



Our reference: EF13/3625: DOC13/66173
Contact: Andrew Helms (02) 6332 7604

Director, Mining Projects
Development Assessment Systems & Approvals
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Brendan Liew

8 October 2013

Dear Mr Kitto

WESTERN COAL SERVICES – SSD-5579

I refer to an email from the Department of Planning and Infrastructure (DPI) dated 20 August 2013 seeking comments on Springvale Coal Pty Limited's proposed development application for the Western Coal Services project located on the Castlereagh Highway, Blackmans Flat.

The Environment Protection Authority (EPA) has reviewed the Environmental Impact Statement (EIS) associated with this project. Please find the assessment of impacts of the project and the recommendations of the EPA in Attachment 1. If the DPI determines the project application by granting consent, the EPA recommends that the conditions provided within Attachment 1 be incorporated into the consent, however, please note the EPA recommends that further information is required in relation to the potential noise impacts of the facility.

It is noted that the facility is currently licensed by the EPA under the *Protection of the Environment Operations Act 1997* (licence No. 3607) and shares this licence with Springvale Colliery. In the event that the project is approved by DPI the proponent will need to make an application to the EPA for a separate Environment Protection Licence for the Coal Services Site that incorporates the relevant conditions of the planning approval. Centennial Coal will also be required to submit applications to the EPA to vary the Environment Protection Licences for Springvale Colliery and Angus Place Colliery to remove those components of those facilities that are proposed to be captured by the Western Coal Services project.

Should you have any enquiries regarding this matter please contact Andrew Helms at the EPA's Central West (Bathurst) Office by telephoning (02) 6332 7604.

Yours sincerely

A handwritten signature in black ink, appearing to read 'SL', written over a horizontal line.

SHERIDAN LEDGER
A/Manager Central West
Environment Protection Authority

Attachment 1 EPA comments and recommended conditions of project approval

ATTACHMENT 1 – COMMENTS/RECOMMENDED CONDITIONS OF APPROVAL

Hours of Operation:

Construction

Any approval needs to include the following conditions:

- “Construction is restricted to standard hours only except for:
 - Works that comply with the relevant Noise Management Level (NML);
 - The delivery of materials outside of approved hours as required by Police or other relevant authorities for safety reasons;
 - Emergencies which are defined as where it is required to avoid the loss of lives, property and/or to prevent environmental harm;
 - Works that can only take place during a road or rail possession outside of standard construction hours.”
- “Noise impacts exceeding the relevant NML during standard construction hours and during road or rail possessions outside of standard construction hours are to be managed in accordance with an appropriate Construction Noise Management Strategy.”

Operation

The EPA notes that the proponent states that the facility will operate on a 24 hours a day 7 days a week basis. DPI should ensure that the restrictions on road haulage between Angus Place and Wallerawang Power Station, as discussed in section 3.6 of the EIS), are included as a condition should the Western Coal Services Project if approval is granted.

These restrictions are contained in condition 19 of Project Application approval 06_0021 which states:

Operating Hours – Wallerawang Power Station Haul Road

19. The Proponent shall not use the Wallerawang power station haul road at night.

Note: Night is defined as the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and public holidays.

Noise

The EPA has reviewed the noise assessment ‘Centennial Western Coal Services Project – Noise and Vibration Impact Assessment’ prepared by SLR Consulting Pty Ltd (Ref 630.10123.00500R2 dated 24 July 2013).

The proponent has adopted $L_{Aeq,15\text{minute}}$ Project Specific Noise Levels (PSNL) based on the nominated background noise levels. The EPA considers this approach consistent with the NSW Industrial Noise Policy 2000 (INP).

Acceptability of the PSNL for evening and night periods

The EPA consider the PSNL to be generally acceptable, however note that the proponent has used quarterly background noise monitoring data obtained over the period December 2010 to September 2012 at locations S1, S2 and S3, which includes noise emissions from the subject site. The proponent has processed this data to determine the lowest 10th percentile values, which it then considers representative of background noise levels at these locations in the absence of Springvale operations. The use of the lowest 10th percentile value is acceptable provided that data shows Springvale ceased operations (and hence its noise emissions did not contribute significantly to the overall RBL) for 10% or more of the monitoring period. The EPA considers that such further information on the operating periods for Springvale Coal Mine is required before it can support this approach.

The proponent has predicted noise levels from the project will exceed the PSNL, however has not considered the acceptability of the impacts in accordance with Chapters 8 and 9 of the INP. In the *Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited* [2013] NSWLEC 48, one of the issues which lead to the appeal being upheld was that impacts above the PSNL were predicted, but that in giving approval to the project the DPI did not consider the acceptability of the impacts in accordance with Chapters 8 and 9 of the INP.

Recommendations

1. The assessment predicts exceedances of the PSNL that must be addressed by the proponent in accordance with Chapters 8 and 9 of the INP. EPA will then be in a position to recommend noise limits for all residences predicted to receive noise levels up to and including the PSNL. For any other receivers predicted to receive noise levels above the PSNL, DPI is best positioned to weigh the social and economic benefits of the proposal against potential adverse noise impacts and to determine if a higher noise limit is justified. If a higher noise limit is accepted by DPI following this assessment and consent is granted EPA will include these limits in a licence, if one is required.
2. The proponent should provide robust quantitative information on the operating and non-operating periods for Springvale Coal Mine during December 2010 to September 2012 to support its claim that the lowest 10th percentile of all the ABLs measured at locations S1, S2 and S3 over that period is representative of the actual RBLs in the absence of any noise from Springvale operations.
3. The proponent needs to provide in Tables 45 and 46 the predicted noise levels for inversion scenarios.

Surface Water:

The EPA notes in Section 9.5.3.1 of the EIS that the proponent has identified surface water management as a moderate risk and that upgrades are required as part of the proposed project. The proponent goes on to state (Section 9.5.3.6) that a range of mitigation measures have been identified to improve the quality of surface water leaving the site and that these measures will be implemented following approval of the project.

The EPA agrees with the proponent that the historical add-hoc development of the site has not been conducive to best practice surface water management and that while the proponent has been making a number of improvements under Pollution Reduction Programs (PRP) attached to Environment Protection Licence 3607, further upgrades are still required. Some of the mitigation measures proposed by the proponent are currently captured as PRPs under Licence 3607 and these PRPs will need to be 'rolled over' to any new licence granted to the Western Coal Services Project. These PRPs are:

U1 Sediment dam storage capacities

- U1.1 The licensee must undertake works at the Centennial Coal Services site to ensure that the Main Sediment Dam, the Stockpile Sediment Dam and the Washery Sediment Dam have the capacity to store a 95th percentile (56mm) 5 day rainfall event.*

These works must be completed by 9 May 2014.

Note: The EPA will place a note under condition L2.4 stating that the water quality limits for licence discharge point 6 (LDP6) will not apply during a 95th percentile (56mm) 5 day rainfall event once the licensee has stated that all site sediment control dams have attained the appropriate storage specifications.

U3 Assessment of potential impacts of pollutants at LDP6

U3.1 At Point 6 (LDP6) the licensee must monitor (by sampling and obtaining results by laboratory analysis) the concentration of each pollutant specified in Column 1 in the table below. The licensee must use the sampling method, units of measure and sample at the frequency as specified in the columns opposite each pollutant. The licensee shall continue to monitor for these pollutants at the upstream and downstream locations within Wangcol Creek as previously nominated.

Following the collection of additional monitoring results up until 31 December 2013, the licensee must undertake an assessment of the pollutants detected in water discharged from the site via LDP6 in accordance with ANZECC water quality guidelines and provide this assessment to the Bathurst Regional Office of the EPA by 28 February 2014.

Pollutant	Units of measure	Frequency	Sampling method
Conductivity	microsiemens per centimetre	monthly during discharge	Grab sample
Iron (dissolved)	milligrams per litre	monthly during discharge	Grab sample
Manganese (dissolved)	milligrams per litre	monthly during discharge	Grab sample
Nickel (dissolved)	milligrams per litre	monthly during discharge	Grab sample
Nickel (total)	milligrams per litre	monthly during discharge	Grab sample
Zinc (dissolved)	milligrams per litre	monthly during discharge	Grab sample
Zinc (total)	milligrams per litre	monthly during discharge	Grab sample
Total hardness	milligrams per litre	monthly during discharge	Grab sample

Note: It is the EPA's intention to place water quality limits for these pollutants on all discharges via LDP6 based on the results of this assessment.

The EPA generally supports the components of the proponent's Statements of Commitments for surface water management, as detailed in Part 5 of Table 67 of the EIS, with the exception of the commitment to "Within 3 months of consent apply to relocate the current LDP006 to the spillway of Cooks Dam and replace the existing LDP006 with a license monitoring point". The EPA is not prepared to turn the existing surface water discharge point 'LDP6' in to a monitoring point until there is a complete separation of clean and dirty water at the premises and until the EPA is satisfied that the water quality leaving the site through LDP6 represents the quality of water entering the site and not influenced by the Western Coal Services operations or former mining operations at the premises. Table 67 of the EIS indicates that the timetable to implement this is 5 years which appears to the EPA to be an excessive timeframe.

The EPA is also aware that surface groundwater seepages are leaving the Western Coal Services site along the Castlereagh Highway frontage, opposite the DML Dam. This matter was brought to the EPA's attention in May 2013 who in turn advised Springvale Coal. This water is characterised by low pH, high electrical conductivity and leaves behind an aluminium rich precipitate. These seepages are currently being investigated by Springvale Coal and this investigation program and any subsequent remedial actions will need to be incorporated in to a PRP on the Western Coal Services licence when separated from Springvale Coal's Licence 3607.