

Schedule of Whitehaven Coal's Non-Compliances

<i>Date</i>	<i>Action</i>	<i>Explanation</i>	<i>Mine</i>	<i>Amount</i>
Mar 2012	4 penalty notices ¹	Polluting waters and breaching its environment protection licences on 2 occasions	Narrabri Underground and Tarrawonga	\$6,000
Dec 2014	Penalty notice ²	Disturbing an Aboriginal artefact	Narrabri Underground	\$3,000
Dec 2014	Penalty notice ³	Mining more coal than licence allows	Tarrawonga	\$15,000
Jun 2014	Court undertaking	Enforcement action causing WHC to give an undertaking to the LEC not to clear forest habitat during sensitive seasons. ⁴	Maules Creek	
Jul 2015	Investigation ⁵	Blast fumes	Maules Creek	-
Aug 2015	2 penalty notices ⁶	Failure to implement proper weed and feral animal control as per Biodiversity Management Plan	Maules Creek and Tarrawonga	\$6,000
Mar 2017	Penalty notice ⁷	Failing to provide the government with information and records during the blast investigation	Maules Creek	\$1,500
Mar 2018	Official caution ⁸	From DPIE for "failure to undertake annual road noise monitoring for the 2017 calendar year"	Rocglen	-
Mar 2018	Warning letter ⁹	Failure regarding implementation of the Blast management plan.	Tarrawonga	-
Mar 2018	Official caution	Failure regarding implementation of the Noise Management Plan	Tarrawonga	-
May 2018	Penalty notice ¹⁰	Failing to minimise dust pollution from truck movements on haul roads	Maules Creek	\$15,000

¹ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2012/decmedia12033003>

² See Independent Environmental Audit 2017. Available here:

<http://www.whitehavencoal.com.au/sustainability/environmental-management/narrabri-mine/>

³ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2014/epamedia14120902>

⁴ 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

⁵ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2015/epamedia15070603>

⁶ 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>

⁷ EPA media release: <https://www.epa.nsw.gov.au/nePws/media-releases/2017/epamedia17030801>

⁸ This caution is cited in Rocglen Annual Review 2018.

⁹ Referred to the Tarrawonga Annual Review 2018.

¹⁰ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2017/epamedia17052202>

Date	Action	Explanation	Mine	Amount
Dec 2018	Warning letter	Sound power levels of equipment exceeded those specified in the Noise management Plan	Narrabri Underground	-
Mar 2019	Court conviction ¹¹	Blast fume left site and drifted over neighbouring properties	Rocglen	\$38,500
Mar 2019	Penalty notice ¹²	Blast exceeded the airblast overpressure criteria	Werris Creek	\$15,000
Apr 2019	Clean up Notice ¹³	Dumping combustible canisters, resulting in fires breaking out at Narrabri Council's rubbish dump	Narrabri Underground	-
Jun 2019	Fine ¹⁴	Failure to minimise dust, resulting clouds from stock pile	Narrabri Underground	\$15,000
Aug 2019	Suspension ¹⁵	Suspension of exploration licence for unlawful clearing of bushland for access tracks	Narrabri Underground	-
Aug 2019	Statutory Notice	Rehabilitation	Tarrawonga and Rocglen	-
Sept 2019	Prosecution ¹⁶	NRAR finds WHC has taken over 3 billion litres of surface water illegally over 3 years	Maules Creek	Outcome pending
Sept 2019	Prohibition notice ¹⁷	Issued by Resources Regulator prohibiting the use of vehicles following a dangerous incident	Maules Creek	-
Oct 2019	Investigation	NRAR investigating whether mine is causing groundwater loss to local farmers	Maules Creek	Ongoing
Nov 2019	Investigation	NRAR and Dept Planning investigating construction of a water pipeline not included in approval	Maules Creek	Ongoing
Nov 2019	Penalty notices ¹⁸	Two penalty notices issue for the carrying out of exploration activities without approval	Vickery	unknown

¹¹ 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)

¹² 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>

¹³ EPA clean up notice: <https://apps.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1578807>

¹⁴ EPA media release: <https://www.epa.nsw.gov.au/news/media-releases/2019/epamedia190625>

¹⁵ Resources Regulator suspension notice: https://www.resourcesregulator.nsw.gov.au/_data/assets/pdf_file/0005/1153634/Suspension-Notice-Decision-document.pdf

¹⁶ 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>

¹⁷ Resources Regulator media release: <https://resourcesandgeoscience.nsw.gov.au/about-us/news/2019/prohibition-notice-issued-to-maules-creek-open-cut-coal-mine>

¹⁸ Annual report 2019. Vickery coal mine <https://whitehavencoal.com.au/Documentations/Vickery%20Extension%20Project/Environmental%20Management,%20Monitoring%20&%20Compliance/Annual%20Reviews/VIC-Annual%20Review%202019.pdf>

Date	Action	Explanation	Mine	Amount
Feb 2020	Clean up notice ¹⁹	EPA investigating polystyrofoam balls pollution into Back Creek during flood event	Maules Creek	--
Feb 2020	Penalty Notice ²⁰	DPIE fine for failing to seek consent for three separate pipelines and associated infrastructure before building them and using them to water the mine.	Maules Creek	\$15,000
Apr 2020	Prosecution	South East Forest Rescue launch legal action for WHC failing to secure necessary biodiversity offsets when clearing endangered woodlands	Maules Creek	Pending Outcome
May 2020	Fine ²¹	Sediment dam failure causing discharge into neighbours	Tarrawonga	\$15,000
August 2020	Prosecution ²²	8 breaches of exploration licence	Narrabri Underground	Pending Outcome
Aug 2020	Enforceable Undertaking ²³	Workplace health and safety submission by Resources regulator over serious WHS incident	Maules Creek	\$800,000 plus costs
October 2020	Fine ²⁴	Uncontrolled water discharge	Werris Creek	\$15,000 fine

¹⁹ EPA Clean up notice here: <https://app.epa.nsw.gov.au/prpoeoapp/ViewPOEONotice.aspx?DOCID=-1&SYSUID=1&LICID=1591771>

²⁰ DPIE media release <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>

²¹ EPA media Release: <https://www.epa.nsw.gov.au/news/media-releases/2020/epamedia200528-tarrawonga-coal-fined-after-environmental-breach-at-mine>

²² https://www.resourcesregulator.nsw.gov.au/_data/assets/pdf_file/0006/1248567/Prosecution-proceedings-commenced-against-Narrabri-Coal-Pty-Ltd-and-Narrabri-Coal-Operations.pdf

²³ <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>

²⁴ 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)