

## More than 100 incidences creating almost \$2M in fines, due to Whitehaven Coal breaching environmental laws

Date	Action	Explanation	Mine	Amount
Aug 2022	Official Caution	Exceeding the approved disturbance boundary during vegetation clearing activities	Tarrawonga	-
Jun 2022	Official Caution	Allowing blast fumes to leave the premises	Tarrawonga	-
July 2022	Penalty Notice	Contravention of licence	Tarrawonga	\$15,000
Mar 2022	Prosecution	EPA prosecuted three charges for pollution events, two of which saw styrofoam balls being carried into Back Creek & Maules Creek <sup>1</sup>	Maules Creek	\$93,750, \$25,000 and \$40,000 (to Enviro Trust)
Nov 2021	Penalty notices <sup>2</sup>	Fines issued and environmental audit ordered by the EPA after the third alleged illegal discharge of dirty water since 2020.	Tarrawonga	\$30,000
Nov 2021	Blasting Suspension <sup>3</sup> & Prevention Notice	EPA investigation of 7 unsafe blasts causing toxic fumes to leave the mine area between Oct and Nov 2021.	Maules Creek	-
Aug 2021	Fine <sup>4</sup>	Conviction for breaching licence conditions for 10 incidences including construction of unauthorised tracks, drilling boreholes in the wrong locations and failing to rehabilitate drilling sites.	Narrabri Underground	\$372,500
Aug 2021	Prosecution and Enforceable undertaking <sup>5</sup>	For taking 1,000ML p.a. of clean surface water between 2016 and 2019 without a licence. Agreement with NRAR to dismantle illegal dam and build water management structures in keeping with mine approval plus fined	Maules Creek	\$187,500 <sup>6</sup>
Aug 2021	Official caution	Failure to submit annual environmental report	Werris Creek	-
Aug 2021	Official caution <sup>7</sup>	EPA official caution for burying waste tyres on site in 2018 without being licenced to do so	Maules Creek, Tarrawonga	-
July 2021	Official Caution	Exceeding noise and air blast overpressure limits on more than 5% of blasts. No enforceable undertaking as no more blasting planned.	Sunnyside	-
July 2021	Official Caution	Burial of tyres between 2014-2021	Gunnedah CHP	-
July 2021	Official Caution	Burial of tyres between 2014 - 2021	Rocglen	-

<sup>1</sup> Concluded 6 May 2022. [https://www.epa.nsw.gov.au/news/media-releases/2022/epamedia220506-maules-creek-coal-ordered-to-pay-\\$158000-for-water-pollution](https://www.epa.nsw.gov.au/news/media-releases/2022/epamedia220506-maules-creek-coal-ordered-to-pay-$158000-for-water-pollution)

<sup>2</sup> EPA press release: <https://www.epa.nsw.gov.au/news/media-releases/2021/epamedia211109-fines-for-coal-mine-for-dirty-water-discharge>

<sup>3</sup> <https://www.epa.nsw.gov.au/news/media-releases/2021/epamedia211124-maules-creek-coal-mine-directed-to-suspend-blasting>

<sup>4</sup> Resources Regulator press release: <https://www.resourcesregulator.nsw.gov.au/sites/default/files/2021-08/Narrabri-Coal-Pty-Ltd-and-Narrabri-Coal-Operations-Pty-Ltd-convicted-and-fined-for-mining-offences.pdf>

<sup>5</sup> <https://www.caselaw.nsw.gov.au/decision/17d4a1e2adbba47aacd9bb4d>

<sup>6</sup> NRAR media release: <https://www.industry.nsw.gov.au/natural-resources-access-regulator/nrar-news/nsw-water-regulator-concludes-investigations-into-maules-creek-coal-mine>

<sup>6</sup> Judgement <https://www.caselaw.nsw.gov.au/decision/17d4a1e2adbba47aacd9bb4d>

<sup>7</sup> Pers comm from the EPA. Investigation report currently being sought under GIPA.

July 2021	Official Caution	Burial of tyres between 2014-2020	Werris Creek	-
Feb 2021	Warning letter	From Dept Planning regarding removal of infrastructure prior to Heritage Management Plan approval	Maules Creek	-
Oct 2020	Fine <sup>8</sup>	NSW Resources Regulator Penalty Notice for erosion of emplacement area causing pollution	Tarrawonga	\$2,500
Oct 2020	Fine <sup>9</sup>	Uncontrolled water discharge	Werris Creek	\$15,000
Oct 2020	Official Caution <sup>10</sup>	NSW Resources Regulator caution for not displaying environmental plans publicly	Tarrawonga	-
Sept 2020	Warning Letter <sup>11</sup>	Department of Planning warning for failing to identify and protect a cultural heritage site	Narrabri Underground	-
Aug 2020	Enforceable Undertaking <sup>12</sup>	Workplace health and safety submission by Resources regulator over serious WHS incident of collision between two trucks in 2018	Maules Creek	\$803,000 (aprox)
Aug 2020	Fine <sup>13</sup>	Pollution of a local creek	Tarrawonga	\$30,000
July 2020	Penalty Notice	Failure to comply within Mining Operations Plan in respect of erosion control on Northern Overburden Emplacement	Maules Creek	\$2,500
July 2020	Official Caution	Failure to comply within Mining Operations Plan in respect of erosion controls in 2 locations	Maules Creek	-
July 2020	Penalty Notice	Failure to comply within Mining Operations Plan in respect of erosion controls in 2 locations	Maules Creek	\$2,500
May 2020	Official caution <sup>14</sup>	For exceeding noise limits	Maules Creek	-
May 2020	Fine <sup>15</sup>	Overflow of sediment dam	Tarrawonga	\$15,000
May 2020	Penalty Notice	Two counts of Failure to comply with Mining Operations Plan in respect of soil management	Maules Creek	\$5,000
Apr 2020	Clean up notice	Clean up notice number 2	Narrabri Underground	-
Apr 2020	Prosecution	South East Forest Rescue launch legal action for WHC failing to secure necessary biodiversity offsets when clearing endangered woodlands	Maules Creek	Discontinued after approval varied.

<sup>8</sup> Tarrawonga AR 2020 pg 83 [AEMR 2004/05 \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au/AEMR-2004-05)

<sup>9</sup> EPA media Release [https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia201007-failure-to-maintain-storm-water-controls-costs-werris-creek-mine-\\$15000#:~:text=The%20NSW%20Environment%20Protection%20Authority,on%2018%20February%20this%20year](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia201007-failure-to-maintain-storm-water-controls-costs-werris-creek-mine-$15000#:~:text=The%20NSW%20Environment%20Protection%20Authority,on%2018%20February%20this%20year)

<sup>10</sup> Tarrawonga AR pg 84 [AEMR 2004/05 \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au/AEMR-2004-05)

<sup>11</sup> Whitehaven Annual Review 2020 pg 58 [NAR-Annual Review 2020.pdf \(whitehavencoal.com.au\)](https://www.whitehavencoal.com.au/NAR-Annual-Review-2020.pdf)

<sup>12</sup> <https://safetowork.com.au/whitehaven-commits-to-800000-undertaking-to-enhance-safety/> Resources Regulator media release <https://www.resourcesandgeoscience.nsw.gov.au/about-us/news/2019/maules-creek-coal-prosecuted-over-mining-truck-collision>

<sup>13</sup> EPA media release [EPA fines Tarrawonga Coal \\$30,000 after pollution discharge \(nsw.gov.au\)](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia201007-failure-to-maintain-storm-water-controls-costs-werris-creek-mine-$15000#:~:text=The%20NSW%20Environment%20Protection%20Authority,on%2018%20February%20this%20year)

<sup>14</sup> Reported in *Independent Environmental Audit 2021*. March 2022.

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=RFI-37928729%2120220321T031029.874%20GMT>

<sup>15</sup> EPA media release [Tarrawonga Coal fined after environmental breach at mine \(nsw.gov.au\)](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia201007-failure-to-maintain-storm-water-controls-costs-werris-creek-mine-$15000#:~:text=The%20NSW%20Environment%20Protection%20Authority,on%2018%20February%20this%20year)

Mar 2020	Official Caution	Breach WHS legislation in failing to report an incident	Tarrawonga	-
Mar 2020	Clean up notice <sup>16</sup>	Two spill clean up notices for the releases of polystyrene balls into a local water way	Maules Creek	-
Feb 2020	Fine <sup>17</sup>	EPA penalty notice for noise exceeded noise limits impacting neighbours, from ventilation fans	Narrabri Underground	\$15,000
Feb 2020	Penalty notice <sup>18</sup>	Failing to seek consent for construction of two water pipelines	Maules Creek	\$15,000
Nov 2019	Penalty notice	Undertaking drilling without a Mining Operations Plan	Vickery	\$2,500
Nov 2019	Penalty notices	Two penalty notices issue for the carrying out of exploration activities without approval	Vickery	\$5,000
Nov 2019	Official Caution	Undertaking mining operations without a Mining Operations Plan	Tarrawonga	-
Oct 2019	Investigation	NRAR investigating whether mine is causing groundwater loss to local farmers	Maules Creek	Ongoing
Oct 2019	Official Caution	Late annual return	Narrabri Underground	-
Sept 2019	Prohibition notice <sup>19</sup>	Issued by Resources Regulator prohibiting the use of vehicles following a dangerous incident	Maules Creek	-
Aug 2019	Licence Suspension <sup>20</sup>	Exploration Licence 6243 suspended due to illegal track clearing impacting hollow-bearing trees.	Narrabri Underground	-
Aug 2019	Statutory Notice	Rehabilitation	Tarrawonga and Rocglen	-
Aug 2019	Suspension <sup>21</sup>	Suspension of exploration licence for unlawful clearing of bushland for access tracks	Narrabri Underground	-
July 2019	Penalty Notice	Conducting operations without an approved Mining Operations Plan	Sunnyside	\$2,500
Jun 2019	Fine <sup>22</sup>	Failure to minimise dust, resulting clouds from stock pile	Narrabri Underground	\$15,000
May 2019	Penalty Notice	Failure to comply with 2017 notice to rehabilitate land	Gunnedah CHP	\$5,000
May 2019	Official caution	Noise limit exceeded	Gunnedah CHP	-

<sup>16</sup> EPA Clean up notice here: <https://app.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771>

<sup>17</sup> EPA Fine: [Narrabri Coal fined \\$15,000 for excessive noise \(nsw.gov.au\)](https://www.nsw.gov.au/news/stories/2020/narrabri-coal-fined-15000-for-excessive-noise)

<sup>18</sup> Department of Planning statement: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Inspections-and-enforcements/February-2020-formal-enforcements/Penalty-Notice-issued-to-Aston-Coal-2>

<sup>19</sup> Resources Regulator media release: <https://resourcesandgeoscience.nsw.gov.au/about-us/news/2019/prohibition-notice-issued-to-maules-creek-open-cut-coal-mine>

<sup>20</sup> Resources Regulator document: <https://www.resourcesregulator.nsw.gov.au/sites/default/files/documents/suspension-notice-decision-document.pdf>

<sup>21</sup> Resources Regulator suspension notice: [https://www.resourcesregulator.nsw.gov.au/data/assets/pdf\\_file/0005/1153634/Suspension-Notice-Decision-document.pdf](https://www.resourcesregulator.nsw.gov.au/data/assets/pdf_file/0005/1153634/Suspension-Notice-Decision-document.pdf)

<sup>22</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190625>

Apr 2019	Clean up Notice <sup>23</sup>	Dumping combustible canisters improperly, resulting in fires breaking out at Narrabri Council's rubbish dump	Narrabri Underground	\$120,000 <sup>24</sup>
Apr 2019	Official Caution	Failure to supply Environmental Report for 2018/2019	Maules Creek	-
Mar 2019	Nil action	Drilling an additional borehole unauthorised	Maules Creek	-
Mar 2019	Official Caution	Breach of condition of authorisation when prospecting	Maules Creek	-
Mar 2019	Court conviction <sup>25</sup>	Failure to blast competently so blast fume left site and drifted over neighbouring properties	Rocglen	\$38,500
Mar 2019	Penalty notice <sup>26</sup>	Blast exceeded the air blast overpressure criteria	Werris Creek	\$15,000
Jan 2019	Corrective Action Request	Exceedance of dust exposure limits and breach of WHS legislation	Narrabri Underground	-
Dec 2018	Corrective Action Request	Exceedance of dust exposure limits and breach of WHS legislation	Tarrawonga	-
Dec 2018	Warning letter	Sound power levels of equipment exceeded those specified in the Noise management Plan	Narrabri Underground	-
Oct 2018	Official Caution	Overloaded blast	Maules Creek	-
Aug 2018	Nil action	Failure to report an incident	Sunnyside	-
May 2018	Official Caution	Failure to provide exploration report for EL6243	Narrabri Underground	-
May 2018	Official Caution	Failure to carry out risk assessments for EL 6243	Narrabri Underground	-
May 2018	Official Caution	Failure to submit community consultation reports	Narrabri Underground	-
May 2018	Official Caution	Failure to seal and rehabilitate bore holes	Narrabri Underground	-
May 2018	Penalty notice <sup>27</sup>	Failing to minimise dust pollution from truck movements on haul roads	Maules Creek	\$15,000
April 2018	Official Caution	Exceeding sound power levels of fixed plant in 2016 and 2017 in contravention of development consent	Maules Creek	-
Mar 2018	Official caution <sup>28</sup>	From DPIE for failure to undertake annual road noise monitoring for the 2017 calendar year	Rocglen	-
Mar 2018	Warning letter <sup>29</sup>	Failure regarding implementation of the Blast management plan.	Tarrawonga	-
Mar 2018	Official caution	Failure regarding implementation of the Noise Management Plan	Tarrawonga	-
Nov 2017	Penalty Notice	Failure to pay rents and levies	Gunnedah CHP	\$1,000
Oct 2017	Official caution	Failure to pay rents and levies	Sunnyside	-
May 2017	Penalty Notice	Polluting waters	Gunnedah CHP	\$15,000
May 2017	Penalty Notice	Exceeding dust standard levels from haul trucks	Maules Creek	\$15,000

<sup>23</sup> EPA clean up notice: <https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1578807>

<sup>24</sup> Part of an enforceable undertaking. Details here: [https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200428-narrabri-coal-to-pay-\\$120000-after-mine-waste-caused-landfill](https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200428-narrabri-coal-to-pay-$120000-after-mine-waste-caused-landfill)

<sup>25</sup> EPA media release: [https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190320-whitehaven-coal-mining-ltd-convicted-and-fined-\\$38500-by-court](https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190320-whitehaven-coal-mining-ltd-convicted-and-fined-$38500-by-court)

<sup>26</sup> Department of Planning media release: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Inspections-and-enforcements/March-2019-formal-enforcements/Penalty-Notice-issued-to-Werris-Creek-Coal-Pty-Ltd>

<sup>27</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17052202>

<sup>28</sup> This caution is cited in Rocglen Annual Review 2018.

<sup>29</sup> Referred to the Tarrawonga Annual Review 2018.

Mar 2017	Penalty notice <sup>30</sup>	Failing to provide the government with information and records during the blast investigation	Maules Creek	\$1,500
Feb 2017	Direction Issued	Failure to rehabilitate land <sup>0</sup>	Gunnedah CHP	-
Feb 2017	Penalty Notice	Failure to comply with s.191 notice	Maules Creek	\$1,500
Feb 2017	Official Caution	Failure to prevent or minimise dust emissions	Maules Creek	-
Feb 2017	Mandatory Audit	Noise Issues	Maules Creek	-
Jan 2017	Official Caution	Failure to lodge annual exploration report	Gunnedah CHP	-
Nov 2016	Official Caution	Failure to pay rents and levies	Gunnedah CHP	-
Sept 2016	Advisory letter	Failure to obtain consent	Canyon Mine	-
Sept 2016	Official Caution	Exceeding airblast overpressure criteria	Rocglen	-
Aug 2016	Late Letter	Failure to pay rents and levies	Maules Creek	-
June 2016	Formal Warning	DPI Water warning for use of unauthorised pump to take water from Namoi River in 2014 and 2015	Maules Creek	-
June 2016	Official Caution	Failure to ensure all equipment stayed within Sound Power approved levels for 2015 calendar year.	Maules Creek	-
Mar 2016	Notice	Dumping coralliferous waste	Werris Creek	-
Mar 2016	Direction	Failure to conduct operations without causing erosion	Rocglen	-
May 2016	Official Caution	Blast limit exceeded	Rocglen	-
Oct 2015	Official Caution	Noise limits exceeded	Narrabri Underground	-
Aug 2015	2 penalty notices <sup>31</sup>	Failure to implement proper weed and feral animal control as per Biodiversity Management Plan	Maules Creek and Tarrawonga	\$6,000
Jul 2015	Investigation <sup>32</sup>	Blast fumes	Maules Creek	-
Apr 2015	Penalty Notice	Failure to transport workers by shuttle bus	Maules Creek	\$3,000
May 2014	Official Caution	Blast limit exceeded	Sunnyside	-
June 2014	Court undertaking	In response to action by Maules Creek Community Council, undertaking to the Land and Environment Court not to clear forest habitat during sensitive seasons for wildlife and edited its Plan. <sup>33</sup>	Maules Creek	-
Oct 2014	Penalty Notice	Failure to operate the Community Consultative Committee properly, with no environmental representative.	Maules Creek (Aston Coal)	\$3,000
Oct 2014	Official Caution	Excessive Dust	Maules Creek	-
Dec 2014	Penalty notice <sup>34</sup>	Disturbing an Aboriginal artefact	Narrabri Underground	\$3,000
Dec 2013	Official Caution	Causing excessive dust	Werris Creek	-
Oct 2013	Clean up Notice	Failure to cap and seal spontaneous combustion materials	Sunnyside	-
Nov 2013	Prosecution	Two offences of failure to report political donation	Maules Creek	\$20,000

<sup>30</sup> EPA media release: <https://www.epa.nsw.gov.au/nePws/media-releases/2017/epamedia17030801>

<sup>31</sup> Department of Planning media release: <https://www.planning.nsw.gov.au/-/media/Files/DPE/Media-Releases/2015/August/26082015-Miners-fined-for-environmental-breaches.pdf>

<sup>32</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2015/epamedia15070603>

<sup>33</sup> For details see a summary of this case from the Environmental Defenders Office [https://www.edonsw.org.au/maules\\_creek\\_community\\_council\\_v\\_whitehaven\\_coal](https://www.edonsw.org.au/maules_creek_community_council_v_whitehaven_coal)

<sup>34</sup> See Independent Environmental Audit 2017. Available here: <http://www.whitehavencoal.com.au/sustainability/environmental-management/narrabri-mine/>



<i>Dec 2012</i>	Warning Letter	Issued by DPI Water for drilling water bore contrary to licencing conditions	Narrabri Underground	-
<i>Dec 2012</i>	Penalty notice <sup>35</sup>	Mining more coal than licence allows	Tarrawonga	\$15,000
<i>Sept 2012</i>	Penalty Notice	Three counts of failure to maintain storage dam, failure to handle water competently and pollute waters	Werris Creek	\$4,500
<i>Mar 2012</i>	4 penalty notices <sup>36</sup>	Polluting waters and breaching its environment protection licences in November 2011 and January 2012	Narrabri Underground and Tarrawonga	\$6,000
<b>TOTAL</b>	<b>101 offences</b>			<b>\$1,981,750</b>

*NB: All offences without reference, refer to this document -  
<https://www.dcceew.gov.au/sites/default/files/documents/74743.pdf>*

<sup>35</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2014/epamedia14120902>

<sup>36</sup> EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2012/decmedia12033003>