



Our reference: LIC07/1337-08: DOC12/39203
Contact: Andrew Helms (02) 6332 7604

Mr David Kitto
Director – Mining and Infrastructure Projects
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Carl Dumbleton

18 September 2012

Dear Mr Kitto

RE: Coalpac Consolidation Project (10_0178) – Response to Submissions

I refer to the *Coalpac Consolidation Project Environmental Assessment Response to Submissions Report* (the Report) prepared by Hansen Bailey for Coalpac Pty Limited and the letter in response prepared by the Environment Protection Authority (EPA) and submitted to the Department of Planning and Infrastructure (DPI) on 14 September 2012 (DOC12/38582).

The EPA has prepared additional recommended conditions of project approval (located under General on page 3), pertaining to noise emissions from the project premises, and requests that DPI replace the original attachment provided with the EPA's letter of 14 September 2012 with the attachment appended to this letter.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Richard Whyte', written over a horizontal line.

RICHARD WHYTE
Manager Bathurst
Environment Protection Authority

Attachment: Modified EPA comments on Response to Submissions report and recommended conditions of approval

ATTACHMENT A – EPA COMMENTS AND RECOMMENDED CONDITIONS OF APPROVAL

Noise

The EPA notes the advice provided within the Report which addresses the EPA's concerns about the proponent's ability to implement and maintain the appropriate noise attenuation as nominated for specific plant and equipment. The text reiterates much of what was provided in the EA; however, the EPA's concerns remain valid.

The EPA notes that all noise modelling for the project is based on the 100% implementation of the identified feasible and reasonable noise mitigation measures. The potential remains, if a number of mobile plant and equipment fail to attain their respective modelled sound power levels on any given day, for a greater than predicted number of project noise limit exceedances at residential receivers.

Of concern to the EPA, and which has only been raised in Section 4.5.4 of the Report, is the commitment by Coalpac to have noise attenuated fleet in operation prior to the end of Year 2. This statement suggests that the current fleet operating at Cullen Valley Mine and Invincible Colliery will be used as part of the Consolidation Project and progressively replaced or noise attenuated up until the end of Year 2. There is no guarantee that the current fleet will achieve the sound power levels as stated in the noise modelling, which may lead to inaccuracies in the noise modelling up to Year 2. Similarly, there would be the potential for noise exceedances and complaints from residents throughout Year 1 (no noise modelling provided) as a result of this existing equipment being used plus a combination of the proposed noise bunding not being fully constructed and a heightened awareness of the project by residential receivers on account of its recent approval.

The EPA also notes in Section 4.5.5 under 'Mild Noise Impacts' that the proponent has identified "...*specific areas of the site where 'unshielded' Project operations would result in impacts to sensitive receivers under various temperature inversion and meteorological conditions*" with the methodology for determining these shielded areas presented in Appendix C of the Report. The EPA is concerned that the requirement to monitor for these potential conditions, in addition to taking into account the management 'Zones' described in Section 8.6.4 and other noise management protocols, will prove to be hard to implement on the ground unless the proponent clarifies the roles and responsibilities of all staff in regard to this matter.

The EPA in its submission dated 4 June 2012 listed some requirements to be met by the proponent prior to offering support for this project. These requirements were to either i) demonstrate on the existing plant and equipment that the stated sound power levels have been achieved or ii) obtain a manufacturer's guarantee that the sound power levels quoted are attainable and iii) commit to providing certification from an acoustic consultant that all plant and equipment on the project site are at or below that used in the noise assessment modelling. The EPA notes from Section 4.5.4 that the proponent commits to the options ii) and iii). Table 7 in Section 4.5.4 lists the requirements of option ii); however, there is no advice about who conducted the sound power level testing (ie. the manufacturer or the proponent).

Given the above, the EPA recommends, for at least the first two years, that the following conditions be considered in any Conditions of Project Approval.

Project Hours of Operation:

Monday to Saturday

- 7:00 am to 6:00 pm – for mining and all associated activities;
- 6:00 pm to 10:00 pm – for haulage and transportation;
- 10:00 pm to 7:00 am – non-audible equipment maintenance activities.

Sunday

- 8:00 am to 6:00 pm – for mining and all associated activities.
- 6:00 pm to 7:00 am – non-audible equipment maintenance activities.

And at no time on Public Holidays.

Statement of Commitments:

The EPA notes that the proponent has revised its Statement of Commitments (Section 5 of the Report) to update the noise and blasting commitments to include commitments 23 to 30. These new commitments should be included in the approved Statement of Commitments should the project be approved.

The EPA recommends that the following noise related commitment also be incorporated:

- *A suitably qualified acoustic consultant will be employed to provide certification that the sound power levels from all standard plant and equipment for the Project site are at or below those levels used in the noise assessment modelling prior to being used on the site.*

The EPA also suggests that Commitment No. 20, which references general management measures (including the development of a 'comprehensive Noise Management Plan') summarised in Section 8.6.4 of the EA, be listed within the Statement of Commitments as opposed to hidden within the text of the EA.

General:

The EPA requests that Table 7 ("Project Attenuated Equipment Fleet and Implementation") in Section 4.5.4 of the Report be incorporated in to either the Statement of Commitments or as part of the general noise conditions should the Project be approved in order to formalise the commitment to achieve and maintain the sound power levels that have been used as the basis for the noise modelling in the EA.

In addition, the EPA recommends that the following conditions be considered:

- i. *The proponent is to provide to the EPA and Planning with certification to an appropriate test standard such as AS2012.1-1990, of each item of plant's acoustic performance once each item of plant and equipment arrives on site. Each item is not to operate on site, other than for the purposes of noise testing, until the certification is accepted by the EPA and Planning;*
- ii. *The proponent is to provide to EPA and Planning with certification for each item of plant and equipment operating on site, at intervals no greater than 24 months and no less than 12 months, confirming its acoustic performance. The acoustic certification is to be prepared by an independent acoustician. The independent acoustician is to nominate the schedule for testing and provide no more than one weeks notice of the requirement to test any item.*
- iii. *Any plant or equipment having defective or missing sound attenuation components will not be used until repaired / reinstated and re-certified as per condition i).*
- iv. *Production shall not exceed 2.2MTPA until all the new attenuated equipment is certified as per condition i);*

The EPA is satisfied that the proposed intrusive noise criteria for the project (Section 8.6.2 of the EA) is appropriate. The EPA notes that the proponent has not nominated any allowances for periods of construction.

Air Quality

The EPA finds that the response provided in the Report generally addresses the issues previously raised in the EPA's submission in response to the publicly exhibited EA.

There are components of the proponent's response (the discussion regarding the calculation of wind erosion and dust emissions – Section 4.2.10 of the Report, for example) with which the EPA disagrees; however, the EPA acknowledges that these discrepancies have little significance in the overall context of the total suspended particulates that have been predicted to be generated by the Project operations.

The EPA is concerned, as it was for noise, that the requirement to implement the measures outlined in Section 4.2.18 of the Report (including analysing meteorological forecasting data, real-time air quality

management system and implementing proactive and reactive mitigation measures) will prove to be hard to implement on the ground unless the proponent clearly spells out the roles and responsibilities of all staff in regard to these matters.

The EPA has no specific recommended conditions of project approval relating to air quality. The EPA notes that the proponent has captured the need to include specific components within the Air Quality Management Plan, as recommended by the EPA in its submission, including the development of key performance indicators (as described in Section 4.2.6 of the Report).

The EPA also notes that the proponent has its their Statement of Commitments (Section 5 of the Report) to update the Air Quality and Greenhouse specific commitments to include commitments 16 to 19. The EPA supports the inclusion of these commitments and they should be incorporated within the approved Statement of Commitments should the project be approved.