

Environment Protection Licence

Licence - 12693

Licence Details

Number:	12693
Anniversary Date:	26-October

Licensee

NEWCASTLE COAL INFRASTRUCTURE GROUP PTY LTD

LOCKED BAG 6003

HUNTER REGION MAIL CENTRE NSW 2310

Premises

NCIG COAL EXPORT TERMINAL

CORMORANT ROAD

KOORAGANG NSW 2304

Scheduled Activity

Coal works

Shipping in bulk

Fee Based Activity

Scale

Coal works	> 5000000 T annual handing capacity
Shipping in bulk	> 500000 T of annual capacity to load and unload

Contact Us

NSW EPA

4 Parramatta Square

12 Darcy Street

PARRAMATTA NSW 2150

Phone: 131 555

Email: info@epa.nsw.gov.au

Locked Bag 5022

PARRAMATTA NSW 2124



Environment Protection Licence

Licence - 12693

INFORMATION ABOUT THIS LICENCE	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
1 ADMINISTRATIVE CONDITIONS	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	6
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	7
P1 Location of monitoring/discharge points and areas	7
3 LIMIT CONDITIONS	9
L1 Pollution of waters	9
L2 Waste	9
L3 Noise limits	10
L4 Potentially offensive odour	11
4 OPERATING CONDITIONS	11
O1 Activities must be carried out in a competent manner	11
O2 Maintenance of plant and equipment	12
O3 Dust	12
O4 Emergency response	12
O5 Processes and management	12
O6 Waste management	13
O7 Other operating conditions	13
5 MONITORING AND RECORDING CONDITIONS	13
M1 Monitoring records	13
M2 Requirement to monitor concentration of pollutants discharged	14
M3 Testing methods - concentration limits	16
M4 Weather monitoring	16
M5 Recording of pollution complaints	16
M6 Telephone complaints line	17



Environment Protection Licence

Licence - 12693

6	REPORTING CONDITIONS	17
R1	Annual return documents	17
R2	Notification of environmental harm	18
R3	Written report	18
7	GENERAL CONDITIONS	19
G1	Copy of licence kept at the premises or plant	19
G2	Contact number for incidents and responsible employees	19
G3	Other general conditions	19
8	SPECIAL CONDITIONS	20
E1	Groundwater Monitoring - Triggers for Further Investigation	20
DICTIONARY		22
	General Dictionary	22

Environment Protection Licence

Licence - 12693

Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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



Environment Protection Licence

Licence - 12693

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:

NEWCASTLE COAL INFRASTRUCTURE GROUP PTY LTD
LOCKED BAG 6003
HUNTER REGION MAIL CENTRE NSW 2310

subject to the conditions which follow.

Environment Protection Licence

Licence - 12693

1 Administrative Conditions

A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	> 5000000 T annual handing capacity
Shipping in bulk	Shipping in bulk	> 500000 T of annual capacity to load and unload

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
NCIG COAL EXPORT TERMINAL
CORMORANT ROAD
KOORAGANG
NSW 2304
PREMISES MARKED AND SHOWN AS "EPL PREMISES BOUNDARY" ON THE PLAN TITLED "EPL PREMISES AND MONITORING POINT PLAN, NCIG COAL LOADING FACILITY, KOORAGANG ISLAND", PREPARED BY MONTEATH & POWYS PTY LTD, REV. 2, DATED 02/12/2022 ("THE PREMISES PLAN") (EPA REF. DOC22/1073470). THE PREMISES ALSO INCLUDES THE SHIP LOADERS, WHICH ARE MOBILE PLANT THAT WORK ALONG THE KOORAGANG 8, 9 AND 10 BERTHS.

A3 Information supplied to the EPA

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

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

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

Environment Protection Licence

Licence - 12693

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
19	Meteorological monitoring		Meteorological Monitoring Station marked and shown as "Point 19" on the Premises Plan.

P1.2 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
1	Groundwater quality monitoring		Groundwater monitoring well GW1, located to the northeast of the Rail Dump Station, marked and shown as "Point 1" on the Premises Plan.
20	Groundwater quality monitoring		Groundwater monitoring well K9/3N, located to the east of the rail loop adjacent to Pacific National haul road, marked and shown as "Point 20" on the Premises Plan.
21	Groundwater quality monitoring		Groundwater monitoring well K9/3S, located to the east of the rail loop adjacent to Pacific National haul road, marked and shown as "Point 21" on the Premises Plan.
22	Groundwater quality monitoring		Groundwater monitoring well K11/1, located to the south of the rail loop between Cormorant Road and the South Arm of the Hunter River, marked and shown as "Point 22" on the Premises Plan.

Environment Protection Licence

Licence - 12693

23	Groundwater quality monitoring	Groundwater monitoring well K11/1S, located to the south of the rail loop between Cormorant Road and the South Arm of the Hunter River, marked and shown as "Point 23" on the Premises Plan.
24	Groundwater quality monitoring	Groundwater monitoring well BHe23S, located down gradient of southern boundary of the premises (on the southern side of Cormorant Road, and east of Point 23), marked and shown as "Point 24" on the Premises Plan.
25	Groundwater quality monitoring	Groundwater monitoring well BHe23D, located down gradient of southern boundary of the premises (on the southern side of Cormorant Road, and east of Point 23), marked and shown as "Point 25" on the Premises Plan.
26	Groundwater quality monitoring	Groundwater monitoring well K11/2W, located down gradient of southern boundary of the premises (on the northern side of Cormorant Road, and west of Point 23), marked and shown as "Point 26" on the Premises Plan.
27	Groundwater quality monitoring	Groundwater monitoring well K11/2E, located down gradient of southern boundary of the premises (on the northern side of Cormorant Road, and west of Point 23), marked and shown as "Point 27" on the Premises Plan.
28	Groundwater quality monitoring	Groundwater monitoring well K9/4W, located up gradient of northern boundary of the premises (west of Point 1), marked and shown as "Point 28" on the Premises Plan.
29	Groundwater quality monitoring	Groundwater monitoring well K9/4E, located up gradient of northern boundary of the premises (west of Point 1), marked and shown as "Point 29" on the Premises Plan.
30	Groundwater quality monitoring	Groundwater monitoring well K9/2W, located up gradient of northern boundary of the premises (east of Point 1), marked and shown as "Point 30" on the Premises Plan.
31	Groundwater quality monitoring	Groundwater monitoring well K9/2E, located up gradient of northern boundary of the premises (east of Point 1), marked and shown as "Point 31" on the Premises Plan.

Environment Protection Licence

Licence - 12693

32	Groundwater quality monitoring	Groundwater monitoring well BHe29D, located east of the rail loop, marked and shown as "Point 32" on the Premises Plan.
33	Groundwater quality monitoring	Groundwater monitoring well BHe26S, located east of the rail loop, marked and shown as "Point 33" on the Premises Plan.
34	Discharge quality monitoring	Discharge from stormwater settling pond to stormwater drain, point SW1D, marked and shown as "Point 34" on the Premises Plan.
36	Groundwater quality monitoring	Groundwater monitoring well BH20S, beneath the rail flyover west of Deep Pond, marked and shown as "Point 36" on the Premises Plan.
37	Groundwater quality monitoring	Groundwater monitoring well BH20D, beneath the rail flyover west of Deep Pond, marked and shown as "Point 37" on the Premises Plan.
38	Groundwater quality monitoring	Groundwater monitoring well BH21S, beneath the rail flyover east of Deep Pond, marked and shown as "Point 38" on the Premises Plan.
39	Groundwater quality monitoring	Groundwater monitoring well BH21D, beneath the rail flyover east of Deep Pond, marked and shown as "Point 39" on the Premises Plan.
40	Groundwater quality monitoring	Groundwater monitoring well BH23S, south of the rail flyover east of Deep Pond, marked and shown as "Point 40" on the Premises Plan.
41	Groundwater quality monitoring	Groundwater monitoring well BH23D, south of the rail flyover east of Deep Pond, marked and shown as "Point 41" on the Premises Plan.

Note: For the purpose of the tables above, the "Premises Plan" refers to the plan titled "EPL Premises and monitoring point plan, NCIG Coal Loading Facility, Kooragang Island", prepared by Monteath & Powys Pty Ltd, Rev. 2, dated 02/12/2022 (EPA ref. DOC22/1073470).

3 Limit Conditions

L1 Pollution of waters

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

L2 Waste

Environment Protection Licence

Licence - 12693

- L2.1 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.
- L2.2 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.

L3 Noise limits

- L3.1 All site preparation, filling/preloading and construction works that may generate an audible noise at any residential receptor shall only be undertaken between 7.00 am and 6.00 pm.

This condition does not apply in the event of a direction from police or other emergency authority for safety or emergency reasons.

Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and / or to prevent environmental harm.

- L3.2 Notwithstanding any other condition of this licence, piling works shall not be conducted on Sundays or public holidays.

- L3.3 The licensee shall design, construct, operate and maintain the premises to ensure that the noise contributions from the premises do not exceed the maximum allowable noise contributions specified in the Table below, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:
- wind speeds up to 3m/s (measured at 10 metres above ground level), or
 - temperature inversion conditions up to 3°C per 100 metres and wind speeds up to 2m/s (measured at 10 metres above ground level).

NOTE: For the purposes of the Table, 'Night' is defined as being 10:00pm to 7:00am Monday to Saturday and 10:00pm-7:00am on Sundays and Public Holidays.

For the purpose of assessment of noise contributions specified in this licence, noise from the project shall be:

- measured at the most affected point on or within the site boundary at the most sensitive locations to determine compliance with LAeq(15 minute) noise limits.
- measured at one metre from the dwelling façade to determine compliance with LA1(1minute) noise limits.
- subject to the modification factors provided in Fact Sheet C of the Noise Policy for Industry (EPA 2017) where applicable.

Notwithstanding, should direct measurement of noise from the development be impractical, the licensee may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 7 of the Noise Policy for Industry (EPA 2017)). Details of such an alternative noise assessment method must be accepted by the EPA prior to the implementation of the assessment method.

Location	Day, Evening, Night at all times LAeq (15 minute)	Night - LAeq(night)	Night - LA1(1 minute)
----------	---	---------------------	-----------------------

Environment Protection Licence

Licence - 12693

Fern Bay West (1 Fullerton Street/Stockton Centre)	41	37	57
Fern Bay East (21 Braid Road/Fern Bay Primary School)	39	36	55
Stockton West (284 Fullerton Street/Corner of Pembroke Street and Fullerton Street)	41	37	57
Stockton East (40 Eames Avenue/10 Pitt Street/Stockton Primary School)	38	35	56
Mayfield West (47 Stevenson Avenue/4 Groongal Street/Mayfield West Primary School)	45	40	55
Mayfield (68 Bull Street/45 Simpson Crescent/ 1 Arthur Street/52 Arthur Street/ 21 Crebert Street/Hunter Christian School/Mayfield East Primary School)	44	39	62
Carrington (Corner of Hargrave Street and Young Street)	36	33	52

L4 Potentially offensive odour

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 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.

L4.1 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.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

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

Environment Protection Licence

Licence - 12693

O2 Maintenance of plant and equipment

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

O3 Dust

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.
- O3.4 The licensee must operate, on an as needs basis, sprays to prevent and/or minimise the generation and emission of dust from coal, stored in the coal stockyard, from the premises. The operation of the sprays must give consideration to the following matters:
- The types of coal received and handled at the premises and the respective potential to generate dust;
 - Forecast meteorological conditions;
 - Current weather conditions from a real-time meteorological station located at the premises; and
 - Ambient air quality from a real-time monitoring network located at the premises.

O4 Emergency response

Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested routinely at least every 12 months and following a pollution incident which caused or threatened material harm to the environment.

O5 Processes and management

- O5.1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O5.2 Bunds must:
- have walls and floors constructed of impervious materials;
 - be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
 - have floors graded to a collection sump; and
 - not have a drain valve incorporated in the bund structure,

Environment Protection Licence

Licence - 12693

or be constructed and operated in a manner that achieves the same environmental outcome.

- O5.3 The licensee must operate the water management system at the premises in a manner that is reasonable and feasible to minimise water being discharged from Licence Point 34 during high rainfall conditions.

O6 Waste management

- O6.1 The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- O6.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.

O7 Other operating conditions

- O7.1 The licensee must ensure that activities are conducted in an environmentally satisfactory manner. So as to minimise and prevent the pollution of air and water the licensee must:
- Ensure that vehicles or containers prior to leaving the premises are clean and sealed in a manner that will not cause materials or wastes used in conducting the activities at the premises to be tracked, thrown from, blown, fall, or cast from any vehicle or container onto a public road; and
 - The licensee must have in place and implement procedures to ensure that vehicles and containers exiting the premises are in a condition to ensure that materials are not tracked, thrown, blown, fall or cast onto a public road.

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:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

Environment Protection Licence

Licence - 12693

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 Water and/ or Land Monitoring Requirements

POINT 1,38,39

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium	milligrams per litre	Every 6 months	Grab sample
Arsenic	milligrams per litre	Every 6 months	Grab sample
Bromide	milligrams per litre	Every 6 months	Grab sample
Cadmium	milligrams per litre	Every 6 months	Grab sample
Conductivity	microsiemens per centimetre	Every 6 months	Grab sample
Copper	milligrams per litre	Every 6 months	Grab sample
Cyanide (free)	micrograms per litre	Every 6 months	Grab sample
Cyanide (total)	micrograms per litre	Every 6 months	Grab sample
Iron	milligrams per litre	Every 6 months	Grab sample
Manganese	milligrams per litre	Every 6 months	Grab sample
Nickel	milligrams per litre	Every 6 months	Grab sample
pH	pH	Every 6 months	Grab sample
Total PAHs	micrograms per litre	Every 6 months	Grab sample
TPH C10-C14 Fraction	micrograms per litre	Every 6 months	Grab sample
TPH C15-C28 Fraction	micrograms per litre	Every 6 months	Grab sample
TPH C29-C36 Fraction	micrograms per litre	Every 6 months	Grab sample
TPH C6-C9 Fraction	micrograms per litre	Every 6 months	Grab sample
Zinc	milligrams per litre	Every 6 months	Grab sample

POINT 20,21,22,23,36,37,40,41

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium	milligrams per litre	Every 6 months	Grab sample
Arsenic	milligrams per litre	Every 6 months	Grab sample
Bromide	milligrams per litre	Every 6 months	Grab sample
Cadmium	milligrams per litre	Every 6 months	Grab sample
Conductivity	microsiemens per centimetre	Every 6 months	Grab sample
Copper	milligrams per litre	Every 6 months	Grab sample
Cyanide (free)	micrograms per litre	Every 6 months	Grab sample
Cyanide (total)	micrograms per litre	Every 6 months	Grab sample

Environment Protection Licence

Licence - 12693

Iron	milligrams per litre	Every 6 months	Grab sample
Manganese	milligrams per litre	Every 6 months	Grab sample
Nickel	milligrams per litre	Every 6 months	Grab sample
pH	pH	Every 6 months	Grab sample
Total PAHs	micrograms per litre	Every 6 months	Grab sample
TPH C10-C14 Fraction	micrograms per litre	Every 6 months	Grab sample
TPH C15-C28 Fraction	micrograms per litre	Every 6 months	Grab sample
TPH C29-C36 Fraction	micrograms per litre	Every 6 months	Grab sample
TPH C6-C9 Fraction	micrograms per litre	Every 6 months	Grab sample
Zinc	milligrams per litre	Every 6 months	Grab sample

POINT 24,25,26,27,28,29,30,31,32,33

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium	micrograms per litre	Special Frequency 1	Grab sample
Arsenic	milligrams per litre	Special Frequency 1	Grab sample
Bromide	milligrams per litre	Special Frequency 1	Grab sample
Cadmium	milligrams per litre	Special Frequency 1	Grab sample
Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample
Copper	micrograms per litre	Special Frequency 1	Grab sample
Cyanide (free)	micrograms per litre	Special Frequency 1	Grab sample
Cyanide (total)	micrograms per litre	Special Frequency 1	Grab sample
Iron	micrograms per litre	Special Frequency 1	Grab sample
Manganese	micrograms per litre	Special Frequency 1	Grab sample
Nickel	micrograms per litre	Special Frequency 1	Grab sample
pH	micrograms per litre	Special Frequency 1	Grab sample
Total PAHs	micrograms per litre	Special Frequency 1	Grab sample
TPH C10-C14 Fraction	micrograms per litre	Special Frequency 1	Grab sample
TPH C15-C28 Fraction	micrograms per litre	Special Frequency 1	Grab sample
TPH C29-C36 Fraction	micrograms per litre	Special Frequency 1	Grab sample
TPH C6-C9 Fraction	micrograms per litre	Special Frequency 1	Grab sample
Zinc	micrograms per litre	Special Frequency 1	Grab sample

POINT 34

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample

Environment Protection Licence

Licence - 12693

Note: For the purposes of the table(s) above Special Frequency 1 means the collection of samples on a six monthly basis if trigger conditions specified in condition E1.1 are exceeded.

M3 Testing methods - concentration limits

M3.1 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Weather monitoring

M4.1 The licensee must measure and electronically log the meteorological parameters and sampling methods listed below and applying a 15-minute average period to all results, record data in units specified below.

Parameter	Unit of Measure	Sampling Method
Siting of monitoring station	not applicable	AS2922-1987
Temperature at two metres	degrees celsius	AM-4
Temperature at ten metres	degrees celsius	AM-4
Wind speed at ten metres	metres per second	AM-2 and AM-4
Wind direction at ten metres	degrees	AM-2 and AM-4
Sigma theta at ten metres	degrees	AM-2 and AM-4
Solar radiation	Wm-2	AM-4

M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

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

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

Environment Protection Licence

Licence - 12693

M6 Telephone complaints line

- M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M6.3 The preceding two conditions do not apply until 21 days after: the date of the issue of this licence.

6 Reporting Conditions

R1 Annual return documents

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

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

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

- R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.
- R1.3 Where this licence is transferred from the licensee to a new licensee:
- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- 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

Environment Protection Licence

Licence - 12693

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.

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 they became aware of the incident.

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

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

Environment Protection Licence

Licence - 12693

- 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.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

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

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

G2 Contact number for incidents and responsible employees

G2.1 The licensee must nominate to the EPA a representative of the licensee that is available at all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including their telephone number, must be current at all times. The nomination and contact details must be provided to the EPA by email at info@epa.nsw.gov.au.

G3 Other general conditions

G3.1 Completed Programs

Program	Description	Completed Date
Pollution Reduction Program (PRP) 1 - Groundwater Monitoring Program	Develop groundwater monitoring program to detect any mobilisation of contaminants around K26/32 on Kooragang Island. Early detection of contaminant mobilisation beyond premises boundary.	03-June-2010
PRP 2 - Review Existing Groundwater Quality	Review existing groundwater quality to determine baseline on which future groundwater monitoring results will be compared to detect mobilisation of groundwater contaminants. Early detection of groundwater contaminant mobilisation.	30-August-2010

Environment Protection Licence

Licence - 12693

PRP 3 - Kooragang Island - Rail Loop Groundwater Monitoring	Develop a Groundwater Contingency Plan that identified trigger values and associated actions to occur should values be exceeded during regular monitoring program. Prevent groundwater contamination movement offsite and entering the Hunter River.	11-March-2011
Environmental Improvement Program (EIP) 4 - Wagon Monitoring and Reporting Environmental Improvement Program	Implement a program of monitoring and reporting on the condition of loaded wagons received at the premises. All trains entering the dump-station will be assessed against criteria relating to likelihood that coal may have been spilt within the rail corridor during the train's most recent journey.	01-September-2016
EIP 5 - Train Condition Exception Reporting	The visual assessment of wagons to identify those that are consistently loaded in a manner that clearly is likely to contribute to spillage of coal in the rail corridor.	30-November-2017

8 Special Conditions

E1 Groundwater Monitoring - Triggers for Further Investigation

E1.1 The following Trigger and Contingency Response Program must be taken by the licensee, if groundwater monitoring required under the licence for Points 20, 21, 22, 23, 36, 37, 40 or 41 reveals concentrations whereby either of the following two Trigger Conditions are met.

Trigger Condition 1 - Where monitoring of the parameters required under the licence for Points 20, 21, 22, 23, 36, 37, 40 or 41 demonstrates a sudden increase in concentration compared to historical data, or sudden decrease in for pH is observed. A sudden increase or decrease is defined as a value that is greater than the mean plus twice the standard deviation for the historical data.

Trigger Condition 2 - Where the trend analysis of the concentration of the parameters required under the licence for Points 20, 21, 22, 23, 36, 37, 40 or 41 against time shows an increasing concentration over the most recent four monitoring events. Trend analysis tools such as Mann-Kendall may be adopted.

Contingency Response Program

Step 1: In the event of either of the above two Trigger Conditions being met, the licensee must notify the EPA in writing within seven (7) working days of initial results becoming available to the licensee. The notification must included details of the Point(s) and the concentration recorded.

Step 2: In the event of Step 1, the licensee must resample the Point(s) at which the Trigger Condition was met to confirm the elevated level.

Step 3: The licensee must notify the EPA in writing within seven (7) working days of the results collected in Step 2 becoming available to the licensee. The notification must included details of the Point(s) and concentration recorded. The EPA must be notified regardless of whether the results are elevated or not.

Step 4: If the results collected in Step 2 confirms the elevated levels, the licensee must commence six monthly groundwater monitoring at Points 24 to 33 inclusive for the parameters as detailed in licence condition M2.2.

Environment Protection Licence

Licence - 12693

Step 5: A suitably qualified and experienced person must undertake an assessment of the cause of the elevated concentration(s) identified in Steps 1 and 2, as well as trends in the groundwater contaminant concentrations. The analysis must consider data collected at Point 1, and any other relevant groundwater data, both historical and current.

A report detailing the assessment and its findings must be prepared. The assessment report must provide advice of, and justification for, the trend identified and any actions to be taken by the licensee in response to the elevated concentration.

The assessment and report must be completed within eight (8) months of the results collected in Step 2 becoming available to the licensee; and, submitted to the EPA.

Step 6: If the assessment undertaken in Step 5 identifies an increasing or upward trend in contaminant levels, the licensee must undertake an assessment and prepare a report on the risks posed by the migration of the contaminated groundwater on the Hunter River.

The risk assessment report must include groundwater fate; transport modelling; and include justification for the conclusions reached as to whether the risk identified is acceptable or unacceptable and what actions are to be taken by the licensee.

Where the above risk assessment is required, the risk assessment and report must be completed within two (2) months of the submission of the report required under Step 5.

Step 7: If the risk identified in Step 6 is deemed 'unacceptable', the licensee must undertake a Remedial Options Study to identify and report on remediation options to be implemented to remediate the identified groundwater risk.

The Remedial Options Study must be undertaken by a suitably qualified and experienced person.

The Remedial Options Study must identify and provide justification for the remedial actions to be undertaken; criteria to validate/monitor the effectiveness of the remedial works; and, timeframes for the implementation of the proposed remedial works.

Where the above Remedial Options Study is required, the licensee must provide a report detailing the Remedial Options Study to the EPA within two (2) months of the submission of the report required under Step 6.

Note: The above notifications and reports must be provided to the EPA at PO Box 488G, Newcastle NSW 2300, or emailed to info@epa.nsw.gov.au.

Environment Protection Licence

Licence - 12693

Dictionary

General Dictionary

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

Environment Protection Licence

Licence - 12693

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

Environment Protection Licence

Licence - 12693

TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Grahame Clarke

Environment Protection Authority

(By Delegation)

Date of this edition: 26-October-2007

Environment Protection Licence

Licence - 12693

End Notes

- 1 Licence varied by notice 1084101, issued on 12-May-2008, which came into effect on 12-May-2008.
- 2 Licence varied by notice 1087326, issued on 29-May-2008, which came into effect on 29-May-2008.
- 3 Licence varied by notice 1088793, issued on 20-Jun-2008, which came into effect on 20-Jun-2008.
- 4 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 5 Licence varied by notice 1093735, issued on 18-Nov-2008, which came into effect on 18-Nov-2008.
- 6 Licence varied by notice 1095190, issued on 21-Nov-2008, which came into effect on 21-Nov-2008.
- 7 Licence varied by correction to DECC file number data, issued on 18-Dec-2008, which came into effect on 18-Dec-2008.
- 8 Licence varied by notice 1096151, issued on 23-Dec-2008, which came into effect on 23-Dec-2008.
- 9 Licence varied by change to DECCW file number, issued on 07-Oct-2009, which came into effect on 07-Oct-2009.
- 10 Licence varied by notice 1111313, issued on 08-Apr-2010, which came into effect on 08-Apr-2010.
- 11 Licence varied by notice 1120662, issued on 13-Jan-2011, which came into effect on 13-Jan-2011.
- 12 Licence varied by notice 1127205, issued on 15-Jun-2011, which came into effect on 15-Jun-2011.
- 13 Licence varied by notice 1500779 issued on 12-Aug-2011
- 14 Licence varied by notice 1502660 issued on 16-Nov-2011
- 15 Licence varied by notice 1503211 issued on 07-Dec-2011
- 16 Licence varied by notice 1507960 issued on 26-Sep-2012
- 17 Licence varied by notice 1514796 issued on 11-Jun-2013
- 18 Licence varied by notice 1536339 issued on 18-Dec-2015
- 19 Licence varied by notice 1537318 issued on 10-Mar-2016
- 20 Licence varied by notice 1545533 issued on 12-Oct-2016
- 21 Licence varied by notice 1546676 issued on 08-Dec-2016



Environment Protection Licence

Licence - 12693

22	Licence varied by notice	1548281 issued on 25-Aug-2017
23	Licence varied by notice	1559513 issued on 11-Dec-2017
24	Licence varied by notice	1564299 issued on 03-Jan-2019
25	Licence varied by notice	1623921 issued on 16-Jan-2023