



# Environment Protection Licence

Licence - 11457

<b><u>Licence Details</u></b>	
Number:	11457
Anniversary Date:	31-August

  

<b><u>Licensee</u></b>
HUNTER VALLEY ENERGY COAL PTY LTD
LEVEL 14, 480 QUEEN STREET
BRISBANE QLD 4000

  

<b><u>Premises</u></b>
MT ARTHUR COAL
THOMAS MITCHELL DRIVE
MUSWELLBROOK NSW 2333

  

<b><u>Scheduled Activity</u></b>
Chemical storage
Coal works
Mining for coal

  

<b><u>Fee Based Activity</u></b>	<b><u>Scale</u></b>
Chemical storage waste generation	> 5-100 T annual volume of waste generated or stored
Coal works	> 5000000 T annual handling capacity
Mining for coal	> 5000000 T annual production capacity

  

<b><u>Region</u></b>
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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:

HUNTER VALLEY ENERGY COAL PTY LTD
LEVEL 14, 480 QUEEN STREET
BRISBANE QLD 4000

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
Chemical storage	Chemical storage waste generation	> 5 - 100 T annual volume of waste generated or stored
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:

- a) the activity scale limits imposed by this licence;
- b) the activity scale limits which apply for the reporting period specified in this licence; and
- c) 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
MT ARTHUR COAL
THOMAS MITCHELL DRIVE
MUSWELLBROOK
NSW 2333
PREMISED DEFINED BY PLAN TITLED "EPA - PLAN OF PREMISES" DRAWING NO. 322402 DATED 17/10/2016 AND SHAPE FILE EPA REFERENCE DOC16/527575.

### A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence

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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
11	Particulate Matter Monitoring - PM10		At coordinates E:294417 N:6423492 (GDA94 MGA56).
12	Particulate Matter Monitoring - PM10		At coordinates E:297079 N:6424951 (GDA94 MGA56).
13	Particulate Matter Monitoring - PM10		At coordinates E:300862 N:6415287 (GDA94 MGA56).
14	Particulate Matter Monitoring - PM10		At coordinates E:303216 N:6419154 (GDA94 MGA56).

- 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
5	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	At outlet pipe from storage dam E298475 N6424784 marked as point 10 on plan titled "EPA - Plan of Premises Monitoring Points Drawing No.322403" dated 17/10/16 EPA ref DOC16/527575

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6	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	At weir structure downstream of outlet pipe from storage dam E298190 N6424890 marked as point 11 on plan titled "EPA - Plan of Premises Monitoring Points Drawing No.322403" dated 17/10/16 EPA ref DOC16/527575
15	Volumetric monitoring, water quality monitoring, discharge to utilisation area	Volumetric monitoring, water quality monitoring, discharge to utilisation area	STP discharge to effluent pond utilisation area E301257 N6420449 defined as point 22 on plan titled "EPA - Plan of Premises Monitoring Points Drawing No. 322403" dated 17/10/2016 EPA Ref DOC16/527575

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
7	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BP04 identified as point 15 in the document titled "EPA - Plan of Premises Monitoring Points Drawing No.322403" dated 17/10/16 EPA ref DOC16/527575
8	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BP07 identified as point 12 in the document titled "EPA - Plan of Premises Monitoring Points Drawing No.322403" dated 17/10/16 EPA ref DOC16/527575
9	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BP09 identified as point 9 in the document titled "EPA - Plan of Premises Monitoring Points Drawing No.322403" dated 17/10/16 EPA ref DOC16/527575
10	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BP11 identified as point 20 in the document titled "EPA - Plan of Premises Monitoring Points Drawing No.322403" dated 17/10/16 EPA ref DOC16/527575

## 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.



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## L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table\>s 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\>s.
- L2.4 Water and/or Land Concentration Limits

### POINT 6

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.5 - 9.0
Total suspended solids	milligrams per litre				120

## 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
6	megalitres per day	450

## L4 Waste

- L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled

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“Description” in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General or Specific exempted waste			NA
J120	Waste oil/hydrocarbons mixtures/emulsions in water			No more than 68,000 Litres to be stored at the premises at any time.

- L4.2 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L4.3 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.
- L4.4 All waste oil used in blasting operations at the premises must meet the following quality limits:

Parameter	Units of Measure	Limit	Test Method
Flash Point	deg C	not less than 65	EPA 1010 or ASTM D93-11
Polychlorinated biphenyls	ppm	less than 2	ASTM D6160-98 (2009) or EPA 8082.A
Lead	ppm	less than 100	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Moisture	%/L	less than 2	EPA Method 9000 or ASTM D4928-11
Chromium	ppm	less than 10	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Glycol	%/L	less than 0.2%	ASTM D4291
Polyaromatic hydrocarbons	ppm	less than 1000	US EPA 3580A (Extraction method); US EPA 8270D (Analysis method)

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Cadmium	ppm	less than 2	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Arsenic	ppm	less than 5	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Particulate diameter	micrometres	less than 25	ASTM D4055-04 (2009) and substitute 0.8 micrometre membrane filter for a 25 micrometre membrane filter.

L4.5

## L5 Noise limits

L5.1 Operational noise from the premises must not exceed:

LOCATION	PERIOD	NOISE LIMITS (LAeq (15 minute) dB(A)	Night (LAeq (1 Minute)
South of mine	Day / Evening / Night	35 / 35 / 35	45
Antiene Estate	Day / Evening / Night	37 / 40 / 38	45
Racecourse Road	Day / Evening / Night	41 / 40 / 39	45
Denman Road North-West, Roxburgh Vineyard (north-east), Roxburgh Road	Day / Evening / Night	37 / 36 / 35	45
Skellatar Stock Route, Thomas Mitchell Drive, Denman Road East	Day / Evening / Night	39 / 38 / 37	45
East Antiene	Day / Evening / Night	41 / 40 / 39	45
Denman Road West, Roxburgh Vineyard (west)	Day / Evening / Night	37 / 36 / 35	45
South Muswellbrook	Day / Evening / Night	39 / 39 / 39	45

Note: Definitions: LAeq(15 minute) is the value of LAeq(15 minute) which shall not be exceeded for more than 10% of the monitoring periods detailed in the noise monitoring program for independent noise investigations and includes the full range of weather conditions occurring at the time of monitoring.

Day means 7am to 6pm;  
Evening means 6pm to 10pm; and  
Night means 10pm to 7am

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## L6 Blasting

- L6.1 Blasting in or on the premises must only be carried out between 8am and 5pm, Monday to Saturday inclusive. Blasting in or on the premises must not take place on Sundays or Public Holidays, or at any other time without the prior approval of the EPA.
- L6.2 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 7, 8, 9 or 10 in Condition P1.4.
- L6.3 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 7, 8, 9 or 10 in Condition P1.4
- L6.4 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 7, 8, 9 or 10 in Condition P1.4.
- L6.5 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 7, 8, 9 or 10 in Condition P1.4.
- L6.6 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

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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.
- 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 all results of tests performed on the sewage treatment system by the technician as required in Condition O2.4.
- O2.6 The licensee must prepare a sewage treatment system maintenance program. The program must include:
- a) Certification from the system provider that the sewage treatment system is operating within its capacity;
  - b) Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and
  - c) Provide written records of each quarterly inspection.

## **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 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

## **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.

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**O5 Processes and management**

- O5.1 The licensee must ensure that any liquid and/or non liquid waste generated at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.
- O5.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.

## 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:
  - 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 11,12,13,14**

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

M2.3 Water and/ or Land Monitoring Requirements

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## POINT 6

Pollutant	Units of measure	Frequency	Sampling Method
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	Representative sample
Total suspended solids	milligrams per litre	Daily during any discharge	Representative sample

## POINT 15

Pollutant	Units of measure	Frequency	Sampling Method
Faecal Coliforms	colony forming units per 100 millilitres	Quarterly	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 Environmental monitoring

M4.1 Every 12 months the licensee must monitor noise from the premises in accordance with condition L5 to determine compliance with the limits specified in condition L5.1.

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## M5 Weather monitoring

M5.1 The licensee must monitor (by sampling and obtaining results by analysis) each weather parameter specified in Column 1. The licensee must use the sampling method, units of measure, and sample frequency, specified opposite in the other columns:

PARAMETER	UNITS OF MEASURE	FREQUENCY	SAMPLING METHOD
Air temperature	oC	Continuous	Instrumental
Wind direction	Degrees	Continuous	Instrumental
Wind speed or run	m/sec	Continuous	Instrumental
Rainfall	mm	Daily	Instrumental

## M6 Recording of pollution complaints

M6.1 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.

M6.2 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.

M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## M7 Telephone complaints line

M7.1 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.

M7.2 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.

M7.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.



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## M8 Requirement to monitor volume or mass

M8.1 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 6

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	megalitres per day	Weir structure and level sensor

### POINT 15

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	Flow meter and continuous logger

M8.2 Condition M8.1 for monitoring point 15 comes into effect on 1 October 2017.

## M9 Blasting

M9.1 To determine compliance with conditions L6.2 and L6.3:

- Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 7, 8, 9 and 10 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 Particle Velocity	millimetres/second	All Blasts	Australian Standard AS 2187.2-2006

## M10 Other monitoring and recording conditions

### HRSTS Monitoring

M10.1 The licensee must continuously operate and maintain communication equipment which makes the conductivity and flow measurements, taken at Point 6 available to the Department of Land and Water Conservation within one hour of those measurements being taken and makes them available in the format specified in the "Hunter River Salinity Trading Scheme Discharge Point Site Equipment" as published by the Department of Land and Water Conservation on 7 May 2002.

M10.2 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.

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M10.3 The licensee must mark monitoring point(s) 5 & 6, with a sign which clearly indicates the name of the licensee, 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.

## Waste Oil Monitoring Requirements

M10.4 The Licensee must ensure that each delivery of waste oil received at the premises is subject to statistically valid sampling and analysis to assess whether the waste oil complies with the limits detailed in Condition L4.4 of this Licence.

The analysis of waste oil must be conducted strictly in accordance with the testing methods specified in Condition L4.4 of this Licence.

## Requirement to Monitor Particulate Matter

M10.5 The Licensee must record the average PM<sub>10</sub> concentration at Monitoring Points 11, 12, 13 and 14 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

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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.
- 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.
- R1.8** The licensee must supply annually a Blast Monitoring Report with the Annual Return, which must include the following information relating to each blast 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.

## **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

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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.

## R4 Other reporting conditions

### R4.1 HRSTS Reporting

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.

### R4.2 Reporting of Blasting Monitoring

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

### R4.3 Spontaneous Combustion Control Program Reporting

The monthly summaries, monthly assessments and monthly maps prepared under the spontaneous combustion control program must be submitted to the EPA in the form of a 6 monthly report. The licensee must forward a copy of each 6 monthly report to the regional office of the EPA no later than 6 months after the 6 monthly period being reported.

R4.4 The monthly summaries, assessments and maps must be retained by the licensee for not less than four (4) years following the month under review. The records must be kept in a legible form and must be made available to any authorised officer of the EPA on request.

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R4.5 The Licensee must supply the following information with the Annual Return:

- a) The number of deliveries and the total quantity of waste oil received at the premises during the reporting period;
- b) The results of all waste oil testing conducted in accordance with the conditions of this licence during the reporting period;
- c) The total amount of waste oil used in blasting operations during the reporting period.

R4.6 The sewage treatment system maintenance program required by Condition O2.6 must be submitted annually to the EPA with the Annual Return.

R4.7 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.

### G2 Other general conditions

#### G2.1 Completed Programs

Program	Description	Completed Date
Coal Mine Particulate Matter Control Best Practice	Site specific determination of particulate matter control against best management practice.	13-February-2012
Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	15-August-2014
Particulate Matter Control Best Practice Implementation - Disturbing and Handling Overburden Under Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	15-August-2014

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Particulate Matter Control Best Practice Implementation - Trial of Best Practice Measures for Disturbing and Handling Overburden	Investigation to establish best practice measures for the handling of overburden.	30-July-2014
Coal Mine Wind Erosion of Exposed Land Assessment	Assessment of predicted vs actual exposed land	23-January-2017

## 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 2009*.
- 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)":

$$H = V / RRT$$

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.

### E2 Spontaneous Combustion Control Program

- E2.1 Carbonaceous material that is prone to self heating and which is not extracted as run of mine coal must

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be selectively removed and purposely disposed of in such a manner that will prevent the development of spontaneous combustion at the disposal site.

- E2.2 The licensee must implement a Spontaneous Combustion Control Program which must include but not be limited to the following:
- (a) A monthly summary of actions and procedures undertaken to prevent the development or to control the spread of spontaneous combustion at the premises;
  - (b) An assessment of the effectiveness of the actions and procedures undertaken each month in preventing the development and control of the spread of spontaneous combustion at the premises;
  - (c) Monthly mapping of the approximate location of the areas subject to spontaneous combustion at the premises. The map must show the respective areas in square metres of each area affected and must include a key to show the relative intensity of the heatings

## E3 Hunter Valley Dust Risk Forecasting Trial - Spring 2017

- E3.1 From 1 September 2017 to 30 November 2017 inclusively, the licensee must electronically record the following information:
- 1) Daily Total Tonnes Moved; and
  - 2) Timestamped PM10 concentrations from upwind and downwind of the premises, recorded in ten minute intervals at monitoring points: 11, 12, 13 and 14.

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

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

Where:

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

- E3.2 The licensee must provide an electronic set of Excel spreadsheets with a separate tab for each of the items identified in Condition E2.1 to the EPA at [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) by 19 January 2018.

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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: 09-October-2001

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## End Notes

- 1 Licence varied by notice 1033345, issued on 23-Dec-2003, which came into effect on 17-Jan-2004.
- 2 Licence varied by notice 1034224, issued on 29-Mar-2004, which came into effect on 23-Apr-2004.
- 3 Licence varied by notice 1039546, issued on 31-Aug-2004, which came into effect on 25-Sep-2004.
- 4 Licence varied by notice 1041057, issued on 28-Oct-2004, which came into effect on 22-Nov-2004.
- 5 Licence varied by notice 1047821, issued on 05-Jul-2005, which came into effect on 30-Jul-2005.
- 6 Licence fee period changed by notice 1078948 approved on .
- 7 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 8 Licence varied by notice 1097728, issued on 12-Nov-2009, which came into effect on 12-Nov-2009.
- 9 Licence varied by notice 1500568 issued on 08-Aug-2011
- 10 Licence varied by notice 1508974 issued on 21-Mar-2013
- 11 Licence varied by notice 1516107 issued on 05-Sep-2013
- 12 Licence varied by notice 1522184 issued on 30-Oct-2014
- 13 Licence varied by notice 1526528 issued on 14-Jan-2015
- 14 Licence varied by notice 1527897 issued on 05-Feb-2015
- 15 Licence varied by notice 1529785 issued on 09-Apr-2015
- 16 Licence varied by notice 1547149 issued on 20-Dec-2016
- 17 Licence varied by notice 1548186 issued on 19-May-2017
- 18 Licence varied by notice 1553710 issued on 24-Aug-2017
- 19 Licence varied by notice 1569901 issued on 17-Oct-2018