

Licence Variation



Licence - 6538

BENGALLA MINING COMPANY PTY LIMITED
ABN 32 053 909 470 ACN 053 909 470
LOCKED MAIL BAG 5
MUSWELLBROOK NSW 2333

Attention: Craig White

Notice Number 1595826
File Number EF13/2634
Date 12-Aug-2020

NOTICE OF VARIATION OF LICENCE NO. 6538

BACKGROUND

- A. BENGALLA MINING COMPANY PTY LIMITED (“the licensee”) is the holder of Environment Protection Licence No. 6538 (“the licence”) issued under the *Protection of the Environment Operations Act 1997* (“the Act”). The licence authorises the carrying out of activities at BENGALLA ROAD VIA, MUSWELLBROOK, NSW, 2333 (“the premises”).
- B. On 28-May-2020 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The application sought to amend the premises boundary due to changes in property management and property ownership between the licensee and Mt Pleasant Mine (EPL 20850, refer to notice 1588703). The licensee revised the application on 29 July 2020 (DOC20/613005) with updated premises boundary plans to resolve overlapping between premises boundaries for both the licence and EPL 20850.
- D. The application also sought to remove monitoring point 2 from the licence. The licence required electrical conductivity to be monitored at monitoring point 2 in Dry Creek twice daily during discharge under the Hunter River Salinity Trading Scheme (HRSTS). The licence requires continuous monitoring during discharge of electrical conductivity at the HRSTS discharge point (monitoring point 26). For the purposes of the HRSTS, continuous monitoring of electrical conductivity at monitoring point 26 is considered adequate.
- E. On 29 July 2020 the licensee notified the EPA that infrastructure required by the HRSTS to discharge saline water had been installed (DOC20/613039). The licensee requested that HRSTS discharge conditions in the licence be updated to reflect this.
- F. This Notice does not authorise a significant increase in the activities controlled by this Licence.
- G. The EPA has considered section 45 of the Act in undertaking this variation.

Licence Variation



VARIATION OF LICENCE NO. 6538

1. By this notice the EPA varies licence No. 6538. 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:
 - A2.1 - the premises details have been updated to reflect the plan of the premises provided by the Licensee on 29/07/2020.
 - P1.3 - Monitoring Point 2 has been removed from the licence.
 - P1.6 - Condition has been updated to reference revised drawings.
 - M9.2 - This condition has been removed from the licence.
 - M9.4 - (now M9.3) has been edited to remove reference to monitoring point 2.
 - E1.1 - Reference to HRSTS Regulation updated.
 - E2.1 - This condition has been removed from the licence.

.....
Mitchell Bennett
Head Regulatory Operations Unit
Regional North - Newcastle
(by Delegation)

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

Licence Variation



- 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:	6538
Anniversary Date:	11-September

Licensee

BENGALLA MINING COMPANY PTY LIMITED

LOCKED MAIL BAG 5

MUSWELLBROOK NSW 2333

Premises

BENGALLA MINE

BENGALLA ROAD VIA

MUSWELLBROOK NSW 2333

Scheduled Activity

Coal works

Mining for coal

Fee Based Activity

	<u>Scale</u>
Coal works	> 5000000 T annual handling capacity
Mining for coal	> 5000000 T annual production capacity

Region

Regional North - Newcastle

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:

BENGALLA MINING COMPANY PTY LIMITED
LOCKED MAIL BAG 5
MUSWELLBROOK NSW 2333

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

Note: In relation to this licence, the licensee must comply with:

- the activity scale limits imposed by this licence;
- the activity scale limits which apply for the reporting period specified in this licence; and
- the activity scale limits imposed by other legal instruments, such as approvals currently in force under the *Environmental Planning and Assessment Act 1979*.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
BENGALLA MINE
BENGALLA ROAD VIA
MUSWELLBROOK
NSW 2333
PREMISES BOUNDARY DEFINED IN THE PLAN "BENGALLA MINE - EPL 6538 PREMISES BOUNDARY" DATED 23/07/2020 AND SHAPE FILES PROVIDED IN DOC20/613005.

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activity

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Crushing, grinding or separating

Sewage treatment

A4 Information supplied to the EPA

A4.1 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:

- a) 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
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

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
22	Particulate Matter Monitoring		Monitoring at coordinates 296414, 6425580 (Easting, Northing), shown as 'EPA22' on Figure 1.
23	Particulate Matter Monitoring		Monitoring at coordinates 294330, 6428888 (Easting, Northing), shown as 'EPA23' on Figure 1.
24	Particulate Matter Monitoring		Monitoring at coordinates 292552, 6429004 (Easting, Northing), shown as 'EPA24' on Figure 1.

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

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EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
25	Effluent quality monitoring Discharge to utilisation area	Effluent quality monitoring Discharge to utilisation area	STP discharge to utilisation area at coordinates 294016, 6425174 (Easting, Northing), shown as 'EPA25' on Figure 3.
26	Discharge of saline water under the Hunter River Salinity Trading Scheme (HRSTS) Discharge Quality Volume Monitoring	Discharge of saline water under the Hunter River Salinity Trading Scheme (HRSTS) Discharge Quality Volume Monitoring	Monitoring at outlet pipe from Staged Discharge Dam at coordinates 292614, 6425261 (Easting, Northing), shown as 'SW26 (EPA 26)' on Figure 2.

P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
6	Meteorological Station	Meteorological station at coordinates 298409, 6427246 (Easting, Northing), shown as 'W1' on Figure 4.
7	Noise monitoring	Monitoring at coordinates 289836, 6428049 (Easting, Northing), shown as 'AN01 (EPA07)' on Figure 4.
8	Noise monitoring	Monitoring at coordinates 290861, 6421509 (Easting, Northing), shown as 'AN03 (EPA08)' on Figure 4.
9	Noise monitoring	Monitoring at coordinates 298808, 6426782 (Easting, Northing), shown as 'AN04 (EPA09)' on Figure 4.
12	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring at coordinates 292469, 6428948 (Easting, Northing), shown as 'MRE (EPA12)' on Figure 4.
19	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring at coordinates 300730, 6426731 (Easting, Northing), shown as 'SCH (EPA19)' on Figure 4.
20	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring at coordinates 300098, 6429731 (Easting, Northing), shown as 'BLK (EPA20)' on Figure 4.
21	Meteorological Station – to determine meteorological conditions for noise monitoring	Temperature inversion tower at coordinates 269298, 6425224 (Easting, Northing), shown as 'W2' on Figure 4.

P1.5 For the purposes of condition P1.1, Figure 1 refers to the plan titled "Revised Air Quality Monitoring Network" (EPA reference DOC19/915914).

P1.6 For the purposes of conditions P1.2 and P1.3, Figure 2 refers to the plan titled "EPL 6538 Monitoring Points - Water" dated 23/07/2020 (EPA reference DOC20/613005).

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- P1.7 For the purposes of conditions P1.2 and P1.3, Figure 3 refers to the plan titled "Effluent Quality Monitoring Location" (EPA reference DOC19/915914).
- P1.8 For the purposes of condition P1.4, Figure 4 refers to the plan titled "Bengalla Compliance Acoustic Monitoring Network" (EPA reference DOC19/915914).
- P1.9 The datum for grid references in this Licence is the Geodetic Datum of Australia 1994 (GDA94), Zone 56.

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 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.
- L2.4 Water and/or Land Concentration Limits

POINT 26

Pollutant	Units of Measure	100 percentile concentration limit
pH	pH	6.5-9.5
Total suspended solids	milligrams per litre	120

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L3 Volume and mass limits

- L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
- liquids discharged to water; or;
 - solids or liquids applied to the area;
- must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of Measure	Volume/Mass Limit
26	megalitres per day	200

L4 Noise limits

- L4.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

POINT 7,9

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Night	Night-LAeq (15 minute)	Monthly	35

POINT 8

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Night	LAeq (15 minute)	Monthly	40

- L4.2 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

Location	Day LAeq(15min)	Evening LAeq(15min)	Night LAeq (15min)	Night LA1 (1min)
109,110,156,161	40	40	40	45
106,108	39	39	39	45
27,169	39	39	36	45

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105,126	38	38	38	45
22,23,24,25,29,43,44	38	38	36	45
167	38	38	35	45
19,64,66	38	37	36	45
180,184,186	37	37	35	45
146	37	37	37	45
102,130,145,189	36	36	36	45
All other privately-owned residences	35	35	35	45

Note: The locations referred to in the table above are identified in the plan titled 'Bengalla Mine - Bengalla Compliance Acoustic Monitoring Network - Figure 1' version 09/09/2016, EPA reference DOC16/456893.

The limits in the noise table above do not apply if the licensee has an approved written agreement with the relevant land owner(s) of these residences to generated high noise levels. The limits do not apply to residences owned by the proponent.

L4.3 For the purpose of Conditions L4.1 and L4.2:

- 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
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays
- LAeq(15minute) is defined as the equivalent continuous 'A' weighted sound pressure level- the energy average of the noise measured over a 15 minute period.
- LA1 (1 minute) is defined as the sound pressure level exceeded for one percent of a 1 minute measurement period.

L4.4 The noise emission limits identified in this licence apply under all meteorological conditions except for the following:

- Wind speeds greater than 3m/s at 10 metres above ground level; or
- Temperature inversion conditions between 1.5 degrees celcius and 3 degrees celcius/100m and wind speeds greater than 2m/s at 10m above ground level; or
- Temperature inversion conditions greater than 3 degrees celcius/100m.

L4.5 For the purpose of condition L4.4:

- Data recorded from the meteorological station and inversion tower identified as EPA Licence Point 6 and 21 must be used to determine the meteorological conditions; and
- Temperature inversion conditions (vertical temperature gradient in degrees celcius are to be determined by direct measurement over a minimum 50m height interval as referred to in Part E2 of Appendix E to the NSW Industrial Noise Policy.

L4.6 For the purposes of the noise limits in this licence the 'night' period is defined as 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holiday, however night time noise monitoring can be conducted from 9pm onwards but must be assessed against the night time criteria provided in this

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licence.

L5 Blasting

- L5.1 The airblast overpressure level from blasting operations in or on the premises must not exceed: 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; at either monitoring point 12, 19 or 20 in Condition P1.4.
- L5.2 The airblast overpressure level from blasting operations in or on the premises must not exceed: 120 dB (Lin Peak) at any time; at either monitoring point 12, 19 or 20 in Condition P1.4.
- L5.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 5 mm/second for more than 5% of the total number of blasts during each reporting period; at either monitoring point 12, 19 or 20 in Condition P1.4.
- L5.4 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 10 mm/second at any time; at either monitoring point 12, 19 or 20 in Condition P1.4.
- L5.5 Offensive blast fume must not be emitted from the premises.

Definition:

Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

- 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or*
- 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.*

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.

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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.
- O2.2 The licensee is responsible for the correct operation of the sewage treatment system on their premises.
- O2.3 Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system management requirements and must ensure that the necessary service contracts are in place.
- O2.4 The sewage treatment system must be serviced by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year.
- O2.5 The licensee must record each inspection and any actions required or recommended by the technician including date, time, all results of tests performed on the sewage treatment system by the technician.

O3 Dust

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 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.
- O3.3 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 emission of wind-blown or traffic generated dust from the premises.

O4 Effluent application to land

- O4.1 Waste water utilisation areas must effectively utilise the waste water 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 waste water application may be required 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.

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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 22,23,24

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Continuous	Special Method 1

Note: Special Method 1 is defined in "Dustrak II Aerosol Monitor Model 8530/8531/8532/8530EP Operation and Service Manual Revision January 2017" (EPA Reference DOC17/428598).

M2.3 Water and/ or Land Monitoring Requirements

POINT 25

Pollutant	Units of measure	Frequency	Sampling Method
Faecal Coliforms	colony forming units per 100 millilitres	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 26

Pollutant	Units of measure	Frequency	Sampling Method
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Conductivity	microsiemens per centimetre	Continuous during discharge	A probe designed to measure the range 0 to 10,000 uS/cm
pH	pH	Daily during any discharge	Grab sample
TSS	milligrams per litre	Daily during any discharge	Grab sample

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 At Point 6 and/or Point 21, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the columns 2,3,4 and 5.

Parameter	Sampling Method	Unit of Measure	Averaging Period	Frequency
Air Temperature	AM-4	degrees celcius	1 hour	Continuous
Wind Direction	AM-2 & AM-4	degrees	15 minute	Continuous
Wind Speed	AM-2 & AM-4	metres per second	15 minute	Continuous
Temperature Lapse Rate	Part E2 Appendix E of the NSW Industrial Noise Policy	degrees	15 minute	Continous

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Rainfall	AM-4	millimetres	15 minute	Continuous
Relative Humidity	AM-4	percentage	1 hour	Continuous

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:
- the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - 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 Requirement to monitor volume or mass

- M7.1 For each discharge point or utilisation area specified below, the licensee must monitor:
- the volume of liquids discharged to water or applied to the area;
 - the mass of solids applied to the area;
 - the mass of pollutants emitted to the air;
- at the frequency and using the method and units of measure, specified below.

POINT 26

Frequency	Unit of Measure	Sampling Method
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Continuous during discharge

megalitres per day

Magnetic flow meter

M8 Blasting

- M8.1 The licensee must monitor all blasts carried out in or on the premises at or near the nearest residence or noise sensitive location (such as a school or hospital) that is likely to be most affected by the blast and 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 relating to alternative blasting limits.
- M8.2 To determine compliance with conditions L5.1, L5.2 and L5.3:
- Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 12, 19 and 20 for the parameters specified in Column 1 of the table below; and
 - The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast Overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006
Ground Vibration Peak Velocity	millimetres per second	All blasts	Australian Standard AS 2187.2-2006

M9 Other monitoring and recording conditions

HRSTS Monitoring

- M9.1 The Licensee must continuously operate and maintain communication equipment which makes the conductivity and flow measurements, taken at monitoring point 26 available to the "Service Coordinator" within one hour of those measurements being taken and makes them available in the format specified in the report titled "Hunter River Salinity Trading Scheme Discharge Point Telemetry Specification - Rev V1.0 Released 4 October 2018" as published by WaterNSW.
- M9.2 The licensee must ensure that all monitoring data is within a margin of error of 5% for conductivity measurements and 10% for discharge flow measurement.
- M9.3 The Licensee must mark monitoring point 26, with a sign which clearly indicates the name of the licensee, if applicable whether the monitoring point is up or down stream of the discharge point(s), and that it is a monitoring point for the Hunter River Salinity Trading Scheme.

Requirement to Monitor Particulate Matter

- M9.4 The Licensee must record the average PM₁₀ concentration at Monitoring Points 22, 23 and 24 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.

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M10 Noise monitoring

M10.1 To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

POINT 7,8,9

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Night	Monthly	15 minutes	1 operation day

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 notification that the Annual Return is due.

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.

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- 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.
- 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

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.

- 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.

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;

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- 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.

R4 Other notifications

- R4.1 The Licensee must notify the EPA by telephoning the Environment Line service on 131555 immediately after the Licensee becomes aware of any contravention or potential contravention of Condition L1 of the Licence.
- R4.2 The Licensee must provide written details of the notification to the EPA Director Hunter at hunter.region@epa.nsw.gov.au within 7 days of the date of the notification.

R5 Other reporting conditions

HRSTS Reporting

- R5.1 The licensee must compile a written report of the activities under the Scheme for each scheme year. The scheme year shall run from 1 July to 30 June each year. The written report must be submitted to the EPA's regional office within 60 days after the end of each scheme year and be in a form and manner approved by the EPA. The information will be used by the EPA to compile an annual scheme report.

Blast Monitoring Report

- R5.2 a) A report containing the monitoring results of blast compliance monitoring specified in this licence must be submitted annually with the Annual Return as set out in Condition R1.
- b) The report must include an explanation of any exceedences of blasting limits and what management and mitigations measures were put in place to prevent further exceedences.

Noise Monitoring Report

- R5.3 a) A report containing the monitoring results of noise compliance monitoring specified in this licence must

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be submitted annually with the Annual Return as set out in Condition R1.

b) The report must include an explanation of any exceedences of noise limits and what management and mitigation measures were put in place to prevent further exceedences.

Sewage Treatment System

- R5.4 A report on the sewage treatment system maintenance program must be submitted annually to the EPA with the Annual Return and must include
- Certification from the system provider that the sewage treatment system is operating within its capacity;
 - Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and
 - Written records of each quarterly inspection.
- R5.5 The licensee must retain a copy of each report required by Condition O2.5 for 3 years from the date each record is made.

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.

8 Special Conditions

E1 Hunter River Salinity Trading Scheme

- E1.1 This licence authorises the discharge of saline water into the Hunter River Catchment from an authorised discharge point (or points), in accordance with the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002*.
- E1.2 For the purposes of Clauses 23 and 29 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 the licensee must apply the conversion factor of 0.6.
- E1.3 The licensee must not exceed the hourly volume discharge limit calculated using the following formula, at all discharge point(s) on this licence titled "Discharge of saline water under the Hunter River Salinity Trading Scheme (HRSTS)":

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$$H = V / RRT$$

Where:

H is the hourly volume discharge limit (in megalitres per hour);

V is the licence holder's volume discharge limit for the block (in megalitres) calculated in accordance with clause 23 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002); and

RRT is the difference between the discharge stop and start times shown on the river register for that block (in hours)

Note 1: The intent of this condition is to prevent spikes of saline water in the Hunter River as a result of discharges of less than the duration permitted by the river register.

Note 2: A river register is issued by the Service Co-ordinator and allows participants of the Hunter River Salinity Trading Scheme (HRSTS) to discharge saline to the Hunter River during a discharge period.

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Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	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
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	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> .
AMG	Australian Map Grid
anniversary date	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.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	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> .
COD	Means chemical oxygen demand
composite sample	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.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	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.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	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.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	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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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	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: 25-August-2000

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End Notes

- 1 Licence varied by notice 1002950, issued on 06-Dec-2000, which came into effect on 31-Dec-2000.
- 2 Licence varied by notice 1010265, issued on 20-Aug-2001, which came into effect on 14-Sep-2001.
- 3 Condition HRSTS Dis Note varied by notice issued on <issue date> which came into effect on <effective date>
- 4 Licence varied by notice 1013310, issued on 07-Dec-2001, which came into effect on 01-Jan-2002.
- 5 Licence varied by notice 1025543, issued on 25-Mar-2003, which came into effect on 19-Apr-2003.
- 6 Licence varied by notice 1033267, issued on 18-Dec-2003, which came into effect on 12-Jan-2004.
- 7 Licence varied by notice 1040603, issued on 14-Dec-2004, which came into effect on 08-Jan-2005.
- 8 Licence varied by notice 1069067, issued on 02-Apr-2007, which came into effect on 02-Apr-2007.
- 9 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 10 Licence varied by notice 1104519, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.
- 11 Licence varied by notice 1500472 issued on 08-Aug-2011
- 12 Licence varied by notice 1506504 issued on 21-Mar-2013
- 13 Licence varied by notice 1516529 issued on 05-Sep-2013
- 14 Licence varied by notice 1518558 issued on 28-Nov-2013
- 15 Licence varied by notice 1522199 issued on 05-Dec-2014
- 16 Licence varied by notice 1529755 issued on 09-Apr-2015
- 17 Licence varied by notice 1532909 issued on 24-Aug-2015
- 18 Licence varied by notice 1543826 issued on 12-Sep-2016
- 19 Licence varied by notice 1544834 issued on 19-Dec-2016
- 20 Licence varied by notice 1547942 issued on 22-Dec-2016
- 21 Licence varied by notice 1551480 issued on 27-Apr-2017
- 22 Licence varied by notice 1553612 issued on 11-Jul-2017

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23	Licence varied by notice	1554482 issued on 22-Aug-2017
24	Licence varied by notice	1561617 issued on 05-Mar-2018
25	Licence varied by notice	1569902 issued on 18-Oct-2018
26	Licence varied by notice	1575780 issued on 15-Mar-2019
27	Licence varied by notice	1586293 issued on 02-Dec-2019