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Nature Conservation Saves for Tomorrow

February 13, 2017

**The Hon. Anthony Roberts,
Minister for Planning.**

**The Hon. Gabrielle Upton,
Minister for the Environment.**

Dear Ministers Roberts and Upton,

More concerns regarding Centennial Coal's Springvale Mine proposals and the Western Coal Services discharges

The separately attached letter (dated 09/01/17) was sent to Ministers Stokes and Speakman in their capacities of Planning and Environment respectively. The letter is now sent to you, together with some additional comments (below) relating to more recent happenings and the additional concerns which they raise.

The Society received a reply (30/01/17) from Nigel Sargent (Acting Regional Director South and West Branch, Environmental Protection Authority) on behalf of Minister Speakman. It has received nothing in writing from the then Minister Stokes or the Department of Planning.

The Society acknowledges that an urgent meeting between the Colong Foundation (Keith Muir and Alex Allchin)¹, and the DPE (Clay Preshaw and Paul Freeman) took place on 11/01/17 in Sydney. The main reason for that meeting was a proposed modification of SSD 5594 Schedule 4 Condition 12 which had appeared in the Lithgow Mercury. The Society's representatives were unable to attend due to the extremely short notice and prior commitments. Some aspects mentioned in the Society's letter of 09/01/17 were updated, but this does not remove the need to formerly address the matters raised in the letter to the Minister; indirect information can easily be misunderstood.

According to Mr Sargent:

"The EPA cannot require development proposals to be merged or considered in tandem, however, it does recognise the linkages in the proposals and comments provided to Department of Planning and Environment (DP&E) are reflective of this."

"The EPA remains concerned about the discharge from LDP006...Prior to the Springvale Pipeline Project being placed on public exhibition, the EPA had discussions with both Centennial Coal and Energy Australia to see if the LDP006 discharge could be included in the Springvale Pipeline"

¹ Together with (by phone) Julie Favelle of the Lithgow Environment Group

Project. The EPA was advised that this option was unable to be achieved because of limitations with the design and capacity of the current treatment process.”

The Society also notes (as reported from Colong’s meeting with the DPE) that the discharges from LDP006 will **not** be part of the Springvale Water Transfer and Treatment Project SSD 16_7592 proposal, although the latter will be modified such that treated water, excess to Mt Piper’s immediate needs, will be sent to Thompsons Ck Reservoir rather than being discharged to Wangcol Ck (see Section 3, dot-point 1 of the Society’s separately attached letter of 09/01/17).

The Society is extremely concerned about these direct and indirect responses because:

- Whereas the EPA does not control the handling of development proposals, **it should be strongly advocating merging or ‘tandem’ consideration where proposed modifications reflect Centennial Coal attempting to comply with SSD 5594 Schedule 4 Conditions 12 and 13.** Why? Because the EPA played a substantial part in developing the Conditions following many years of seemingly unsuccessful ‘negotiation’ with Springvale and Angus Place Collieries regarding their polluting mine-water discharges to the Upper Coks River catchment. And now, as a result of Centennial presenting several separate proposals, a major concern is not being addressed and the time-constraints in Condition 12 have become meaningless.
- The DPE formulated SSD 5594 Schedule 4 Conditions 12 and 13, and has been a party to all subsequent discussions and proposals aimed at attaining a suitable outcome. Yet, to the limit of the Society’s knowledge, **the DPE seemed not to:**
 - insist on an Upper Coks River Action & Monitoring Plan (UCRAMP) being submitted to the Secretary for approval by 30/06/16 [Condition 13(b)]²;
 - ensure that the plan identified “...all available water management measures designed to achieve the mine water discharge criteria and associated timeframes required by condition 12...” [Condition 13(c)]³; and,
 - considered “...all licensed discharge points within the Upper Coks River catchment (including at Springvale Mine, Lidsdale Siding, Western Coal Services and Angus Place Colliery)” [Condition 13(c)]⁴.
- Mr Sargent implies that the EPA accepts the Centennial-Energy Australia claim that sending the LDP006 discharges to Mt Piper is not practicable because of limitations with the design and capacity of the current treatment process.

Has this been independently assessed or is this another case of the ‘company says’ and it is taken at face-value? For example, is it deemed too saline, too voluminous, too expensive, or only one of these? Regardless, the obvious answer would be to send the LDP006 discharges to Thompsons Ck Reservoir where the salinity would be diluted through mixing, the additional

² The Society assumes that the Secretary ‘agreed otherwise’, but it would be nice to know whether or not the matter was left open-ended and when/if an adequate draft of the UCRAMP was received.

³ As all who have been involved with this protracted exercise are aware, the initial proposal failed to consider the transfer of LDP009 discharges to Mt Piper until pushed repeatedly by envirogroups; then, when finally accepted by Centennial and Energy Australia, Springvale Water Transfer and Treatment Project SSD 16_7592 proposed discharging excess treated water to Wangcol Ck; again, when envirogroups resisted, transfer to Thompsons Ck Reservoir and storage for future use has now been adopted.

⁴ Yet even now, following on from footnote 3, the LDP006 high-salinity discharges from Western Coal Services and other discharges from Angus Place Colliery, both being mentioned in Condition 13(c), are being inadequately considered.

volume would be of little significance, and Mt Piper could continue to draw water from the Reservoir when the need arises.

From the Society's viewpoint, this is why the various proposals should be merged rather than separated into disparate snippets. Centennial controls Springvale Colliery, Springvale Coal Services and Western Coal services and is in effect subject to the SSD 5594 Consent Conditions. It is therefore efficient and logical for the transfer scheme required for LDP009 (Springvale Water Transfer and Treatment Project SSD 16_7592 – now with Mod 1), the handling of the residuals stream from Mt Piper (Western Coal Services Project State Significant Development 5579 Mod 1), and resolving the discharges from LDP006 are all part of the UCRAMP to be determined as prescribed under SSD 5594 Schedule 4 Condition 13.

- Failing the above, Centennial must recognize that continuing to pollute the Upper Coxs with its LDP006 discharges is not acceptable. If, as may happen, LDP006 is declared a separate issue to be resolved by the EPA, then the EPA must demand that the water be treated to an output level not exceeding upstream background, or 350 $\mu\text{S}/\text{cm}$ EC, whichever is the lower level of salinity.

Any outcome less than the above would make a mockery of the attempts to restore the water quality of the Upper Coxs River catchment. It would be a case of compromising hard-fought environmental initiatives for the benefit of Centennial and its beneficial owners, whilst concurrently sending a signal to Energy Australia [as the owner of the Pine Dale (Yarraboldy Stage 2) property] that unacceptable pollution will be 'accommodated'.

- The Colong-DPE meeting (11/01/17) confirmed that SSD 5594 Mod 2 comprises requests for two constraints in Schedule 4 Condition 12 to be modified. In effect, Springvale wants: **removal** of the requirement to meet limits for salinity of 700 (50th percentile), 900 (90th percentile) and 1000 (100th percentile) $\mu\text{S}/\text{cm}$ EC by 30 June 2017; and deferral until 30/06/19 of the requirement to **eliminate** acute and chronic toxicity from LDP009 discharges to aquatic species by 30 June 2017, with acute toxicity defined as >10% effect relative to the control group and chronic toxicity defined as >20% effect relative to the control group.

The Society will be making a submission to the DPE in relation to SSD_5594 Mod 2 but will here make three points:

- The delays invoked to partly justify the amendments result from Centennial opting to present a series of discrete proposals, several of which need to go to the Planning Assessment Commission for determination, rather than presenting a well thought though, comprehensive, fully integrated proposal.
- The delays also reflect Centennial's intransigence in attempting to minimise its commitments until confronted by strong opposition and suggestions for better environmental outcomes; and this is still happening in relation to LDP006.
- Centennial has nothing to lose from 'bureaucratic delays' and its own reluctance to pursue better environmental outcomes. This is because there seem to be no penalties imposed for failing to meet important Consent Conditions; yet, in the interim, Springvale continues to discharge ~19 ML/day of polluted mine-water from LDP009 into the Upper Coxs River (and thence into Sydney's water supply) with absolute impunity. In effect, delays are rewarded by unfettered continuance of the practice which SSD_5594 Schedule 4 Conditions 12 and 13 were designed to progressively curtail.

In concluding, the Society:

- reemphasises that the various proposals and their modifications as referred to in this and the preceding letter are complementary in their aims to comply with SSD_5594 Schedule 4 Conditions 12 and 13, and thereby improve the water quality of the Upper Cocks River and its tributaries;
- emphasises its concern that the proponent benefits from delays and may be using a series of discrete proposals to extend the process, including several separate referrals to the Planning Assessment Commission;
- strongly believes that the separate proposals are complementary and should be merged for the purposes of evaluation by the DPE and the Planning Assessment Commission; and,
- thanks you and your departments for considering the content of this letter and the separately attached previous letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brian Marshall', with a stylized flourish at the end.

***Dr Brian Marshall,
For the Management Committee***