THE COLONG FOUNDATION FOR WILDERNESS LTD.

Friday June 8th, 2018

Mr Paul Freeman Mining and Industry Projects NSW Department of Planning and Environment GPO Box 39 Sydney NSW 2001

Dear Mr Freeman,

Submission regarding Angus Place Colliery Water Treatment Project S75W, a Part 3A assessment of Modification 5

The Colong Foundation for Wilderness Ltd does not oppose this modification for mine water treatment but does oppose the assessment type, a Part 3A proposal, as the NSW Government policy on discontinuing Part 3A development applications should apply. How can there be a further Part 3A development application when this form of assessment procedure was terminated some six years ago?

Any legislated carry over provisions surely should have lapsed and expired, so for this reason the Foundation does not support the form in which this application was made. Part 3A development was notorious for its inappropriate ministerial decision making processes.

The proposed development of a temporary reverse osmosis water treatment plant for the treatment of mine water from the Angus Place colliery LDP 001 is supported. This is a good precedent for coal mining, although the Colong Foundation opposes the low level of treatment¹. The treatment is an improvement on the current arrangement at the adjoining Springvale mine at LDP009 where salinity of the almost raw mine water discharge is 1055μ S/cm.

It could be speculated that had the Springvale mine proposed temporary R.O. treatment of this nature at LDP009, then Centennial Coal may not have been subjected to litigation regarding its claim of a "neutral or beneficial effect" of its discharged toxic mine water.

The Colong Foundation is alarmed that the licenced volumetric discharge of 30ML/day from Springvale LDP009 is no longer sufficient for longwall mining operations, and that the volumetric discharge from Angus Place LDP001 must be increased from 2 to 10ML/day. So

¹ The Coxs River headwaters salinity is 30μ S/cm^a. The pollution emitted at LDP001 is about 35 times background salinity and the proposed treatment reduces this to 11 times background salinity, an improvement but by no means a "*neutral or beneficial*" outcome.

mine water discharge from longwall coal mining under Newnes Plateau is now a veritable river of waste diverted from what were pristine headwater swamps, streams and nearsurface ground water aquifers. The thirty years of denial that longwall mining causes impacts on surface water catchments should be as dead as Part 3A development applications...

Where the proposed discharge from this mine enters the river, the median flow of the Coxs River is approximately 13ML/day. If Modification 5 is approved, the river will become at that point over 75% mine water comprised of the combined flows of Angus Place LDP001 and just downstream Springvale LDP009 totalling 40 Ml/day of mine water flowing into just 13Ml/day surface water flows in the Coxs River.

The Colong Foundation believes that the entire mine water discharge of 40 MI/day should be subjected temporary reverse osmosis water treatment. The precedent set by this Modification 5 proposal must be applied to the Springvale mine water discharge through an EPL licence variation and consent modification.

To support this proposition your Department will recall that on July 30, 2008, pollution licence 766, which then covered the Wallerawang and Mt Piper power stations, was varied to require a program of works to treat the Springvale mine water and reduce suspended solids by 1 October 2008 (DECCW, 2008). The works initially involved discharge of water into Sawyers Swamp Creek (DECCW, 19 Feb, 2009), which flows to the Coxs River. The diversion was completed and the "emergency discharges" to the Wolgan River on Newnes Plateau ceased regular operation in February 2009.

Delta and Centennial then built a joint venture "water treatment plant" at the Kerosene Valley Ash Repository to reduce suspended solids in the mine water effluent. This, a mere settling pond, was completed in mid 2009 and has a capacity of 30 megalitres a day. To ensure electricity production was maintained during these works, a reverse osmosis plant to treat mine water to reduce salinity was temporarily installed at Wallerawang power station (Delta, 2008).

The arrangement under the 2016 Springvale consent of discharging mine water without adequate treatment from LDP009 should never have been permitted. Given the temporary R.O. plant at Wallerawang power station, untreated discharge was a retrograde step from the previous arrangement where there was a reverse osmosis plant was used to treat mine water before use in the Wallerawang plant.

The proposed treated discharge from Angus Place LDP001 is consistent with the past treatment undertaken for the Wallerawang power plant and the Sydney Catchment Authority's Drinking Water Audit 2010 recommendations that require improved treatment of such licensed discharges.

The proposed treatment of increased mine water discharges at Angus Place also goes some way to recognise past negotiations between Blue Mountains Conservation Society and Delta Electricity that sought an adequate pollution licence that limited concentrations of metal and salt pollutants, therefore requiring the construction of further pollution control works to achieve such an outcome. It also recognises the more recent decision made by the NSW Court of Appeal regarding LDP009 in 2017.

The Colong Foundation agrees that the proposed Mod 5 should be for a temporary R.O. plant and that its operation should lapse once the Mt Piper treatment plant is finished no later than 1 January 2020. Further the Foundation believes that a temporary R.O. plant be required for Springvale LDP009 discharges to reduce the impact on the Coxs River.

The Colong Foundation requests that LDP001 **mine water be treated to a standard that protects undisturbed aquatic ecosystems.** The mine effluent will still have elevated levels of heavy metals if salinity is treated to the proposed 350µS/cm standard and will not adequately protect aquatic ecosystems given the predominant flow of mine water involved. Accordingly a similar level of temporary treatment is required for Springvale LDP009 mine water discharges, and other mine water and power plant discharges in the Coxs River catchment.

We request that the consent for Mod 5 should ensure that temporary treatment cease on 1/1/2020 and that LDP001 discharges (and LDP009 discharges) be transferred to the new Mt Piper Water Treatment Plant.

Thank you for the opportunity to comment.

Yours sincerely,

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Keith Muir Director Colong Foundation for Wilderness Ltd

Reference

^a Birch, G., Siaka, M., and Owens, C. (2001). The source of anthropogenic heavy metals in fluvial sediments of a rural catchment: Cox's River, Australia. Water, Air and Soil Pollution **126**, pp.13-35. [Reference for background salinity of 30μS/cm