NSW Government – Major Projects
Re: SSD-7592-Mod-11 - water management during MPPS outages
21 January 2025

Dear Sir/Madam,

I object strongly to the proposed development modification of Springvale treatment Facility SSD-7592. This modification (SSD-7592 -MOD11) is proposing approval for the continued discharge of polluted water into Thompson's Creek Reservoir.

It is in effect "propping up" the coal industry at a time when the focus should be on renewables and reduced global greenhouse gas pollution. The impact of a changing climate is evident now, but the future is even more dire for future generations if coal continues to be extracted and cause the water management problems that this MOD 11 is attempting to mitigate.

Water is an increasingly precious resource within a changing climate – nowhere is this more clearly seen than on the other side of the Great Divide in the Murray Darling Basin!

The collapsed aquifers associated with the impacts of the coal mining that this MOD 11 is "band aiding" mean groundwater sources are severely damaged. This means not just polluted water that needs treatment before going into Australia's largest drinking water catchment, but less clean water available overall especially during times of drought.

Groundwater interactions are complex and often poorly understood. The sensitive swamps that are sustained by the complex interactions between ground and surface waters include threatened ecological communities listed for protection under NSW and Commonwealth legislation.

Implicit in this MOD 11 is the fact that the coal mining activity that causes this polluted water problem is the same activity that is destroying the aquifers on which local swamp lands depend. This nexus needs to be acknowledged, and the amount of the polluted water reduced to amounts that the Springvale water treatment plant can safely and realistically manage.

Since the original SSD approval, it would seem that the applicant has generously been approved to:

- Implement an interim water management strategy;
- Extend this interim strategy three times;
- Discharge 5,760 megalitres of polluted water into Thompsons Creek Reservoir;
- Operate according to site specific definitions of what represents an "Incident" and "Material Harm".

This continuing series of modifications exposes both the inadequate conditions of consent from the original approval as well as the weakness in NSW's natural resource planning laws which aim to achieve sustainable development and protect waterways and the environment.

Clearly the Springvale Water Treatment Plant as originally approved is not fit for purpose if it is now proposed to discharge polluted water into Thompsons Creek Reservoir during Mt Piper Power Station outages. The protection of Thompsons Creek Reservoir is critical for fish habitat including downstream of the Reservoir.

Surely since the original approval in 2017 the applicant has had time to work out how it will manage polluted water during planned outages at Mt Piper Power Station. As the applicant states in its justification for the Mod 11 "*Outages are a normal part of maintenance and upkeep of the MPPS.*" It seems ludicrous that this seems the sole justification for the proposed approval of polluted discharge.

The protection of the headwaters of the drinking water for Australia's largest and growing city must take precedence over recalcitrant historic management of the site.

It is arguable that the applicant needs to submit a comprehensive new development application that takes account of the current challenges and risks associated with management of the polluted water for which it is responsible on site.

Generally, I have concerns with the exhibition of this important proposal over the Christmas break. The 30 January close of submissions date is inadequate. The structure of the applicant's modification report is confusing. The raw data which represents almost two thirds of the modification report should have been included as a separate document.

Likewise, the concerns of the EPA and Water should have been separate attachments with another document detailing the applicant's response. The transparent presentation of supporting documentation is important for effective community consultation.

My specific objections:

Objection 1: The management challenges of polluted water on the subject site as originally approved with the Springvale Water Treatment Facility are vastly different to that occurring currently on the site and proposed for the future. A new LDA is needed not further modification.

The original intent of the Springvale Water Treatment Facility included treatment of all mine water and to reduce catchment water demand to meet Mt Piper's water requirements. Water quality of the Upper Coxs Creek was to be improved and reduced salinity levels by June 2019 (500uS/cm). Clearly this hasn't happened.

It is unclear whether the applicant is compliant with licencing conditions as originally approved and whether previous modifications have compromised the original licence requirements to avoid any penalties for non-compliance.

Thus, it is arguable whether this MOD11 is really a modification under EP&A Act1979 or an exposure that the original approved development has "outgrown" its conditions of consent and that a new LDA is required for a project that can manage the polluted water.

It is unclear what MOD 11 in reality is modifying? Isn't it really just approving further pollution of the Coxs River that seems to have occurred with the failure of the originally approved project? It is poor planning to argue that further pollution is justified in MOD 11 because there is already existing pollution occurring from the failed project and that further pollution will have a "neutral effect".

The applicant has not considered alternatives to the long term management of the polluted water consistent with the principles of ESD. This may require upgrade of the existing facility, an additional water treatment facility or innovative technologies. It may require transfer and treatment on another site.

Objection 2: All discharged mine water should meet ANZECC (2000) guidelines.

The applicant proposes to further modify Condition 6 of Schedule 2 in the Consolidated Consent which had been modified previously in MOD 9. (It is noted that there are mistakes in references to the Table numbering which makes this section of the applicant's report confusing to read).

Proposed Condition 6B sets no control on the amount of polluted saline water to be discharged into Thompsons Creek Reservoir. The applicant states that salinity will not exceed 650uS/cm (30% higher than was originally approved) with a monitoring trigger for notification to the EPA and WaterNSW of 600 uS/cm.

This trigger is at 50 uS/cm higher salinity than that suggested by the EPA but the applicant does not justify why it has rejected the EPA advice. This is inconsistent with MOD 9 consent conditions.

It is also unclear why the Springvale plant is not expected to meet the ANZECC (2000) guidelines for eastern Australia's upland streams (350 uS/cm) especially given this upland stream flows into the drinking water catchment for Australia's largest city.

MOD 9 also required: "*By 31 May 2024, the Applicant must, in consultation with Energy Australia, install and maintain a real-time water quality monitoring system capable of assessing water quality in the Thompsons Creek Reservoir*." It is unclear whether this has occurred.

It is unclear how raised levels of metals and other pollutants, all of which are flowing into Sydney's drinking water catchment, are being monitored and compliant with guidelines.

Clearly, the applicant has ignored specialist advice, and this is not in the public interest. The general public mostly does not have the resources or knowledge to understand the highly technical nature of water quality parameters and identify risks. It relies on rigorous planning conditions of consent that are properly monitored and enforced and consistent with the principles of ESD.

Objection 3: There is a lack of transparency in how water sourced via the Fish River Water Supply Scheme is used on the site and in what amounts.

The Mt Piper Power Station has an 8,184 ML annual entitlement from the Fish River Water Supply Scheme, though it seems on average less is used annually.

Supposedly, the original approval aimed to use the retreated mine water to reduce dependence on the fresh water from the FRWSS. This does not seem to have occurred.

The flow chart Figure 2 in Appendix A suggests some FRWSS water is also used at the old Wallerawang Power Station.

The water source for the FRWSS is within the Macquarie Wambuul catchment not the Coxs River catchment. Water taken from Oberon Dam and Duckmaloi Weir via the FRWSS is used to meet the needs of Oberon residents and occasionally Bathurst residents both of which have legislative priority to a coal mine during times of drought.

The Macquarie Wambul is within the Murray Darling Basin and managed under the Basin Plan. It is an environmentally stressed catchment. It is important that there is transparency in how WaterNSW supplies water to Mt Piper Power Station.

CONCLUSION:

Overall, it is disappointing that this MOD 11 made it to public exhibition. It would appear that the applicant has not complied with the original consent conditions over the past eight years. It is spurious to suggest it is a modification of an approval when it is evident that the intent of the original approval has proven unabled to be achieved.

This failure needs to be acknowledged. A new fit for purpose water management strategy must be prepared to avoid the continued pollution of Sydney's drinking water and mitigate the risks this pollution poses to the millions of people who depend on this water. A new LDA needs to be submitted for this purpose.

Yours sincerely

Cathy Merchant