



Lithgow Environment Group Inc.

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Preserving the Balance of Nature

Mining and Industry Projects
NSW Department of Planning & Environment
GPO Box 39 Sydney NSW 2001

27 February 2017

Dear Sir/Madam,

RE: SPRINGVALE MINE SSD_5594 MOD 2

The Lithgow Environment Group Inc. (LEG) objects to this proposal to defer compliance with the September 2015 development consent conditions for a further 2 years until 30 June 2019.

ABUSE OF THE PLANNING SYSTEM

LEG members are outraged that Springvale Colliery are being permitted to flagrantly abuse the aims and intent of the NSW Planning system by failing to comply with the original September 2015 Consent Condition 12 of SSD 5594 by:

1. Seeking to remove the requirement to meet limits for salinity of 700 (50th percentile), 900 (90th percentile) and 1000 (100th percentile) $\mu\text{S/cm}$ EC by 30 June 2017; and,
2. Deferring to 30 June 2019 the requirement to eliminate acute and chronic toxicity from LDP009 discharges to aquatic species by 30 June 2017, with acute toxicity defined as >10% relative to the control group and chronic toxicity as >20% relative to the control group.

And LEG members are outraged that the DP&E is allowing Springvale Colliery to delay further by lodging this Modification whilst numerous intimately related DA's are currently in play, ie.

- The Springvale Water Transfer and Treatment Project SSD 16_7592;
- The proposed Modification of SSD 16_7592 proposal to store treated mine water in the Thompsons Creek Reservoir;
- The Western Coal Services SSD 5579 Mod 1 (proposed emplacement of waste from the water treatment plant);
- And this application Springvale Mine SSD 5594 Mod 2.

It is plainly obvious to everyone except perhaps the NSW DP&E that Springvale Colliery never had any intention of complying with the original September 2015 Consent Condition 12 of SSD 5594. Springvale freely agreed to comply with this condition so that mining (and pollution of the Cocks River) could continue 'business as usual'. But just as clearly had every intention of delaying, stonewalling, and muddying the waters (pun intended) to avoid compliance with the Consent Conditions. And when the proposed date of compliance for this Modification arrives in June 2019, Springvale will no doubt lodge yet another Modification to defer again.

Centennial Coal are not proposing to fix a minor error in the original Consent, or make a minor Modification to the Consent that will cause minimal environmental harm - they are abusing Section 96 (4) of the EP&A Act to avoid compliance with a Consent Condition they don't like!

How can the DP&E stand by and allow such flagrant abuse of the NSW Planning system (or is the DP&E complicit, and colluding with Centennial Coal?)

Why have Centennial Coal consistently been given preferential treatment in the Lithgow region compared to coal mines in the Hunter region which must comply with Salinity limits under the Hunter Salinity Trading Scheme - similar to Condition 12 of SSD 5594?

Why are Centennial Coal continually allowed to waste huge sums of NSW taxpayer funds on –

- **Having numerous concurrent and intimately related Planning Assessments in play under the EP&A Act (ie. SSD_5594 MOD 2; SSD 16_7592; SSD 5579 Mod 1, SSD 5594 Mod 2)?**
- **Having numerous unresolved Court Cases ongoing for both Springvale and Clarence Colliery's, whilst continuing to operate business as usual?**
- **Continually delaying compliance with, or totally ignoring compliance with, numerous Pollution Reduction Notices issued under the POEO Act over many years?**
- **Allowing Springvale Colliery to maintain its dubious record of having the highest number of POEO Licence Non-compliances for any mine in NSW without penalty?**
- **Wasting huge sums of taxpayer funds by causing massive delays (in excess of 2 years) on the yet to be completed Review of the Clarence Colliery EPL 726?**
- **Triggering yet another PAC Hearing only 18 months after approval of SSD 5594?**

Centennial Coal appears to have received a high degree of preferential treatment over many years in the Lithgow region from the NSW Government. They operate wholly on publicly-owned land in Newnes State Forest, and the NSW public therefore have a right to scrutinise

the relationship between Centennial Coal and the NSW Government, to judge if it is totally open, honest and above board, or whether more sinister dealings have taken place?

LEG members believe that a Royal Commission is justified, and urgently required.

ACUTE AND CHRONIC TOXICITY OF THE LDP009 DISCHARGES TO AQUATIC SPECIES

What part of the words **Acute, Chronic, and Toxic** doesn't the DP&E seem to understand???

LEG cannot comprehend how the DP&E or PAC could possibly have approved the original Springvale Extension in September 2015 despite knowing it was **Acutely and Chronically Toxic?**

Appendix 10 of the Springvale Extension *Coxs River Ecotoxicology Assessment* clearly stated that the LDP009 discharge was found by the OEH to be significantly toxic to most tested species of animals and plants, with algae and hydra being more sensitive than cladoceran. The LDP009 discharge was acutely toxic (ie. effectively lethal) to all tested fish species.

Despite originally failing to identify this **Acute and Chronic Toxicity** in their original 2015 EA, Centennial now give us dubious assurances that this Modification will have no impact on the macroinvertebrate ecology downstream of the LDP009 discharges for another 2 years?

And Centennial once again dubiously claim the LDP009 discharge will achieve NorBE (Neutral or Beneficial Effect) on water quality, despite the fact the SCA's Mr Malcolm Hughes wrote to the DP&E's Mr Howard Reed on 12 December 2014 clearly stating that neither the Springvale or Angus Place Colliery Extensions achieved a NorBE on water quality, and recommended refusal unless the applicant treated the mine water to an appropriate level prior to discharge.

The 'creative accounting' used by the DP&E to ignore the SCA's expert advice should also be the subject of a Royal Commission!

HUNTER SALINITY TRADING SCHEME

LEG raised this issue in our original submission on the Springvale Extension, but it was of course totally ignored by the DP&E and PAC. So we will raise it again.

Why has Centennial Coal in the Lithgow region been given preferential treatment and competitive advantage over coal mines in the Mudgee Region and Hunter Valley Region?

All operating coal mines (and coal-fired power stations) in Hunter region must comply with Salinity discharges limits specified under the Hunter Salinity Trading Scheme -

- When the Hunter River is in low flow, no discharges are allowed;
- When the river is in high flow, limited discharges are allowed using a system of salt credits;
- The volume of discharge allowed depends on the ambient salinity in the river, so can change daily;
- The total allowable discharge is calculated so that the Salinity doesn't go above 900 $\mu\text{S}/\text{cm}$ in the middle and lower sectors of the river, or above 600 $\mu\text{S}/\text{cm}$ in the upper sector;
- When the river is in flood unlimited discharges so long as salinity doesn't go above 900 $\mu\text{S}/\text{cm}$.

Springvale Colliery operates in the upper sector of the Cocks River, so if the Hunter Trading Scheme limits were applied fairly across NSW, then the LDP009 discharge would be limited to 600 $\mu\text{S}/\text{cm}$.

Yet the LDP009 discharge is more than double that – quoted by Centennial at 1200 $\mu\text{S}/\text{cm}$, but regularly higher. Today (28/2/2017) Sawyers Swamp Creek had a Salinity level of 1240 $\mu\text{S}/\text{cm}$. It has been up to 1350 $\mu\text{S}/\text{cm}$ in recent months, exceeding the Springvale EPL3607 discharge limit of 1200 $\mu\text{S}/\text{cm}$. The Cocks River in Lidsdale today was 1340 $\mu\text{S}/\text{cm}$. LEG could supply all our data for Salinity in Sawyers Swamp Ck and downstream of LDP009, but we doubt the DP&E wants to know.

However LEG requests that the DP&E advise the NSW public in its assessment report –

- How many other mines in NSW have a 1200 $\mu\text{S}/\text{cm}$ discharge limit on their EPL?
- Why does protecting water quality in Hunter River have a higher priority than protecting water quality in the Cocks River?
- Why are cows and horses which drink water from the Hunter River given a higher level of protection than 4.4 million humans in the Sydney catchment who rely on the Cocks River for a large percentage of their drinking water supply?
- Is aquatic life in the Lithgow region more resistant to pollution than in the Hunter?
- Why have Centennial Coal in Lithgow been given a competitive advantage by having to comply with less stringent water quality standards than mines in the Hunter and Mudgee?
- Is this yet another perverse 'subsidy' to the mining industry, and will it set a precedent?
- Does the Hunter R flow through a National Park or World Heritage area like the Cocks River?
- Why was Ulan Mine required to install a Reverse Osmosis Plant to treat Salinity in its mine water in 2008 (MOD 3 DA 113-12-98), yet Springvale aren't being required to install one?
- Will relaxing discharge limits at Springvale set a precedent for all NSW mines to follow?

CENTENNIAL COAL MUST PROVIDE INTERIM SOLUTIONS

Just because Springvale Colliery cannot meet the long-term deadline of transferring the mine water to Mount Piper Power Station, this does not mean that the only solution is to continue polluting the Cocks River until June 2019. Alternative solutions exist.

The DP&E must reject this modification and require Springvale to implement interim solutions after 30 June 2017 deadline, or risk setting a precedent that all NSW coal mines may follow.

It is not LEG's job to find interim solutions, however below are two examples. By requiring such a solution Springvale will have an economic incentive to find a timely long-term solution.

1. Reverse Osmosis Plant – Ulan Coal Mine – 2008

- **Title:** Modification - Ulan Coal Mine – Reverse Osmosis Plant
- MOD 3 to DA 113-12-98
- **Approved:** 19 December 2008
- **Description:** The modification involves construction of a reverse osmosis plant
- **Location:** Ulan
- **Applicant:** Ulan Coal Mines Limited
- **Local government area:** Mid Western Regional
- **Capital cost of development:** \$3,500,000
- **F/T construction jobs:** 0
- **F/T post construction jobs:** 0
- **Approval authority:** Executive Director, Major Project Assessment as delegate for the Minister for Planning
- **Relevant legislation:** Section 96(1A), Part 4 of the *Environmental Planning and Assessment Act 1979*
- **Details of approval:** [Director-General's Assessment Report](#), [notice of modification approval](#) and [consolidated conditions of consent](#) (as amended)

2. Cost of a Desalination Plant for minewater

From: Report to Queensland Premier - Review of the Fitzroy River Water Quality Issues November 2008, Professor Barry Hart Water Science Pty Ltd and Water Studies Centre, Monash University

Option 5b: Mobile desalination plant

This Option would involve installation of a mobile desalination plant to supply either:

(a) supplemented 'drinking' water only (would require residents to collect the water), or

(b) desalinated town water through the existing town reticulation system.

Desalination plants to provide an output of about 100 kilolitre/day (or equivalent to about 9 litre/person/day for the total populations of Dysart, Middlemount, Tieri and Blackwater) are available and multiple units of this capacity can increase the capacity.

The combined lease, operation and maintenance cost for such a plant would be about \$20,000 per month. Company's that set up these plants can monitor the plants performance remotely and will provide technical backup advice if required.

For comparative purposes, a reverse osmosis desalination plant providing an output of about 1.5 ML/day (1,500 kilolitre /day or equivalent to 130 litre/person/day for the total populations of Dysart, Middlemount, Tieri and Blackwater) would cost about \$100,000 per month (\$66,000 per month leasing plus \$30,000 per month operation and maintenance) plus the cost of brine disposal. Such plants are available commercially, generally in a transportable container and are used for mining and construction camps.

Assessment

This is a sensible and feasible Option. Obviously funding would have to be found to implement this Option. It is recommended that this option be part of a contingency plan should the water quality deteriorate further.

RECOMMENDATIONS

That the DP&E reject this modification and require Springvale to implement interim solutions to remain compliant with Condition 12 of SSD 5594 after 30 June 2017.

That the DP&E and PAC combine all current proposals related to the Springvale Mine and Transfer Pipeline to Mount Piper Power Station together in assessing this proposal.

That the DP&E applies Consent Conditions for water quality in a fair, open, honest and transparent manner on Statewide rather than mine-by-mine, or region-by-region basis.

CONCLUSION

LEG has been monitoring water quality in the local area since 2006. Over the ensuing 11 years we have lodged numerous Submissions to the DP&E raising serious concerns about water quality in the Upper Coxs River Catchment. The DP&E has ignored many of our concerns.

As a consequence water quality in the upper Coxs River catchment has continued to seriously deteriorate, despite the closure of one power station and 72% (9 of 12) of the then operating coal mines. Salinity in the Coxs River is at its highest level since the prolonged drought in the early 2000's, and Salinity has quadrupled at one site (Springvale LDP006) since 2006, and may quadruple again unless the DP&E begins to act in an environmentally responsible manner.

The general public naturally blames coal mines for the deteriorating water quality. However LEG attributes that blame entirely on the DP&E, who have been fully aware of what has been going on, yet continued to ignore the expert advice of the NSW Government's own advisers in the EPA, OEH,

SCA, and NOW; continued to allow mining companies like Centennial Coal to abuse the EP&A Act; and continued to relax environmental standards. This Proposal is just another example.

LEG is extremely disappointed with the DP& E's approval record in the Lithgow LGA in relation to its disregard water quality over the last decade. LEG wonders why the DP&E bothers to ask respondents to lodge submissions, when it has every intention of totally ignoring any and all of their concerns. However we submit this, because apparently we and the environment have rights?

Yours sincerely,

Chris Jonkers - Vice President
Lithgow Environment Group Inc.