

# Environment Protection Licence

Licence - 2062

<b>Licence Details</b>	
Number:	2062
Anniversary Date:	02-July

<b>Licensee</b>
BORAL RESOURCES (NSW) PTY LTD
PO BOX 6041
NORTH RYDE NSW 2113

<b>Premises</b>
BORAL EMU PLAINS QUARRY
RAILWAY STREET
EMU PLAINS NSW 2750

<b>Scheduled Activity</b>
Crushing, grinding or separating
Resource recovery
Waste storage

<b>Fee Based Activity</b>	<b>Scale</b>
Crushing, grinding or separating	> 2000000 T annual processing capacity
Recovery of general waste	Any general waste recovered
Waste storage - other types of waste	Any other types of waste stored

<b>Region</b>
Sydney Waste Compliance
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150
Phone: (02) 9995 5000
Fax: (02) 9995 5999
Locked Bag 5022
PARRAMATTA NSW 2124

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## Information about this licence

### Dictionary

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

### Responsibilities of licensee

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

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

### Variation of licence conditions

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

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

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

### Duration of licence

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

### Licence review

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

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

For each licence fee period you must pay:

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

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

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

## Transfer of licence

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

## Public register and access to monitoring data

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

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

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

## This licence is issued to:

<b>BORAL RESOURCES (NSW) PTY LTD</b>
<b>PO BOX 6041</b>
<b>NORTH RYDE NSW 2113</b>

subject to the conditions which follow.

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Crushing, grinding or separating	Crushing, grinding or separating	> 2000000 T annual processing capacity
Resource recovery	Recovery of general waste	Any general waste recovered
Waste storage	Waste storage - other types of waste	Any other types of waste stored

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

A2.1 The licence applies to the following premises:

Premises Details
BORAL EMU PLAINS QUARRY
RAILWAY STREET
EMU PLAINS
NSW 2750
LOT 1 DP 62051, LOT 6 DP 62051, LOT 7 DP 62051, LOT 1 DP 81402, LOT 1 DP 114287, LOT 2 DP 114287, LOT 3 DP 114287, PART LOT 4 DP 114287, LOT 5 DP 114287, LOT 7 DP 114287, LOT 2 DP 457029, LOT 3 DP 457029, LOT 4 DP 457029, PART LOT 130 DP 587831, LOT 37 DP 751662, LOT 38 DP 751662, LOT 42 DP 751662, LOT 43 DP 751662, LOT 47 DP 751662, LOT 93 DP 751662, LOT 980 DP 810551, LOT 1 DP 1003940, LOT 2 DP 1003940, LOT 3 DP 1003940, LOT 4 DP 1003940, PART LOT 5 DP 1148344

A2.2 The premises location is shown on the map below.

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## A3 Information supplied to the EPA

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

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

- 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 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 Waste

L2.1 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	Building and demolition waste	As defined in Boral engineered glass sand resource recovery exemption 2020	Resource recovery Waste storage	This activity is valid until 27 May 2022
NA	Building and demolition waste	As defined in Boral engineered glass sand resource recovery order 2020	Resource recovery Waste storage	This activity is valid until 27 May 2022
NA	Tunnel Spoil	As defined in 'The Sydney Metro estuarine material exemption 2020'	Resource recovery Waste storage	
NA	Sandstone	As defined in 'The Sydney Metro harbour tunnel sandstone material exemption June 2019'	Waste storage	
NA	Tunnel Spoil	As defined in 'The M4-M5 Link tunnel spoil exemption 2019'	Resource recovery Waste storage	
NA	Tunnel Spoil	As defined in "The Sydney Metro tunnel spoil exemption November 2018"	Resource recovery Waste storage	
NA	Tunnel Spoil	As defined in 'The WestConnex Stage 2 tunnel spoil exemption 2017" or "The Northconnex tunnel spoil exemption 2018"	Waste storage	
NA	Virgin excavated natural material		Waste storage Resource recovery	

L2.2 The authorised amount of waste permitted on the premises cannot exceed 1,500,000 tonnes at any time.

L2.3 The Licensee must not receive at the Premises, more than 2,000,000 tonnes of waste per year.

L2.4 Stockpile surface areas must not exceed:

- 6,500m<sup>2</sup> for material stored at the northern tunnel spoil screening/crushing plant;
- 22,000m<sup>2</sup> for tunnel spoil storage area at the east of the site;



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- 50,000m<sup>2</sup> for the existing product stockpiling areas; and
- 65,000m<sup>2</sup> for the existing processing plant area.

Note: Stockpile area names are as labelled in *Figure 7-1* of the *Emu Plains Quarry Tunnel Spoil Processing Project: Air Quality Impact Assessment* (EPA Reference: DOC18/7428).

L2.5 No asbestos waste is to be accepted or stored at the premises.

L2.6 The licensee must have in place and implement procedures to identify and prevent the acceptance of any waste not permitted by condition L2.1 at the premises.

### L3 Noise limits

L3.1 The Licensee must ensure that all activities are to be undertaken in a manner that will minimise noise and vibration impacts on sensitive receivers.

### L4 Hours of operation

L4.1 Activities at the premises must only be conducted between:

Plant Operations

5:00am to 10.00pm Monday to Saturday.  
no operation permitted on Sundays or Public Holidays.

Maintenance Operations:

5:00am to 1:30am Monday to Friday.  
5:00am to 5:00pm Saturday and Sunday.

L4.2 This condition does not apply to the delivery of material outside the hours of operation permitted by Condition L4.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible or within a reasonable period in the case of emergency.

### L5 Potentially offensive odour

L5.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the Premises but provides a defence if

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the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

L5.2 Any odour generating material is to be removed from the Premises within 24 hours of being received.

## 3 Operating Conditions

### O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

### O3 Dust

O3.1 All activities conducted on the premises must be undertaken by such practical means to avoid or minimise the generation and emission of air pollutants, including dust.

O3.2 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O3.3 The licensee must ensure no visible dust leaves the premises.

O3.4 The licensee must ensure that no material including sediment is tracked from the premises.

O3.5 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3.6 Vehicle routes in use on the premises are to be frequently wetted to prevent or minimise dust during hours of operation.

O3.7 Dust sprays and/or dust suppression systems must be installed and operated on crushing, grinding and screening equipment associated with dust generation at the premises during hours of operation.

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- O3.8 Entries, exits and car parks must be maintained in a good condition with a sealed hardstand road.
- O3.9 All entry/exits to the premises must be maintained throughout the day to prevent any sediment tracking from the premises.
- O3.10 An appropriate wheel wash facility must be installed, maintained and operated during the operational hours on each exit of the premises. Wheel wash infrastructure must always be maintained in a fully operational manner.
- O3.11 The licensee must immediately cease dust generating activities under dry, windy conditions to prevent dust leaving the premises.

## **O4 Emergency response**

- O4.1 The licensee must maintain and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises.  
NOTE: The licensee must develop their PIRMP in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations Act 1997 (the POEO Act) and the POEO Regulations.

## **O5 Processes and management**

- O5.1 The licensee must take all practicable steps to control entry to the premises.

## **O6 Waste management**

- O6.1 The Licensee must install, maintain and operate at all times a calibrated weighbridge to record the volume of all waste brought into the premises.
- O6.2 The Licensee must ensure that all waste stored or processed at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines and any applicable Resource Recovery Orders and Exemptions as in force from at the time
- O6.3 All vehicles entering and exiting the premises must be recorded as they pass across the weighbridges or pass through a dedicated vehicle access point to enable vehicles transported waste to be identified.
- O6.4 Appropriate measures must be put in place to ensure that all vehicular traffic associated with any operations at the premises must pass through the wheel wash when leaving the premises, except, in circumstances where the vehicle exiting the premises is: - a motor car (being a motor vehicle constructed primarily for the carriage of persons or that is of the kind known as a utility, station wagon or panel van) or motor car trailer; - not transporting waste to or from the premises.

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## **O7 Other operating conditions**

- O7.1 All catchment/sediment, waste and stormwater dams/storage must be designed, maintained and operated with adequate capacity to store surface water collected on site as per the specifications outlined in Managing Urban Stormwater: Soils and construction - Volume 1.
- O7.2 All stormwater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained.
- O7.3 The Licensee must not allow the tracking of mud by vehicles leaving the premises.
- O7.4 All wastewater and stormwater systems (including all pits, pipes, absorption, detention structures, treatment devices and rainwater tanks) must be regularly maintained and free of sediment.
- O7.5 All erosion and sediment controls must be installed and maintained on the premises. The controls must be inspected regularly and after each rain event and repaired if required.
- O7.6 Sediment and erosion control devices, including sediment fences, must be maintained at the Premises in a manner that prevents stormwater discharge points from being impacted by sediment discharge.
- O7.7 The Licensee must ensure that all surface water runoff is collected on site and drains to a storage pond/dam.
- O7.8 Sediment and stormwater storage must be designed, maintained and operated with adequate capacity to store surface water collected on site as per the specifications outlined in the NSW EPA Environmental Guidelines - Solid waste landfills,2016.

## **4 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.

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## **M2 Recording of pollution complaints**

- M2.1 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.
- M2.2 The record must include details of the following:
- a) the date and time of the complaint;
  - b) the method by which the complaint was made;
  - c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
  - f) if no action was taken by the licensee, the reasons why no action was taken.
- M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## **M3 Telephone complaints line**

- M3.1 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.
- M3.2 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.
- M3.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

## **5 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.

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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.
- R1.3 Where this licence is transferred from the licensee to a new licensee:
- 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
  - 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.
- 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:
- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - 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:
- the licence holder; or
  - by a person approved in writing by the EPA to sign on behalf of the licence holder.

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.

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

## R2 Notification of environmental harm

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

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

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## **R3 Written report**

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
  - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **6 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.



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## 7 Pollution Studies and Reduction Programs

### U1 Water Management

#### Water Characterisation

- U1.1 The Licensee must engage a suitably qualified professional to characterise the quality of water collected on and discharged from the Premises.
- U1.2 A water sampling plan for the characterisation must be submitted to the EPA by no later than **31 August 2018**.
- U1.3 The water sampling plan must propose:
- a) Sampling location(s) including all water storages and discharge points;
  - b) The pollutants to be sampled, including all those potentially present at levels that pose a risk of non-trivial harm to human health or the environment ('pollutants of concern')(this must be informed by a risk assessment of the types of materials stored and processed on the Premises);
  - c) The number of sampling events / sampling frequency (a sufficient number of events must be sampled to capture the full range of operational conditions and water quality, including average or typical through to worst case scenarios).

Note: Sampling and analysis must be consistent with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (2004)*.

- U1.4 The water sampling plan must be agreed to in writing by the EPA prior to commencement of sampling.
- U1.5 The water characterisation must:
- a) Compare results to the relevant ANZECC (2000) Guidelines for Fresh and Marine Water Quality trigger values; and
  - b) Specify the analytical limits of reporting used for any data that is being assessed:
    - i. Compare that limit of reporting to the relevant ANZECC (2000) assessment criteria; and
    - ii. Where the limit of reporting does not provide a suitable basis for assessing risk of water pollution, propose alternative options to characterise the risk, including more sensitive laboratory testing or risk mitigation options (the level of reporting should be sensitive enough to detect pollutants at levels related to their environmental risk and ANZECC (2000) toxicant trigger value (where available) while having regard to the best available analytical practical quantification limits using available technology.

Note: The Licensee may consider alkalinity, hardness and pH as factors that could potentially modify the toxicity and bioavailability of any relevant materials.

- U1.6 The water characterisation, must be submitted to the EPA within **one month of the final sampling event**.

#### Discharge Impact Assessment

- U1.7 The Licensee must engage a suitably qualified professional to assess the impacts of discharges from the Premises.

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- U1.8 The discharge impact assessment must include, as a minimum:
- a) Details of expected pollutant concentrations and loads associated with any discharge.
  - b) An assessment of the potential impact and risk of discharges on the receiving environment based on the discharge characterisation, including;
    - i. Reference to the relevant ANZECC (2000) assessment criteria for slightly-to moderately disturbed ecosystems and the NSW Water Quality Objectives (NSW WQOs) for the Nepean River.
    - ii. A comparison of pollutant concentrations at the discharge point and the edge of the mixing zone with ANZECC (2000) trigger values (the comparison should follow the method in ANZECC (2000), including sections 3.4.3 and 8.3.5, and take into account the form and speciation of pollutants, any locally derived trigger values and other relevant matters such as hardness-modified trigger values);
    - iii. The acute and chronic toxicity of pollutants at the point of discharge and after initial mixing;
    - iv. The fate in the environment of the pollutants contained in the discharge; and
    - v. The fate of pollutants that can bio-accumulate or accumulate in the sediment.
  - c) The environmental values of the receiving waters and an assessment of the potential impact of any proposed discharge on those values.
  - d) A description of the effects and significance of any pollutant loads on the receiving environment, including consideration of potential impacts on downstream receiving waters.

- U1.9 The discharge impact assessment, must be submitted to the EPA within **one month of the final sampling event**.

## Water Management Plan

- U1.10 The Licensee must engage a suitably qualified professional to prepare a water management plan.

- U1.11 The water management plan must include; as a minimum, the following components:
- a) An Investigation of all the practical and reasonable measures that could be taken to avoid or minimise pollution based on the discharge characterisation and impact assessment. Consideration should include but not be limited to:
    - i. Measures to control or contain pollutants at the source on the Premises, i.e. avoiding the generation of contaminated water, or reducing the volume of contaminated water run-off;
    - ii. Measures to avoid or minimise diffuse discharges from C3, C5, C6, C8, C9 and C12;
    - ii. Sediment and erosion controls;
    - iii. Pollution and control measures relating to storage of fuel or chemicals, possibility of accidental spills and appropriate disposal methods;
    - iv. Contaminated water capture and storage requirements; and/or
    - v. Options for the treatment of unavoidable discharges of contaminated water from the Premises to meet specified water quality requirements.
  - b) Demonstration of how the water management system will be designed and operated to:
    - i. Protect the NSW Water Quality Objectives (WQO's) for receiving waters where they are currently being achieved; or
    - ii. Contribute towards the achievement of WQO's over time where they are not currently being achieved.
  - c) Development of a program of preferred mitigation measures with proposed timeframes for

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- implementation; and
- d) Justification for rejecting any practical and reasonable measures assessed.

U1.12 The water management plan must also include an updated site water balance, which reflects any proposed new mitigation measures. The water balance must:

- a) Use daily time-step modelling (based on a suitable climate dataset and representing the range of weather conditions at the Premises);
- b) Provide the design storm of the surface water management system;
- c) Include estimates of the frequency and volume of overflows from water storages on the Premises.
- d) Provide justification for key model assumptions (e.g. run-off coefficients, water reuse rates or protocols for dewatering and restoring capacity of the stormwater storages); and
- e) Identify and where possible address significant model limitations.

U1.13 The water management plan must be submitted to the EPA **within one month of the discharge impact assessment**.

Note: Reference to specific locations such as dams, discharge points or catchment areas are as referred to in Figure 1 of the Boral Emu Plains: *Surface Water Characterisation*: Revision B (EPA ref DOC18/299481).

## U2 Air Quality

U2.1 By **31 December 2018**, the Licensee must develop, implement and submit to the EPA an air quality management plan of project operations. The air quality management plan must account for all significant sources of air emissions from the Premises, and include site specific best management practice. The air quality management plan must incorporate both proactive and reactive measures, which are auditable to prevent and minimise the emission of air pollutants at the Premises. As a minimum, the air quality management plan must include the following parts:

- a) Key performance indicator(s);
- b) Monitoring method(s);
- c) Location, frequency and duration of monitoring;
- d) Record keeping;
- e) Response mechanisms; and
- f) Compliance reporting.

## U3 Noise Management

U3.1 By **1 March 2019**, the Licensee must provide the EPA with an explicit assessment of feasible and reasonable noise mitigation measures that could be implemented to reduce noise down towards the calculated criteria, in accordance with Section 3.1 of the Noise Policy for Industry 2017.

U3.2 By **1 March 2019**, the Licensee must provide a report to the EPA that measures noise levels during typical crushing and processing of tunnel spoil and VENM on the Premises to validate the sound power levels, and the levels predicted as receivers, in *Boral Emu Plains Noise and Vibration Impact Assessment* (EPA Reference: DOC18/13986) dated 10 January 2018, to the satisfaction on the EPA.

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## 8 Special Conditions

### E1 Financial Assurance

- E1.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institutions" under the *Banking Act 1959* of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA prior to the issue of the licence.
- E1.2 The financial assurance must be in favour of the Environment Protection Authority in the amount of five hundred thousand dollars (\$500 000). The financial assurance is required to secure or guarantee funding for works or programmes required by or under this licence. The financial assurance must contain a term that provides that any monies claimed can be paid to the EPA or, at the written direction of the EPA, to any other person. The licensee must provide to the EPA, along with the original counterpart guarantees, confirmation in writing that the financial institution providing the guarantees is subject to supervision by APRA.
- E1.3 The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.
- E1.4 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.
- E1.5 The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.
- E1.6 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.
- E1.7 An adjustment to the financial assurance must be calculated, each licence review period in line with the consumer price index for the number of years since the financial assurance was last paid. The financial assurance must be replenished to the full amount plus CPI adjustments each licence review period.
- E1.8 An adjustment to the financial assurance must be calculated, each licence review period in line with the consumer price index for the number of years since the financial assurance was last paid. The financial assurance must be replenished to the full amount plus CPI adjustments each licence review period.

### E2 Environmental Obligations of Licensee (Works and Programs)

- E2.1 While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:
- Clean up any spill, leak or other discharge if any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
  - In the event(s) that any liquid or non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.

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- c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

E2.2 In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee must:

- a) Make all efforts to contain all fire water on the premises;
- b) Make all efforts to control air pollution from the premises;
- c) Make all efforts to contain any discharge, spill or run-off from the premises;
- d) Make all efforts to prevent flood water entering the premises;
- e) Remediate and rehabilitate any exposed areas of soil and/or waste;
- f) Lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of;
- g) At the request of the EPA, monitor groundwater beneath the premises and its potential to migrate from the premises;
- h) At the request of the EPA, monitor surface water leaving the premises; and
- i) Ensure the premises is secure.

E2.3 After the licensee's premises cease to be used for the purposes to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

- a) Remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
- b) Rehabilitate the premises, including conducting an assessment of the site and if required remediation of any site contamination.

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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 Bernie Weir

Environment Protection Authority

(By Delegation)

Date of this edition: 10-August-2000

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## End Notes

- 1 Licence varied by change to Contact details, issued on 02-Apr-2001, which came into effect on 02-Apr-2001.
- 2 Licence varied by notice 1008736, issued on 31-Jan-2002, which came into effect on 25-Feb-2002.
- 3 Licence varied by notice 1035438, issued on 07-Apr-2004, which came into effect on 20-Apr-2004.
- 4 Licence varied by notice 1037716, issued on 04-Jun-2004, which came into effect on 16-Jun-2004.
- 5 Licence varied by notice 1079377, issued on 25-Oct-2007, which came into effect on 25-Oct-2007.
- 6 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 7 Licence varied by notice 1525717 issued on 27-Nov-2014
- 8 Licence varied by notice 1561438 issued on 08-Aug-2018
- 9 Licence varied by notice 1571109 issued on 11-Dec-2018
- 10 Licence varied by notice 1582587 issued on 20-Sep-2019
- 11 Licence varied by notice 1591024 issued on 13-Feb-2020
- 12 Licence varied by notice 1592867 issued on 03-Jun-2020