



Latrobe Valley Mine Rehabilitation Commissioner

Regulating Rehabilitation

Notes from Q&A

19 June 2019

Morwell Bowls Club

Note: this is not a transcript of the proceedings, actual wording may differ from notes.

EPA – Environment Protection Authority Victoria

ERR – Earth Resources Regulation

WorkSafe – WorkSafe Victoria

LVMRC – Latrobe Valley Mine Rehabilitation Commissioner

Q: Do the regulators feel that the current mine boundaries restrict their ability to properly regulate the mines, and would they like to see the boundaries changed?

A: EPA – the EPA is not restricted by the mine licence boundaries and looks at the impacts that the licence holder has offsite. EPA's regulations look at understanding impacts in a regional context.

ERR – ERR regulates according to its legislation, which restricts its regulatory activities to the mine licence areas. However, it can look into the mines' work plans to ensure that risks outside of the mine licence are properly considered. It can also consider potential for risks to infrastructure external to the mine licence boundary, and if there are potential risks to public safety.

WorkSafe – WorkSafe's jurisdiction is focussed upon a workplace, but does have powers to look at areas where the community might be affected. As such, we are not limited by the mine licence boundary.

EPA – It is worth noting that the mine licence boundary concerns where the licensee can mine, rather than being a limit on regulators.

LVMRC – The Latrobe Valley Regional Rehabilitation Strategy was set up to assess the combined regional impact of all three mines, in recognition that impacts don't stop at the licence boundary.

Q: Who will be responsible for water within the mines post-closure?

A: EPA – The EPA would be responsible for ensuring the appropriate levels and quality are obtained.

ERR – In Germany, the mines that have been rehabilitated into lakes have needed ongoing management for water quality purposes. In Germany, the availability of water was of minimal concern.

LVMRC – The concept of closure is important, defining when the mine owners can relinquish and the criteria for relinquishment. Until relinquishment, the mine owners will be responsible for the ongoing management and monitoring of the lake. The Mine Land Rehabilitation Authority will be a major stakeholder in ongoing monitoring and management of rehabilitated lakes. The Authority will have funding and will be able to own land, so it may buy or be gifted the lake after relinquishment.

EPA – EPA will regulate the water quality of the lake according to the determined beneficial use(s).

Q: What role does DELWP play in closure?

A: EPA – DELWP has a key role to play. The department sets policy and key programs, and it is a partner in the Latrobe Valley Regional Rehabilitation Strategy (LVRRS). DELWP interacts with many key stakeholders, including with EPA, with water corporations concerning water issues and with councils concerning planning.

Q: What public consultation requirements are there around rehabilitation, and how can we be sure that the consultation is genuine?

A: ERR – It is a requirement of the mines' licences and work plans that they actively consult with the community on their rehabilitation plans. ERR requires the mines to provide proof of active and thorough consultation with the local community. This engagement is expected to be tailored for individual issues and audiences.

LVMRC – The operators are responsible for consulting with the community over their rehabilitation plans, and there will be oversight on that. Mine owners will need to demonstrate that they are moving toward a community accepted rehabilitation solution, within physical constraints.

EPA – There are a few key points in government processes where the community can influence the outcome. However, people can drive the conversation every day, through discussing the issues with their friends and family. Attending events like this is also very important.

ERR – Assessing whether mines have met their consultation requirements is sometimes difficult for the regulators. How much consultation is enough?, and are the consultation techniques employed the right ones? The consultation approach chosen will depend on the issues and what stage of the rehabilitation process the mines are up to.

Q: How do you plan on getting the water to fill the mines without having a negative impact on the Gippsland Lakes? Will there be issues with turbidity?

A: LVMRC – The issue of water availability is a key parameter in the development of the LVRRS. The LVRRS is making sure that if the mines are to be filled, then we know how long that will take and what mechanism will be used. It is important to note that as final rehabilitation starts, power generation will stop, meaning the power stations will no longer be using their bulk water entitlements. This is water that can instead be used to fill the lake. Regarding turbidity, as the lakes will be very large, this is unlikely to be an issue. Water quality teams are currently investigating this, so I cannot say too much more before they have finished their work.

Q: Concerned about asbestos disposal in Hazelwood and the proximity to Morwell.

A: EPA – Hazelwood is only licenced to accept asbestos waste from the power station demolition. Building and management of the cell has been heavily managed and is subject to regular inspections in conjunction with WorkSafe. This issue is concerning the demolition of the power station, which is a separate issue from rehabilitation of the mine void.

There is a Latrobe Valley asbestos taskforce chaired by the Latrobe Health Advocate, Jane Anderson. It has met around four times and is currently looking at setting up a strategy.

There was no formal community engagement process on licensing of the Hazelwood cell, as there was an asbestos disposal cell already on site, and so the approval did not require the full community engagement process.

Q: Are the LVRRS technical documents final documents or technical assessments?

A: LVMRC – the LVRRS technical documents will not define the mines' rehabilitation plans, as those will be prepared by the mine operators. The LVRRS technical reports will set a framework for the mine operators regarding what is and is not possible for their Rehabilitation and Closure Plans. For example, the water availability assessments will look at the availability of water in terms of the volume available and rate of supply, but will not define the rehabilitation plan for each mine.

The geotechnical studies will provide a commentary on the risks of the different types of rehabilitation, but will not prescribe which option the mines must choose.

ERR – When regulators are assessing the mines' rehabilitation plans, we will be looking for management and controls for safe, stable and sustainable (i.e. elimination of risks of collapse and fire as far as possible). ERR will look to the hierarchy of risk controls, that is to eliminate risks wherever possible.

Q: Are there any current coal seam fires in the Latrobe Valley mines, and how are these being monitored and managed?

A: EPA – There are no current coal seam fires that we are aware of. Our focus is on strengthening fire regulation and monitoring to prevent any more fires.

Q: Yallourn and Loy Yang might close earlier than planned, and so are there any rapid closure plans in place?

A: LVMRC – Both mines are currently planning for their eventual closure and rehabilitation. They have an advantage as they can see what Hazelwood is doing, and many of the questions that need to be answered to support closure planning are being answered by them. The Integrated Mines Research Group is also sharing rehabilitation lessons between the mines. A number of rehabilitation knowledge gaps have been filled since Hazelwood's closure, and so the operating mines are in a much better position to plan for rehabilitation than they were five years ago.

ERR – Rehabilitation is covered by the mines' work plans. If their situations change, they will need to rewrite and seek approval of their work plan to incorporate rehabilitation to the final proposed landform and closure.

LVMRC – The mines have also given undertakings to government that they will give at least five years' notice before closure.