

Summary of 2023 IEA Findings and TCM's Response

Item No	Assessment Requirement	Comment	Audit Classification	Auditor Recommendation	TCM Response/Action
Environmental Protection Licence 12365					
L1.1 L2.1 L2.2	<p>L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p> <p>L2.1 For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.</p> <p>L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.</p>	<p>Auditor review of Annual Returns identified two incidents of non-compliances during the audit period.</p> <p>TCM had a wet weather discharge event from LDP 3 on 23 March 2021. Rainfall was recorded to be 33.4mm in the previous 5 day period, which is lower than the 38.4 mm threshold listed in L2.5. TSS value was recorded to be 5,670 mg/L (licence limit: 50 mg/L) and a pH level of 8.62 (licence limit: 6.5-8.5, condition L2.2). EPA issued a Penalty Notice on 30 September 2021 (ref 3173530609).</p> <p>TCM had another wet weather discharge event from LDP 3 (SB28) on 8 December 2021. TSS value was recorded to be 190 mg/L. Rainfall was recorded to be 37.2mm in the previous 5 day period, which is lower than the 38.4 mm threshold listed in L2.5. Environmental superintendent advised that EPA did not take any actions directly resulted from this event. However, the June 2023 variation of the EPL added Pollution Studies and Reduction Programs which outlined the work required to improve the performance of the dams.</p>	NC	Continue the work for Section 8 of the EPL (condition U1-U15), Pollution Studies and Reduction Programs to ensure sufficient dam capacity to hold the required volume of water to prevent discharges from reoccurring.	TCM has been working according to the EPA recommendations and revised EPL conditions (Conditions U1-15) to mitigate some of the issues that contributed to the non-compliant discharge events. Upgrades have been made to the Water Management System that will mitigate against reoccurrences of these events. These upgrades will continue to be implemented in 2023.
O5.1	<p>Offensive blast fume must not be emitted from the premises.</p> <p>Definition: <i>Offensive blast fume</i> means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or</p>	<p>Environmental Superintendent reported two blast events triggering non-compliances.</p> <p>A blast event on 7 June 2021 with level 3B fume contained and dissipated within the premises which triggered a complaint from a member of the community. TCM did not report the incident to the EPA. An Official Caution was issued by the EPA on 27 May 2022.</p>	NC	TCM investigated the cause and has made changes to the product mix and application to minimise the event reoccurring. Beyond the two noted events in 2021, no further events were noted during the audit period.	Noted. Item closed.

Item No	Assessment Requirement	Comment	Audit Classification	Auditor Recommendation	TCM Response/Action
	<p>quality, or the time at which they are emitted, or any other circumstances:</p> <p>(i) are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or</p> <p>(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.</p>	<p>A blast event on 16 December 2021 with level 3C fume emitted over the northern boundary of the premise. This event was reported to the EPA by TCM. A Penalty Notice was issued to the Site on 20 July 2022.</p> <p>Environmental Superintendent advised that no further non-compliances has been recorded since the above two events.</p>		<p>As the issue has not reoccurred post rectification measures, no further recommendation is made beyond to ensure blasts are carried out in a manner not to cause offensive blast fume. Comply with the EPL condition and follow the Blast Management Plan 2022.</p> <p>Ensure any offensive blast fume are reported to the EPA within 7 days as per condition R2.2.</p>	
M2.4	<p>For the purposes of the table(s) above Special Frequency 1 means the collection of samples as soon as practicable after a discharge from points 1, 2, 3, 24, 26, and 27 commences and in any case not more than 12 hours after a discharge commences.</p>	<p>Auditor review of the Wet Weather Discharge Results Register. The register recorded the date and time of the sampling. However, the records of the date and time of the discharges were not complete. The time of discharge was not recorded in most records, and the date of discharge was only recorded since July 2021 and not for the entire audit period. Most records shows that samples were collected on the same day in most discharge events except 19 August 2021.</p> <p>Without the time of discharge recorded, samples collected on the same day can only shows that collection of samples were within 24 hours but cannot indicate that if the sampling were within 12hours after a discharge commenced.</p> <p>Environmental Superintendent advised that the controlled releases involved actively pumping to discharge and sampling is conducted at the same time. Sampling was only done at a different time when the discharge began for uncontrolled releases.</p> <p>No non-compliances on this condition were recorded in the Annual Returns.</p>	C (Obs)	<p>TCM have advised that they have already implemented the recording of discharge times for controlled releases for completeness of sampling data.</p> <p>No further action required.</p>	<p>TCM have updated the relevant procedures to include noting the time of discharge and the time of sampling as different events.</p> <p>No further action required.</p>
M4.2	<p>The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in this section.</p>	<p>The site engages third-party contractors to conduct physical screening field check and calibration on the weather station.</p> <p>The field check required compound grass to be below 10cm shows that the compound grass was found to require maintenance in some instances (25 August 2022, 17 March 2021, 2 December 2020). TCM stated</p>	C (Obs)	<p>Continue to ensure the compound grass is maintained below 10cm as per field check requirements.</p>	Noted. Item closed.

Item No	Assessment Requirement	Comment	Audit Classification	Auditor Recommendation	TCM Response/Action
		they routinely respond to these field check observations and perform required maintenance as required. Other check items passed the checks.			
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred. Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	A blast event on 7 June 2021 was recorded with a level B fume. TCM stated that the fume did not was contained to and dissipated within the premise. On this basis TCM did not report the blast event to the EPA. On 18 June 2021 the EPA received a complaint from the community regarding the blast. Following an investigation, the EPA issued TCM with an official caution on 27 March 2022 which included the requirement for TCM to report such blast fume events to the EPA as required by the CoA as the EPA considered it to be a reportable event.	NC	Ensure to notify EPA within seven days of the occurrence of any events or incidents.	TCM has reviewed and updated the Blast Management Plan in 2022. TCM will ensure the EPA is notified within seven days of the occurrence of any events or incidents deemed to be a non-compliance or reportable incident. No further action required.

Minister's Conditions of Approval PA 11_0047

Sch 3.22	Unless otherwise authorised by an EPL, the Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Two blast fume events were recorded during the audit period as below: - A blast event on 7 June 2021 with level 3B fume contained and dissipated within the premises which triggered a complaint from a member of the community. TCM did not report the incident to the EPA. An Official Caution was issued by the EPA on 27 May 2022. - A blast event on 16 December 2021 with level 3C fume emitted over the northern boundary of the premise. This event was reported to the EPA by TCM. A Penalty Notice was issued to the Site on 20 July 2022. WHC undertook an internal investigation and found the explosive product mix for the blast to be the cause. WHC since amended blast preparation mix to minimise any further blast fume issues.	NC (Duplicate with EPL 05.1)	Duplicate NC. As per recommended action above for EPL - 05.1	Noted. Item closed.
Sch 3.33	The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.	Refer to finding L2.1, L2.2 and L2.5 below in EPL summary.	NC (Duplicate with EPL L1.1, L2.1 and L2.2)	Duplicate NC. As per recommended action above for EPL - L1.1, L2.1 and L2.2	Noted. Item closed.

Item No	Assessment Requirement	Comment	Audit Classification	Auditor Recommendation	TCM Response/Action
Statement of Commitments					
No non-compliances have been identified.					
Mining Leases 1579, 1693, 1685, 1749 (1 August 2020 to 1 July 2022)					
ML 1579 Condition 16	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	<p>Auditor reviewed the evidence and inspected the site with reference to the EPL as described in Appendix A2. During the time period that this version of the ML is valid, the site had a number of non-compliance under the EPL:</p> <ul style="list-style-type: none"> a wet water discharge event (on ML 1579) on 23 March 2021 with exceedances in TSS value and pH level. EPA issued a Penalty Notice on 30 September 2021 (ref 3173530609). A wet water discharge event (on ML 1579) on 8 December 2021 with TSS value exceedance Blast event on 7 June 2021 with level 3B fume. An Official Caution (3502682) was issued by the EPA on 27 May 2022. Blast event on 16 December 2021 with level 3C fume emitted over the northern boundary. A Penalty Notice (3503245) was issued to the Site on 20 July 2022. <p>These events have resulted in various Notices and Cautions from the EPA.</p> <p>TCM has been working according to the EPA recommendations and revised EPL conditions to mitigate some of the above issues.</p>	NC (Duplicate with EPL L1.1, L2.1, L2.2 and O5.1)	Duplicate NC. As per recommended action above for EPL - L1.1, L2.1, L2.2 and O5.1.	TCM has been working according to the EPA recommendations and revised EPL conditions to mitigate some of the issues that contributed to the non-compliant discharge events. Upgrades have been made to the Water Management System that will mitigate against reoccurrences of these events. These upgrades will continue to be implemented in 2023.
ML 1579 Condition 21b	The lease holder must not cut, destroy ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003.	The Environmental Superintendent advised that a portion of land was cleared in March 2022 which was not approved for clearing. The Department of Planning and Environment issued a Notification on 19 April 2022 responding to the incident. TCM updated the BMP to include a boundary marking protocol with the use of continuous flagging tape as required by the notification.	NC	Follow vegetation clearing boundary marking protocol and use continuous flagging tape.	TCM updated the Biodiversity Management Plan in 2022 to include a Boundary Marking Protocol and use continuous demarcation at certain boundaries. TCM has also implemented a real time location marking protocol with the use of spatial data displayed on tablets in the field in real time. This has assisted in preventing operator error from

Item No	Assessment Requirement	Comment	Audit Classification	Auditor Recommendation	TCM Response/Action
					allowing clearing beyond demarcated boundaries. No further action required.
ML 1693 Condition 2	<p>(a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease.</p> <p>(b) For the purposes of this condition:</p> <p>(i) environment means components of the earth, including:</p> <p>(A) land, air and water, and</p> <p>(B) any layer of the atmosphere, and</p> <p>(C) any organic or inorganic matter and any living organism , and</p> <p>(D) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C).</p> <p>harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological</p>	<p>Auditor reviewed the evidence and inspected the site with reference to the EPL as described in Appendix A2. During the time period that this version of the ML is valid, the site had a number of non-compliance under the EPL:</p> <ul style="list-style-type: none"> Blast event on 7 June 2021 with level 3B fume. An Official Caution (3502682) was issued by the EPA on 27 May 2022. Blast event on 16 December 2021 with level 3C fume emitted over the northern boundary. A Penalty Notice (3503245) was issued to the Site on 20 July 2022. <p>These events have resulted in various Notices and Cautions from the EPA.</p> <p>TCM has been working according to the EPA recommendations and revised EPL conditions to mitigate some of the above issues.</p>	NC (Duplicate with EPL O5.1)	Duplicate NC. As per recommended action above for EPL - O5.1.	Noted. Item closed.

Item No	Assessment Requirement	Comment	Audit Classification	Auditor Recommendation	TCM Response/Action
	communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.				
ML 1693 Condition 5	<p>The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997.</p> <p>Definitions Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the Protection of the Environment Operations Act 1997.</p>	<p>A blast event on 7 June 2021 with level 3B fume contained and dissipated within the premises which triggered a complaint from a member of the community.</p> <p>TCM did not report the incident to the EPA. An Official Caution was issued by the EPA on 27 May 2022.</p>	NC (Duplicate with EPL R2.2)	Ensure environmental incidents are notified to the Secretary within seven days of those environmental incident notifications and reports are provided to the relevant authorities.	<p>TCM will ensure the Secretary is notified within seven days of the occurrence of any events or incidents deemed to be a non-compliance or reportable incident.</p> <p>No further action required.</p>
ML 1685 Condition 5	<p>The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997.</p> <p>Definitions Environmental incident notifications and reports means any notifications and reports required to be provided to relevant authorities under Part 5.7 or Part 5.7A of the Protection of the Environment Operations Act 1997.</p>	<p>A blast event on 7 June 2021 with level 3B fume contained and dissipated within the premises which triggered a complaint from a member of the community.</p> <p>TCM did not report the incident to the EPA. An Official Caution was issued by the EPA on 27 May 2022.</p>	NC (Duplicate with EPL R2.2)	Ensure environmental incidents are notified to the Secretary within seven days of those environmental incident notifications and reports are provided to the relevant authorities.	<p>TCM will ensure the Secretary is notified within seven days of the occurrence of any events or incidents deemed to be a non-compliance or reportable incident.</p> <p>No further action required.</p>
ML 1749 Condition 5	The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the	A blast event on 7 June 2021 with level 3B fume contained and dissipated within the premises which triggered a complaint from a member of the community.	NC (Duplicate with EPL R2.2)	Ensure environmental incidents are notified to the Secretary within seven days of those environmental incident notifications and reports are	TCM will ensure the Secretary is notified within seven days of the occurrence of any events or incidents deemed to be a non-compliance or reportable incident.

Item No	Assessment Requirement	Comment	Audit Classification	Auditor Recommendation	TCM Response/Action
	relevant authorities under the Protection of the Environment Operations Act 1997.	TCM did not report the incident to the EPA. An Official Caution was issued by the EPA on 27 May 2022.		provided to the relevant authorities.	No further action required.
Mining Licence 1570, 1693, 1685, 1749 (2 July 2022 to 26 July 2023)					
12.	<p>Certain documents to be publicly available</p> <p>(1) This clause applies to the following documents—</p> <p>(a) a rehabilitation management plan,</p> <p>(b) a forward program,</p> <p>(c) an annual rehabilitation report.</p> <p>(2) The holder of a mining lease must make a document to which this clause applies publicly available by—</p> <p>(a) publishing it on its website in a prominent position, or</p> <p>(b) if the holder does not have a website—providing a copy of it to a person—</p> <p>(i) on the written request of a person, and</p> <p>(ii) without charge, and</p> <p>(iii) within 14 days after the request is received.</p> <p>(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—</p> <p>(a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or</p> <p>(b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,</p> <p>(4) Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.</p>	<p>It was noted during the audit site component that the Annual Rehabilitation Report, 7-3-2023 was at the time not on the website. Therefore, it was not published within 14 days as per (3b). It was noted that report though had been submitted to the NSW Resources Regulator as required.</p> <p>Upon becoming aware of this, WHC published the report to the website and entered a notification reminder into the CMO. WHC also notified the department that report was not published within stated time period.</p>	NC	<p>Recommend TCM maintain notification reminder within CMO to ensure all required documents are published to the website in accordance with this condition.</p> <p>No further action required.</p>	<p>TCM will maintain a notification reminder within Compliance Management System, CMO, to ensure all required documents are published to the website in accordance with this condition.</p> <p>No further action required.</p>