

Licence Variation

Licence - 12894



MANGOOLA COAL OPERATIONS PTY LIMITED

Trading as MANGOOLA COAL OPERATIONS PTY LIMITED

ABN 54 127 535 755

PO BOX 495

MUSWELLBROOK NSW 2333

Attention: Ben CLIBBORN

Notice Number 1521308
File Number EF13/4404
Date 17-Apr-2014

NOTICE OF VARIATION OF LICENCE NO. 12894

BACKGROUND

- A. MANGOOLA COAL OPERATIONS PTY LIMITED Trading as MANGOOLA COAL OPERATIONS PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 12894 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at Wybong Road, WYBONG, NSW, 2333 ("the premises").
- B. On 31 March 2014 the Environment Protection Authority (EPA) received a report submitted in accordance with Condition E1 of the licence.
- C. On 2 April 2014 the EPA received a further email from the licensee requesting Condition E1 be removed from the licence.
- D. The EPA deems it reasonable, in this situation, to remove Special Condition E1 from your licence as requested.
- E. Furthermore your recent name change from Xstrata Mangoola Pty Limited to Mangoola Coal Operations Pty Limited, as confirmed in your email of 4 April 2014, is noted and subsequent variations to the licence in this regard have also been made.

VARIATION OF LICENCE NO. 12894

1. By this notice the EPA varies licence No. 12894. 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:
 - Special Condition E1 is removed; and
 - Accountable Party details have been varied to Mangoola Coal Operations Pty Limited.

Licence Variation



.....
Michael Howat
Acting Unit Head
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).

Environment Protection Licence



Licence - 12894

Licence Details

Number:	12894
Anniversary Date:	07-July

Licensee

MANGOOLA COAL OPERATIONS PTY LIMITED

PO BOX 495

MUSWELLBROOK NSW 2333

Premises

MANGOOLA COAL OPERATIONS PTY LIMITED

WYBONG ROAD

WYBONG NSW 2333

Scheduled Activity

Coal Works

Crushing, Grinding or Separating

Mining for Coal

Railway Systems Activities

Fee Based Activity

Scale

Coal works	> 5000000 T handled
Crushing, grinding or separating	> 500000-2000000 T processed
Mining for coal	> 5000000 T produced
Railway systems activities	Any annual capacity

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

Environment Protection Licence

Licence - 12894



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	7
L1 Pollution of waters	7
L2 Noise limits	8
L3 Blasting	9
4 OPERATING CONDITIONS	10
O1 Activities must be carried out in a competent manner	10
O2 Maintenance of plant and equipment	10
O3 Dust	10
O4 Effluent application to land	11
O5 Other operating conditions	11
5 MONITORING AND RECORDING CONDITIONS	11
M1 Monitoring records	11
M2 Requirement to monitor concentration of pollutants discharged	11
M3 Testing methods - concentration limits	12
M4 Weather monitoring	13
M5 Recording of pollution complaints	13
M6 Telephone complaints line	14
M7 Blasting	14
M8 Other monitoring and recording conditions	14

Environment Protection Licence



Licence - 12894

6	REPORTING CONDITIONS	15
R1	Annual return documents	15
R2	Notification of environmental harm	16
R3	Written report	16
R4	Other reporting conditions	16
7	GENERAL CONDITIONS	17
G1	Copy of licence kept at the premises or plant	17
8	POLLUTION STUDIES AND REDUCTION PROGRAMS	17
U1	Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	17
U2	Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden under Adverse Weather Conditions	18
U3	Particulate Matter Control Best Practice Implementation – Trial of Best Practice Measures for Disturbing and Handling Overburden	19
	DICTIONARY	20
	General Dictionary	20

Environment Protection Licence

Licence - 12894



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 - 12894

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:

MANGOOLA COAL OPERATIONS PTY LIMITED

PO BOX 495

MUSWELLBROOK NSW 2333

subject to the conditions which follow.

Environment Protection Licence

Licence - 12894



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
Crushing, Grinding or Separating	Crushing, grinding or separating	> 500000 - 2000000 T processed
Mining for Coal	Mining for coal	> 5000000 T produced
Railway Systems Activities	Railway systems activities	Any annual capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
MANGOOLA COAL OPERATIONS PTY LIMITED
WYBONG ROAD
WYBONG
NSW 2333
THE PREMISES IS AS SHOWN IN THE MAP TITLED "EPL 12894 BOUNDARY" DATED 10/04/2013 AND PROVIDED TO THE EPA ON 11 APRIL 2013 (DOC13/15510). PUBLIC ROADS ARE NOT A PART OF THE PREMISES.

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 issuing of this licence.

Environment Protection Licence

Licence - 12894



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
1	Dust Monitoring		Representative of property number 138.
2	Dust Monitoring		South of the site (Bells Lane)
3	Dust Monitoring		North-east of the site.
4	Dust Monitoring		South-east of the site.
5	Meteorological Monitoring		Wybong Road (Met W)

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
6	Ambient Surface Water Monitoring		Anvil Creek (W8)
7	Ambient Surface Water Monitoring		Sandy Creek (W16)
8	Ambient Surface Water Monitoring		Big Flat Creek Tributary (W3)
9	Ambient Surface Water Monitoring		Wybong Creek (W4)
10	Groundwater Monitoring		Big Flat Creek (GW023072)
11	Groundwater Monitoring		Wybong Creek (GW078396)

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.

Environment Protection Licence



Licence - 12894

L2 Noise limits

L2.1 Noise generated from the premises must not exceed the noise impact assessment criteria specified in following table:

Land Number	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LA1(1 minute)
66	40	40	40	45
162	40	40	39	45
110, 111, 148, 164	39	39	39	45
125D, 125E, 125F, 130, 174A, 174B, 175, 192, 193, 200	38	38	38	45
96A, 96B, 168, 184, 116A, 116B, 116C, 116D, 116E, 116F, 116G, 125A, 125C, 176	37	37	37	45
79, 103, 104, 114, 125B, 134A, 134B, 141, 178, 182, 183A, 183B, 183C, 185, 187, 189, 190, 191, 198, 199, 241A, 241B, 241C, 251, 269B	36	36	36	45
Anglican Church, Castlerock Road	41	41	41	

Note: For the purposes of condition L2.1:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- Evening is defined as the period from 6pm to 10pm;
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays;
- The limits specified in condition L2.1 do not apply if the Licensee has an approved written agreement with the relevant owner/s of these residences to generate higher noise levels;
- The limits at condition L2.1 do not apply to mine owned residences;
- Land identification numbers are as defined in the document 'Anvil Hill Project - Environmental Assessment, Centennial Hunter Pty Limited' (June 2006); and
- LAeq means the equivalent continuous noise level - the level equivalent to the energy average of noise levels occurring over a measurement period.

L2.2 To determine compliance with the LAeq(15 minutes) limits specified in condition L2.1, noise from the premises must be measured at, or computed for, the most affected point on or within the residential boundary, or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the

Environment Protection Licence

Licence - 12894



EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy must be applied to the measured noise levels where applicable.

- L2.3 To determine compliance with the LA1(1minute) noise limits in condition L2.1, noise from the premises is to be measured at 1m from the dwelling façade.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

- L2.4 The noise emission limits identified in condition L2.1 apply under all meteorological conditions except for the following:
- Wind speeds greater than 3m/s at 10 metres above ground level; or
 - Stability category F temperature inversion conditions and wind speeds greater than 2m/s at 10 metres above the ground level; or
 - Stability category G temperature inversion conditions.

- L2.5 For the purpose of condition L2.4:

- Data recorded by the meteorological station identified as EPA Licence Point 5 must be used to determine meteorological conditions; and
- Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L3 Blasting

- L3.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L3.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Environment Protection Licence

Licence - 12894



L3.5 Blasting in or on the premises must only be carried out between 9:00 hours and 15:00 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.

Note: *Noise sensitive location* includes any residence, hospital, school, childcare centre, theatre, place of worship, other similar building occupied by people, and any land within 30 metres of any afore-mentioned building.

A *noise sensitive location* excludes:

- a) any of the afore-mentioned buildings or land that is the subject of a private agreement between the owner of the noise sensitive site and the licensee as to an alternative airblast overpressure or ground vibration level; or
- b) any premises owned by the licensee.

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

O3.3 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

Environment Protection Licence

Licence - 12894



O4 Effluent application to land

- O4.1 Effluent application must not occur in a manner that causes surface runoff.
- O4.2 Spray from effluent application must not drift beyond the boundary of the premises.
- O4.3 The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

For the purpose of this condition, 'effectively utilise' include the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

O5 Other operating conditions

- O5.1 A saline water management system must be established for the containment of any water that has come into contact with coal or coal tailings, including saline groundwater seepage, coal stockpile runoff and runoff from coal haul roads.
- O5.2 Water from the saline water management system must not be discharged from the site and must not be used in areas that drain to the site's non-saline water management systems.

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

Environment Protection Licence

Licence - 12894



in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

POINT 1,2,3,4

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
PM10	micrograms per cubic metre	Continuous	AM-22
Total suspended particles	micrograms per cubic metre	Continuous	AM-15

M2.3 Water and/ or Land Monitoring Requirements

POINT 6,7,8,9

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Once a month (min. of 4 weeks)	Grab sample
pH	pH	Once a month (min. of 4 weeks)	Grab sample
Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample

POINT 10,11

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	A probe designed to measure the range 0 to 10,000 uS/cm
pH	pH	Quarterly	Grab sample

M3 Testing methods - concentration limits

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

- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- if no such requirement is imposed by or under the Act or by a condition of this licence, any

Environment Protection Licence

Licence - 12894



methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

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

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

M4 Weather monitoring

M4.1 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 sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the columns:

Point 5

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	Continuous	1 hour	AM-4
Wind speed @ 10 metres	m/s	Continuous	15 minutes	AM-2 & AM-4
Wind direction @ 10 metres	0	Continuous	15 minutes	AM-2 & AM-4
Temperature @ 2 metres	0C	Continuous	15 minutes	AM-4
Temperature @ 10 metres	0C	Continuous	15 minutes	AM-4
Sigma theta @ 10 metres	0	Continuous	15 minutes	AM-2 & AM-4
Solar radiation	W/m ²	Continuous	15 minutes	AM-4
Additional requirements - siting - measurement				AM-2 & AM-4 AM-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

Environment Protection Licence

Licence - 12894



were provided, a note to that effect;

d) the nature of the complaint;

e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

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

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 Blasting

M7.1 To determine compliance with condition(s) L3.1, L3.2, L3.3 and L3.4:

(a) Airblast overpressure and ground vibration levels must be measured at or near the nearest residence or noise sensitive location that is most likely to be most affected by the blast and which is not owned by the licensee or the subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternate overpressure or ground vibration level 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 Other monitoring and recording conditions

M8.1 Requirement to Monitor Noise

Every six months the Licensee must monitor noise from the premises in accordance with Conditions L2.2, L2.3 and L2.4 to determine compliance with the limits specified in Condition L2.1.

Environment Protection Licence

Licence - 12894



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:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

- 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 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.

Environment Protection Licence



Licence - 12894

R2 Notification of environmental harm

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

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

R3 Written report

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

R4 Other reporting conditions

- R4.1 Reporting of Blast Monitoring

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

Environment Protection Licence

Licence - 12894



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.

R4.2 Reporting exceedence of blasting limits

The licensee must report any exceedence of the licence blasting limits to the Environment Line on 131 555 as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.

R4.3 Noise Compliance Assessment Report

A noise compliance assessment report must be submitted to the EPA within three months of commencement of operations, and every 12 months thereafter submitted with the Annual Return. The report must be prepared by an accredited acoustical consultant and determine compliance with the noise limits in condition L2.1.

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

8 Pollution Studies and Reduction Programs

U1 Particulate Matter Control Best Practice Implementation – Wheel Generated Dust

- U1.1 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:

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

Where E = the emission rate of the activity

- U1.2 To assess compliance with Condition U1.2, the Licensee must:

Environment Protection Licence

Licence - 12894



- 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,
 - KL of water to the water carts and location of use,
 - total and rate of rainfall,
 - dust suppressant usage and location of use, and
 - wind speed, wind direction, temperature and humidity.
- 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.

U1.3 The Licensee must submit a report to the EPA which documents the results of the assessment undertaken in accordance with Condition U1.1. 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.

U1.4 The report required by condition U1.3 must be made publicly available by the Licensee on the Licensee's website by 29 August 2014.

U2 Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden under Adverse Weather Conditions

U2.1 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.

Environment Protection Licence

Licence - 12894



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

- undertake daily visual dust level assessments,
- continuously record real-time PM10 levels
- continuously measure and record real-time meteorological conditions; and
- record changes to mining activities due to adverse weather conditions.

U2.3 The Licensee must submit a report to the EPA which documents the results of the actions taken in accordance with Condition U2.1. 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.

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 Implementation – Trial of Best Practice Measures for Disturbing and Handling Overburden

U3.1 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.

Environment Protection Licence



Licence - 12894

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 - 12894

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 - 12894

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: 07-July-2008

Environment Protection Licence

Licence - 12894



End Notes

- 1 Licence varied by notice 1092347, issued on 29-Sep-2008, which came into effect on 29-Sep-2008.
- 2 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 3 Licence varied by notice 1106373, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.
- 4 Licence varied by notice 1115183, issued on 09-Jun-2010, which came into effect on 09-Jun-2010.
- 5 Licence varied by notice 1128581, issued on 06-Jul-2011, which came into effect on 06-Jul-2011.
- 6 Licence varied by notice 1501583 issued on 02-Dec-2011
- 7 Licence varied by notice 1505686 issued on 11-May-2012
- 8 Licence varied by notice 1506566 issued on 19-Jun-2012
- 9 Licence varied by notice 1509331 issued on 17-Oct-2012
- 10 Licence varied by notice 1510489 issued on 21-Mar-2013
- 11 Licence varied by notice 1513352 issued on 05-Sep-2013