

# Licence Variation

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Licence - 1967

PORT OF NEWCASTLE OPERATIONS PTY LIMITED  
ABN 13 165 332 990 ACN 165 332 990  
PO BOX 790  
NEWCASTLE NSW 2300

Attention: Mr Keith Wilks

Notice Number 1540630  
File Number EF14/2857  
Date 12-Jul-2016

## NOTICE OF VARIATION OF LICENCE NO. 1967

### BACKGROUND

- A. PORT OF NEWCASTLE OPERATIONS PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 1967 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at KOORAGANG NO. 2 BERTH, HERON ROAD, KOORAGANG, NSW, 2304 ("the premises").
- B. On 16-May-2016 the Environment Protection Authority (EPA) received an application for the variation of the licence. The Application requested the addition of a PRP to undertake a scoping study of the existing surface water management at the premises and identify options to mitigate the pollution of waters.
- C. This Notice varies the licence as requested by the Application.
- D. The EPA has also varied the licence to formalise a requirement for routine monitoring of surface water discharges from the premises for the purpose of characterising these discharges; assessing the effectiveness of management practices and controls at the premises in mitigating the pollution of waters; and assessing compliance with section 120 of the Act.
- E. This Notice does not authorise a significant increase in the environmental impact controlled or authorised by the licence.

### VARIATION OF LICENCE NO. 1967

1. By this notice the EPA varies licence No. 1967. 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:
  - Condition P1.2 - Point 1 added for the purpose of monitoring surface water discharges from the first flush system at the premises to the South Arm of the Hunter River.

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- Condition P1.3 - Point 2 established in respect of the existing anemometer.
- Condition M2.2 - concentration monitoring added for Point 1.
- Condition M4 - monitoring in respect of the anemometer moved.
- PRP 2 - completed PRP removed.
- PRP 3 - addition of a new PRP in respect of formalising a scoping study of the existing surface water management at the premises and identification of options to mitigate the pollution of waters.

.....  
**Rebecca Scrivener**  
**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.epa.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:	1967
Anniversary Date:	28-January

## Licensee

PORT OF NEWCASTLE OPERATIONS PTY LIMITED

PO BOX 790

NEWCASTLE NSW 2300

## Premises

KOORAGANG NO. 2 BERTH

KOORAGANG NO. 2 BERTH, HERON ROAD

KOORAGANG NSW 2304

## Scheduled Activity

Shipping in bulk

## Fee Based Activity

## Scale

Shipping in bulk	> 500000 T of annual capacity to load and unload
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## 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);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

### Variation of licence conditions

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

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

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

### Duration of licence

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

### Licence review

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

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

For each licence fee period you must pay:

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

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

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

## Transfer of licence

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

## Public register and access to monitoring data

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

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

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

## This licence is issued to:

<b>PORT OF NEWCASTLE OPERATIONS PTY LIMITED</b>
<b>PO BOX 790</b>
<b>NEWCASTLE NSW 2300</b>

subject to the conditions which follow.

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

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

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

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

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

A2.1 The licence applies to the following premises:

Premises Details
KOORAGANG NO. 2 BERTH
KOORAGANG NO. 2 BERTH, HERON ROAD
KOORAGANG
NSW 2304
PREMISES BOUNDED BY THE AREA MARKED "K2 EPA BOUNDARY" SHOWN ON THE PLAN TITLED "EPA LICENSE NO.1967 OF KOORAGANG NO.2" PREPARED BY ADW JOHNSON, VERSION T DATED 6/6/2016 ("THE PLAN"), EXCLUDING THE AREAS MARKED AND SHOWN AS "CEMENT AUST. LEASE"; "CARGILL AUSTRALIA LEASE AND PIPELINE"; "ORICA PIPELINE"; "CEMENT AUST. LAND & PIPELINE"; "QUBE CONVEYOR"; "KOORAGANG BULK FACILITIES OFFICE AND CONVEYOR"; "PARK FUELS PROPOSED PIPELINE BELOW GROUND; AND "PARK FUELS PROPOSED PIPELINE ABOVE GROUND" (EPA REF. DOC16/306319). THE PREMISES EXCLUDES THE AREAS MARKED "PARK FUELS PROPOSED TEMPORARY FLEXIBLE HOSE" SHOWN ON THE PLAN, WHENEVER THE OCCUPATION OF THESE AREAS ARE TRANSFERRED TO THE HOLDER OF ENVIRONMENT PROTECTION LICENCE 12977 FOR SHIPPING ACTIVITIES.

### 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



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replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and

b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

## 2 Discharges to Air and Water and Applications to Land

### P1 Location of monitoring/discharge points and areas

P1.1 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

#### *Water and land*

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge quality monitoring		Discharge from First Flush Pit to the South Arm of the Hunter River, marked and shown as "Point 1 - EPA Flush Tank Water Outlet Test Location" on the Plan.

P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

#### *Noise*

EPA identification no.	Type of monitoring point	Location description
2	Meteorological Station	Anemometer marked and shown as "Anemometer" on the plan titled "EPA License No. 1967 of Kooragang No.2" prepared by ADW Johnson, Version S dated 21/01/2015 (EPA ref. DOC15/51512).

## 3 Limit Conditions

### L1 Pollution of waters

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

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## L2 Waste

- L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

## L3 Potentially offensive odour

- L3.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.
- L3.2 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

## L4 Other limit conditions

### Wind direction and speed limits for loose bulk cargo operations

- L4.1 Loose bulk cargo operations must cease for a period of at least 15 minutes:
  - a) if the wind is blowing within the sector + or – 90 degrees of true west; and
  - b) if the average wind speed exceeds 10 metres per second for a five minute period, or
  - c) if a wind gust exceeds 12 metres per second.

After loose bulk cargo operations have ceased, they must not recommence until the above wind direction and speed limits are not exceeded in the preceding 15-minute time period.

- L4.2 The wind speed restrictions specified in this licence do not apply when:
  - a) loose bulk cargo is loaded or unloaded using methods approved in writing by the EPA for specific cargo(s);
  - b) loose bulk cargo is loaded or unloaded using the existing gantries and the dust control systems are operating; or
  - c) loose bulk cargo is loaded or unloaded using the Agri-Products Loading Facility.
- L4.3 The wind direction and speed limits specified in this licence do not apply when the following loose bulk cargos are being loaded or unloaded at the premises:
  - a) Cotton seed pellets;

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- b) Ferro-alloys;
- c) Magnetite;
- d) Mineral sands;
- e) Nut coal;
- f) Urea granules;
- g) Wet silica sands; and
- h) Whole soya beans.

## Metals Concentrates

L4.4 The licensee must not receive, store, load or unload Copper, Lead, or Zinc concentrates at the premises.

## 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 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

### O4 Emergency response

O4.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The

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emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

## O5 Waste management

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

## O6 Other operating conditions

### Wharf deck loading and unloading requirements

- O6.1 Loose bulk cargo to be unloaded onto or loaded from the wharf deck must be fully contained to prevent dust emissions and pollution of waters.
- O6.2 Loose bulk cargo must not be stockpiled on the wharf deck for a period exceeding 24 hours prior to the commencement of loose bulk cargo loading operations or for a period exceeding 24 hours after the completion of loose bulk cargo unloading operations.

### Agri-Products Loading Facility

- O6.3 Loose bulk cargo operations at the Agri-Products Loading Facility must cease within a reasonable time if visible emissions are detected during handling of the cargo.

### Tracking of Materials

- O6.4 The licensee must ensure that activities are conducted in an environmentally satisfactory manner. So as to minimise and prevent the pollution of air and water the licensee must:
  - (a) Ensure that vehicles or containers prior to leaving the premises are clean and sealed in a manner that will not cause materials or wastes used in conducting the activities at the premises to be tracked, thrown from, blown, fall, or cast from any vehicle or container onto a public road.
  - (b) The licensee must have in place and implement procedures to ensure that vehicles and containers exiting the premises are in a condition to ensure that materials are not tracked, thrown, blown, fall or cast onto a public road.

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

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

## M2 Requirement to monitor concentration of pollutants discharged

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

### POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	milligrams per litre	Monthly during discharge	Grab sample
Aluminium (total)	milligrams per litre	Monthly during discharge	Grab sample
Ammonia	milligrams per litre	Monthly during discharge	Grab sample
Arsenic (dissolved)	milligrams per litre	Special Frequency 1	Grab sample
Arsenic (total)	milligrams per litre	Special Frequency 1	Grab sample
Cadmium (dissolved)	milligrams per litre	Monthly during discharge	Grab sample
Cadmium (total)	milligrams per litre	Monthly during discharge	Grab sample
Lead (dissolved)	milligrams per litre	Monthly during discharge	Grab sample
Lead (total)	milligrams per litre	Monthly during discharge	Grab sample
Mercury (dissolved)	milligrams per litre	Monthly during discharge	Grab sample
Mercury (total)	milligrams per litre	Monthly during discharge	Grab sample
Nitrate	milligrams per litre	Monthly during discharge	Grab sample

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Nitrite	milligrams per litre	Monthly during discharge	Grab sample
Nitrogen (total)	milligrams per litre	Monthly	Grab sample
pH	pH	Monthly during discharge	Grab sample
Phosphate	milligrams per litre	Monthly during discharge	Grab sample
Phosphorus (dissolved reactive)	milligrams per litre	Monthly during discharge	Grab sample
Phosphorus (total)	milligrams per litre	Monthly during discharge	Grab sample
Sulfate	milligrams per litre	Monthly during discharge	Grab sample
Sulfide (total)	milligrams per litre	Monthly during discharge	Grab sample
Sulfur	milligrams per litre	Monthly during discharge	Grab sample
Total Kjeldahl Nitrogen	milligrams per litre	Monthly during discharge	Grab sample
Total suspended solids	milligrams per litre	Monthly during discharge	Grab sample
Zinc (dissolved)	milligrams per litre	Monthly during discharge	Grab sample
Zinc (total)	milligrams per litre	Monthly during discharge	Grab sample

Note: For the purpose of the table above Special Frequency 1 means monitoring once a month during discharge, however only once proceeding each occasion that sulphate of ammonia is handled at the premises.

### M3 Testing methods - concentration limits

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

### M4 Weather monitoring

M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

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## POINT 2

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Wind Speed at 10 metres	Special Method 1	metres per second	-	Continuous
Wind Direction at 10 metres	Special Method 1	Degrees	-	Continuous

M4.2 For the purposes of the table above Special Method 1 means monitoring using an anemometer.

M4.3 The controls of the anemometer used to monitor wind direction and speed as required by conditions M4.1 and M4.2 must not be over-riden at any time during loose bulk cargo operations on the premises except for the time when loose cargo is being loaded or unloaded as specified in condition L4.2 and L4.3.

## 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
- 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: the date of the issue of this licence.

M6.4 The licensee must nominate to the EPA a single telephone number for the purpose of the EPA contacting the licensee to provide immediate assistance or response during emergencies or any other incidents at

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the premises. The telephone number must be current at all times.

The nomination must be provided to the EPA's Regional Manager- Hunter at PO Box 488G, Newcastle NSW 2300.

Note: This condition does not apply until two (2) weeks after the date of issue of the Notice adding this condition to the licence.

## **M7 Other monitoring and recording conditions**

### **Requirement to record the transfer of the occupation of the berths**

M7.1 The licensee must record details of when (i.e. time and date) the occupation of either the Kooragang No. 2 Berth or Kooragang No. 2.5 Berth is transferred to another person. The licensee must record details of the name and telephone contact of the person that the berth is transferred to.

### **Requirement to record shipping and cargo information**

M7.2 For the loading and discharge of cargo from ships carried out under the licence, the licensee must record the following information.

- a) The time and date that the ship was berthed.
- b) The location where the ship was berthed (i.e. Kooragang No. 2 or Kooragang No. 2.5 berth).
- c) The name of the ship.
- d) A description of the cargo and tonnage loaded/discharged.
- e) The owner and agent of the cargo.
- f) An assessment of the capacity of the cargo to generate dust during loading/discharge activities.
- g) Dust control measures for the loading/discharge of the cargo.

## **6 Reporting Conditions**

### **R1 Annual return documents**

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

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

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

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



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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 via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
  - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

## 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

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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

### Annual Return reporting of exceedence of wind direction and speed limits

R4.1 The licensee must supply with each Annual Return, a Wind Direction and Speed Monitoring Report which must include the following information:

- a) the date and times during which the wind direction and speed limits specified in condition L4.1 were exceeded during loose bulk cargo operations;
- b) the dates and times during which the anemometer was by-passed or overridden and a description of the type of loose bulk cargo being unloaded during each anemometer by-pass or override; and
- c) an explanation of why, and the dates and times when, the anemometer was not working.

## 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.

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

## G2 Other general conditions

### G2.1 Completed Programs

Program	Description	Completed Date
PRP 1 - Dust Minimisation Works	Investigation and implementation of revised procedures and systems to minimise and prevent the emission of dust from the loading and discharge of vessels.	05-November-2013
PRP 2 - Stormwater Improvement Program	Monitoring program to characterise stormwater discharge quality to select and install an improved treatment system for the purpose of preventing the pollution of waters.	31-December-2015

## 8 Pollution Studies and Reduction Programs

### U1 PRP 3 - Surface Water Scoping and Options Study

- U1.1 The licensee must undertake a scoping study of the effectiveness of the existing surface water management systems at the premises including, but not limited to, the following.

- The status of the existing drainage infrastructure;
- The range and relative significance of the bulk cargos handled at the premises;
- An assessment of the historic water quality sampling results;
- An assessment of the order of magnitude of rainfall and runoff, and an assessment of the potential volumes captured within a first flush system;
- A review of applicable water quality objectives; and
- A review of applicable planning approval pathways for potential future works associated with any new drainage, capture and treatment infrastructure.

In consideration of the findings of the scoping study, the licensee must identify options for capturing and treating surface water runoff from the premises to ensure compliance with section 120 of the *Protection of the Environment Operations Act 1997*.

A report detailing the scoping study, its findings and any recommendations must be provided to the EPA's Regional Manager - Hunter at PO Box 488G, Newcastle NSW 2300, or emailed to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au), by 30 December 2016.

- U1.2 The licensee must provide a report to the EPA detailing its preferred option/s for capturing and treating surface water runoff from the premises to ensure compliance with section 120 of the *Protection of the Environment Operations Act 1997*. The report must include, but is not limited to, the following.

- The preferred option/s for capturing and treating surface water runoff from the premises to ensure

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compliance with section 120 of the *Protection of the Environment Operations Act 1997*.

(b) The concept design of the preferred option/s.

(c) Expected timeframes for undertaking the detailed designed, obtaining the any necessary approvals, construction and commissioning of the preferred option/s.

The report must be provided to the EPA's Regional Manager - Hunter at PO Box 488G, Newcastle NSW 2300, or emailed to [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au), by 30 December 2016.

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## Dictionary

### General Dictionary

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

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

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

Ms Debbie Maddison

Environment Protection Authority

(By Delegation)

Date of this edition: 23-February-2000

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## End Notes

- 1 Licence varied by notice 1004513, issued on 27-Feb-2001, which came into effect on 24-Mar-2001.
- 2 Licence varied by notice 1007361, issued on 16-May-2001, which came into effect on 10-Jun-2001.
- 3 Licence varied by notice 1017672, issued on 06-Sep-2002, which came into effect on 01-Oct-2002.
- 4 Licence varied by notice 1029802, issued on 03-Nov-2003, which came into effect on 03-Nov-2003.
- 5 Licence transferred through application 144896, approved on 03-May-2007, which came into effect on 01-May-2007.
- 6 Licence varied by notice 1077212, issued on 19-Sep-2007, which came into effect on 19-Sep-2007.
- 7 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 8 Licence varied by notice 1503995 issued on 01-Feb-2012
- 9 Licence transferred through application 1504510 approved on 22-Feb-2012 , which came into effect on 25-Feb-2012
- 10 Licence format updated on 27-Feb-2012
- 11 Licence varied by notice 1514225 issued on 16-Oct-2013
- 12 Licence varied by notice 1518709 issued on 06-Dec-2013
- 13 Licence transferred through application 1520256 approved on 27-Feb-2014 , which came into effect on 28-Feb-2014
- 14 Licence varied by notice 1524180 issued on 12-Sep-2014
- 15 Licence varied by notice 1528566 issued on 27-Feb-2015
- 16 Licence fee period changed by notice 1531722 on 11-Jul-2015