

Licence Variation

Licence - 2094



LIDDELL COAL OPERATIONS PTY. LIMITED

ABN 40 058 857 882

PO BOX 7

SINGLETON NSW 2330

Attention: Ben Desomer

Notice Number 1518698
File Number 270051
Date 05-Dec-2013

NOTICE OF VARIATION OF LICENCE NO. 2094

BACKGROUND

- A. LIDDELL COAL OPERATIONS PTY. LIMITED ("the licensee") is the holder of Environment Protection Licence No. 2094 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at OLD NEW ENGLAND HIGHWAY RAVENSWORTH VIA SINGLETON, RAVENSWORTH, NSW, 2330 ("the premises").
- B. On 27-Nov-2013 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. This application seeks to vary the Location Description in Condition P1.3 of "the licence" for discharge point 2 - Hunter River Salinity Trading Scheme Discharge and Monitoring Point.
- D. The EPA has deleted Discharge and Monitoring Point 2 and added a new Discharge and Monitoring Point (6) to the licence. This Monitoring Point has the same limits and monitoring conditions that applied to Point 2.
- E. To facilitate the relocation of the monitoring point, the EPA has also added a Special Condition waiving the need for monitoring results to be transmitted to the NSW Office of Water during the construction period.
- F. The variation does not authorise a any increase in environmental impact of the activity authorised or controlled by the licence.

Licence Variation



VARIATION OF LICENCE NO. 2094

1. By this notice the EPA varies licence No. 2094. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
 - Deletion of Discharge and Monitoring Point 2 and associated limit and monitoring conditions;
 - Addition of Discharge and Monitoring Point 6 and associated limit and monitoring conditions;
 - Updating of references contained in the Monitoring Conditions to refer to the new monitoring point;
 - Addition of a Special Condition.

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

INFORMATION ABOUT THIS NOTICE

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

Appeals against this decision

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

When this notice begins to operate

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

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Licence Details

Number:	2094
Anniversary Date:	30-June

Licensee

LIDDELL COAL OPERATIONS PTY. LIMITED

PO BOX 7

SINGLETON NSW 2330

Premises

LIDDELL COAL OPERATIONS

OLD NEW ENGLAND HIGHWAY RAVENSWORTH VIA
SINGLETON

RAVENSWORTH NSW 2330

Scheduled Activity

Coal Works

Mining for Coal

Fee Based Activity

Scale

Coal works	> 5000000 T handled
Mining for coal	> 5000000 T produced

Region

North - Hunter

Ground Floor, NSW Govt Offices, 117 Bull Street
NEWCASTLE WEST NSW 2302

Phone: (02) 4908 6800

Fax: (02) 4908 6810

PO Box 488G NEWCASTLE

NSW 2300

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Information about this licence

Dictionary

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

Responsibilities of licensee

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

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act); and
- 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:

LIDDELL COAL OPERATIONS PTY. LIMITED

PO BOX 7

SINGLETON NSW 2330

subject to the conditions which follow.

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1 Administrative Conditions

A1 What the licence authorises and regulates

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

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

Scheduled Activity	Fee Based Activity	Scale
Coal Works	Coal works	> 5000000 T handled
Mining for Coal	Mining for coal	> 5000000 T produced

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
LIDDELL COAL OPERATIONS
OLD NEW ENGLAND HIGHWAY RAVENSWORTH VIA SINGLETON
RAVENSWORTH
NSW 2330
LIDDELL COLLIERY HOLDING

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 Discharges to Air and Water and Applications to Land

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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
1	Total Suspended Particles Network		At locations where the level of particulate matter being sampled is representative of emissions from the operation of the mine taking into account prevailing wind direction and the location of residential properties or other sensitive receivers.
3	Dust Deposition Network		At locations where dust deposition levels are representative of the levels experienced at residential properties, or other sensitive receivers, resulting from the operation of the mine.
4	Weather monitoring		At a location where the parameters being sampled are representative of the prevailing weather conditions of the licence area.

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.

P1.3 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
5	Discharge to waters Discharge quality monitoring	Discharge to waters Discharge quality monitoring	Discharge from the wastewater treatment plant to Dam13/13B shown on Figure 2.1 of the "SEE for Liddell Colliery Modification to Development Consent" dated February 2008.
6	Hunter River Salinity Trading Scheme Discharge and Monitoring Point	Hunter River Salinity Trading Scheme Discharge and Monitoring Point	Discharge Point on Chain of Ponds at the site boundary adjacent to the Old New England Highway identified as "Licence Point 2 (Proposed)" on figure titled "Liddell Coal Operations: EPL2094 Water and Land Monitoring Points" dated 26-11-2013.

3 Limit Conditions

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L1 Pollution of waters

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

L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.

L2.4 Water and/or Land Concentration Limits

POINT 5

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Faecal Coliforms	colony forming units per 100 millilitres				1

POINT 6

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

L3 Volume and mass limits

L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

- liquids discharged to water; or;
- solids or liquids applied to the area;

must not exceed the volume/mass limit specified for that discharge point or area.

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Point	Unit of Measure	Volume/Mass Limit
6	megalitres per day	100

L4 Blasting

L4.1 Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.

L4.2 The airblast overpressure level from blasting operations in or on the premises must not exceed:

- a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and
- b) 120 dB (Lin Peak) at any time.

At any residence or noise sensitive location (eg school/hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level.

L4.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:

- a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and
- b) 10 mm/s at any time.

At any residence or noise sensitive location (eg school/hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative ground vibration level.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

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

O2 Maintenance of plant and equipment

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

- a) must be maintained in a proper and efficient condition; and

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b) 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 trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

O4 Other operating conditions

- O4.1 There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
 - a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
 - a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and
 - d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:
- M2.2 Air Monitoring Requirements

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POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Every 6 days	AM-18
Total suspended particles	micrograms per cubic metre	Every 6 days	AM-15

POINT 3

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	grams per square metre per month	Once a month (min. of 4 weeks)	AM-19

M2.3 Water and/ or Land Monitoring Requirements

POINT 5

Pollutant	Units of measure	Frequency	Sampling Method
Faecal Coliforms	colony forming units per 100 millilitres	Once a month (min. of 4 weeks)	Grab sample

POINT 6

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

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

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Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Weather monitoring

M4.1 For each monitoring point specified in the table below, the licensee must monitor (by sampling obtaining results by analysis) the parameters specified in Column 1. The licensee must use the same method, units of measure, averaging period and sample at the frequency, specified opposite in the columns:

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	1 hour	AM-4
Wind speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	o	Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	oC	Continuous	15 minute	AM-4
Temperature @ 10 metres	oC	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	o	Continuous	15 minute	AM-2 & AM-4

Note: All methods are specified in the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* and all monitoring must be conducted strictly in accordance with the requirements outlined in this document.

M5 Recording of pollution complaints

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

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

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

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f) if no action was taken by the licensee, the reasons why no action was taken.

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

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

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until 3 months after:

a) the date of the issue of this licence or

b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

M7 Requirement to monitor volume or mass

M7.1 For each discharge point or utilisation area specified below, the licensee must monitor:

a) the volume of liquids discharged to water or applied to the area;

b) the mass of solids applied to the area;

c) the mass of pollutants emitted to the air;

at the frequency and using the method and units of measure, specified below.

POINT 6

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	megalitres per day	By Calculation (volume flow rate or pump capacity multiplied by operating time)

M8 Blasting

M8.1 To determine compliance with condition(s) L4.2 - L4.3

a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest residence or sensitive receiver for all blasts carried out in or on the premises; and

b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

M8.2 The licensee must monitor all blasts carried out in or on the premises at or near the nearest residence or

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noise sensitive location (such as a school or hospital) that is likely to be most affected by the blast and that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee relating to alternative blasting limits.

M9 Other monitoring and recording conditions

M9.1 HRSTS Monitoring

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

M9.2 The licensee must ensure that all monitoring data is within a margin of error of 5% for conductivity measurements and 10% for discharge flow measurement.

M9.3 The licensee must mark monitoring point 6 with a sign which clearly indicates the name of the licensee, whether the monitoring point is up or down stream of the discharge point(s) and that it is a monitoring point for the Hunter River Salinity Trading Scheme.

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:
a) a Statement of Compliance; and
b) a Monitoring and Complaints Summary.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- 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.

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

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- 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 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 Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
a) the licence holder; or
b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.8 A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.

R1.9 The licensee must supply, with each Annual Return, a Blast Monitoring Report which must include the following information relating to each blast carried out within the premises during the reporting period covered by the Annual Return:
a) the date and time of the blast;
b) the location of the blast on the premises;
c) the blast monitoring results at each blast monitoring station; and
d) an explanation for any missing blast monitoring results.

R2 Notification of environmental harm

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

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
a) where this licence applies to premises, an event has occurred at the premises; or
b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
 - b) the type, volume and concentration of every pollutant discharged as a result of the event;
 - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
 - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Other reporting conditions

- R4.1 Reporting of Blasting Monitoring
The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.
- R4.2 HRSTS Reporting -
The licensee must compile a written report of the activities under the Scheme for each scheme year. The scheme year shall run from 1 July to 30 June each year. The written report must be submitted to the EPA's regional office within 60 days after the end of each scheme year and be in a form and manner approved by the EPA. The information will be used by the EPA to compile an annual scheme report.

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.

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8 Pollution Studies and Reduction Programs

U1 Premises Noise Limits

U1.1 The licensee must conduct a noise assessment in accordance with the document, '*NSW Industrial Noise Policy*', (EPA 2000) for the operations and activities carried out at the licensed premises and submit a report to the Manager, Hunter Region, by no later than 31 May 2013.

U1.2 The report referred to in condition U1.1 must include, but is not limited to the following:

1. Project Specific Noise Levels for the nearest noise sensitive receiver location(s). The project specific noise levels may be sourced from recent documentation submitted in support of a project approval applications, or determined specifically in response to this condition, provided that:

- (a) The source of the project specific noise levels are stated;
- (b) The project specific noise levels have been derived in accordance with the NSW industrial Noise Policy (EPA 2000), ("INP");
- (c) Details are provided of how the project specific noise levels have been derived; and
- (d) The nearest noise sensitive receiver locations chosen are representative of those potentially most affected by noise from the premises.

2. Predicted or measured noise level contributions for the noise sensitive receiver locations identified in U1.2-1 above as a result of all activities and operations carried out at the premises. These may be sourced from recent documentation submitted in support of a project approval or determined specifically in response to this conditions provided that:

- (a) The source of the predicted or measured noise level(s) are stated;
- (b) Noise levels have been predicted or measured in accordance with the INP; and
- (c) Details of how the noise levels have been predicted are provided.

3. Noise limits proposed for the location(s) identified in U1.2-1 above, derived with regard to the project specific noise levels and predicted noise level contributions from U1.2-1 and U1.2-2 above, that can be placed on the licence, for all activities and operations carried out at the premises.

4. Details of methods to be used to determine compliance with limits in U1.2-3 above.

Note: (a) A reference to the INP includes a reference to INP Application Notes; and
 (b) Noise sensitive receiver locations do not include any locations owned by the licensee or another coal mine or where a negotiated agreement (as outlined in the INP) is in place between the landowner and any licence holder.

U2 Particulate matter Control Best Practice - Wheel Generated Dust

U2.1 The Licensee must achieve and maintain a dust control efficiency of 80% or more on all active haul roads by 22 March 2013.

Control efficiency is calculated as:

$$CE = \frac{E \text{ (uncontrolled)} - E \text{ (controlled)}}{E \text{ (uncontrolled)}} \times 100$$

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Where E = the emission rate of the activity

U2.2 To assess compliance with Condition U2.1, the Licensee must:

- measure uncontrolled and controlled haul road emissions on at least 3 occasions using a mobile dust monitoring system;
- continuously measure and record 'additional site data' including:
 - vehicle kilometres travelled (VKT),
 - material movements around the site,
 - total and rate of rainfall, frequency, duration, rate and quantity of water applied to the haul roads, and
 - frequency, duration, rate and quantity of suppressant applied to haul roads in comparison to manufacturers specifications,
- undertake silt content and soil moisture sampling during each mobile dust sampling occasion; and
- determine if a site specific relationship can be derived between the measured control efficiency, additional site data and the soil moisture and silt content levels.

The measurement of uncontrolled and controlled haul road PM₁₀ emissions must not be undertaken at times when greater than 5mm of rain has been received in the last 24 hours or 20mm of rain has been received within the previous 7 days prior to sampling.

Note: The EPA acknowledges that in order to determine uncontrolled PM₁₀ emissions, the section of haul road to be sampled will need to be left untreated for a period of up to 48 hours prior to the sampling taking place.

U2.3 The Licensee must submit a report to the EPA which documents the results of the assessment undertaken in accordance with Condition U2.1. The report must include an assessment of:

- the dust control effectiveness,
- the dust levels recorded, and
- any relationship established between control effectiveness and the additional site data.

The report must be submitted by the Licensee to the Environment Protection Authority Regional Manager Hunter, at PO Box 488G, NEWCASTLE by 15 August 2014.

U2.4 The report required by condition U2.3 must be made publicly available by the Licensee on the Licensee's website by 29 August 2014.

U3 Particulate Matter Control Best Practice - Disturbing and Handling Overburden under Adverse Weather Conditions

U3.1 The licensee must alter or cease the use of equipment on overburden and the loading and dumping of overburden during adverse weather conditions to minimise the generation of particulate matter from 22 March 2013.

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U3.2 To assess compliance with Condition U3.1, the Licensee must:

- Undertake visual monitoring, real-time PM10 monitoring, and real-time meteorological monitoring.
- Document the actions taken and the resultant dust levels (visual and real-time dust monitor results).

U3.3 The Licensee must submit a report to the EPA which documents the results of the actions taken in accordance with Condition U3.1. The report must include an assessment of the effectiveness of changes made to mining activities due to adverse weather and document meteorological conditions and the resultant dust levels. The report must be submitted by the Licensee to the Environment Protection Authority Regional Manager Hunter, at PO Box 488G, NEWCASTLE by 15 August 2014.

U3.4 The report required by Condition U3.3 must be made publicly available by the Licensee on the Licensee's website by 29 August 2014.

U4 Particulate Matter Control Best Practice - Trial of Best Practice Measures for Disturbing and Handling Overburden

- U4.1 The Licensee must submit a report documenting an investigation and trial of best practice measures for the control of particulate matter from the use of equipment on overburden and the loading and dumping of overburden. Best practice measures may include, but should not be limited to, the following:
- use of foggers;
 - use of water sprays; and
 - reduction of drop heights.

The report must document the investigation and trial of each best practice measure. It must quantify the particulate matter control effectiveness and discuss the practicability of each best practice measure. The report must be submitted by the Licensee to the Environment Protection Authority Regional Manager Hunter, at PO Box 488G, NEWCASTLE by 14 April 2014.

9 Special Conditions

E1 Commissioning of New Discharge Point

- E1.1 The licensee is permitted to discontinue the transmission of conductivity and flow monitoring data that is required under Condition M9.1 of this licence during the relocation of the Hunter River Salinity Scheme discharge and monitoring point between 9 December 2013 and 28 February 2014, provided that no discharge of saline water is permitted during this period.

E2 Hunter River Salinity Trading Scheme

- E2.1 This licence authorises the discharge of saline water into the Hunter River Catchment from an authorised discharge point (or points), in accordance with the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2009*.

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E2.2 For the purposes of Clauses 23 and 29 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 the licensee must apply the conversion factor of 0.6.

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Dictionary

General Dictionary

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

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

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

Mr Mitchell Bennett

Environment Protection Authority

(By Delegation)

Date of this edition: 18-September-2000

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End Notes

- 1 Licence varied by notice 1003023, issued on 06-Dec-2000, which came into effect on 31-Dec-2000.
- 2 Licence varied by notice 1008558, issued on 13-Aug-2001, which came into effect on 07-Sep-2001.
- 3 Licence varied by Change to Accountable Party Address, issued on 10-Sep-2001, which came into effect on 10-Sep-2001.
- 4 Condition HRSTS Dis Note varied by notice issued on <issue date> which came into effect on <effective date>
- 5 Licence varied by notice 1012236, issued on 07-Dec-2001, which came into effect on 01-Jan-2002.
- 6 Licence varied by notice 1025545, issued on 26-Mar-2003, which came into effect on 20-Apr-2003.
- 7 Licence varied by notice 1028788, issued on 04-Jul-2003, which came into effect on 29-Jul-2003.
- 8 Licence varied by notice 1040111, issued on 04-Nov-2004, which came into effect on 29-Nov-2004.
- 9 Licence varied by notice 1080260, issued on 04-Mar-2008, which came into effect on 04-Mar-2008.
- 10 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 11 Licence varied by notice 1094053, issued on 01-May-2009, which came into effect on 01-May-2009.
- 12 Licence varied by notice 1101910, issued on 10-Jul-2009, which came into effect on 10-Jul-2009.
- 13 Licence varied by notice 1104266, issued on 26-Nov-2009, which came into effect on 26-Nov-2009.
- 14 Licence varied by notice 1110307, issued on 04-Jan-2010, which came into effect on 04-Jan-2010.
- 15 Licence varied by notice 1500550 issued on 08-Aug-2011
- 16 Licence format updated on 14-Dec-2011
- 17 Licence varied by notice 1506505 issued on 21-Mar-2013
- 18 Licence varied by notice 1516127 issued on 05-Sep-2013