMM Consulting dated 17 February 2026.

The EPA has no further comments on greenhouse gas, noise and water. The EPA has provided comments on air quality in **Attachment A**.

The EPA requests that the Department of Planning, Housing and Infrastructure provides an opportunity for engagement on any draft conditions of consent, if the project is determined to be approved, or prior to submission to the Independent Planning Commission. This would provide the EPA the opportunity to understand how any conditions might interact with our regulation under the *Protection of Environment Operations Act 1997*.

If you have any questions about this request, please contact Darren Wallett via email at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gabby Sutherland', with a stylized flourish at the end.

Gabby Sutherland
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NSW Environment Protection Authority

As the environmental steward and regulator of our State we are committed to a sustainable future. Join us on our mission to protect tomorrow together.

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Attachment A – EPA comments– HVO North and HVO South Continuation Projects Amendment Report Residual Agency Advice (SSD 11826681 & SSD 11826621)

Air Quality

The EPA's previous correspondence (DOC25/1004627-10) provided comments on PM₁₀ impacts and recommended conditions that reflected the Applicant's modelled inputs and assumptions used to achieve compliance with the impact assessment criteria.

Moisture content conditions

The proposed draft Environment Protection Licence conditions in the EPA's previous correspondence (DOC25/1004627-10) for moisture content (O1 and O2) were determined based on the Annexure B Emissions Calculations of the Air Quality Impact Assessment (AQIA) (Airen, July 2025) which provided details of the emission factor inputs used to model emissions. Emissions from sources with high (8% and 10 %) moisture contents account for at least 10 % of total emissions for the modelled scenarios (e.g. 2029 HVO North). Whilst it is acknowledged this does not constitute the vast majority of emissions, they are not an insignificant source contributing to impacts.

Emission rates can be sensitive to emission factor inputs such as moisture content. If lower more conservative moisture contents are used that reflect worst-case variable assumptions, it may affect the requirement for additional controls on the source or at other sources.

The National Pollutant Inventory Emission Estimation Technique Manual for Mining states emission factors should be used with site-specific information such as silt and moisture content of the material being handled. Where site-specific data is not available, a conservative default should be used so as not to underestimate emissions and impacts.

If the Applicant does not consider the moisture content values provided in previous assessments are achievable, the EPA recommends that DPHI considers requiring the Applicant to undertake a sensitivity analysis to demonstrate the high moisture content does not significantly change the impacts such that additional control measures, including reactive measures, are required to comply with impact assessment criteria.

Trigger Action Response Plan (TARP) Conditions

The Applicant states in their letter of 17 February 2026 that the proposed licence conditions (O3.2, O3.3 and O3.4) do not align with the modelling scenarios from the AQIA (Airen, 2025).

The PM₁₀ concentrations and meteorological conditions used to develop conditions O3.2, O3.3 and O3.4 were taken from Appendix C of the Amendment Submissions Report (EMM, November 2025):

- Modelled 1-hour average PM₁₀ > 50 µg/m³ for two consecutive hours or rolling 24-hour average PM₁₀ > 50 µg/m³ for one hour (winds in arc of mine to monitor), and
- Wind was from the direction of either HVO North or HVO South towards Maison Dieu or Jerrys Plains. The directions were defined as 260 to 350 degrees and 0 to 120 degrees.
- The model works on an hourly time step and HVO's alert system is based on 10-minute averages, the model assumptions can be considered to provide a conservative representation of the actual implementation of reactive mitigation measures.

The EPA considers that where reactive measures are required to achieve compliance with impact assessment criteria, these should be modelled and be reflective of actual feasible implementation. The EPA considers it to be both appropriate and necessary to be included as licence conditions to reflect commitments by the Applicant to implement certain measures to manage dust emissions and not cause or contribute to unacceptable impacts at receptors.

If the Applicant considers the EPA's proposed conditions, based on previously provided information, are not achievable, the EPA may reconsider these conditions only on the basis of updated information and demonstrated outcomes.

The EPA recommends that DPHI clarify with the Applicant if the EPA's proposed conditions are achievable. If they are not achievable, the EPA may reconsider if the Applicant transparently provides and models the triggers (PM₁₀ concentrations and meteorological conditions), actions (activities shutdown) and response (appropriate implementation time) that are required to achieve compliance.