

Coal Corporation required to minimise dust problem

Legislation	Ombudsmen Act 1975, Clean Air Act 1972
Agency	Coal Corporation
Ombudsman	Nadja Tollemache
Case number(s)	A2934
Date	1992

Adequacy of Action—Failure of Coal Corporation to alleviate a coal dust problem and coal fine pond encroachment in the direction of local residents' houses

The complainant in this case represented 27 residents.

Coal Corporation operated a mining operation near a small community. Coal Corporation's mining operation used settling ponds to wash coal taken from the mine. The debris (coal fine) left in the ponds after washing was then cleaned out of the ponds and stockpiled. Local residents were concerned that the stockpile area was slowly encroaching on an area of bush between the mining operation and the local residents' houses. On windy days, coal dust from the stockpile would be swept over and through those houses closest to the stockpile area. At the time the complaint was made to the Ombudsman, the Department of Health was also processing an application by Coal Corporation under the *Clean Air Act 1972* for a clean air licence.

Coal Corporation clearly recognised there was a problem with the mining operation as far as the local residents were concerned. Over a period of three months, Coal Corporation located a market and disposed of the existing stockpile. A wider barrier was created between the stockpile area and the residential area. Sandy soil was also hauled in to provide a planting base for a vegetation belt between the residential area and the mining operation. This was designed to cover the old stockpile area with growth and prevent coal dust sweeping off the old coal surface. It was agreed between Coal Corporation and the complainant that the Corporation would supply the seedlings for the vegetation belt providing the complainant was prepared to

assist the mine's manager in undertaking the planting. By the end of the investigation Coal Corporation had located its coal fine stockpile some 300m north of the previous location. The new location was better protected in terms of natural topography and was in an area where coal had been stored for some 40 years without generating a problem. To prevent future problems with coal dust in the area, the Department of Health's Air Pollution Control section granted Coal Corporation a clean air licence subject to a number of conditions which require Coal Corporation to ensure that wind-blown dust from the mining operations is kept to a practical minimum.

The investigation was one which required delicate treatment because the mining operation provided local residents with valuable employment. The complainant stressed that it was not his intention to cause Coal Corporation to shut down its operations in the area. Coal Corporation made an effort to compromise with the local residents in order to maintain a peaceful co-existence with them.

The Ombudsman discontinued the investigation after it became apparent that the action taken by Coal Corporation had resolved the local residents' complaints.

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