

## Anna Timbrell

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**From:** Rebecca Scrivener <Rebecca.Scrivener@epa.nsw.gov.au>  
**Sent:** Wednesday, 29 July 2015 3:00 PM  
**To:** Anna Timbrell  
**Subject:** FW: Exhibition of Modification Request for Sunnyside Coal Project (MP 06\_0308 Mod 1)

Hi Anna

I refer to the modification application for Sunnyside Coal Mine (MP 06\_0308 Mod 1) referred to the NSW Environment Protection Authority (EPA) on 16 July 2015 for its review and comment further to the public exhibition of the environmental assessment (EA). The EPA has reviewed the EA and provides the following comments for Department of Planning & Environment's consideration in determining this matter:

### Noise, Blast and Dust

- The EA concludes that the continuation of the approved mining activities beyond 2015 could occur in accordance with the existing Project Approval (06\_0308) limits for noise, blast and air quality.
- The EPA notes that section 4.2.1 identifies that the owner of the property "Glendower" was previously offered a private agreement by the proponent in relation to noise, however, the agreement was not finalised. No details are provided why the agreement was not finalised. Consequently, the EPA encourages the proponent to recommence progression of such an agreement with the owner of "Glendower".
- The EPA notes that blast exceedance of the 120dB criteria during 2014 as part of spontaneous combustion remediation works. The proponent should ensure that management practices are amended to adopt recommendations from the investigation into this incident to prevent reoccurrences for future blasts.
- Given the of spontaneous combustion incident from 2014, the proponent should review and update where required any current spontaneous combustion management strategies to ensure any future incidents are appropriately managed.
- The EPA takes this opportunity to remind the proponent of the need to meet special condition E1.1 of the Environment Protection Licence no. 12957. That is "*E1.1 The licensee must notify the EPA's Manager, Armidale Region in writing 1 month prior to mining or handling any coal on the premises.*"

### Dirty Water Management

- The EPA has previously advised the proponent that the existing dirty water management infrastructure for areas where stormwater can come into contact with coal (e.g. stockpile areas, ROM pads and processing areas etc.) may not meet the accepted design criteria (capacity to capture and hold a 1 in 100 yr, 72 hour rainfall event, with a liner of 1m of compacted clay or equivalent with a permeability of less than  $1 \times 10^{-9} \text{ ms}^{-1}$ ) at the site.
- The current environment protection licence does not provide the proponent with any protection from committing an offence under section 120 of the *Protection of the Environment Operations Act 1997* (pollution of waters) in the event that an overflow were to occur from a coal contact catchment as a result of undersized sedimentation ponds. This could mean that in such an event the proponent would potentially breach the POEO Act and be exposed to regulatory action.
- The proponent has advised the EPA that it is undertaking a review of site water management infrastructure in an attempt to determine whether it can meet these requirements due to site constraints, or whether the same outcome (i.e. preventing discharges from coal contact catchments in all rainfall events up to and including the 1 in 100 yr 72 hour recurrence interval) can be delivered in some other way. The EPA is willing to consider alternative proposals that the proponent may wish to put forward as a means of meeting this environmental performance outcome.
- The EPA recommends that the modified project approvals require the proponent to review the current site water management plans in consultation with the EPA and to implement measures that enable it to capture and hold runoff from the required design rainfall event within any coal contact catchment areas. The EPA is willing to



accommodate requests for implementation of changes to water management infrastructure at the site over a reasonable timeframe.

Please do not hesitate to call Khari Turnbull on 6773 7000 if you wish to discuss any of the above.

*regards*

*Rebecca Scrivener*

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**From:** Anna Timbrell [<mailto:Anna.Timbrell@planning.nsw.gov.au>]  
**Sent:** Thursday, 16 July 2015 4:19 PM  
**To:** EPA RSD Armidale Mailbox; Fulloon Lindsay  
**Subject:** Exhibition of Modification Request for Sunnyside Coal Project (MP 06\_0308 Mod 1)

Whitehaven Coal Limited has submitted a request to modify the Sunnyside Coal Project.

The Department will exhibit the request from **Wednesday, 22 July 2015 until Wednesday, 5 August 2015**.

The request will be made available on the Department's website:  
[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=70](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=70)

The proposed modification involves:

- A five year extension to mining operations at Sunnyside Coal Mine to November 2020; and
- Rehandling of out-of-pit waste rock following completion of mining.

I invite your agency to make a submission on the request, including advice on recommended conditions of approval, by **Wednesday, 5 August 2015**.

In addition, the applicant has agreed to deliver 1 hard copy and 1CD of the EIS to you directly.

If you have any questions, please do not hesitate to contact me.

Kind regards  
Anna

Anna Timbrell  
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