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EPA Advice on Environmental Impact Statement

Dear Mr Nevill

Thank you for the request for advice from Public Authority Consultation (PAE-29580356), requesting the review by the NSW Environment Protection Authority (EPA) of the Modification Report for the proposed Maules Creek Coal Mine MOD 8 – Mobile Coal Sizing and Waste Tyre Disposal (Application MP10_0138-Mod-8) at Therribri Road, Boggabri NSW 2382.

The EPA has reviewed the following documents

- *Maules Creek Coal Mine – Mobile Coal Sizing and Waste Tyre Disposal Modification Report and Attachments A–C*, Whitehaven Coal, September 2021

The EPA understand the proposal is for:

- operating mobile coal sizing equipment near the ROM stockpile and within the open cut pit;
- operating mobile rock crushing equipment located in the Northern Emplacement Area; and
- disposal of heavy vehicle tyres in the waste rock emplacement area.

The proposal subject to an environment protection licence (No. 20221) under sections 43 and/or 48 of the *Protection of the Environment Operations Act 1997* (POEO Act) for Coal works, Mining for coal and Crushing, grinding or separating clauses 10, 28 and 16 of Schedule 1 of the POEO Act.

The EPA has reviewed the Modification Report and notes that the report does provide the information required to assess the proposal.

The EPA has the following additional comments and recommendations:

1. Matters to be addressed with conditions

a. Air Quality Impact Assessment (AQIA)

The EPA notes that the Modification does not seek to change the maximum approved extraction rate of coal and will not result in an increase in the disturbance footprint.

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However, the use of the coal sizing and rock crushing equipment will result in a small increase of up to 1 µg/m³ in predicted TSP, PM_{2.5} and PM₁₀.

Recommendation: The EPA recommends that the proponent continue applying ongoing control and mitigation measures as outlined in the Modification Report and AQIA to ensure there is no increase in adverse air quality impacts.

b. Noise Assessment

The EPA notes that the operational noise impacts predicted at surrounding sensitive receivers are the same as or only slightly (~1dB) higher than those predicted for the most recently approved Modification (MP10_0138-Mod-7). The EPA also notes that the proponent has indicated that its proactive noise management system is sufficiently timely and reliable in ensuring that MCCM activities, including the proposed Modification 8, can be managed so as to continue to meet the existing noise limits in its existing Project Approval (MP10_0138) based on the findings presented in the Noise Assessment.

Recommendation: The existing noise limits in the Project Approval should continue to apply to this Modification, if approved, in accordance with Item 6 of the Implementation and transitional arrangements for the Noise Policy for Industry.

The EPA also recommends that in accordance with Item 8 of the Transitional arrangements, the Project Approval for the Modification, if approved, should be amended to assess applicable modifying factors according the Fact Sheet C of the Noise Policy for Industry.

c. Waste Tyre Storage and Disposal

The EPA applies the waste hierarchy which is a set of priorities that underpin the objectives of the *Waste Avoidance and Resource Recovery Act 2001*. This ensures waste avoidance and reduction is addressed as a priority. However, the EPA notes that at the current time there are barriers to recycling end of life heavy mine tyres. Consistent with previous planning responses for waste tyre disposal on coal mines, the EPA has recommended a set of licence conditions to authorise the storage of waste tyres on the premise. This is with the expectation that the proponent continues to investigate all available recycling options.

Recommendation: The EPA recommends that the following conditions are added to the project approval should the modification be approved.

E1.1 The proponent must undertake a review of available recycling options for end of life heavy plant tyres at least once every 2 years and provide a report to the EPA that contains (but is not limited to) the following:

(a) analysis of the current capacity of recycling facilities that can accept end of life mining heavy plant tyres for processing in NSW and other neighbouring states;

(b) evidence of efforts made by the proponent in the previous 24 months to actively seek recycling options for end of life heavy mining plant tyres generated at the premises;

(c) analysis of any pre-treatment options that can be performed at the premises to reduce the costs associated with the transport and recycling of end of life mining heavy plant tyres;

(d) analysis of the specific costs to the licensee associated with the transport and delivery/acceptance of site generated end of life mining heavy plant tyres at the nearest capable recycling facilities;

(e) the current costs associated with the continued on-site burial of end of life mining heavy plant tyres; and

(f) a full cost benefit analysis of continued on-site burial of end of life mining tyres compared to their transport from the site and their recycling/reprocessing.

L2.4 The Proponent may dispose of up to 400 end-of-life mining heavy plant-tyres on the premises in each annual return year period up until 31 March 2023. Should the report provided in accordance with condition E1.1:

(a) be submitted to the EPA's satisfaction at intervals of 2 years; and

(b) find that recycling options are not feasible;

then the on-site disposal of end-of life heavy mining plant tyres may continue for the subsequent 2 annual reporting periods.

Note: Only waste tyres generated at the premises may be disposed of in accordance with this condition.

O5.1 The Licensee is authorised to dispose of heavy plant-tyre waste generated on the premises, in the waste rock/overburden emplacements.

The Licensee must:

(a) ensure that heavy plant waste tyres are re-used on the premises as much as practical;

(b) ensure that any surplus heavy plant waste tyres can be emplaced by being spread out within the waste rock/overburden emplacements and buried as deep as practical, but, covered by at least 20m of inert material beneath any final rehabilitated surface;

(c) place heavy plant waste tyres at least 15m away from coarse reject material or tailings emplacement areas;

(d) not emplace any heavy plant waste tyres directly on the pit floor, or in a location that is likely to impede or contaminate saturated aquifers;

(e) not emplace any heavy plant waste tyres in a position that compromises the stability of the final rehabilitated landform;

(f) not place any heavy plant waste tyres within 15 metres of heated or potentially acid forming materials;

(g) not place any heavy plant waste tyres in an area likely to leach to any watercourse; and

(h) record the co-ordinates (easting, northing and elevation) of each disposal location.

O5.2 Stockpiles of any heavy plant waste tyres stored at the premises awaiting disposal must:

(a) be less than 3 metres in height;

(b) not cover an area of more than 200 square metres; and

(c) not be located within 10 metres of any other flammable or combustible materials.

R5.5 The Proponent must provide the EPA with an Annual Heavy Plant-Tyre Disposal Report. The Report must be submitted with the licence Annual Return each year and must include:

(a) a plan of the disposed heavy plant waste tyres on the premises for the period that includes:

- (i) each tyre serial number;*
- (ii) supplier of each tyre;*
- (iii) purchase date of each tyre;*
- (iv) disposal date of each tyre;*
- (v) co-ordinates (easting and northings) of the location where of each tyre was disposed of by burial in accordance with condition O5.1;*
- (vi) the Real Level (RL) in metres AHD of each tyre emplacement location;*
- (vii) the number of tyres buried in within each emplacement location; and*
- (viii) the cumulative total number and tonnage of tyres disposed of at the premises each year.*

2. Minor matters

No minor matters that required additional action have been identified by the EPA at this stage of the assessment process.

If you have any questions about this request, please contact Daniel Stokes on 4908 6804 or via email at info@epa.nsw.gov.au.

Yours sincerely



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