

# Licence Variation

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Licence - 11879



ASHTON COAL OPERATIONS PTY LIMITED  
ABN 22 078 556 500  
PO BOX 699  
SINGLETON NSW 2330

Attention: Digby Short

Notice Number 1536107  
File Number EF13/2557  
Date 24-Oct-2016

## NOTICE OF VARIATION OF LICENCE NO. 11879

### BACKGROUND

A. ASHTON COAL OPERATIONS PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 11879 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at GLENNIES CREEK ROAD AND NEW ENGLAND HIGHWAY, CAMBERWELL, NSW, 2330 ("the premises").

### Optimisation of Air Quality Monitoring

- B. When developing the Upper Hunter Air Quality Monitoring Network ("UHAQMN") the Environment Protection Authority (EPA) and Department of Planning and Environment ("DPE") entered into a Memorandum of Understanding ("MoU") with Upper Hunter power station and coal mine operators. The MoU states that upon establishment of the network, the EPA and DPE would work with industry to rationalise the existing mine operated monitoring network by removing redundant monitoring requirements.
- C. To fulfil the requirements of the MoU and to facilitate capture of improved air quality data in the Upper Hunter Valley, the EPA intends to no longer require mines to monitor air quality at nearby residences, but instead monitor at locations near the edge of each mine site. Monitoring is to be both upwind and downwind of the mine site to align with the predominant wind direction. The EPA is proposing to optimise monitoring in this way because:
- Current air quality monitoring at residential locations cannot be attributed to particular sources;
  - The optimised monitoring should provide a better indication of the particulate matter emissions from each mine, thereby giving a better indication of whether particulate matter emissions are being effectively managed at each site; and
  - The UHAQMN is now providing robust and quality assured data on air quality in populated areas.

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- D. This notice varies the air quality monitoring required by this licence to be consistent with this approach.
- E. The licensee intends to commission a new continuous PM<sub>10</sub> monitor in the location identified on the licence as monitoring point 11 ("MP11"). This point is scheduled to be commissioned by 31 March 2017.
- F. The licensee currently operates a continuous PM<sub>10</sub> monitor at licensed monitoring point 12 ("MP12"). This point will be used to obtain an upwind-downwind differential PM<sub>10</sub> measurement until the commissioning of MP11. Upon commissioning of MP11, MP12 will be removed from the licence.

## **Particulate Matter Best Management Practice Pollution Reduction Program**

- G. On 5 July 2012 EPA received a report titled *Particulate Matter Best Management Practice Pollution Reduction Program - Ashton Coal Operations Pty Ltd* (the report). The EPA undertook a detailed review of the report and found it to be compliant with the requirements of Condition U1 *Pollution Reduction Program (PRP) Coal Mine Particulate Matter Control Best Practice* of the licence. This PRP has therefore been removed from the licence.

## **VARIATION OF LICENCE NO. 11879**

- 1. By this notice the EPA varies licence No. 11879. The attached licence document contains all variations that are made to the licence by this notice.
- 2. The following variations have been made to the licence:
  - Condition P1.1 - removal of dust monitoring point 1.
  - Condition P1.1 - addition of particulate matter monitoring points 9, 10, 11 and 12 to enable continuous monitoring of upwind and downwind PM<sub>10</sub> concentration.
  - Condition M2.2 - removal of monitoring point 1 and addition of monitoring points 9, 10, 11 and 12.
  - Condition M8.1 - addition of a condition requiring monitoring data to be recorded in ten minute intervals.
  - Condition U1 - removal of PRP titled "Coal Mine Particulate Matter Control Best Practice" due to its successful completion.
  - Condition E1 - addition of a condition regarding the commissioning of monitoring point 11.

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**Mitchell Bennett**  
**Head Regional Operations Unit**  
**North - Hunter**  
(by Delegation)

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## INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

## Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

## When this notice begins to operate

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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## Licence Details

Number:	11879
Anniversary Date:	01-January

## Licensee

ASHTON COAL OPERATIONS PTY LIMITED

PO BOX 699

SINGLETON NSW 2330

## Premises

ASHTON COAL MINE

GLENNIES CREEK ROAD AND NEW ENGLAND HIGHWAY

CAMBERWELL NSW 2330

## Scheduled Activity

Coal works

Mining for coal

## Fee Based Activity

## Scale

Coal works	> 5000000 T annual handing capacity
Mining for coal	> 5000000 T annual production capacity

## Region

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

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## 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).

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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.



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## 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.

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## 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.

#### *Air*

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".

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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)
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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
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L2.2 For the purpose of Condition L2.1:

- a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- b) Evening is defined as the period from 6pm to 10pm, and
- c) 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:

- a) wind speeds up to 3m/s at 10m above ground level; and
- b) 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:

- a) 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
- b) 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 and the licensee as to an alternative overpressure level.

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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 premises following the completion of construction activities. The Scheme should be consistent with the

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

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- 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 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
Standing Water Level	metres	Every 6 months	In line instrumentation

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## 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:

- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- b) 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
- c) 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 in this document.



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## 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.

## M8 Other monitoring and recording conditions

### Requirement to Monitor Particulate Matter

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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 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.

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- 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.
- 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.

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## **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
- 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.

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## 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.

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## 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

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<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> .

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<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



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## 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