



## Minutes

<b>Meeting:</b>	Upper Hunter Air Quality Advisory Committee (No 37)	<b>Date:</b>	Tuesday 25 May 2021
<b>Location:</b>	Chameleon Room Charbonnier Singleton 44 Maitland Road, Singleton	<b>Time:</b>	10.00am - 12.30pm
<b>Last Meeting Date:</b>	Tuesday 25 February 2021	<b>Next Meeting Date:</b>	Tuesday 24 August 2021
	<p>John Turner – Chairperson            Danny Thompson – Singleton Shire Council representative            John Krey – community representative            Michael White – community representative            Ned Stephenson – coal industry representative            Tracy Ward – Muswellbrook Shire Council representative            Wendy Wales – environmental representative            Summer Steward – power industry representative            Adam Gilligan – EPA            Bianca Morton – EPA            Scott Thompson – DPIE            Matthew Newton – Resources Regulator            Heidi Watters – DPIE Planning</p>		
<b>Apologies:</b>	<p>Maurice Collison – Upper Hunter Shire Council representative            Gary Mulhearn – coal industry representative            Bob Vickers – community representative            Catherine Chicken – industry representative</p>		

### Agenda items:

#### 1. Introduction

##### 1.1. Welcome, Acknowledgment of Country and COVID-19 Procedures

The Chair opened the meeting at 10.05am and acknowledged the Wanaruah people as the traditional owners of the land. Mrs Morton ran through COVID-19 procedures and housekeeping.

##### 1.2. Present, apologies and declarations of interest

The Chair welcomed the Upper Hunter Air Quality Advisory Committee (the Committee) and noted the apologies. There were no declarations of interest other than noted previously.

## 2. Previous Minutes and Outstanding Actions

### 2.1. Review previous minutes

The previous minutes for both the previous quarterly meeting and the out of session meeting were adopted by the members present at this meeting.

### 2.2. Outstanding actions

It was noted by Mr Krey that two action items had not been actioned from meeting No 35, and appeared to have dropped off the list of action items. He requested they be included and actioned appropriately. They have been included in the list below.

Action Item No	Action	Person Responsible	Status
1	Meeting 35, Action 2: Update the presentation from the UHAQAC Planning Forum outcome and recommendations and revisit the actions from the previous work of the Committee	Adam Gilligan	To be presented to the next meeting
2	Meeting 35, Action 4: Circulate factsheets from the Muswellbrook drop-in session	Ms Morton	Ms Morton circulated to the Committee on 5/7/21.
3	Meeting 36, Action 3: consider options with liaising the Science Teachers Association	Ms Morton	Ms Morton provided an update on this Action. They have engaged with an internal team within the EPA (Education and Programs) to discuss potential options going forward. Ms Morton will provide an update when the team gets back to her.

Ms Wales asked Ms Morton how long the EPA have had a relationship with the Science Teachers Association. Ms Morton was unsure and committed to following up with the relevant EPA team to get back to Ms Wales.

Action Item No	Action	Person Responsible
1	Report back on existing relationship with the Science Teachers Association	Ms Morton

## 3. Department questions and updates

### 3.1. Resources Regulator: Mine Rehabilitation Portal

Mr Newton provided a presentation on the Operational rehabilitation reforms. This included:

- An overview and background for the reform
- The new rehabilitation obligations
- How to stay up to date with the Resource Regulator's activities

Mr White asked whether the annual rehabilitation report is in addition to the annual reviews that are currently undertaken?

Mr Newton highlighted that these reforms are about streamlining these reports and requirements, and over time these changes will replace the existing requirements. He acknowledged that there was a little bit of duplication at this stage.

Mr Stephenson pointed out that the annual review also covers more than just rehabilitation, it also includes air, waste, and noise requirements.

Ms Ward asked whether anyone can access the Mine Rehabilitation Portal to look at polygons of data to see the progress of the rehabilitation through imagery.

Mr Newton said that the SEED Portal, which talks to the Mine Rehabilitation Portal, is accessible to anyone. They can see the progress through the SEED Portal. The Mine Rehabilitation Portal is just for industry use.

Mr Newton also promoted subscribing to the Mine Rehabilitation News, and would circulate the link.

Action Item No	Action	Person Responsible
2	Link to be circulated for subscribing to the Resource Regulator's Mine Rehabilitation News.	Mr Newton

Mr Krey highlighted that there was confusion in the community with the various regulators and their roles for mines. He asked whether you can only vary licences through the development consent.

Mr Newton responded that within the development consent, you can apply for a modification if it is a planning issue and related to the land. However, the Mining Act is not related to the land but through a lease granted to a mining company. Under the Mining Act, conditions on a lease can be varied at any time in relation to environmental management.

Mr Krey highlighted that there have been some contentious articles in the media about money available for rehabilitation of mines should the company not be able to do the work.

Mr Newton explained that they require the money upfront, as part of a submission for a rehabilitation cost estimate. The Government holds security to cover the full cost to rehabilitation should a title holder default on its obligations. The issues that have been highlighted in the media are in relation to filling voids. Filling voids is generally not an obligation set in a development consent and as such the RCE amount is based on rehabilitation of the void that will remain in situ (e.g. making sure it is safe and stable and fit for purpose for the final rehabilitation outcome as set by the consent). The security deposit amount does not include costs to fill the void where there is no legal obligation set out in the development consent.

He also pointed out that they have not had to call on the rehabilitation site security for a long time, and it is a fallback mechanism if all else fails.

Mr Krey asked if the mine can go into care and maintenance, to avoid the requirement to rehabilitate.

Mr D Thompson asked who activates the call for closure.

Mr Newton responded that rehabilitation obligations continue for sites in care and maintenance, and the new regulations have improved obligations to ensure rehabilitation is undertaken as soon as reasonably practicable after mining activities have been completed. If the company runs out of resources and there is no potential for future viable operations, the company will need to demonstrate that rehabilitation is undertaken as soon as reasonably practicable. If they go into care and maintenance, we can now ask more detailed questions around this, to ensure that it is genuine care and maintenance, and not just trying to delay rehabilitating the site.

Mr D Thompson asked whether Council are involved in this process, or can they ask to start that process.

Mr Newton said yes, there are a range of other agencies also involved, but Council can be involved and start those discussions.

Ms Wales raised the issue of weeds, and how they are assessed, as the spread of weeds is an issue for community.

Mr Newton explained that there are criteria around weeds, they must control these weeds before closure, and it is part of the targeted assessment program.

Ms Wales asked how long that responsibility lasts?

Mr Newton said they hold the security bond until they are happy with the outcome. The land needs to be in a similar state to adjacent agricultural land. He added that they do have the power to come back to the former title holder to address rehabilitation issues post-closure if needed.

Mr D Thompson asked whether the final land use always had to be agricultural. At Council they have had inquiries about potential light industrial sites in the area. Would it be acceptable to leave some of the industrial areas as industrial for those uses?

Mr Newton said yes, if they want to investigate other uses they can, however it would have to go through a formal development consent process, and also ensure that it isn't just a way for companies to get out of rehabilitating the site in accordance with their legal obligations.

### 3.2. Q&A for Departments

Mr White raised a question for Department of Planning prior to the meeting:

In relation to the following consent, how is DPIE managing compliance to the condition, what is being required and accepted by DPIE as reasonable and feasible.

Ensure that all non-road mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology

Ms Watters responded that it is a new condition and falls under the air quality umbrella. It is ultimately up to industry to determine how they would meet that condition, and they would have to report on that themselves.

Mr White highlighted that in Europe and United States, they have specific guidance on this, and asked whether the Department will do something similar.

Ms Watters said there is no guidance from Planning on this, it is up to industry to prove and describe that in their management plan.

Mr White asked whether the EPA has anything to do with this condition.

Mr Gilligan responded that he would have to take that on notice and get back to the Committee. He added that there is a real value of those conditions on new mines with new fleets where you can expect higher standards. It would be more difficult for existing infrastructure, which would be why it would be assessed on a case by case basis.

Mr Stephenson added that the Federal Government is setting National Standards for off road diesel, and industry are looking at those standards as well for guidance. He added that we all want to go in the same direction, and also noted that off road diesel is bigger than mining, it is an issue for other areas as well such as agriculture.

Mr White asked if he looked through an air quality plan, whether he would be able to see the details of how this is managed.

Mr Stephenson replied that he wasn't entirely across this, so couldn't give a definite answer, but did assume that the focus would be more on particulates and exposed areas.

Action Item No	Action	Person Responsible
3	Mr Gilligan will provide more information about whether the EPA had any input into the condition Ensure that all non-road mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology	Mr Gilligan
4	Mr Stephenson to provide more information on what's included in the air quality plan	Mr Stephenson

## 4. Network feedback – standing item

### 4.1. Upper Hunter Fine Particle Characterisation Study discussion – Mr White

Mr White raised the issue that decisions are being made about PM2.5 and fine particles based on a study with 2012 data. He highlighted that this concern is shared by a number of people, and since 2012,

we have seen mine expansions, new mines coming in to the area, and wood smoke reduction programs. He raised that he is concerned that there is information that is being relied upon that is no longer relevant.

Ms Ward added that she would be very interested to see the impact that has been made from their Council's work on wood smoke

Mr Turner suggested that the Committee could submit a request that the study be updated to present conditions. Mr White agreed with this approach, as did the Committee.

Mr Gilligan added that he would like to arrange for Matt Riley, Director Climate Change & Atmospheric Science, Economics Insights, to the next Committee meeting to discuss the options.

Action Item No	Action	Person Responsible
5	The Committee will submit a letter to Government outlining their request for a new Particle Characterisation Study	Mr Turner

#### 4.2. Information sharing and feedback from broader networks

Mr Krey raised a concern with the alert system for air quality. He highlighted that the alerts are not included in the quarterly reports. He also highlighted that the alerts have been steadily increasing, however that is not reflecting in the reporting.

He believes those alerts should be investigated, and gave an example where he called the EPA about a dust issue, and the EPA followed up with the mine who were not doing anything differently. He believes the issue was that the dust was settled over night, and when the temperature rose, it resulted in the dust leaving the mine site. He would like the EPA to investigate every alert.

Mr Gilligan responded that we are happy to go back and look at the reporting to see where it could be refined to the needs of the community. With respect to the investigations, those 14 monitoring sites are there for a range of reasons, some of those sites are closer to industry and others are about measuring against ambient standards. When we see exceedances of ambient criteria, it doesn't necessarily correlate to a breach in mining operations.

He acknowledged the situation that Mr Krey was describing where meteorological impacts can result in moving dust, however that doesn't correlate to taking action on a mine.

Mr Krey highlighted that all the community wants is decent air, not to hunt down mines every day. He just wants more focus on looking at the data and whether the mine is complying with best practice.

Mr Turner asked Mr Krey to summarise what he would like done about this issue.

Mr Krey said he would like the EPA to consider alerts in the reporting, and further consideration of how to use the reports.

Mr Gilligan added that the EPA does have Bust the Dust which is similar to what is being discussed, as it is a focus on mining operations during the time where we see the driest conditions.

Mr D Thompson added that if the alerts are put in the reports, they need to be put into context to allow community members to understand and interpret them.

Mr D Thompson informed the Committee of the Redbank Power Station modification application which is currently in the Land and Environment Court, being appealed by the proponent as a deemed refusal. They are seeking to use Biomass as an alternative to coal. He highlighted that it is currently proposed at 700,000 tonnes which he believes is outside the scope of Local Government to assess that, and it should be a State Significant Development.

## **5. EPA Update – standing item**

### **5.1. Regulatory Operations Metropolitan North**

Mr Gilligan said that primarily the focus has been on the day to day regulation. He also added that there is a media release that will come out shortly regarding a Penalty Notice that was issued to AGL with respect to an air pollution incident at Liddell.

Ms Steward added that the issue was investigated by AGL and addressed, and acknowledged that Liddell is an old Power Station and that presents challenges with keeping up with best practice, but they are doing their best to make improvements.

Mr Gilligan also added that the EPA Board had visited the Hunter around a month ago, they visited Vales Point Power Station, Orica, Koppers, Truegain and Mount Thorley Warkworth coal mines. He extended his thanks to Mr Mulhearn for hosting the visit. He highlighted that it gave the Board a good sense of the scale of those operations, and also was able to talk about the inherent challenges to exposed areas.

My Stephenson added that they were approached by the Minerals Council for another visit as well.

## **6. Air Quality Monitoring Network Seasonal Newsletter – standing item**

### **6.1. Summer 2020-21 Newsletter**

Mr Scott Thompson presented an overview of the Summer 2020-21 seasonal newsletter:

- Air quality in the Upper Hunter region was good during summer 2020-21
- Regional air quality levels were greatly improved compared to summer 2019-20 and earlier years
- Levels of fine particulate matter PM2.5, nitrogen dioxide (NO<sub>2</sub>), sulphur dioxide (SO<sub>2</sub>) were good, all remaining below national benchmark concentrations.
- There were 2 days above the PM10 daily benchmark, at Warkworth

Mr D Thompson asked why (when looking at the PM2.5 rolling averages) Muswellbrook was just on the benchmark, but Camberwell was not.

Mr S Thompson said that he wasn't sure but said it could be due to woodsmoke.

Ms Ward highlighted that council have done a lot in that area around woodsmoke, and she believes woodsmoke is an excuse that is used in Muswellbrook.

Mr Gilligan said that it was good to see that there was a general trend downwards, excluding the 2019-2020 data that was due to bushfires.

Ms Wales replied that it wasn't good, it was a bad news story as the weather conditions this summer period where wet.

## **7. General Business**

### **7.1. Other**

No other issues were raised.

### **7.2. Next meeting date**

Mr Turner advised the next meeting date is 24 August 2021 and closed the meeting.