

# Environment Protection Licence



Licence - 11879

| <b>Licence Details</b> |            |
|------------------------|------------|
| Number:                | 11879      |
| Anniversary Date:      | 01-January |

| <b>Licensee</b>                    |
|------------------------------------|
| ASHTON COAL OPERATIONS PTY LIMITED |
| PO BOX 699                         |
| SINGLETON NSW 2330                 |

| <b>Premises</b>                             |
|---|
| ASHTON COAL MINE                            |
| GLENNIES CREEK ROAD AND NEW ENGLAND HIGHWAY |
| CAMBERWELL NSW 2330                         |

| <b>Scheduled Activity</b> |
|---------------------------|
| Coal works                |
| Mining for coal           |

| <b>Fee Based Activity</b> | <b>Scale</b>                           |
|---------------------------|--|
| Coal works                | > 5000000 T annual handling capacity   |
| Mining for coal           | > 5000000 T annual production capacity |

| <b>Region</b>                                   |
|---|
| North - Hunter                                  |
| Ground Floor, NSW Govt Offices, 117 Bull Street |
| NEWCASTLE WEST NSW 2302                         |
| Phone: (02) 4908 6800                           |
| Fax: (02) 4908 6810                             |
| PO Box 488G NEWCASTLE                           |
| NSW 2300  |

# Environment Protection Licence



Licence - 11879

|  |    |
|--|----|
| <b>INFORMATION ABOUT THIS LICENCE</b>                            | 4  |
| Dictionary   | 4  |
| Responsibilities of licensee                                     | 4  |
| Variation of licence conditions                                  | 4  |
| Duration of licence  | 4  |
| Licence review   | 4  |
| Fees and annual return to be sent to the EPA                     | 4  |
| Transfer of licence  | 5  |
| Public register and access to monitoring data                    | 5  |
| <b>1 ADMINISTRATIVE CONDITIONS</b>                               | 6  |
| A1 What the licence authorises and regulates                     | 6  |
| A2 Premises or plant to which this licence applies               | 6  |
| A3 Information supplied to the EPA                               | 6  |
| <b>2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND</b>    | 7  |
| P1 Location of monitoring/discharge points and areas             | 7  |
| <b>3 LIMIT CONDITIONS</b>  | 8  |
| L1 Pollution of waters   | 8  |
| L2 Noise limits  | 8  |
| L3 Blasting  | 9  |
| <b>4 OPERATING CONDITIONS</b>                                    | 10 |
| O1 Activities must be carried out in a competent manner          | 10 |
| O2 Maintenance of plant and equipment                            | 10 |
| O3 Dust  | 10 |
| O4 Processes and management                                      | 10 |
| O5 Waste management  | 11 |
| O6 Other operating conditions                                    | 11 |
| <b>5 MONITORING AND RECORDING CONDITIONS</b>                     | 11 |
| M1 Monitoring records  | 11 |
| M2 Requirement to monitor concentration of pollutants discharged | 12 |
| M3 Testing methods - concentration limits                        | 13 |
| M4 Weather monitoring  | 13 |
| M5 Recording of pollution complaints                             | 14 |
| M6 Telephone complaints line                                     | 14 |
| M7 Blasting  | 14 |

# Environment Protection Licence



Licence - 11879

|                   |  |           |
|-------------------|--|-----------|
| M8                | Other monitoring and recording conditions                  | 15        |
| <b>6</b>          | <b>REPORTING CONDITIONS</b>                                | <b>15</b> |
| R1                | Annual return documents                                    | 15        |
| R2                | Notification of environmental harm                         | 16        |
| R3                | Written report   | 16        |
| R4                | Other reporting conditions                                 | 17        |
| <b>7</b>          | <b>GENERAL CONDITIONS</b>                                  | <b>17</b> |
| G1                | Copy of licence kept at the premises or plant              | 17        |
| G2                | Contact number for incidents and responsible employees     | 17        |
| <b>8</b>          | <b>SPECIAL CONDITIONS</b>                                  | <b>18</b> |
| E1                | Commencement of Optimised Real-time Air Quality Monitoring | 18        |
| E2                | Hunter Valley Dust Risk Forecasting Trial - Spring 2017    | 18        |
| <b>DICTIONARY</b> |  | <b>19</b> |
|                   | General Dictionary   | 19        |

# Environment Protection Licence

Licence - 11879



## Information about this licence

### Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

### Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

### Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

### Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

### Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

# Environment Protection Licence

Licence - 11879



The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

## Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

## Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

## This licence is issued to:

|   |
|---|
| <b>ASHTON COAL OPERATIONS PTY LIMITED</b> |
| <b>PO BOX 699</b>                         |
| <b>SINGLETON NSW 2330</b>                 |

subject to the conditions which follow.

# Environment Protection Licence



Licence - 11879

## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

| Scheduled Activity | Fee Based Activity | Scale                                  |
|--------------------|--------------------|--|
| Coal works         | Coal works         | > 5000000 T annual handing capacity    |
| Mining for coal    | Mining for coal    | > 5000000 T annual production capacity |

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

| Premises Details                            |
|---|
| ASHTON COAL MINE                            |
| GLENNIES CREEK ROAD AND NEW ENGLAND HIGHWAY |
| CAMBERWELL                                  |
| NSW 2330                                    |
| ML 1533                                     |

### A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

# Environment Protection Licence

Licence - 11879



## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

| <i>Air</i>             |                               |                         |   |
|------------------------|-------------------------------|-------------------------|---|
| EPA identification no. | Type of Monitoring Point      | Type of Discharge Point | Location Description  |
| 9                      | Particulate Matter Monitoring |                         | Monitor "Site 7" at coordinates 318060 6407586 (Easting Northing) as shown on plan titled "Ashton Coal Operations Limited Environment Protection Licence 11879 Optimisation of Particulate Monitoring" dated 18/10/16, DOC16/525619.  |
| 10                     | Particulate Matter Monitoring |                         | Monitor "Site 9" at coordinates 320853 6407223 (Easting Northing) as shown on plan titled "Ashton Coal Operations Limited Environment Protection Licence 11879 Optimisation of Particulate Monitoring" dated 18/10/16, DOC16/525619.  |
| 11                     | Particulate Matter Monitoring |                         | Monitor "Site 10" at coordinates 320030 6405703 (Easting Northing) as shown on plan titled "Ashton Coal Operations Limited Environment Protection Licence 11879 Optimisation of Particulate Monitoring" dated 18/10/16, DOC16/525619. |
| 12                     | Particulate Matter Monitoring |                         | Monitor "Site 2" at coordinates 320263 6405140 (Easting Northing) as shown on plan titled "Ashton Coal Operations Limited Environment Protection Licence 11879 Optimisation of Particulate Monitoring" dated 18/10/16, DOC16/525619.  |

P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.3 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

### *Water and land*

| EPA Identification no. | Type of Monitoring Point         | Type of Discharge Point | Location Description   |
|------------------------|----------------------------------|-------------------------|--|
| 2                      | Ambient surface water monitoring |                         | In Bowmans Creek upstream of the mine shown as point SM3 in Figure 4 dated 8/8/03 titled "EPA Surface Water Monitoring Sites". |

# Environment Protection Licence

Licence - 11879



|   |                                   |  |
|---|-----------------------------------|--|
| 3 | Ambient surface water monitoring  | In Bowmans Creek near the New England Highway shown as point SM4 in Figure 4 dated 8/8/03 titled "EPA Surface Water Monitoring Sites"                |
| 4 | Ambient surface water monitoring. | In Bowmans Creek near the proposed longwall panels shown as point SM5 in Figure 4 dated 8/8/03 titled "EPA Surface Water Monitoring Sites"           |
| 5 | Ambient surface water monitoring  | In Bowmans Creek at the Hunter River confluence shown as point SM6 in Figure 4 dated 8/8/03 titled "EPA Surface Water Monitoring Sites"              |
| 6 | Ambient surface water monitoring. | In the Hunter River upstream of Bowmans Creek shown as point SM9 on Figure 4 dated 8/8/03 titled "EPA Surface Water Monitoring Sites".               |
| 7 | Ambient surface water monitoring  | In the Hunter River downstream of Bowmans Creek confluence shown as point SM10 on Figure 4 dated 8/8/03 titled "EPA Surface Water Monitoring Sites". |
| 8 | Groundwater monitoring            | Locations shown on Figure 1A titled "Groundwater Monitoring Piezometer Locations for EPL" dated 26/10/06.  |

## 3 Limit Conditions

### L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Noise limits

L2.1 Noise from the premises must not exceed the limits specified in the table below:

| Location | Day LAeq(15 minute) | Evening LAeq(15 minute) | Night LAeq(15 minute) | Night LAeq(1 minute) |
|----------|---------------------|-------------------------|-----------------------|----------------------|
|----------|---------------------|-------------------------|-----------------------|----------------------|



# Environment Protection Licence



Licence - 11879

|   |    |    |    |    |
|---|----|----|----|----|
| Any residence not owned by the licensee or not subject to an agreement between the licensee and the residence owner as to an alternative noise limit. | 38 | 38 | 36 | 46 |
|---|----|----|----|----|

- L2.2 For the purpose of Condition L2.1:
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
  - Evening is defined as the period from 6pm to 10pm, and
  - Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays
- L2.3 Noise from the premises must be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary to determine compliance with the LAeq(15 minute) noise limits in condition L2.1. Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.
- L2.4 Noise from the premises is to be measured or computed at 1m from the dwelling facade to determine compliance with condition L2.1 (LA1 (1 minute) noise limit).
- L2.5 The noise emission limits identified in condition L2.1 apply under the following meteorological conditions:
- wind speeds up to 3m/s at 10m above ground level; and
  - temperature inversion conditions up to 30C/100m.
- L2.6 Open cut mining activities must only be carried out between the hours of 0700 and 2200 Monday to Saturday, and 0800 and 2200 on Sundays and Public Holidays.
- L3 Blasting**
- L3.1 Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.
- L3.2 The overpressure level from blasting operations carried out in or on the premises must not:
- exceed 115 dB(L) for more than 5% of the total number of blasts carried out on the premises within the 12 months annual reporting period; and
  - exceed 120 dB(L) at any time at any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject to a private agreement between the owner of the residence or noise sensitive location

# Environment Protection Licence



Licence - 11879

and the licensee as to an alternative overpressure level.

L3.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not:

- a) exceed 2mm/second for more than 5% of the total number of blasts carried out on the premises within the 12 months annual reporting period; and
  - b) exceed 10mm/second at any time
- at any residence or noise sensitive location (such as a school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative ground vibration level.

## 4 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

O3.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O3.2 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

### O4 Processes and management

O4.1 Stormwater Management Scheme

A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater runoff from and within the

# Environment Protection Licence



Licence - 11879

premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. If a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).

- O4.2 Banks, channels and similar works must be constructed and maintained to divert stormwater away from disturbed or contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring.

## O5 Waste management

- O5.1 A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of minewater, sewage effluent and other wastewater.
- O5.2 Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must:
- have walls and floors constructed of impervious materials;
  - be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
  - have walls not be less than 250 millimetres high;
  - have floors graded to a collection sump; and
  - not have a drain valve incorporated in the bund structure.
- O5.3 A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.
- O5.4 An area must be provided for the use of effluent from the sewage treatment plant. The design of the system must be in accordance with the EPA's draft guideline "Utilisation of Treated Effluent by Irrigation".
- O5.5 Wastewater utilisation areas must effectively utilise the wastewater applied to those areas. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Monitoring of land and receiving waters to determine the impact of wastewater application may be required by the EPA.

## O6 Other operating conditions

- O6.1 There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

- 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.

# Environment Protection Licence



Licence - 11879

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

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- 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:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

## M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

**POINT 9,10,11,12**

| Pollutant | Units of measure           | Frequency  | Sampling Method |
|-----------|----------------------------|------------|-----------------|
| PM10      | micrograms per cubic metre | Continuous | AM-22           |

M2.3 Water and/ or Land Monitoring Requirements

**POINT 2,3,4,5,6,7**

| Pollutant              | Units of measure            | Frequency                      | Sampling Method   |
|------------------------|-----------------------------|--------------------------------|---|
| Conductivity           | microsiemens per centimetre | Once a month (min. of 4 weeks) | A probe designed to measure the range 0 to 10,000 uS/cm |
| pH                     | pH                          | Once a month (min. of 4 weeks) | Grab sample   |
| Total suspended solids | milligrams per litre        | Once a month (min. of 4 weeks) | Grab sample   |

**POINT 8**

| Pollutant    | Units of measure            | Frequency      | Sampling Method |
|--------------|-----------------------------|----------------|-----------------|
| Conductivity | microsiemens per centimetre | Every 6 months | Grab sample     |

# Environment Protection Licence



Licence - 11879

|                      |        |                |                         |
|----------------------|--------|----------------|-------------------------|
| Standing Water Level | metres | Every 6 months | In line instrumentation |
|----------------------|--------|----------------|-------------------------|

## M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
  - if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
  - if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

- M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

## M4 Weather monitoring

- M4.1 The licensee must collect and analyse meteorological data at an on-site monitoring station for the parameters, at a frequency, averaging period and using a method as specified in the table below.

### *Meteorological Monitoring*

| Parameter             | Units of Measure | Frequency  | Averaging Period | Sampling Method     |
|-----------------------|------------------|------------|------------------|---------------------|
| Atmospheric inversion | 0C/100m          | Continuous |                  | Instrumental        |
| Temperature @ 1.2m    | C                | Continuous | 1 hour           | AM-4                |
| Rainfall              | mm               |            | 24 hours         | Standard rain gauge |
| Wind direction @ 10m  |                  | Continuous | 10 minutes       | AM-2 & AM-4         |
| Wind speed @ 10m      | m/sec            | Continuous | 10 minutes       | AM-2 & AM-4         |

Note: All methods are specified in the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* and all monitoring must be conducted strictly in accordance with the requirements outlined

# Environment Protection Licence



Licence - 11879

in this document.

## **M5 Recording of pollution complaints**

- M5.1 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.
- M5.2 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.
- M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## **M6 Telephone complaints line**

- M6.1 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.
- M6.2 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.
- M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

## **M7 Blasting**

- M7.1 In order to determine compliance with condition L3.2 and L3.3:
- (a) Airblast overpressure and ground vibration levels must be measured at, or near, the nearest residence, or noise sensitive location, that is likely to be the most affected by the blast and that is not owned by the licensee, or is the subject of a private agreement between the owner of the residence, or noise sensitive location, and the licensee, as to an alternative overpressure or ground vibration level for all blasts carried out in, or on, the premises; and
  - (b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 1993.

# Environment Protection Licence



Licence - 11879

## **M8 Other monitoring and recording conditions**

### **Requirement to Monitor Particulate Matter**

M8.1 The Licensee must record the average PM10 concentration at monitoring points 9,10,11 and 12 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to see them.

## **6 Reporting Conditions**

### **R1 Annual return documents**

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,
2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a



# Environment Protection Licence



Licence - 11879

transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
  - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

## R2 Notification of environmental harm

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.
- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

## R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.



# Environment Protection Licence



Licence - 11879

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **R4 Other reporting conditions**

### **R4.1 Noise Compliance Assessment Report**

A noise compliance assessment report must be submitted to the EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with noise limits in Condition L2.1.

### **R4.2 Reporting of blasting limit exceedance**

The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.

### **R4.3 Blast monitoring report**

The licensee must supply annually a Blast Monitoring Report with the Annual Return, which must include the following information relating to each of the blasts carried out within the premises during the respective reporting period:

- a) the date and time of the blast;
- b) the location of the blast;
- c) the blast monitoring results at each blast monitoring station; and
- d) an explanation for any missing blast monitoring readings.

## **7 General Conditions**

### **G1 Copy of licence kept at the premises or plant**

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

### **G2 Contact number for incidents and responsible employees**

G2.1 The licensee must operate one 24-hour telephone contact line for the purpose of enabling the EPA:  
a) to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises, and

# Environment Protection Licence



Licence - 11879

- b) to contact the licensee's senior employees or agents authorised at all times to:
- i) speak on behalf of the licensee, and
  - ii) provide any information or document required under licence.

## 8 Special Conditions

### E1 Commencement of Optimised Real-time Air Quality Monitoring

- E1.1 The Licensee does not have to commence the continuous PM10 monitoring required by Condition M2.1 of this licence at Monitoring Point 11 until 1 April 2017.

The Licensee must advise the EPA at [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) following the commissioning of Monitoring Point 11 required by Condition M2.1 of the licence.

Following notification by the Licensee of the commissioning of Monitoring 11, the EPA intends to remove Monitoring Point 12 from the licence.

### E2 Hunter Valley Dust Risk Forecasting Trial - Spring 2017

- E2.1 From 1 September 2017 to 30 November 2017 inclusively, the licensee must electronically record the following information:
- 1) Daily Total Tonnes Moved; and
  - 2) Timestamped PM<sub>10</sub> concentrations from upwind and downwind of the premises, recorded in ten minute intervals at monitoring points: 9, 10, 11, 12.

For the purposes of this condition 'Total Tonnes Moved' is calculated as:

Total Tonnes Moved = Run of Mine (ROM) coal moved + Total Overburden Moved (TOM)

Where:

(a) ROM must be expressed in tonnes; and

(b) TOM must be expressed in tonnes and must be determined by multiplying bank cubic metres of overburden moved by a density of 2.4 tonnes per bank cubic metre. TOM must include rehandled overburden.

- E2.2 The licensee must provide an electronic set of Excel spreadsheets with a separate tab for each of the items identified in Condition E2.1 to the EPA at [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) by 19 January 2018.

# Environment Protection Licence



Licence - 11879

## Dictionary

### General Dictionary

|  |  |
|--|--|
| <b>3DGM [in relation to a concentration limit]</b> | Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples |
| <b>Act</b>   | Means the Protection of the Environment Operations Act 1997  |
| <b>activity</b>                                    | Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997  |
| <b>actual load</b>                                 | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>AM</b>  | Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .   |
| <b>AMG</b>   | Australian Map Grid  |
| <b>anniversary date</b>                            | The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.                            |
| <b>annual return</b>                               | Is defined in R1.1   |
| <b>Approved Methods Publication</b>                | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>assessable pollutants</b>                       | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>BOD</b>   | Means biochemical oxygen demand  |
| <b>CEM</b>   | Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .  |
| <b>COD</b>   | Means chemical oxygen demand   |
| <b>composite sample</b>                            | Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.   |
| <b>cond.</b>                                       | Means conductivity   |
| <b>environment</b>                                 | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>environment protection legislation</b>          | Has the same meaning as in the Protection of the Environment Administration Act 1991   |
| <b>EPA</b>   | Means Environment Protection Authority of New South Wales.   |
| <b>fee-based activity classification</b>           | Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.   |
| <b>general solid waste (non-putrescible)</b>       | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |

# Environment Protection Licence



Licence - 11879

|  |  |
|--|--|
| <b>flow weighted composite sample</b>                                | Means a sample whose composites are sized in proportion to the flow at each composites time of collection.   |
| <b>general solid waste (putrescible)</b>                             | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>grab sample</b>   | Means a single sample taken at a point at a single time  |
| <b>hazardous waste</b>   | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>licensee</b>  | Means the licence holder described at the front of this licence  |
| <b>load calculation protocol</b>                                     | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>local authority</b>   | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>material harm</b>   | Has the same meaning as in section 147 Protection of the Environment Operations Act 1997   |
| <b>MBAS</b>  | Means methylene blue active substances   |
| <b>Minister</b>  | Means the Minister administering the Protection of the Environment Operations Act 1997   |
| <b>mobile plant</b>  | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>motor vehicle</b>   | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>O&amp;G</b>   | Means oil and grease   |
| <b>percentile [in relation to a concentration limit of a sample]</b> | Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.   |
| <b>plant</b>   | Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.  |
| <b>pollution of waters [or water pollution]</b>                      | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>premises</b>  | Means the premises described in condition A2.1   |
| <b>public authority</b>  | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>regional office</b>   | Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence   |
| <b>reporting period</b>  | For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act. |
| <b>restricted solid waste</b>  | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>scheduled activity</b>  | Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997  |
| <b>special waste</b>   | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>TM</b>  | Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .  |

# Environment Protection Licence



Licence - 11879

|                         |   |
|-------------------------|---|
| <b>TSP</b>              | Means total suspended particles   |
| <b>TSS</b>              | Means total suspended solids  |
| <b>Type 1 substance</b> | Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements                               |
| <b>Type 2 substance</b> | Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements |
| <b>utilisation area</b> | Means any area shown as a utilisation area on a map submitted with the application for this licence   |
| <b>waste</b>            | Has the same meaning as in the Protection of the Environment Operations Act 1997  |
| <b>waste type</b>       | Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste    |

Mr Mitchell Bennett

Environment Protection Authority

(By Delegation)

Date of this edition: 02-September-2003

# Environment Protection Licence

Licence - 11879



## End Notes

- 1 Licence varied by notice 1032190, issued on 10-Nov-2003, which came into effect on 05-Dec-2003.
- 2 Licence varied by notice 1043742, issued on 28-Feb-2005, which came into effect on 25-Mar-2005.
- 3 Licence varied by notice 1051915, issued on 17-Nov-2005, which came into effect on 12-Dec-2005.
- 4 Licence varied by notice 1066832, issued on 20-Nov-2006, which came into effect on 20-Nov-2006.
- 5 Licence varied by notice 1078274, issued on 27-Dec-2007, which came into effect on 27-Dec-2007.
- 6 Licence varied by notice 1093983, issued on 28-Apr-2009, which came into effect on 28-Apr-2009.
- 7 Licence varied by notice 1104322, issued on 17-Nov-2009, which came into effect on 17-Nov-2009.
- 8 Licence varied by notice 1500513 issued on 02-Dec-2011
- 9 Licence fee period changed by notice 1527486 on 22-Dec-2014
- 10 Licence varied by notice 1536107 issued on 24-Oct-2016
- 11 Licence varied by notice 1553714 issued on 17-Aug-2017