

<THE MEETING COMMENCED

PROFESSOR NEAL MENZIES: Before you jump in, I've got a formal statement that I have to read that sort of sets the guidelines and makes sure that we're on the one page. So I'll just read that, and then we'll come back over to you. Okay.

MR PAUL WINN: Yes fine.

PROFESSOR MENZIES: So I'd like to acknowledge that I'm speaking to you from the land of the Turrbal and Jagera people, here in the Brisbane River catchment. And I acknowledge the traditional owners of all the countries from which we're meeting virtually today. And I pay our respects to their elders, past and present. Welcome to the meeting. We're here to discuss Western Coal Services Mod 6 - residuals transfer increase. Springvale Water Treatment Plant Mod 9 - to extend the interim water management strategy timeframe. Springvale Water Treatment Plant Mod 10 - residual transfer increase. And these are currently before the Commission for our determination. So my name is Neal Menzies. I'm the chair of the commission panel. And I'm joined by my fellow Commissioners, Professors Alice Clark and Snow Barlow. We're also joined by Steve Barry and Callum Firth from the office of the Independent Planning Commission. In the interest of openness and transparency, and to ensure full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of the matter, and it will form one of several sources of information on which the Commission will base its determination. It's important for the Commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you're asked a question and you're not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. Finally, I request that all members here today introduce themselves before speaking for the first time, and that all members ensure that they do not speak over the top of each other so that we can ensure an accurate transcript of the discussion. Okay, Paul, we're now set to begin.

MR WINN: Thanks, Neal. Yeah. Well, you know from our submission, that was advised to us by the Environmental Defenders Office. We're of the opinion that these modifications should be dealt with under a new assessment and a new development. I mean, they are it's sort of like - there's another, modification coming up, modification 5, I believe. And all these modifications are in many ways stopgap measures until they've found some unicorn solution that they haven't yet arrived at. Our opinion - and it's based on water testing that I've taken in one cold creek, as well as Ian Wright. And the long history of pollution that's coming from these facilities that there needs to be, the facilities need to be zero discharge. I mean that should be the ultimate goal. And at the moment, it doesn't appear to us that is in the view of the Applicants. And I think that due to the fact that it's at the top of the Sydney drinking water catchment and this water is important for a number of different communities downstream, that a much greater emphasis should be placed on the quality of water that's coming from these tributaries. And currently it's very, very poor. I mean the Coxs River and

Wangcol Creek, the sediments are quite heavily affected by heavy metals. We've found heavy metals in the water at the license discharge point one, from Springvale Colliery was many times, in some cases tens of times, above the ANZECC water quality guidelines for freshwater streams. And that in itself demands some sort of regulatory response. And unfortunately the EPA, I think are a bit hamstrung. I mean there's a facility there - and you guys probably are feeling the same thing - there's a facility there that the state obviously needs to continue to operate, but as it will be operating potentially for another 20 years. And who knows what's what the future holds for the electricity industry. I mean, it's obviously hitting a tough time. But if that is the case and it does operate for the next 20 years, then I think the community has a has a rightful expectation that the poor past performance is addressed. And any new, any changes to the current regime are changes that will move towards that zero-discharge objective. Currently, even with the reverse osmosis plant there, and I've done significant work on RO plants in Southeast Queensland and from the gas wells there - and much of the problems that they're having up there are the same that are mirrored here. So they, you know, they clean the water, run the water through the RO plant, but they've still got to get rid of the salt, they've still got to get rid of the sludge and they've still got to get rid of the mess that should be rightly dealt with in a way that's much more permanent than what they're envisaging. So, as I said, our ultimate aim, I suppose, is for this facility and the mines to be zero discharge and any attempts to just, you know, kick the can down the road, is really not an option for us. I think we really need to -

PROFESSOR MENZIES: So let me jump in there, Paul. And just for clarity, do you mean zero discharges? Nothing coming out or?

MR WINN: No, no. Zero contaminants.

PROFESSOR MENZIES: Zero contaminants, okay. So you would be happy to see the water treated through the reverse osmosis plant, cleaned up and then released into the catchments.

MR WINN: Yes. Well, I mean obviously, even that as I said, is in some ways a stopgap measure because they've still got to get rid of the sludge and they've still got to get rid of salt. And they haven't found a sustainable solution for those two products. And currently they're just sort of kicking the can down the road, to a facility over the road and they've got their own problems. So it is entering the groundwater, there's no doubt about that, the EPA are pretty clear. I mean, they're already putting that curtain in around the ash dam to protect the groundwater off-site from contamination and there is a plume that's running through there, and I would expect Wangcol Creek is going to be listed as a contaminated site at some stage in the future unless something changes. And so that's a problem. I mean, look, I don't have the solutions. I'm not putting myself forward as an expert here. I'm just saying that from our perspective, the facility is so polluting that that it needs a radical rethink of how they're addressing the problem, rather than just continuing to kick the can down the road and having these sort of stopgap measures where they fill in on

the dam up, which is going to cause its own additional problems that will probably have to be addressed by further modifications.

5 **PROFESSOR SNOW BARLOW:** All, Snow Barlow here. You mentioned water quality data on Wangcol Creek. Do you have - is the sort of extensive data on Wangcol Creek, presumably downstream from where the salt and fly ash has been dumped?

10 **MR WINN:** Yeah.

PROFESSOR BARLOW: How long - how far does that go back?

15 **MR WINN:** Yeah. Well, I mean, it's hard to say. I mean, obviously, I would imagine the contamination in Wangcol Creek started when Springvale Mine opened, that's probably the first thing. But there does seem to be certainly an interconnection between the groundwater problems they're having - Energy Australia are having - with this ash dam and the water quality in Springvale mine. I mean there - we haven't done any isotopic studies on it. I mean, I'd like to but, just to find out where the source of some of these, particularly some of the metals are coming from, because 20 the metals are so high, particularly aluminium. And I find aluminium generally quite high around ash dams because it's obviously that's the majority of the ash is aluminium. And so, you know, it's something that I think - there's been internal documents we've come across that seems that centennial do understand that there is a problem coming from the Energy Australia ash dam, but they're contributing to the 25 problem by dumping the salt on it. So, you know. But I can provide you with my water quality testing and analysis if that would help. But there's a fair bit of ancillary studies that have been done as well.

30 **PROFESSOR BARLOW:** I think every bit of data we get is good. It's just I think we now have a pretty good idea of what the challenge is here, and it's always helpful to hear from you on that as well. But where we're clearly going to have to apply ourselves is how we can help towards that goal of zero contaminant emissions, or release.

35 **MR WINN:** - sorry, go on. Sorry Snow, I cut in.

PROFESSOR BARLOW: Oh, yeah, that's all right, no that's fine.

40 **PROFESSOR MENZIES:** Yeah Paul, we recognise that we have a very specific job to do at the moment, which is the mods that are in front of us, but we are also aware of the other mods that are coming and the broader context that we're operating in. And so the discussions that we've been having today have gone beyond the specific mods, the constraints of the specific mods we're looking at to seek that broader context. It may not be within the scope of what we determine on these mods, 45 but certainly we're interested, we're concerned and we're asking the questions about that to ensure that what we do right now is in keeping with solving the bigger picture. And one of the things that I'm sure you are going to be able to help us with

on the water quality front - we've been told that upstream from this disturbed mined area, that the water quality is very good. And there's an impact, a direct impact from outfalls like LDP 1, but a more diffuse impact by seepage through groundwater from the mines, etc. And so I was interested in your perception of this, whether that's an accurate detailing what's going on. But I'm also interested in what you can tell us about, the releases from Thompson's Creek Reservoir, whether there's any monitoring of that downstream from Thompson's Creek, etc - as directly relevant to this mod. So, two questions there, Paul.

10 **MR WINN:** Yeah. No, that's right. So, the first. Sorry, what was the first question again?

The first one was, is it correct that upstream from this mined area, that the water is very low salt content, maybe 30 micro-siemens per centimetre?

15 **MR WINN:** Yeah. Now that that is that is correct. In my sampling, the background samples we took were up in the state forest where Coxs Creek begins. And it's pristine. I mean, it's a peat bog, basically, you know, so it's a sort of sphagnum bogs where you get very, very clean water coming out, deep water, cold water. And you don't find any contamination until you start - the first one is the tributary that runs past Kerosene Vale. Kerosene Vale ash dam is another, sort of, contamination point. And that is a contaminated site, a listed contaminated site. I don't know what the EPA are thinking of doing about that - but that that is a confounding factor in the whole, sort of, upper catchment inputs. But certainly LDP1 was the highest input of salt and metals from any of the half a dozen samples that we took. And the second question. Sorry, can you remind me?

25 **PROFESSOR MENZIES:** No, second question, Paul - I shouldn't have asked two questions at once. It just confuses everyone. Second question was about the water being released from Thompsons Creek Reservoir. We've become aware both on our field visit, and some more recent information that we've been given, that the volumes being released are quite large. So we understand that there's quite a lot of water coming out of Thompson's Creek Reservoir. We're interested in the quality of that water and whether there's any monitoring downstream that you're aware of, whether you've done anything yourself?

30 **MR WINN:** Well, we haven't we haven't targeted Thompson Creek Reservoir at all. We may. I think it's probably incumbent upon us so we probably will in the future. But look, we're concerned. I mean, it's pretty much just raw mined water, isn't it? That's going to be filtered and then that's about it.

35 **PROFESSOR MENZIES:** And I shouldn't be providing an answer, but our understanding is that it's a mixture of reverse osmosis treated water, so very good water, but also some filtered but not reverse osmosis treated water is being discharged. We of course, are being asked to approve a continuation of the transfer of that treated, in the sense of filtered, but not reverse osmosis treated water into the reservoir. That's specifically what we're being asked to consider.

MR WINN: Yeah. Well, I mean, look, we think that's quite unacceptable. I mean, one of the problems is - it's not just salt. I mean, the nickel and zinc, levels of the mine water - certainly in LDP1, were very, very high. And that's certainly reflected in the sediments of that area. And, I mean zinc does have environmental effects, it's not so much of a human health thing. But certainly nickel, if it's in high enough concentrations, it causes skin irritations, stomach irritations and can cause cancer. So, you know, it's a significant contaminant that I think - We need to know what the water is. There needs to be a much broader list of parameters for what they test for, and there should be significant restrictions on what the concentrations are for those listed parameters that are above background. And we've been dealing with EPA for a while. I don't want to sort of bag out the agency, but in some ways they're hamstrung by the situation that these facilities are in and the fact that we need them so much. But we would like to see, you know, just greater encouragement, regulatory encouragement on those operators to towards zero contamination emissions. And this Thompson's Creek Reservoir transfer is just another sort of kicking the can down the road, it's not solving the problem. It's just giving them some breathing space, that's so how they say. But I mean they've had years to fix these problems. Honestly, if I'm a business and I've got a regulator on my back, I wait until the regulators about to pull the button before I spend any money. And that needs to be sort of basically inherent in any sort of conditioning that you guys put forward that it has some ratcheting effect towards that aim of zero contamination. And sure, it's going to cost them more money, but you know - if I need it for a time, I think it should be the minimum amount of time that we can possibly give them to make sure that there is some more sort of long term solution that they're working towards. And they're not just putting it off because they want to save some money. And I'm not blaming businesses for wanting to save money, but I think it's incumbent upon regulators and decision makers to force those operators into a better position.

30 **PROFESSOR MENZIES:** Yep. Alice? No. Alice, have you got questions for us?

PROFESSOR ALICE CLARK: No, I don't Paul. And thank you for articulating your views there. But I don't have any questions for you.

35 **MR WINN:** Thanks, Alice.

PROFESSOR BARLOW: I don't have any more questions, Paul.

40 **PROFESSOR MENZIES:** Okay. Jo, did you want to add anything to our discussion?

MS JO LYNCH: No. That's okay. I'm a happier camper listening in. Thanks, folks.

45 **PROFESSOR CLARK:** Thanks, Jo.

PROFESSOR BARLOW: Okay.

PROFESSOR MENZIES: Paul, thank you. And not just for today. Thank you for joining us for our field trip. We found that really very useful. And the open discussions that we had really informed our next stage of, you know, chasing information, understanding other dimensions. During the course of our discussions today, there have been further things that have come up where we have sought from the Applicant, the Department, more information still to inform our discussion. So the process works in the sense of, by attending on site, we really did pick up a lot, and these discussions also helped. So thank you very much for your input. Thanks for spending the time with us. It really is appreciated.

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MR WINN: Thanks Neal. Thanks for the time. Thanks, everyone.

PROFESSOR CLARK: Thanks Paul. Thank you.

15 **PROFESSOR BARLOW:** Thanks Jo, thanks Paul.

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