

Werris Creek Coal - Independent Environmental Audit Action Plan 2023

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation	Werris Creek Coal Response	Timeframe
Project Approval – PA 10-0059 – MOD3						
No NC's identified						
Statement of Commitments						
No NC's identified						
Environment Protection Licence – EPL 12290						
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.	Non-Compliant	<p>Discharge samples taken at EPL12 (SB11), EPL 12 (SB16) and EPL10 (SB3) on 28th September and 30th September 2022 returned TSS readings above 50mg/L at 117, 112 and 63 mg/L respectively. These readings were inconsistent with compliant <50mg/L preliminary samples from the dam obtained pre-discharge (20, 41 and 9mg/L). This occurred 3 times.</p> <p>An investigation found the discharge samples were affected by a sampling issue – leading to unrepresentative readings. In correspondence with the EPA these samples were deemed as a technical limit exceedance.</p> <p>However, based on a compliant preliminary sample and prompt actions undertaken by WCCM the EPA did not request any further action.</p> <p>Following this, WCCM has reviewed and updated the sampling procedure to avoid a similar issue in the future.</p>	Ensure sampling procedure is followed to avoid repeat occurrence of the identified sampling issue.	WCCM has reviewed and updated the sampling procedure to avoid a similar issue in the future.	Closed
R4.1	<p>A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monthly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:</p> <p>a) an assessment of compliance with noise limits presented in the Noise Limits table; and</p> <p>b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in the Noise Limits table.</p>	Non-Compliant	<p>Review of the completion dates of the monitoring reports and records of submission to EPA indicated these were typically submitted within the 30-day period, with several occasions of submissions outside the 30-day period such as the monthly reports for May 2020, May 2021, December 2021, January 2022 and November 2022.</p>	Recommend WHC review engagement contracts and engage in regular conversation with the acoustic consultants to ensure the 30-day submission period is met. In view of this, a low-risk non-compliance is considered.	This has been reviewed with the contractor and the CMO system has been updated to capture Noise monitoring requirement earlier	Closed
U1.1	<p>Oil Water Separator</p> <p>By no later than 5PM on 31 October 2022, the licensee must decommission the current inground oil water separator and replace it with an above ground system that:</p> <ol style="list-style-type: none"> 1. Is roofed and bunded (roof can be mobile); and 2. Provides for stormwater bypass if required; and 3. The type of separator selected is based volume generation needs (Coalescing plate separator or Hydrocyclone oil separator) and the best possible treatment for that volume generation available; and 	Non-Compliant	<p>WHC had progressed the project but had been impacted by delays due to contractor availability and access to site when covid 19 restrictions were in place were not able to complete the works by the stipulated time. The Oil Water Separator (OWS) had been selected, costed and budgeted. In consultation with the EPA it was noted that the project had been further progressed in 2021/22.</p> <p>ERM noted during the audit that the required works have since been completed.</p>	Works complete, no further action required.	<p>The Oil Water Separator works outlined in Condition U1.1 was completed before 5PM on 31 October 2022.</p> <p>The earlier timeline of 5PM on 31 July 2020 was unable to be completed due to the reasons outlined.</p>	Closed

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	4. Is capable of pre-treating oil, grease, silt, detergents, NFR (Suspended solids), COD (chemical oxygen demand) and pH prior to collection for disposal. The Decommissioned inground unit must be removed and lawfully disposed of, at a lawful waste facility by 5pm on 31 October 2022				Oil Water Separator works were completed before the 2022 completion date (Works Complete)	
U2	By no later than 5PM on 31 October 2022, the licensee must provide written advice to info@epa.nsw.gov.au confirming the completion of actions required by Condition U1.1.	Non-Compliant	WHC had progressed the project but had been impacted by delays due to contractor availability and access to site when covid 19 restrictions were in place were not able to complete the works by the stipulated time. The Oil Water Separator (OWS) had been selected, costed and budgeted. In consultation with the EPA it was noted that the project had been further progressed in 2021/22. ERM noted during the audit that the required works have since been completed.	Works complete, no further action required.	The Oil Water Separator works outlined in Condition U2 was completed before 5PM on 31 October 2022. The earlier timeline of 5PM on 31 July 2020 was unable to be completed due to the reasons outlined. Oil Water Separator works were completed before the 2022 completion date (Works Complete)	Closed
Mining Leases ML1671, ML1672, ML1563 (13 June 2020 to 1 July 2022)						
Condition 3 (ML1563)	(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's Guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of: (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Department of Environment and Conservation and Department of Infrastructure, Planning and Natural Resources licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area; and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies and the local council.	Non-Compliant	Annual reviews have been submitted to the DPE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition. The Annual Review for 2022 has been submitted, though not yet published. A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted in accordance with Condition 3 of ML1563. The Resources Regulator issued an Official Caution for failure to comply with Condition 3. WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.	Action has already been taken by adding reminder into CMO. No further action required.	The 2020 Annual Review was inadvertently not submitted to Resources Regulator. All subsequent Annual reviews (including 2022) have been submitted to both Resource Regulator and Department of Planning and Environment.	Closed

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Condition 4 (ML1671)	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <ul style="list-style-type: none"> (i) report against compliance with the MOP; (ii) report on progress in respect of rehabilitation completion criteria; (iii) report on the extent of compliance with regulatory requirements; and (iv) have regard to any relevant guidelines adopted by the Director-General; 	Non-Compliant	<p>Annual reviews have been submitted to the DPIE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.</p> <p>A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted in accordance with Condition 4 of ML1671.</p> <p>The Resources Regulator issued an Official Caution for failure to comply with Condition 4.</p> <p>WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.</p>	Action has already been taken by adding reminder into CMO. No further action required.	<p>The 2020 Annual Review was inadvertently not submitted to Resources Regulator.</p> <p>All subsequent Annual reviews (including 2022) have been submitted to both Resource Regulator and Department of Planning and Environment.</p>	Closed
Condition 4 (ML1672)	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <ul style="list-style-type: none"> (i) report against compliance with the MOP; (ii) report on progress in respect of rehabilitation completion criteria; (iii) report on the extent of compliance with regulatory requirements; and (iv) have regard to any relevant guidelines adopted by the Director-General; 	Non-Compliant	<p>Annual reviews have been submitted to the DPIE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.</p> <p>A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted in accordance with Condition 4 of ML1672.</p> <p>The Resources Regulator issued an Official Caution for failure to comply with Condition 4.</p> <p>WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.</p>	Action has already been taken by adding reminder into CMO. No further action required.	<p>The 2020 Annual Review was inadvertently not submitted to Resources Regulator.</p> <p>All subsequent Annual reviews (including 2022) have been submitted to both Resource Regulator and Department of Planning and Environment.</p>	Closed
Mining Leases ML1671, ML1672, ML1563 (2 July 2022 to 5 July 2023)						
No NC's identified						

Non-compliance Risk Ratings

- **High:** Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence;
- **Medium:** Non-compliance with:
 - potential for serious environmental consequences, but is unlikely to occur; or
 - potential for moderate environmental consequences, but is likely to occur;
- **Low:** Non-compliance with:
 - potential for moderate environmental consequences, but is unlikely to occur; or
 - potential for low environmental consequences, but is likely to occur.