



Our Ref: 2905/JM/KD/031117

6 November 2017

Matthew Sprott
Team Leader – Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Matthew

Re: United Wambo Open Cut Coal Mine Project – EPA Review of Further Information

The Department of Planning and Environment (DPE) has requested United Collieries Pty Limited (United) to provide a response to two issues raised by the Environment Protection Authority (EPA) in its correspondence to DPE dated 10 October 2017. This response is provided below on behalf of United.

Based on the EPA's letter, the EPA has reviewed the proposed noise compliance assessment method and has advised DPE that the method appears detailed and comprehensive.

The two issues that the EPA has raised that require further clarification are reproduced below in *italics* with a response.

Noise Compliance Protocol

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 proposed noise compliance assessment method has been designed to be simple to implement, to allow a compliance assessment to be made in a timely manner and to provide certainty for regulators and the community about compliance with noise criteria from both the Project and Wambo mine. The proposed method includes attended monitoring to determine if the Project and Wambo mine are complying with noise criteria, and sets out a process to determine which operation is responsible for any exceedances of noise limits.

As discussed in a meeting with the EPA on 26 October 2017, at this time, it is not considered reasonable or feasible to provide operational information via a website as a compliance tool for use by the EPA. It is proposed that the following protocols would be included in the Noise Management Plan to address the issue raised by the EPA:

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1. Should a non-compliant noise reading be recorded at a location where the ownership of the noise is not easily discernible between the United Wambo Open Cut Operation or the Wambo Mine, the EPA Authorised Officer can contact the United Wambo Open Cut Operation for further information at the time of the exceedance or request the information at a later stage.
2. The EPA Authorised Officer can contact the Mining Supervisor at United Wambo Open Cut Mine via specific phone number that will be documented in the Noise Management Plan, or send a text stating 'EPA Authorised Officer requires call back immediately'. The Mining Supervisor has access to all of the information that the EPA Authorised Officer may require and will be trained to respond to any requests.
3. The Mining Supervisor will provide the EPA Authorised Officer with the data required to complete the 'Operational Status Checklist'. This information must be taken from the Equipment GPS Tracking System (e.g. Modular or Leica), the Mining Supervisor will also provide the metrological conditions as recorded by the site weather station.
4. If meteorological conditions are valid and if Wambo Mine is deemed to be compliant with the 'Operational Status Checklist' and there are no obvious noise issues with the static equipment (e.g. ventilation facilities or Coal Handling and Preparation Plant) then the compliance issue is the responsibility of the United Wambo Open Cut Mine and if an exceedance has occurred it will be reported to relevant agencies.
5. If required, the data from the Equipment GPS Tracking System and meteorological data will be provided to the EPA Compliance Officer on the next business day after the compliance monitoring is undertaken to verify the information provided by the Mining Supervisor.

United has committed to utilising the methodology provided in the *Response to Request for Further Information* (September 2017) and will incorporate this methodology with the above additions into the Noise Management Plan for the Project allowing for the methodology to be refined and further improved over time, subject to agreement from DPE and in consultation with the EPA. The Wambo mine has also committed to the proposed method and the process for allocation of responsibility for any noise exceedances between the two mining operations.

Noise Management Response Timeframe

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 DP&E 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.

United accept that any exceedance of a noise limit at sensitive receiver is considered a non-compliance and would be reported accordingly. The comment in the noise compliance management protocol was not intended to infer that such an event would not be considered a non-compliance.

United will endeavour to meet noise criteria at all times. The intent of the protocol is not to relieve United of its obligation to report an exceedance of the noise criteria rather the proposed timing threshold was included to put a timeframe on the operation to rectify a noise exceedance, if an exceedance was measured.

The proposed protocol states that *'following an alert from the real-time noise monitoring system, if the Project is deemed the dominant noise source equipment and/or operations determined to be contributing to the measures noise impacts will either cease or be modified to reduce the noise level to below criteria within 75 minutes'*.

The threshold of 75 minutes is taken from the *NSW Draft Guideline: Mining. Noise Monitoring Application Note* which states:

Following receipt of a valid Red Alert, decisive action will be taken to reduce noise levels critical levels within 75 minutes of receipt.

The real-time monitors would be programmed to send alerts to operational personnel when a noise trigger level is reached. As per the proposed protocol, the first alert would occur when measured noise levels from the area of influence are within 2 dB of the relevant noise criteria at the nearest residence to the real-time noise monitoring unit for two consecutive 15-minute periods. The intent of the protocol is to prevent an exceedance occurring.

Based on the feedback from EPA, United will remove the 75 minute timing from the protocol and instead replace it with a commitment to reduce the noise levels as soon as practical. A clarification United will consult with EPA on the appropriate wording to be included in the Noise Management Plan for the Project.

Should you have any further questions or require any further clarification on the above matters, please don't hesitate to contact Kirsty Davies or myself on 4950 5322.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Merrell', with a stylized flourish at the end.

John Merrell
Group Manager Environment & Community NSW