



# Lithgow Environment Group Inc.

PO Box 3081 Bowenfels, NSW 2790

[www.lithgowenvironment.org](http://www.lithgowenvironment.org)

*Preserving the Balance of Nature*

28 January 2025

Mining and Industry Projects  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Sir/Madam,

## **OBJECTION TO SSD-7592 (MOD 11) – SPRINGVALE WATER TREATMENT PLANT**

The Lithgow Environment Group Inc (**LEG**) totally opposes this Modification due to its unacceptable impacts on water quality and aquatic life in the Coxs River catchment. We consider that –

- The Springvale Water Treatment Plant (**SWTP**) has been breaching consent conditions since approval by making large unauthorised unlicensed discharges into Thompsons Creek and Lake Wallace;
- Retrospective approval of these significant unauthorised unlicensed discharges without penalty sets an unacceptable precedent. The NSW Department of Planning, Housing & Infrastructure (**DPHI**), Environment Protection Authority (**EPA**), and/or WaterNSW must take legal action;
- The NSW Parliament and NSW public were misled by Centennial/Energy Australia that the SWTP would be zero-discharge, and that minewater discharges into the Coxs River would cease;
- An unending stream of recent Modifications by Centennial and Energy Australia designed to avoid using the SWTP will cause avoidable and incremental environmental impacts;
- All of those Modifications should be consolidated into one large DA assessing the cumulative impacts of all Centennial (and Energy Australia) operations relating to water discharges;
- A proposed 42-fold increase in volume of minewater discharges by Angus Place/Springvale Mine into the Coxs River (from 0 ML/day to 42 ML/day) cannot possibly have a Neutral or Beneficial Effect (NorBE) - the **total load** of salts and heavy metals will also increase 42-fold. Independent true and correct NorBE tests must be conducted by the EPA and/or WaterNSW;
- The ANZECC (2000) Guideline upper limit for salinity in an inland waterway is 350 EC, and natural background levels are 30 EC. Proposed discharges of 650 -1200 EC are totally unacceptable;

- This Modification must not be approved until after the EPA has conducted a broad ranging inquiry into all of Centennial/EnergyAustralia operations in the Lithgow LGA to identify the most effective measures to minimise, eliminate, and/or adequately cleanse over 50 ML/day of mine water discharged from these operations.

**1. THE PURPOSE-BUILT SPRINGVALE WATER TREATMENT PLANT HAS BEEN UNDER-UTILISED**

NSW Parliamentarians and the NSW public were misled that the 2017 SWTP approval would eliminate 42ML/day of contaminated minewater from Angus Place/Springvale Collieries being discharged into the Coxs River, and be beneficially reused for cooling at Mount Piper Power Station.

And they were misled into believing that Thompsons Creek Reservoir had an unlimited capacity to magically store all excess Angus/Springvale minewater indefinitely until required by MPPS.

Yet up to 47% of that minewater was never ‘stored’ nor ‘beneficially reused’, but discharged into the Coxs River via unauthorised unlicensed points into Thompsons Creek and Lake Wallace. In effect these replaced LDP009 as Springvale/Angus Place Colliery’s new discharge points into the Coxs River.

Photos below of the TCR discharge on 30 September 2023 pre-date by 2 months Energy Australia’s EPL 13007 Licence Variation No. 1634053 approved on 1 November 2023. This discharge was therefore unauthorised, unlicensed, and unlawful. The discharge below into Lake Wallace from the TCR via the 750mm Cox’s River Water Supply Pipeline (see Figure 2 - Regional Water Management System) was recorded on 5 December 2019, and was also unauthorised, unlicensed, and unlawful.



*Photo 1 & 2: TCR discharge Lake Wallace 5/12/2019 Photo 3 & 4: TCR discharge Thompsons Ck 30/09/2023*

Salinity in the Coxs River was supposed to reduce after the 2017 SWTP approval, however rose instead. The Coxs River at Maddox Lane Lidsdale increased from 1180 EC in January 2017 to 2108 EC in January 2020 when a fish kill also occurred - its highest level since LEG commenced recording in 2006. Most recently 1570 EC on 21 November 2024, or 4.5 times higher than the ANZECC guideline limit of 350 EC.

Salinity in Lake Wallace almost doubled from 690  $\mu\text{S}/\text{cm}$  in August 2007 to 1320  $\mu\text{S}/\text{cm}$  in August 2018. Fish kills occurred on 1/9/2017, 4/1/2020, and 4/1/2024 <https://www.abc.net.au/news/2024-01-04/mass-fish-kill-of-redfin-near-blue-mountains/103283880>. Most recently salinity was 720 EC on 21 November 2024, more than double the ANZECC guideline upper limit of 350EC.

Downstream the Coxs River recorded its highest EC since 2006 at Duddawarra Bridge (830 EC on 5 December 2019), Ganbenang (850 EC on 5 December 2019), and 6 Foot Track (680 EC on 27 May 2019).

The only notable reduction in salinity in the Coxs River since 2006 was over the last 5 years due to the huge dilution effect of unprecedented rainfall since the drought broke in 2020. Centennial and Energy Australia appear to be taking credit for that massive amount of recent rainfall, using it as an excuse to abandon the SWTP. However the next drought cannot be far off, and salinity will begin rising again.

The SWTP can and should be fully utilised, augmented, and upgraded to treat all of Centennial's minewater discharges to an acceptable environmental standard in line with natural background salinity levels in the upper Coxs River catchment of 30 EC. Centennial and Energy Australia must not be allowed to shirk responsibility. The NSW government must ensure that the SWTP is fully utilised.

## **2. AN EPBC REFERRAL FOR SWTP MOD 11 INCLUDING UNAUTHORISED DISCHARGES MUST BE MADE TO THE FEDERAL ENVIRONMENT DEPARTMENT**

Centennial must refer Modification 11 and its 2019/2024 unauthorised mine waste discharges to the Department of Climate Change, Energy, the Environment & Water (**DCCEEW**), or in the absence of Centennial making a Referral, then the NSW Minister for Planning and Public Spaces must do so.

It is our submission that Modification 11 and previous unauthorised minewater discharges has, and is likely to continue to have a significant impact on a MNES, that being water resources; and that because MOD 11 is an action that involves a large coal mining development, which means that ss 24D and 24E of the EPBC Act, commonly referred to as the 'water trigger', applies to the project thereby requiring referral to, and approval by, the Federal Environment Minister.

Failure to refer the project not only exposes Centennial to potentially acting in contravention of the EPBC Act, but would also be contrary to the objects of the Bilateral Agreement between the State of New South Wales (NSW) and the Commonwealth.

The DCCEEW should be asked to determine whether the unauthorised mine water discharges could have caused potential harm to the Greater Blue Mountains World Heritage Area and water resources. The non-referral of last financial year's mine waste discharges, for example, could be a breach of the Federal Environmental Protection and Biodiversity Conservation Act, 1997.

As future mine waste discharges are likely if proposed Modification 11 is approved, this proposal may require a controlled action review to ensure adequate assessment of the potential harm to the Greater Blue Mountains World Heritage Area and water resources.

### 3. CUMULATIVE IMPACTS

This proposal looks at just one part of Centennial's overall impacts on water quality in the Coxs River catchment. Ad hoc approval of many seemingly minor Modifications to Centennial/Energy Australia operations has incrementally led to the serious water contamination issues in the Coxs River today.

Centennial state in the documentation (page 44) "*there is no evidence of cumulative impacts from the discharges into the Coxs River from TCR riparian releases or the Centennial operations on aquatic ecosystem health of the UCRC.*" This is untrue, and the IPC must consider cumulative discharges from Centennial/Energy Australia operations in addition to those proposed by MOD 11, including –

- **Western Coal Services LDP001 discharge into Wangcol Creek** – There is no licence limit for salinity on EPL21229. Salinity increased 6-fold from 1,240 EC in October 2006 to a high of 7,780 EC in August 2018, currently >2000EC on 31 January 2025. LDP001 was described by Dr Ian Wright on ABC News on 7 November 2023 "*In the whole of the Warragamba drinking catchment that is the worst point source of waste I have ever measured.*" And the LDP001 POEO Licence – "*That is one of the most ineffective pollution licences I have ever seen*".  
<https://www.abc.net.au/news/2023-11-07/water-contamination-lithgow-coal/103067856>
- **Clarence Colliery to Wallerawang Pipeline Project (CWPP)** – In the Western Region CCC Minutes of 11 June 2024 and Quarterly Update to Non-government organisations (LEG, BMCS, Wilderness Australia) on 10 December 2024, Centennial advised the community about the proposed Clarence Colliery to Wallerawang Water Reticulation Project (CWPP) to **transfer up to 30ML/day of mine water** to Lake Wallace (and hence Coxs River), anticipated lodgement in Q3 2025. This will be in addition to the 42ML/day proposed in MOD 11. Whilst Clarence Colliery minewater has lower salinity than Angus Place/Springvale mine water, it has higher levels of Manganese, Nickel, Zinc, Cobalt, and other heavy metals. The *Clarence Colliery Discharge Investigation 2015* (Office of Environment & Heritage) identified that the current LDP002 discharge adds annually, on average, 1140 tonnes of salt, 195 tonnes of sulphur, 3 tonnes of iron, 1.8 tonnes of manganese, 440 kg of zinc and 380 kg of nickel to the Wollangambe River. Transferring this contamination problem out of the Wollangambe River into the Coxs River will only create additional risks for aquatic life, the environment, and Sydney drinking water consumers.
- **Springvale LDP006** – Discharge from Dam 3 at Springvale Pit Top into Springvale Creek. The EPA issued non-compliances on EPL3607 when the Volume limit of 10,000 KI/day was exceeded in

2022; in 2023 it exceeded the Turbidity limit of 50 NTU (157 NTU), pH limit of 6.5-9 ( 9.8), and Total Suspended Solids limit of 30 mg/L (44 mg/L). On 23 February 2015 the EPA issued Springvale Colliery with a \$15,000 penalty after a pipe blockage on 12 September 2014 and failure to clean the dam for over 10 years contaminated a downstream wetland.

- **Lidsdale Coal Loading Facility EPL5129** –LDP004 was issued with non-compliances for exceeding oil & grease limits in Jan 2015 when 37mg/L was recorded, exceedances of Total Suspended Solids (33 mg/L and 122 mg/L versus Licence limit of 30 mg/L), and for non-sampling. In 2014 a Pollution Reduction Program was entered into when hydrocarbon contamination sourced from a former aboveground fuel storage tank contaminated groundwater, soil and sediment and had migrated offsite.
- **Angus Place Colliery EPL467** – although closed for almost 10 years (since March 2015), this mine continues to pump huge volumes of groundwater from Newnes Plateau via the Springvale Transfer, and discharge contaminated water from the pit top area. On 11 June 2018 LEG recorded a Solcenic oil spill at LDP002. Most recently EPL467 recorded 17 non-compliances in 2023 for Failure to Monitor various Licenced Discharge Points (LDPs), each and every one of which may have involved exceedances of licence limits for various water quality parameters.
- **Kerosene Vale Ash Repository (KVAR)** – former Wallerawang Power Station ash repository now managed on behalf of NSW Treasury by GPM. In July 2024 LEG reported high Turbidity >200NTU at Monitoring Point WX7 despite no rain. The Springvale Transfer LDP009 discharge in this creek recorded non-compliances for exceeding Salinity, TSS, Arsenic, Aluminium, Copper, and Zinc.
- **Energy Australia Monitoring Point 12** – Mount Piper Power Station claims to be zero discharge facility, yet the creek flowing under the Castlereagh Hwy downstream of Monitoring Point 12 and the coal stockpile has regularly exceeded the Turbidity limit of 30 NTU, most recently 65 NTU on 21 November 2024, and 380 NTU on 2 December 2024. A river of salt was recorded by LEG adjacent Mount Piper Ash Repository flowing under the Castlereagh Hwy on 9 April 2016. Salinity levels were too high to measure with standard instruments (ie.>10,000 µS/cm). LEG has also recorded large discharges of warm water exceeding the limits of our Electrical Conductivity meter, for example in 2007 when the EPA issued a non-compliance for *'Uncontrolled discharge into Neubecks Creek from Mount Piper cooling tower #1 following blockage of filter screens'*.
- **Mount Piper Ash Repository** has been leaching into Neubecks Creek for many years, though was only formally acknowledged by Energy Australia in 2017. Attempts to stem this seepage using Salt Interception Boreholes failed. Neubecks Creek has invariably recorded Salinity >2000 since 2016. NOW Gauge 212055 on Neubecks Creek recorded 4165.9 EC on 9 February 2020.

- In 2015 the NSW Planning Assessment Commission (**PAC**) set the long-term water quality objective for the Upper Coxs River catchment at 350µS/cm in Schedule 4, Condition 13 of the Springvale Mine Extension Project approval (SSD 5594) (PAC, 2015). That objective has never been achieved. Approval of this MOD 11 will be in conflict with that Consent Condition 13.

Licence conditions on coal mines in NSW are below best practice measures needed to protect human health and the environment. Australian drinking water standards fall below global standards, and World Health Organisation benchmarks must be adopted in NSW when setting licence limits.

A study of eight Australian coal mines showed that coal waste increased nickel levels in nearby waterways by 25 times, zinc by over 9 times, and salinity by more than 6 times. (*Belmer N, Wright I, The regulation and impact of eight Australian coal mine waste water discharges on downstream river water quality: a regional comparison of active versus closed mines.*) These pollutants are harmful to aquatic plants and animals, causing metals to build up in the food chain and reducing the variety of species in rivers. <https://researchdirect.westernsydney.edu.au/islandora/object/uws:59218/>

This is why LEG believes MOD 11 must not be considered as a stand-alone project. How can the IPC –

- Possibly ignore or separate from the decision-making process the “*worst point source of waste*” in the Warragamba drinking water catchment (Dr Ian Wright, ABC News on 7 November 2023, Western Coal Services LDP001)?
- How can the IPC ignore or isolate from the decision-making process that Clarence Colliery may soon be discharging up to 30ML/day into the Coxs River catchment via the CWPP, in addition to the 42ML/day proposed by MOD 11 – a staggering 72 ML/day of salt and metalloid loaded pollution into an already heavily contaminated aquatic environment?
- How can a 42-fold or 72-fold increase in minewater volumes possibly have a Neutral or Beneficial Effect on water quality in the Coxs River and Sydney Drinking water catchment???

The EPA must conduct a broad ranging inquiry into all of Centennial/EnergyAustralia operations in the Lithgow LGA before approval of MOD 11, to identify the most effective measures to minimise, eliminate, and/or adequately treat over 50 ML/day of mine water discharged from these operations.

#### **4. THE LOCAL COMMUNITY IS GENUINELY CONCERNED ABOUT WATER QUALITY AND CATCHMENT PROTECTION**

Despite what Centennial/Energy Australia may be saying to NSW Planning behind closed doors or may be trivialising local water quality issues, the Lithgow community has a deep, long-standing, and genuine concern about water quality and catchment protection in the local area.

The **Lithgow City Council strategic plan** (“*Our Place, Our Future Community Strategic Plan 2030*”, January 2017) identified that **88%** of respondents wanted to see the provision of access to clean safe water and catchment and waterway protection as a priority project for the Local Government Area, with Lithgow Council committing to that as a 10-year strategic goal. The Farmers Creek masterplan was seen as an important step in this direction.

**The Water NSW Sydney Catchment Audit 2019-2022** included a case study on the Upper Cox River catchment, and a photo of Western Coal Services LDP1 as an example. A Recommendation included *“Strategic investigation of cumulative impacts is recommended within the Upper Coxs River sub-catchment that considers WaterNSW monitoring results together with results of EPL compliance monitoring.”* The Audit also acknowledged Lithgow Community concerns about catchment and waterway protection, and conducted a site visit to works as part of the Farmers Creek masterplan.

**The 2010 Sydney Catchment Audit** included a Case Study of the Upper Coxs River Catchment and Recommendation 4: *DECCW review licence limits in the Upper Coxs sub-catchment for all licenced discharge points with a view to reducing the heavy metal and salinity concentrations and loads being discharged into the Coxs River Catchment.*

**In 2017 the community group 4Nature** took legal action to protect water quality in the Coxs River catchment (*4Nature Incorporated vs Centennial Springvale Pty Ltd* <https://nswlr.com.au/view/95-NSWLR-361>). 4Nature argued that the PAC approval of the Springvale Mine Extension in 2015 was unlawful because it could not be satisfied the development would have a Neutral or Beneficial Effect (NorBE) on water quality. The NSW Court of Appeal found that the PAC approval was unlawful. The NSW Parliament then passed a bill which retrospectively validated the PAC’s approval of the mine.

**In 2009 Blue Mountains Conservation Society (BMCS)** took legal action against Delta Electricity to cease pollution of the Coxs River (<https://nswlr.com.au/view/81-NSWLR-407>). BMCS has over 800 members. The case centred on Wallerawang Power Station’s No. 8 cooling tower blowdown discharge via the ‘Tortuous Watercourse’ into the Coxs River. The Springvale Transfer was also discharging minewater into the ‘Tortuous Watercourse’ at that time. After 2 years the case was finally settled out of court when Delta admitted to polluting waters in breach of the POEO Act, and agreed to apply to the EPA to vary its licence to specify maximum concentration levels for copper, zinc, aluminium, boron, fluoride, arsenic, salt and nickel.

LEG has links to the **recreational fishing** fraternity. Thompsons Creek Reservoir is widely recognised as the best local fishing lake for trophy rainbow and brown trout. Many have raised concerns about the

potential impacts that increased salinity and heavy metal pollution may have on trout, insects such as mayfly's, and macroinvertebrates that rainbow and brown trout rely upon as a food source.

**Fish Kills** have been a regular occurrence in the upper Coxs River. Many local residents choose to report these to Lithgow Environment Group because they are aware of our ongoing work to protect water quality. We forward those concerns on to the EPA, however receive very limited feedback.

Lithgow Environment Group Inc. (LEG) was formed in 2005, a trigger being the threat to a **Platypus** colony in Marrangaroo Ck, hence the Platypus on our logo. LEG engaged a professional Facilitator to determine what LEGs key priorities should be. Protection of water quality in natural waterways was the key priority, which is why LEG joined the SCA Streamwatch program in 2006. LEG has continued water monitoring ever since. We receive more inquiries about water quality than any other issue.

**Community engagement:** LEG has actively engaged with Centennial and Energy Australia on water quality issues, including having representatives on the Energy Australia Western Region CCC for 17 years; regular stakeholder meetings with Centennial regarding various local mines; lodged submissions and attended inspections of the Springvale-Mount Piper Water Treatment Plant (SWTP); lodged submissions and attended an inspection with IPC Commissioners of proposed MOD 6, 9, & 10 residuals increase; representative on Lambert's Gully Mine (now Western Coal Services) CCC; Pine Dale Mine CCC; Lithgow Council Environmental Advisory Committee, and more.

Management of local water resources continues to be a key community concern in Lithgow. LEG receives more enquiries about it than any other issue. The Department for Planning must take water quality concerns very seriously, call for a broad ranging inquiry into all current and likely future mine water discharges into the Coxs River, and work with Centennial, Energy Australia, government agencies, and stakeholder groups to identify the most effective measures to minimise, eliminate, and/or adequately cleanse over 50 ML/day of mine water discharged from these operations.

## **5. ENERGY AUSTRALIA MUST BE REQUIRED TO COMPLY WITH ITS WATER ACCESS LICENCE**

Condition 4 of Energy Australia's *Water Access Licence* No. 27428 for Mount Piper PS clearly states – *"The Licence Holder must not take any water from the Coxs River under this access licence unless the Licence Holder has first used all available mine water from its storages for the purpose of power generation."*

Yet Mount Piper PS is still using water from the Fish River Supply (Oberon Dam & Duckmaloi Weir), and is clearly trying to avoid using mine water from the SWTP.

The best quality water must be reserved for drinking water. The Fish River is the best quality local water.



LEG can appreciate that Energy Australia do not want to pay for cleaning up Angus Place/Springvale's contaminated mine water via the SWTP. The polluter should pay, and Centennial is the polluter.

However Energy Australia and Mount Piper Power Station are not entirely innocent, as a proportion of the salinity and metalloid pollution issues in the upper Cocks River catchment can be related back to saline seepage and other issues associated with Kerosene Vale and Mount Piper Ash Repository's.

Furthermore Energy Australia is the only domestic customer for Centennial's coal, in all likelihood Springvale Colliery would close and Angus Place Colliery would not reopen without Mount Piper PS being the only customer, and therefore Energy Australia must share some responsibility for the swamp deaths, desiccated creeks, subsidence impacts, and water pollution caused by these coal mines.

However clean drinking water is a scarce commodity, is likely to become scarcer in future; aquifer drawdown, loss of base flow in local streams, and pollution impacts of mine dewatering are likely to be permanent. Groundwater contamination from power station ash repository seepage, and ongoing pollution from highly saline cooling tower blowdown brine will persist in the environment forever.

The SWTP was built for all the right reasons, and should be fully utilised for the purpose intended. Mount Piper Power Station does not need to use the best quality drinking water for cooling, other power stations use seawater. Energy Australia must be required to use minewater or wastewater rather than allowing it to be discharged into local waterways.

The best quality local water occurs in Farmers Creek, State Mine Creek, Marrangaroo Creek, Dingo Creek, Bungleboori Creek, Carne Creek, and Dargan Creek. Mining must not be allowed to pollute, drain, or desiccate these creeks, and they must be reserved for future drinking water needs.

Recent contamination of Medlow Bath Dam and Greaves Creek Dam with 'forever chemicals' (PFAs) provides a cautionary lesson. Alternative clean drinking water sources for the Blue Mountains, Lithgow, and Greater Sydney Basin may be urgently required sooner than expected. The Fish River provides the best water to Lithgow and Blue Mountains, and must be reserved for drinking water only.

Industrial water users such as Energy Australia must be required to cease taking top quality drinking water from the Fish River and elsewhere, and be required to use 100% minewater and wastewater.

## **6. CENTENNIAL'S CULTURE OF NON-COMPLIANCE**

Centennial has a history of manufacturing a crisis to blackmail the government into weakening environmental compliance and/or approve unpalatable proposals. In this case they claim that MOD 11 must be urgently approved because Mount Piper PS has a scheduled outage in April. In Angus

Place MOD 5 Centennial claimed that coal would be sterilised and equipment lost if that proposal wasn't urgently approved. The 2015 Springvale Extension saw Centennial delay and delay providing answers to government agencies, and then pull a media stunt claiming the mine would close and all jobs would be lost unless the DA was urgently approved. The government once again caved in.

The SWTP has been breaching its Consent Conditions for years by discharging up to 47% of Angus Place/Springvale minewater into the Coxs river via unauthorised unlicensed discharge points.

And Centennial have a poor compliance record with environmental and other legislation locally -

- **1434** POEO Licence non-compliances at 7 sites (<https://apps.epa.nsw.gov.au/prpoeoapp/>) including -
  - Airly Mine – **6** POEO Licence non-compliances on EPL12374 from 2010-2023;
  - Angus Place Colliery – **139** POEO Licence non-compliances on EPL467 from 2000-2023;
  - Charbon Colliery – **45** POEO Licence non-compliances on EPL528 from 1999-2021;
  - Clarence Colliery - **156** POEO Licence non-compliances on EPL726 from 2000 – 2023;
  - Lidsdale Coal Loading Facility – **40** POEO Licence non-compliances on EPL5129, 1999-2023;
  - Springvale Colliery – **1,027** POEO Licence non-compliances on EPL3607 from 2000-2023;
  - Western Coal Services – **21** POEO Licence non-compliances on EPL21229 from 2019-2023;
  
- Prevention Notice & Clean-up Notice, Clarence Colliery. On 22 December 2023 EPA officers sighted turbid water discharging from the Premises via the Main Dam and into the Wollangambe River. The EPA also suspected there was a build-up of coal fines/coal material in the Polishing Lagoon, and Main Dam. This incident was not reported by Centennial, but by LEG. <https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=1&SYSUID=1&LICID=726>
  
- Enforceable Undertaking: \$150,000. Airly Mine. In 2022 Centennial breached its Development Consent causing major irreversible fractures in the Mugii Murum-ban State Conservation Area. The Department of Planning & Environment imposed a \$150,000 Enforceable Undertaking on Centennial. The company has since mined outside its approved area, which is a Class 1 reportable offence under the NSW EP&A Act. <https://www.planning.nsw.gov.au/sites/default/files/2023-02/signed-enforceable-undertaking-by-centennial-airly-pty-ltd.pdf>
  
- Enforceable Undertaking: \$1,217,336.50, Clarence Colliery, 9 August 2024. On 2 November 2021 two workers at Clarence Colliery suffered serious injuries including multiple spinal fractures when struck by falling roof material. Clarence Coal must spend a minimum of \$1,217,336.50, excluding

GST. <https://www.resourcesregulator.nsw.gov.au/news-articles/whs-undertaking-accepted-from-clarence-coal-pty-limited>  
<https://www.resourcesregulator.nsw.gov.au/sites/default/files/2024-08/enforceable-undertaking-clarence-coal-redacted.pdf>

- Enforceable Undertaking: \$540,000, Springvale Colliery 10 December 2020. The operator of Springvale Colliery near Lithgow has committed to spending approximately \$540,000 as part of an enforceable undertaking after a worker was injured during a workplace incident in 2019. <https://www.resources.nsw.gov.au/news-articles/enforceable-undertaking-accepted-following-springvale-colliery-incident>
- Penalty - 6 March 2018 - Springvale Colliery was fined \$15,000 by DPIE for causing significant vegetation damage in Sunnyside Swamp. <https://www.planning.nsw.gov.au/News/2018/Department-fines-Springvale-Coal-Mine-for-environmental-damage>
- Prosecution 2017 - \$1,050,000. Clarence Colliery. The EPA prosecuted Centennial after Coal Reject Emplacement Area (REA) 3 spilled 2,330 tonnes of coal-fines into the Wollangambe River and caused damage within the Greater Blue Mountains World Heritage Area (GBMWhA). <https://www.epa.nsw.gov.au/newsletters/epa-connect-newsletter/spring-october-2017/coal-spill-into-world-heritage-area-costs-clarence-colliery-more-than-3-million>
- Prosecution - \$175,000 - 18 August 2016 - Centennial Charbon Colliery was *fined* \$175,000 for damage to the location of Indigenous Heritage site CH-OS6. <https://www.caselaw.nsw.gov.au/decision/57b40401e4b0e71e17f53731>
- Penalty Notice - \$15,000, Springvale Colliery. In 2015 Centennial was fined \$15,000 when toxic coal sludge was illegally discharged from Springvale Colliery sediment storage ponds into downstream wetlands. <http://www.medianet.com.au/releases/release-details/?id=822290>
- Penalty Notice 3085772169. 30 May 2013 – Springvale Colliery EPL3607 - Contravene of Part 5 pt 7 of the Protection of the Environment Operations Act 1997 – Corporation. <https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=3607&id=1516815&option=notice&range=POEO%20licence&noticetype=>
- Penalty Notice 3085772178. 30 May 2013 – Springvale Colliery EPL3607 - Contravene any condition of licence - not noise – corporation.

<https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=3607&id=1516817&option=notice&range=POEO%20licence&noticetype=>

- Penalty Notice 3085769620. 19 March 2013 – Charbon Colliery EPL528 - Contravene any condition of licence relating to noise – corporation.  
<https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=528&id=1512944&option=notice&range=POEO%20licence&noticetype=>
- Penalty Notice, 26 March 2012. Clarence Colliery breached its manganese limit as the treatment plant couldn't cope with increased minewater inflow. The mine was fined \$1500.  
<https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=726&id=1509912&option=notice&range=POEO%20licence&noticetype=>
- Enforceable Undertaking: \$1,450,000. In 2011 Centennial Angus Place & Springvale Mines acknowledged that the Federal Environment Minister considered its mining operations had significantly impacted upon Temperate Highland Peat Swamps on Sandstone (THPSS) in Narrow Swamp, East Wolgan Swamp, and Junction Swamp. Centennial entered into a \$1.45 million Enforceable Undertaking under s486DA of the EPBC Act. These swamps have not recovered.  
<http://laptop.deh.gov.au/about/media/dept-mr/dept-mr20111021.html>
- 2 February 2010 - Angus Place Colliery was convicted and fined \$288,000 plus costs in the Industrial Court of NSW after a fatality at the mine.  
<https://www.caselaw.nsw.gov.au/decision/549f77c83004262463a89ccf>
- 25 October 2010 - Centennial Newstan P/L. Pollute Waters. Ordered to pay \$105,000 to Lake Macquarie City Council for an Ecosystem Enhancement Operations Program and publicise details of the offence in the Sydney Morning Herald and Newcastle Herald. Also ordered to pay investigation costs of \$10,000. <https://apps.epa.nsw.gov.au/casesapp/ProsecutionDetails.aspx>
- 30 November 2007 - Clarence Coal P/L and Centennial Coal Company Ltd were each fined \$80,000 under the OH&S Act after a worker received serious injuries resulting in paraplegia.  
<https://www.caselaw.nsw.gov.au/decision/549f81113004262463ab2c92>
- 31 October 2006 – Centennial Newstan P/L. Pollute waters. Ordered to pay \$50,000 for works toward rehabilitating LT Creek at Fassifern and publicise details of the offence in the Sydney Morning Herald and Newcastle Herald.  
<https://apps.epa.nsw.gov.au/casesapp/ProsecutionDetails.aspx>

- November 2004 - EPA issued Clarence Colliery with a Penalty Notice and \$1500 fine for breaching the filterable manganese limit of EPL726 on 18 October 2004.  
<https://apps.epa.nsw.gov.au/prpoeoapp/>
- 1981 - during construction of the main storage dam and polishing dam, Clarence Colliery was prosecuted by the State Pollution Control Commission (SPCC) for failing to prevent water pollution of the Wollangambe River.

The DPHI and IPC must consider Centennials environmental track record in approving this MOD 11, because the adverse impacts on water quality will potentially be very large and very long-lasting.

#### **7. CHRONIC UNDER-REPORTING OF INCIDENTS OF ENVIRONMENTAL HARM**

Not only does Centennial have a poor compliance record, but many incidents of environmental harm were not prosecuted because they were not reported as required under various legislation. The unlawful discharge of excess SWTP water via unauthorised discharge points is one such case.

LEG has detailed many of these incidents in previous submissions, so will not duplicate them here. However the DPHI and IPC must consider the potential for ongoing failure-to-report type incidents in assessing MOD 11 and in structuring the Consent Conditions.

#### **8. PREVIOUS LEG SUBMISSIONS MUST BE TAKEN INTO CONSIDERATION IN ASSESSING MOD 11**

LEG and our legal advisers Environmental Justice Australia (EJA) have lodged a number of recent submissions which we believe are intrinsically related and relevant to this SSD-7592 (MOD 11). Some of those (eg. SSD-5579-Mod-5 Water Transfer from Angus Place to Springvale Coal Pty Ltd, and MP06\_0021-Mod-8 Water Transfer to Western Coal Services) have been withdrawn. Others (eg. MP06\_0021 Angus Place Modification 9) appear to be on-hold.

We believe these MODs should be withdrawn and consolidated into a large all-encompassing EIS covering the entire Angus Place/Springvale Colliery operations relating to water extraction/disposal. Regardless, LEG and the EJA put an enormous effort into those submissions, including engaging Dr Ian Wright to prepare a report on the proposed discharge of 10ML/day of Angus Place minewater into Wangcol Creek, which we believe is highly relevant to this MOD 11. Included were many references supporting the information provided in this submission, which we have not duplicated.

The DPHI and IPC should not dismiss nor ignore the EJA or LEGs previous submissions.

Previously LEG lodged submissions on the 2015 Springvale Extension; Springvale-Mount Piper Water Treatment Plant; Angus Place PA 06\_0021 Modification 5 in 2018; and many others which we believe are highly relevant to this SSD-7592 (MOD 11).

LEG could attach all of those prior submissions as appendices to this submission, however consider that NSW Department of Planning, Housing & Infrastructure (**DPHI**) and **IPC** have been provided with that information, and duplication is unnecessary. We will rely on that information in Court if required.

## **CONCLUSION**

This proposal represents a huge backwards step, and is an affront to LEG volunteers and the many other community members who fought for 20 years to stop the Coxs River being a mining drain. We won't stand by and allow the gains made to be eroded away by Centennial or Energy Australia. LEGs water quality data over that time can be viewed here

<https://www.lithgowenvironment.au/docs/leg-streamwatch-database-sep24.pdf>.

The proposed Modification cannot possibly meet the NorBE test for receiving waters. A true, correct and fully independent NorBE test must be conducted by the EPA, NOW, or other qualified agency.

The ANZECC (2000) Guideline upper limit for salinity in an inland waterway is 350 EC, natural background levels are 30 EC, and the proposed discharges of 650 – 1200 EC are totally unacceptable.

This Modification must not be approved because retrospectively approving unlawful unauthorised unlicensed discharges by Centennial sets an unacceptable legal precedent. These unlawful discharges must be prosecuted to the full extent of the law before any approval is even considered.

In the meantime the EPA must undertake a broad ranging inquiry into all aspects of Centennial and Energy Australia's operations relating to groundwater and surface water extraction; and minewater, wastewater, and highly saline brine disposal in the Lithgow LGA - to identify the most effective measures to minimise, eliminate, and/or adequately cleanse over 50 ML/day of mine water and other wastewater discharged from these operations.

Thank you for the opportunity to comment on this Proposal.

Yours sincerely,

Chris Jonkers  
Vice President  
Lithgow Environment Group Inc.