



Environmental Protection Act 1986

**Hon Albert Jacob MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST CONDITIONS OF LICENCE L6363/1995/14 GRIFFIN COAL – EWINGTON I & II OPEN CUT MINES, COLLIE

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 102 of the *Environmental Protection Act 1986* in relation to the conditions of a licence issued by the Department of Environment Regulation. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Committee's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	Alliance for a Clean Environment Inc, Conservation Council of WA and Mr. L. Capill
Licence Holder:	The Griffin Mining Company Pty Limited
Proposal description:	Coal mining and flyash disposal
Minister's Decision:	The Minister allowed the appeals in part
Date of Decision:	1 July 2015

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Department of Environment Regulation (DER) on the matters raised in the appeals. The Minister also received a report from the Appeals Committee. The Appeals Committee's report sets out the background and other matters relevant to the appeals.

The key concern raised in appeals relates to the adequacy of the licence conditions to protect human health and the environment. Specific concerns include impacts associated with increased production; adequacy of the management and monitoring of discharges to surface water and groundwater; and the management and monitoring of air quality. To address these concerns, appellants requested the conditions be modified and that a health impact assessment be undertaken. The full details of the appeal grounds are contained in the Appeals Committee's report.

The Minister noted the additional issues as raised by the Appeals Committee. The Minister considered it appropriate that these matters are administered by DER.

The Minister was advised that the increased production rate specified in the licence is consistent with the production rate assessed by the Environmental Protection Authority (EPA) and approved under Ministerial Statement 380. In addition, the volume and method of flyash disposal referenced in the licence is consistent with Ministerial Statement 380, which provides that flyash generated at the Bluewaters I and II power station may be disposed of at the Ewington mine operations.

Given the foregoing, the Minister was satisfied the production rates specified in the licence are consistent with existing approvals for the premises, and these production levels have been subject to previous consideration by the EPA. The Minister also noted advice from the Department of Health in respect to appeals against the conditions applied to a number of power stations in the Collie area that hospitalisation and mortality data for Collie show no observable differences compared with the Western Australian population as a whole.

Taking into account the information provided, the Minister considered that the conditions applied to the licence are appropriately directed towards managing key discharges from the premises and protecting the environment. On the advice of DER and the Appeals Committee, the Minister agreed however that a number of conditions should be amended to improve environmental outcomes. To this end, the Minister allowed appeals to the extent that the conditions are amended as recommended by the Appeals Committee, including the requirement for the licence holder to monitor and report on emissions for one monitoring period (October to May); and for the limits to be applied to discharges to surface waters to apply at all times except in cases of significant rainfall events (1 in 100 year).

The full details of the amendments are in Attachment 1, and will be given effect by DER under section 110 of the Act.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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ATTACHMENT 1

1. Condition 2.3.2 is amended as set out below:

2.3.2 The Licensee shall not cause or allow point source emissions to surface water that do not meet the limits listed in Table 2.3.2.

Emission point reference	Parameter	Limit (including units)	Averaging period
W2	pH	5.0 – 9.0	Spot sample
W2	Total dissolved solids	<1 000 mg/L	
W2	Total suspended solids	<80 mg/L	
W2	Dissolved oxygen	>5.0 mg/L	
W2	Total petroleum hydrocarbons	<10 mg/L	

2. Two new conditions are included in Section 2 as set out below:

2.3.4 The Licensee is exempt from compliance from condition 2.3.2, if in the case of an event in Table 2.3.4 the corresponding management action is taken.

2.3.5 The Licensee shall take the specified management action in the case of an event in Table 2.3.4

Emission point reference	Event/ action reference	Event	Management action
W2	EA1	1:100 year 72 hour ARI rainfall event recorded at Bureau of Meteorology Collie East Weather Station (ID 009994)	The Licensee shall take all practical measures to divert uncontaminated stormwater from entering the sedimentation basin
W2	EA2	1:100 year 72 hour ARI rainfall event recorded at Bureau of Meteorology Collie East Weather Station (ID 009994)	The Licensee shall notify the CEO within 24 hours of becoming aware of the event occurring
W2	EA3	1:100 year 72 hour ARI rainfall event recorded at Bureau of Meteorology Collie East Weather Station (ID 009994)	The Licensee shall undertake the monitoring required by Table 3.6.1 on a daily basis until point source emissions comply with the limits listed in Table 2.3.2

3. A new improvement condition is inserted in Table 4.1.1 of Condition 4.1.1 requiring the monitoring and reporting of PM_{2.5} emissions for one monitoring period (October to May).