



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

21 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.

It is the EPA's understanding that the Department of Planning and Environment (DP&E) is seeking EPA comment with respect to the following which were raised by the PAC in the Review as matters which required further consideration:

- offsite discharges;
- sizing of water storages;
- low frequency noise;
- background air quality; and
- mitigation measures for diesel emissions.

The EPA met with representatives from the Project to discuss the above matters on 26 October 2017 and subsequently received correspondence on 17 January 2018 regarding these matters. The EPA is aware that a copy of this correspondence is Appendix O of the Bylong Coal Project Response to PAC Review Report January 2018 (the Report).

The Report has been reviewed by the EPA and comments are provided in the Attached regarding water and noise related issues. EPA comments regarding air quality will be provided in separate correspondence.

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 'Sandra Jones'.

**DR SANDIE JONES**  
**Manager Central West Region**  
**Environment Protection Authority**

## ATTCHMENT 1 - EPA COMMENT - RESPONSE TO PAC REVIEW

### NOISE

The EPA provides the following comment with respect to the Review, the Report and DP&E's Preliminary Assessment Report (March 2017):

1. The Report states that the modified DEFRA approach for low frequency noise can be achieved with the current proposal. We reproduce below an excerpt from DP&E's Preliminary Assessment Report (dated March 2017, Section 6.1, page 46), which confirms EPA's satisfaction with the proponent's assessment of the modified DEFRA curve for low frequency:

*"KEPCO subsequently provided a revised assessment of LFN using the DEFRA method. The EPA has confirmed that it accepts this assessment as being 'consistent with current science.' The DEFRA method assessment also found that LFN levels would comply with the applicable DEFRA criteria at all privately-owned receivers. The EPA accepts these findings, but notes that the assessment does have some limitations as it is limited in range (ie. it didn't cover the whole frequency spectrum) and resolution (ie. it was based on octave band levels rather than third-octave band levels). The Department accepts that, based on the different approaches to LFN assessment, the noise assessments indicate that LFN is unlikely to be a significant issue for the project, and that the project is unlikely to trigger the LFN criteria and application of modifying factors. To ensure this occurs, the Department has recommended conditions consistent with the EPA's recommendations".*

2. The EPA notes that no low frequency modifying factor has been found applicable in the assessment. In circumstances where noise predictions have not included a modifying factor and subsequent post-approval measurements indicate that a modifying factor is found to be applicable, there are potentially implications, not only with respect to compliance limits but also potentially with the application of acquisition and mitigation rights. The EPA considers that the applicant should make adequate contingency for such circumstances.
3. The draft conditions as contained in DP&E's Preliminary Assessment Report are relevant and appropriate.
4. The draft conditions as contained in DP&E's Preliminary Assessment Report refer to compliance measurement in accordance with the requirements of the "NSW Industrial Noise Policy (as may be updated from time-to-time)" and in Appendix 5 it stipulates the requirement for assessing excessive low frequency noise against a modified DEFRA approach, which is in the *Noise Policy for Industry* (NPfI). The EPA consider that this is appropriate as the INP has been 'updated' to the NPfI and because the modified DEFRA approach in the NPfI is not more stringent than the approach in the INP therefore can be applied in this case (the proponent indicates that the modified DEFRA approach can be achieved).



## **WATER**

### *Offsite Discharges*

The Report provides further site water balance modelling and consideration of options to allow for the potential of further onsite water storage, including in mining voids and underground.

The modelling indicates that water generated due to the mining of the 100 series can be stored onsite in the Eastern void. Upon commencement of mining in the 200 series longwall panels and under worst case 'very unlikely' groundwater modelled scenarios, groundwater inflows will potentially exceed available capacity within the Eastern void. Kepco Australia considers that prior to the commencement of mining of the 200 series longwall panels there is adequate time to plan and implement contingency measures which aim to ensure the Project will be a nil discharge site throughout its mining life. The EPA notes that potential contingency measures have been provided though no commitment has been made to enact them.

The EPA recommends a condition of consent requiring the Project be nil discharge.

### *Sizing of sediment dams*

The EPA acknowledges and supports the commitment made by the Kepco Australia to design sediment basins with a settling zone volume based on the 95<sup>th</sup> percentile 5 day rainfall duration as provided in the guideline *Managing Urban Stormwater, Soil and Construction, Volume 2E Mines and Quarries (DECC 2008)*.

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