

Metropolitan Collieries Pty Ltd Convicted of Offences after Overflows of Coal-Laden Water near the Royal National Park

Metropolitan Collieries Pty Ltd, a subsidiary of Peabody Energy, has been convicted in the Land and Environment Court of New South Wales for three offenses under the *Protection of the Environment Operations Act 1997*(NSW). Metropolitan Collieries was prosecuted by the Environment Protection Authority ('EPA') and pleaded guilty to two offenses of water pollution and one offence of contravening its environment protection license relating to the maintenance of a dam.

Metropolitan Collieries Pty Ltd operates the Metropolitan Colliery, a small underground coal mine located in Helensburgh NSW near the Royal National Park and the Garawarra State Conservation Area. Camp Gully Creek, which flows into the Hacking River, runs adjacent to the south of the mine. Between about 6 September and 8 September 2022, water containing sediment and coal fines overflowed from a water storage dam (called Turkeys Nest Dam) into Camp Gully Creek. Between about 8 October and 9 October 2022, further coal-laden water overflowed from Turkeys Nest Dam into Camp Gully Creek during rainfall. The volume of water, silt and sediment released from Turkeys Nest Dam into Camp Gully Creek during both incidents is not known. However, the Court found that actual and potential harm was caused by the water pollution offenses.

Between about 13 July and 9 October 2022, Metropolitan Collieries did not properly maintain Turkeys Nest Dam and its associated plant and equipment. Turkeys Nest Dam was full of coal sediment and other parts of the surface water facilities were blocked by sediment. This meant that the mine had limited storage capacity to capture and store surface water runoff and mine water.

On 21 March 2025, Metropolitan Collieries Pty Ltd was sentenced for the three offences as follows:

- The Court imposed fines in the total sum of \$196,560.
- The Court ordered Metropolitan Collieries Pty Ltd to pay the EPA's costs of the proceedings in the sum of \$270,000 and the EPA's investigation costs in the sum of \$34,806; and to publish notices of the convictions and the fines imposed.

This notice was placed by order of the Land and Environment Court of New South Wales.
