



Your reference :  
Our reference : EF15/16176  
Contact : Ms Sheridan Ledger; (02) 6332 7608

Mr Stephen O'Donoghue  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

23 February 2018

Dear Mr O'Donoghue

### **BYLONG COAL PROJECT – EPA RESPONSE TO PAC RESPONSE**

I refer to the response prepared by the Kepco Australia for the Bylong Coal Project (the Project) to the Planning and Assessment Commission (PAC) review of the Project (the Review) and your request for Environment Protection Authority (EPA) comment regarding those issues which are relevant to the EPA which was received on 24 January 2018.

I also refer to the EPA's correspondence of 21 February 2018 to the Department of Planning and Environment (DP&E) regarding noise and water related matters. This correspondence relates to the air quality aspect which was not addressed previously.

As you would be aware, page 29 of the Review states "... *residual uncertainty around the:*

- *mitigation measures that could reasonably be deployed to minimise diesel emissions (as raised by the EPA);*

The EPA considers the assessment information provided for the Project to date, including the proponent's response to the Review, does not include comprehensive benchmarking and demonstration that diesel emissions will be controlled to the maximum extent practicable. While the response from KEPSCO to the Review does not benchmark mitigation of diesel emissions to current international best practice, the issue can be resolved using an appropriate condition of approval. The EPA provides recommended conditions of consent in Attachment A.

Should you have any queries regarding this matter, please contact Ms Sheridan Ledger at the Central West (Bathurst) office of the EPA by telephoning (02) 6332 7608 or email [central.west@epa.nsw.gov.au](mailto:central.west@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darryl Clift'.

**DARRYL CLIFT**  
**Head Regional Operations Central West**  
**Environment Protection Authority**

## Attachment A: EPA recommended conditions of approval – Diesel emissions

1. The applicant must implement all reasonable and feasible best practice measures to prevent and/or minimise the emission of odour, blast fume, diesel exhaust, spontaneous combustion and dust emissions of the development.
2. Best practice non-road diesel emission standards, unless otherwise approved in writing by the EPA.
- 2.1 The applicant must ensure that any item of non-road mobile diesel equipment commissioned into service and operating at the premises after 30 June 2020:
  - i) complies with the US EPA Tier 4 final or equivalent exhaust emission standard; or
  - ii) is otherwise approved, in writing, by the NSW EPA for use on the premises.

Note 1 – For the purpose of condition 2.1 'commissioned into service' is defined as the act of using the item of non-road mobile diesel equipment for commercial or industrial activities for the first time in Australia.

Note 2 – US EPA Tier 4 final is defined by USEPA (2016), Non-road Compression-Ignition Engines: Exhaust Emission Standards, EPA-420-B-16-022, March 2016, U.S. Environmental Protection Agency, Office of Transportation and Air Quality (6401A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460, United States. <https://www.epa.gov/emission-standards-reference-guide/nonroad-engines-and-vehicles-emission-standards>. Acceptable equivalent standards include EU stage V and any other international non-road emission standard with emission limits equal to or lower than the applicable US EPA Tier 4 standard.

Note 3 – For the purpose of this condition, *non-road mobile diesel equipment* means:

- i) equipment fitted with a diesel (compression ignition) engine, that is either self-propelled or portable and transportable as indicated by the presence of wheels, skids, lifting handles/points, dolly, trailer or platform mounted; and
- ii) which is primarily designed for off-road use; and
- iii) is not an eligible vehicle under the NSW Road Transport (Vehicle Registration) Regulation 2007, but may be conditionally registered for the purpose of moving from one off-road work site to another; but does not include
  - a. equipment primarily designed to be operated on public roads for the transportation of freight or passengers; and
  - b. diesel locomotives.
  - c. diesel generators.