

Correct Planning & Consultation for Mayfield Group

for the seven new wharfs of Mayfield.

IPART Sydney <u>ipart@ipart.nsw.gov.au</u> 18th May 2014

Draft Decision released for NSW Rail Access Undertaking

Dear Sir

CPCFM is a community group with over 500 members and supporters. The group has a keen interest in the transport to and from the Port of Newcastle CPCFM believes the rail access charge needs to be:-

- Fair
- Reasonable
- Encourage the use of trail as a transport mode for freight
- Compatible with encouraging public transport by rail.
- Encourage environmental responsibility

CPCFM is particularly very concerned with the pollution and emissions from coal haulage. We have attached a copy of our formal complaint to the EPA for your information. The very poor standard for securing coal loads is unacceptable and we believe that IPART should set rail access charges that require coal train operators to meet core standards for loading, unloading and securing coal loads. We remind IPART that the return unloaded journey would seem to be a major source of pollution and that access charges and penalties must apply to both loaded and unloaded movements.

Public transport is a major user of the rail line and this use must be encouraged. The electric train passage should not be impeded by the diesel coal locos. The diesel locos impact on passengers waiting at stations and costs like this must be considered by IPART.

We suggest that IPART gives consideration to access charges based on the time of the day and the duration of rail corridor use.

Claire Charles

Secretary

Correct Planning & Consultation for Mayfield Group



for the seven new wharfs

To the complaint Section Environmental Protection Agency (EPA)

info@environment.nsw.gov.au

Complaint from CPCFM

Correct Planning and Consultation for Mayfield Group (CPCFM) wishes to lodge a <u>formal complaint related to coal wagons operation and emissions in Newcastle and</u> <u>the Hunter.</u>

CPCFM is of the opinion that coal and coal dust is not contained in coal wagons in the Hunter Valley in a manner that shows failure of due diligence and failure to follow established principles for the loading and carriage of product by land transport.

CPCFM considers that the operators of coal wagons and support infrastructure are not compliant with the relevant Pollution Acts and Transport Acts.

CPCFM's concerns are:-

- 1. Coal loaded into wagons is not securely contained.
- 2. That coal loaded in wagons exceeds the wagons dimensions.
- Coal that becomes separated from the wagons is not constrained within the corridor.
- 4. That wagons used for the cartage of coal are not maintained adequately.
- That the management practices of coal wagon operation fall well short of world's best practice.

The operation of coal wagons in the Hunter Valley is a major activity that should be overseen and regulated by the EPA to ensure that there is no harm to the community or the environment.

We request that this document be considered and handled as a formal complaint and that CPCFM is kept fully advised of the handling and outcome of this complaint. This process should commence with a formal acknowledgement of the complaint.

Additional Information and evidence to support our formal complaint.

CPCFM stresses that the photos can be very easily replicated on most days by simply observing loaded and unloaded Coal trains at common vantage points East of Maitland.

1. <u>Coal loaded into wagons is not securely contained.</u>

Coal wagons in the Hunter are top loading and bottom unloading. Early Hunter wagons and wagons elsewhere in the world are loaded and emptied from the top only.

The wagons have no permanent or temporary lid, mesh or cover to ensure that material is constrained within the wagon.

It is acknowledged that material does leave the wagon.

The quantity of material leaving loaded Hunter wagons is unknown, however in Queensland and the USA losses as high as 3% have been recorded.

The quantity of material leaving unloaded Hunter wagons has been estimated to be in the order of 200kg per train. The estimation is based on a large number of train observations from overhead viewing areas and the calculations of quantities of coal within the wagon, coal on the wagon platforms, coal on the frame and suspension. Below is considerable photographic evidence. There is no constraint mechanism to prevent this material leaving the wagon on its return journey.



3/11/2013 Selwyn Street, Mayfield Coal wagon with side spillage due to unsecured load



3/11/2013 Selwyn Street Close ups of unsecured load and spillage



5/6/2013 Selwyn St Wagon platform coal unsecured waiting to fall



5/6/2013 Mayfield West, Wagon platform coal unsecured waiting to fall



5/6/2013 Mayfield West Interior surface waiting to blow out



5/6/2013 Stick coal residue drying out ready to blow out



5/6/2013 Mayfield West, Stick coal residue drying out ready to blow out



5/6/2013 Mayfield West, Stick coal residue sitting on crossbar drying out ready to blow out

2. That coal loaded in wagons exceeds the wagons dimensions.

The ARTC publishes a number of procedures manuals that clearly set out how wagons are to be loaded and requirements that the load must be secure and must not exceed defined dimensions.

The major section is **Infrastructure Requirements for Unit Train Loading and Unloading Facilities for Coal and Mineral Products**

ETD-00-05 and it states the height of the load must not exceed 135mm above the body.

Clearly this height is exceeded as the photographic evidence indicates.



9/6/2013 Maitland Photo of over height wagon



9/6/2013 Maitland Photo of over height



9/6/13 Maitland Excessive height



23/10/2013

Wagons are also loaded to the point that there is no freeboard and coal simply pours over the side



23/10/2013 Selwyn St3/11/2013 Selwyn StPhoto showing no freeboard and coal pouring down the wagon side.



13 / 10 /2013 Carrington.

3. <u>Coal that becomes separated from the wagons is not constrained within</u> <u>the corridor.</u> There can be little dispute that coal falls from trains and enters the corridor. Once in the corridor the material may be airborne, or become airborne due to train turbulence. That material can settle on residences, schools and other places causing harm to the environment and community members.

The material that falls from the train may settle within the corridor only to be washed into the catchment s of creeks, streams and rivers. There is little or no effort to contain this runoff or to capture it for recycling. CPCFM has been unable to locate within the ARTC procedures or train operator's instructions details of how the handle this material.

The sand used by coal hauling locos (containing harmful silica) also appears to be unmanaged.



5 / 6/ 2013 Mayfield West

5 / 6/ 2013 Mayfield West



^{9 / 6 / 2013} Selwyn St

Photos showing aspects of the rail corridor

4. That wagons used for the cartage of coal are not maintained adequately.

CPCFM believes that the management practices of coal wagon operation fall well short of world's best practice.

Some loads are not profiled or wet.



16 / 6 / 2013 Selwyn St



31 / 12 / 2013 Carrington, Coal ready to drop sitting on gunnel

Wagons may be damaged or broken thus allowing feature of the wagon design to not work as designed. Wings are a key issue.

The bottom unloading doors on coal wagons frequently do not close correctly and or fail to seal. Thus residual coal in the wagon is free to fall out on the return journey.

There is no restraint to hold the loads within the wagon.



5 / 6 / 2013 Carrington Photos of ill shutting doors.

Coal of a high moisture content and or is sticky adheres to the internal sides of wagons or builds up into heaps. As the coal dries out it becomes dislodged and is drawn out of the wagon top or falls out the bottom. In wet conditions this material is rinsed out of the wagon only to fall into the corridor.



5 / 6 / 2013 Mayfield West



23 / 10 / 2013



23 /10 / 2013 Selwyn St



23 / 10 / 2013



23 / 10 / 2013



26/1/2014





31 / 12 / 2013 Carrington Photos of coal in the wagons. 31 / 12 /2013 Carrington

That the management practices of coal wagon operation fall well short of world's best practice.

There are a number of areas in which the operation of coal wagons could be improved. They include:-

- The operation of coal wagons with permanent lids covering empty and loaded coal wagons.
- The washing of wagons immediately upon leaving the unloading station.
- The operation of solid bottom wagons with discharge by tippler
- The correct loading techniques including load shaping and moisture control
- Water application to uncovered loads en route as required
- The control of corridor discharges.
- Correct practices for the disposal of corridor material and spillages
- Appropriate train speeds

Supporting information and regulations

Environment Protection Licence - ARTC

3 Operating Conditions

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and

b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

a) must be maintained in a proper and efficient condition; and
b) must be operated in a proper and efficient manner.

O3 Dust

03.1 Air

Significant dust generating activities on the premises must be managed in a proper and efficient manner to minimise dust emissions from the premises.

(Note The premises is the rail corridor)

4 Monitoring and Recording Conditions

M1 Monitoring records

Environment Protection Authority - NSW Page 12 of 27 Licence version date: 28-May-2013 Section 55 Protection of the Environment Operations Act 1997

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must

be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:

a) in a legible form, or in a form that can readily be reduced to a legible form;

b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

a) the date(s) on which the sample was taken;

b) the time(s) at which the sample was collected;

c) the point at which the sample was taken; and

d) the name of the person who collected the sample.

M2 Recording of pollution complaints

M2.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent

of the licensee in relation to pollution arising from any activity to which this licence applies. M2.2 The record must include details of the following:

a) the date and time of the complaint;

b) the method by which the complaint was made;

c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

d) the nature of the complaint;

e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

f) if no action was taken by the licensee, the reasons why no action was taken.

M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M3 Telephone complaints line

M3.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M3.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M3.3 The preceding two conditions do not apply until 3 months after:

a) the date of the issue of this licence or

b) if this licence is a replacement licence within the meaning of the Protection of the Environment

Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

http://extranet.artc.com.au/docs/eng/track-civil/procedures/track-civil/ETD-00-05.pdf

Discipline: Engineering (Track & Civil) Category: Standard Infrastructure Requirements for Unit Train Loading and Unloading Facilities for Coal and Mineral Products ETD-00-05

3 Track Standards

Coal terminals are to be constructed to a minimum of Heavy Haul Line standards as set out in ARTC T&C CoP Section 0.

Other product terminals may be constructed to a minimum of Intrastate siding standards as set out in ARTC T&C CoP Section 0.

Track under the loading bin is to be constructed to allow easy cleaning and removal of spilt product, preferably a concrete slab design with the rail supported on pedestals as shown on ARTC Drawing No. SS-435, or where it is also proposed to load road vehicles, to ARTC Drawing No.SS-432.

8 Mass Control At Loading Facility

An approved method of controlling the amount of product loaded into each wagon is required to ensure that the rail vehicles are not over loaded in terms of axle load or spillage of material on the track.

Section 5 Loading Restrictions

General requirements for the safe transit of freight on rail Version 2.0 April 2009

This section specifies the basic principles and minimum requirements for the safe rail conveyance of freight.

□ Diagrams 1, 1A, 1B and 2 on page 66 indicates the maximum permissible limits for moveable loads (loose loads) which are not fully enclosed in a solid container, loads that can become displaced, not rigidly attached to the wagon and are subject to inaccurate placing on wagon, secured by means of lashing devices, i.e. chains/webbing, ropes etc. In other words, all loads which are not in a fully enclosed container, i.e. loading on container bases, bolsters and platforms, transiflats, flatracks, railtainers, open wagon and flat wagons.

□ Any load exceeding the permissible limits of the loading outlines shown in the following diagrams and/or intended for operation outside the allowable corridors is referred to as 'Out-of-Gauge'.

□ Out of Gauge loads shall not operate on the network without the authorisation of the Asset Standards Authority.

☐ All freight must be sufficiently secured to prevent movement during transit due to train and vehicle dynamic forces.

□ Vehicles must be loaded such that they do not exceed loading outlines, axle load limits or weight distribution restrictions.

□ Securing devices, loose chains, chain/webbing ends, must be firmly secured, to guard against the possibility of their working loose, and either falling off or trailing from the wagon en-route.

□ The selection of the means for securing a load on or in a wagon will depend to a large extent on the type and construction of the load to be carried, and the wagon on or in which the load is to be carried. Clamps, bolts, chains, loadscrews, loadbinders, webbing straps, winches, ratchets, steel straps, USLM Signode type strapping, steel wire rope, twitchstik and rope and cordage made from natural and synthetic fibres are all suitable devices.

□ Black steel packaging straps or green gerrard superstrap are NOT acceptable as a primary securing system.

□ The door locking mechanisms on containers and open wagons must be maintained in good condition and working order and loading personnel must ensure that all doors are properly and safely secured and locked.

□ The attention of all Operations and examining staff is specially directed to the necessity for a careful examination of all freight loading consignments in regards to the securing and weight distribution, overloading of wagons, all doors are closed and adherence to the maximum loading gauge dimensions are met in order to prevent serious freight accidents.

□ If there is any doubt regarding a consignment and the safety there of, it MUST NOT be despatched.

□ Loads must not protrude more than 150mm over the headstock of any wagon without prior approval being granted by the Asset Standards Authority.

□ The maximum permissible container loading height for various wagons deck heights and rail corridors is shown in the following diagrams.

□ Enquiries regarding loading and the securing of loads, which exceed the dimensions as shown in the following diagrams must be directed to the Asset Standards Authority.

This complaint is lodged by:

John L Hayes Convenor and media spokesman for

Correct Planning and Consultation for Mayfield Group*

20th February 2014

* CPCFM was established in 2010 to represent the views of residents of Mayfield and other inner city suburbs of Newcastle; and we have about 500 members and supporters.

We hold public meetings, usually at Mayfield East Public School. We usually have guest speakers, who have included Local State Members of Parliament; Representatives from Industry; Experts in various fields; and concerned residents. These meetings commonly attract attendances of 200+ residents. They are held 2 or 3 times a year. John L Hayes has chaired all the meetings we have held to date.

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Re Complaint from CPCFM

During the third week of February CPCFM logged formal complaints with the EPA and Transport for NSW. Receipt of these complains have been formally acknowledged. The complaint was also forwarded to the relevant Ministers and other organisations.

Response from the EPA and TfNSW has been zilch.

The complaint was a formal document of 17 pages and 33 colour photos that showed the uncontrolled loss of coal from coal wagons in the Lower Hunter.

Fines are extensive with \$1m fines per event for corporations. There is also an ongoing fine of \$120,000 per day for the continuation of offences.

CPCFM has since the complaint lodgement continued to photograph coal trains.

This brochure shows some of the evidence collected in recent weeks. The photos have all been taken at Sandgate Station on 27th February, the 4th March and the 9th March 2014. Details of the train and additional photos can be provided for identification purposes if required.

For Media please contact John Hayes 0400 171 602.



There is a large volume of evidence to show that coal tracks visually display the evidence of coal falling from empty wagons. The lesser the distance to the Port the greater the evidence. The centre photo is a close up of the dropped coal. The LHS photo shows how curves boost the dropping of material on the empty wagon line. The RHS & LHS photos shows a comparison between the loaded

line and the empty wagon line. The heavily soiled tracks show the black coal deposits from the empty wagons



Considerable coal is carried on the exterior of the wagon. The gunnels, platform between the wagons and on the wings between the wagons are common locations. The wheels and underside of the wagon are also well known to carry coal especially following unloading.



This wing is full!



The excessive loading of a coal wagon to the point where the load pours down the side of the wagon could only be described as irresponsible. This material once in the corridor is free to flow into our streams and rivers or for the smaller particles to be recirculated into the atmosphere.







Particulate matter located within the coal wagon moves freely as it dries out. This material falls from the open unloading door or is sucked out of the wagon top.



If the unloading doors are open then the coal simply runs out the bottom. The major cause is inappropriate adjustment.



Certainly Locomotives are a source of emissions however the CPCFM Complaint has not raised this issue instead being concerned with the loading, handling, securing, maintenance and operation of coal wagons on the coal lines in the Lower Hunter.

Our assessment is that an empty coal wagon drops about 200kg of coal after unloading. We feel that is both unacceptable and avoidable.