



DOC17/480203-02; EF15/11088

Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Attention: Mr Matthew Sprott

By email: matthew.sprott@planning.nsw.gov.au

10 October 2017

Dear Mr Sprott

**UNITED WAMBO COAL PROJECT SSD 7142
REVIEW OF FURTHER INFORMATION**

I refer to your email dated 21 September 2017 requesting review of the revised cumulative air quality impact assessment for United Wambo Coal Project SSD 7142 and the documents titled "*United Wambo Open Cut Coal Mine Project – Response to Request for further information*" (Umwelt 2017).

We previously provided Department of Planning and Environment ("DPE") with review of response to submissions on 28 April 2017 and 18 May 2017.

Recommended Conditions of Approval

We have reviewed the document titled "*United Wambo Open Cut Coal Mine Project – Response to Request for further information*" prepared by Umwelt 2017 ("RRFI") and advise DPE that we have no further changes to the Recommended Conditions of Approval that were previously provided by the EPA, apart from one typographical change to a diesel emissions condition.

We advise DPE that should consent be granted for this project the EPA would be unable to include any noise limits or noise monitoring conditions on United Wambo's Environment Protection Licence at this time.

The EPAs comments are provided at Attachment 1.

If you require any further information regarding this matter, please contact Natasha Ryan on 4908 6833 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely



MARK HARTWELL
Head Regional Operations Unit - Hunter
Environment Protection Authority

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ATTACHMENT 1
ENVIRONMENT PROTECTION AUTHORITY
REVIEW OF FURTHER INFORMATION
UNITED WAMBO OPEN CUT COAL MINE SSD 7142 DA 305-7-2003 MOD 16
AND DA 177-8 MOD 3

The Environment Protection Authority ("EPA") has undertaken an assessment of the document titled *"United Wambo Open Cut Coal Mine Project – Response to Request for further information"* prepared by Umwelt 2017 ("RRFI").

The following comments are provided to the Department of Planning and Environment ("DPE"). We advise DPE that the EPA requires more information to assess the proponents noise compliance assessment.

Noise Compliance Assessment

We have reviewed the proponents proposed noise compliance assessment method and advise DPE that the method appears detailed and comprehensive. However, the EPA is concerned with the component that requires the EPA to contact the proponent or visit their premises in order for an EPA officer assessing compliance, according to the method, to complete the operational status checklist.

The EPA's opinion is that it would be feasible and reasonable for the proponent to make available to the EPA a means of completing the operational status checklist without having to contact or visit the premises, such as, for example, via a website that displays the current operational status of the items on the checklist.

The EPA is also concerned about the proponent's noise performance monitoring protocol using real time monitors which recommend an undertaking by the mine to reduce noise levels to below the impact assessment criteria (potential noise limit) within 75 minutes. The EPA advises DPE that, should noise limits be included on an Environment Protection Licence, any noise exceedance of a limit at a sensitive receiver is considered a non-compliance with the licence and hence an alleged contravention of section 64 of the *Protection of the Environment Operations Act 1997*. The EPA does not consider it reasonable that proponents take 75 minutes to reduce noise to below the impact assessment criteria when it should be at all times below the impact assessment criteria.

The EPA will continue to liaise with the EPA regarding this issue.

Diesel Equipment

The proponent raised concerns about the EPA's comments and recommended condition of approval in relation to diesel emissions. Specifically, the proponent is concerned about the availability of diesel equipment which meets the required emission standards. The EPA advises that the previously recommended condition of approval for diesel emissions caters for the concerns raised. The phrase "or as agreed with the EPA" allows for negotiation should equipment supply difficulties occur. We note there was a typographical error in the advice sent to DPE. It reads "is agreed" rather than "as agreed" so we ask that DPE address this change in our recommended conditions previously sent to DPE.

Cumulative Air Impact Assessment

The EPA is providing a submission to DPE by 18 October 2017 regarding review of the United Wambo and Hunter Valley Operations Mod 5 revised cumulative air impact assessment.

However, we advise DPE that the revised air quality assessment used a larger set of meteorological data and more refined emission estimates from the neighbouring Hunter Valley Operations Mod 5. These specific emissions were less than those used in the initial assessment. Overall, air quality impacts decreased. Importantly there were no instances of additional impacts greater than impact

assessment criteria. EPA advise DPE that we have no changes to the previous advice and recommended conditions of approval for air.

Environment Protection Authority 9 October 2017