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via the Major Projects Portal

12 January 2022

Additional information required – SSD-5170-Mod-5 – Bengalla Mine

I refer your request for advice on an application to modify the development consent for Bengalla Mine operated by Bengalla Mining Company Pty Limited (**Bengalla**).

Bengalla holds environment protection licence 6538 issued under the *Protection of the Environment Operations Act 1997* for the premises at Bengalla Road via Muswellbrook NSW. The EPA has reviewed the Modification Report prepared by James Bailey & Associates and requires the additional information set out below before it can consider the application further.

Mobile crushing plant

Section 3.1.2 of the Modification Report provides details of the operation of the mobile crushing plant and section 6.1.3 includes details of mitigating dust associated with the activity. However, there is no discussion of the practical means that could be taken to prevent, or at least reduce, the generation of dust at the source. The only operating control to manage dust that is considered in the Modification Report is the application of water. There is no discussion on the amount of water that will be required and how it impacts the water balance for the site, the source of the water, and contingencies if water is not available.

More information is required about the dust management measures designed or intended to prevent, control, abate or mitigate the pollution caused or likely to be caused by the activity.

ROM coal stockpile

Section 3.5 discusses the proposed increase in the ROM coal stockpile and section 6.1.3 includes details of mitigating dust associated with the activity. There is no discussion about whether there will be an increase in the footprint of the ROM coal stockpile area or how pollution caused or likely to be caused by the activity will be managed. In particular, more information is required about how water that comes into contact with the stockpile will be managed (E.g. collected, stored and disposed of); and how dust from the higher and larger stockpile will be managed. The only operating control to manage dust that is considered in the Modification Report is the application of water. There is no discussion on the amount of water that will be required and how it impacts the water balance for the site, the source of the water, and contingencies if water is not available.

More information is required about the dust and water management measures designed or intended to prevent, control, abate or mitigate the pollution caused or likely to be caused by the activity.

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Disposal of waste tyres

Bengala seeks to allow the disposal of waste tyres by application to land at the Premises.

The EPA exercises its licensing functions under Chapter 3 of the Act.

Section 45 of the Act, which is in Chapter 3, sets out the matters the EPA is required to consider in exercising its functions under that chapter.

Relevantly, section 45 includes:

- ...
- (b) *the objectives of the EPA as referred to in section 6 of the Protection of the Environment Administration Act 1991,*

...

 - (k) *in connection with a licence application, any waste strategy in force under the Waste Avoidance and Resource Recovery Act 2001,*

...

The objectives of the EPA set out in section 6 of the *Protection of the Environment Administration Act 1991* includes "encouraging the reduction of the use of materials, encouraging the re-use and recycling of materials and encouraging material recovery,".

The objects of the *Waste Avoidance and Resource Recovery Act 2001* includes:

- ...
- (b) *to ensure that resource management options are considered against a hierarchy in the following order—*
 - (i) *avoidance and reduction of waste,*
 - (ii) *re-use of waste,*
 - (iii) *recycling, processing or reprocessing waste,*
 - (iv) *recovery of energy,*
 - (v) *disposal,*

...

The EPA's Environmental Guidelines: Solid waste landfills (second edition 2016) provides guidance and minimum standards for the environmental management of landfills (i.e. premises used for the disposal of waste by application to land). Although the primary use of the Premises is not a landfill, the guidelines should be adopted as best practice.

The Executive Summary of the Modification Report on page iv states:

The other aspects of the Modification are largely administrative, relate to activities that have minimal environmental impact and/or are ancillary to and a necessary part of the broader mining operations assessed and approved under SSD-5170.

Given that the Modification will not materially exacerbate impacts on the surrounding environment (including local residents), the environmental costs of the Modification are outweighed by its benefits.

There is no justification for the disposal of waste tyres at the Premises in the Modification Report; or any evidence to support the statement that the activity will have minimal environmental impact or will not materially exacerbate impacts on the surrounding environment. There is no discussion about what occurs with waste tyres at present, and there is no alternative to disposal provided. There is no justification that the proposed disposal is an *administrative amendment*.

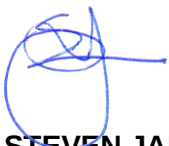
The EPA requires additional information about the proposed disposal of waste tyres at the Premises, including:

- That there are no higher order uses for the waste; and

- The waste classification of each waste proposed to be disposed of at the Premises. The classification must be made in accordance with the NSW Waste Classification Guidelines;
- That other disposal pathways have been considered and that onsite disposal is appropriate and the preferred option; and
- That you have considered the pollution caused or likely to be caused by the carrying out of the activity and the likely impact of that pollution on the environment; and you demonstrate the practical measures that will be taken to prevent, control, abate or mitigate that pollution, and to protect the environment from harm as a result of that pollution; and
- In considering the matters set out above, you have considered the minimum standards for landfills in the Environmental Guidelines: Solid waste landfills (second edition 2016).

If you need any further information about this matter, please contact me on (02) 4908 6823 or by email to info@epa.nsw.gov.au.

Yours sincerely



STEVEN JAMES
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Environment Protection Authority