

Environment Protection Licence



Licence - 12425

Licence Details

Number:	12425
Anniversary Date:	08-February

Licensee

WILPINJONG COAL PTY LTD

LOCKED BAG 2005

MUDGEES NSW 2850

Premises

WILPINJONG COAL PTY LTD

1434 ULAN-WOLLAR ROAD

WILPINJONG NSW 2850

Scheduled Activity

Coal works

Mining for coal

Fee Based Activity

Scale

Coal works	> 5000000 T annual handling capacity
Mining for coal	> 5000000 T annual production capacity

Region

South - Bathurst

Lvl 2, 203-209 Russell Street

BATHURST NSW 2795

Phone: (02) 6332 7600

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NSW 2795

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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:

WILPINJONG COAL PTY LTD
LOCKED BAG 2005
MUDGEES NSW 2850

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 annual handing capacity
Mining for coal	Mining for coal	> 5000000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
WILPINJONG COAL PTY LTD
1434 ULAN-WOLLAR ROAD
WILPINJONG
NSW 2850
THE LAND DESCRIBED IN 'APPENDIX 1 – SCHEDULE OF LAND' IN THE DEPARTMENT OF PLANNING AND INFRASTRUCTURE'S PROJECT APPROVAL 05-0021 DATED 1 FEBRUARY 2006.

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activity
Crushing, grinding or separating
Extractive activities

A4 Information supplied to the EPA

A4.1 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.

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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

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.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
3	Dust Monitoring		DG4: Mine owned location - old Robinson's property approximately 2.5 km south east of CHPP, as indicated on Figure 2 licence variation application additional information received by the EPA 26.11.12
4	Dust Monitoring		DG5: Wollar - adjacent to St Laurence O'Toole Catholic Church, as indicated on Figure 2 licence variation application additional information received by the EPA on 26.11.12
6	Dust Monitoring		DG8: Mine owned location - Mittaville Nth property boundary with Ulan Coal mine owned land as indicated on Figure 2 licence variation application additional information received by the EPA 26.11.12
9	Dust Monitoring		DG11: Mine owned location - adjacent to Wilpinjong Creek north east of mine project area, as indicated on Figure 2 licence variation application additional information received by the EPA 26.11.12
13	Dust Monitoring		PM10 - HV1: Wollar - adjacent to St Laurence O'Toole Catholic Church as indicated in Figure 2 licence variation application additional information received by the EPA 26.11.12
20	Dust Monitoring		PM10 - HV4: Mine owned location - old Robinsons property approximately 2.5km south east of CHPP, as indicated on Figure 2 licence variation application additional information received by the EPA 26.11.12
21	Meteorological weather monitoring		Meteorological weather station(s) indicated on Figure 2 licence variation application additional information received by the EPA 26.11.12

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25	Dust monitoring	TEOM 3: Wollar - adjacent to St Laurence O'Toole Catholic Church, as indicated on Figure 2 licence variation application additional information received by the EPA 26.11.12
26	Dust monitoring	DG15: Mine owned location - adjacent to property number 1-30 (mine owned property) on Araluen Rd as indicated on Figure 2 licence variation application additional information received by the EPA 26.11.12
27	Dust monitoring	PM10 - HV5: Araluen Rd - mine owned location adjacent to property number 1-30 (mine owned property) on Araluen Rd as indicated in Figure 2 licence variation application additional information received by the EPA 26.11.12
28	Dust monitoring	TEOM 4: Araluen Rd - Mine owned location - adjacent to property number 1-30 (mine owned property) on Araluen Rd as indicated on Figure 2 of the licence variation application additional information received by the EPA 26.11.12

P1.2 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.

P1.3 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
24	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Surface water discharge downstream of the outlet from the reverse osmosis plant located on Lot 234 DP723412.

3 Limit Conditions

L1 Pollution of waters

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

L2 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.

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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\.

Note: Deposited matter is assessed as insoluble solids as defined by AS 3580.10.1-2003 (AM-19)

L2.4 Water and/or Land Concentration Limits

POINT 24

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				500
Oil and Grease	milligrams per litre				10
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				50

Note: All water discharged from the premises must have a flow regime which is variable and consistent with the ephemeral nature of the flows in Wilpinjong and Cumbo Creeks.

L3 Volume and mass limits

L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
 a) liquids discharged to water; or;
 b) solids or liquids applied to the area;
 must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of Measure	Volume/Mass Limit
24	megalitres per day	15

L4 Waste

L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes

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expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General solid waste (non-putrescible)	The general solid waste disposed of on the premises must only be sourced from licensee owned properties in the district	Waste disposal (application to land)	Waste must be classified and disposed of in accordance with the statement of commitments summarised in Appendix 8 of Project Approval 05-0021 (Mod 5)
NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time	-	NA
T140	Tyres	As defined in Schedule 1 of the POEO Act, as in force from time to time	Waste disposal (application to land)	The total volume of tyres disposed of at the premises must not exceed 350 tonnes per annum

L5 Noise limits

L5.1 Noise generated at the premises must not exceed the noise limits presented in the table below. The locations referred to in the table below are indicated by the property identification numbers on Figure 4A Relevant Land Ownership Plan Wilpinjong Coal Mine Mining Rate Modification Environmental Assessment 17 May 2010. The property identification numbers are indicated on Figure 4B Relevant Land Ownership List Wilpinjong Coal Mine Mining Rate Modification Environmental Assessment 17 May 2010.

Location	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LA1(1 minute)
Wollar village	36	35	35	45
Goulburn River National Park	50	50	50	-

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Munhorn Gap Nature Reserve	50	50	50	-
All other privately owned land (outside the village of Wollar)	35	35	35	45

Note: The above noise limits do not apply at properties where the licensee has a written agreement with the landowner to exceed the noise limits.

L5.2 For the purpose of condition L5.1;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L5.3 The noise limits set out in condition L5.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Temperature inversion conditions greater than 3°C/100m.

L5.4 For the purpose of condition L5.3:

- a) The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station identified as EPA identification Point 21 in condition P1.1; and
- b) Temperature inversion conditions (vertical temperature gradient in degrees C) are to be determined by direct measurement over a minimum 50m height interval as referred to in Part E2 of Appendix E to the NSW Industrial Noise Policy.

L5.5 To determine compliance:

- a) With the Leq(15 minute) noise limits in condition L5.1, the noise measurement equipment must be located:
 - i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - ii) within 30 metres of a dwelling façade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - iii) within approximately 50 metres of the boundary of a National Park or Nature Reserve
- b) With the LA1(1 minute) noise limits in condition L5.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) With the noise limits in condition L5.1, the noise measurement equipment must be located:
 - i) at the most affected point at a location where there is no dwelling at the location; or
 - ii) at the most affected point within an area at a location prescribed by conditions L5.5(a) or L5.5(b).

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- L5.6 A non-compliance of condition L5.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- a) at a location other than an area prescribed by conditions L5.5(a) and L5.5(b); and/or
 - b) at a point other than the most affected point at a location.
- L5.7 For the purpose of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6 Blasting

- L6.1 The overpressure level from blasting operations at the premises must not exceed 115 dB (Lin Peak) at any noise sensitive location for more than five percent 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.
- L6.2 The overpressure level from blasting operations at the premises must not exceed 120 dB (Lin Peak) at any noise sensitive at any time. 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.
- L6.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5 mm/sec at any noise sensitive locations for more than five percent 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.
- L6.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10 mm/sec at any noise sensitive location at any time. 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.

Note: "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, place of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

- L6.5 Blasting operations at the premises may only take place between 9:00am – 5:00pm Monday to Saturday. Blasting outside the hours specified in this condition can only take place with the written approval of the EPA.
- L6.6 Blasting at the premises is limited to the following:
- a) a maximum of 2 blasts per day; and
 - b) a maximum of 5 blasts per week, averaged over a calendar year.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

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

O2 Maintenance of plant and equipment

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

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

O3 Dust

O3.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O3.2 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 Effluent application to land

O4.1 The irrigation of treated waste water must be in accordance with the DECC's Environmental Guideline for the use of Effluent by Irrigation (2004).

O4.2 Effluent application must not occur in a manner that causes surface runoff.

O4.3 The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent.

For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.

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;

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- 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

POINT 3,4,6,9,26

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19

POINT 13,20,27

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

POINT 25,28

Pollutant	Units of measure	Frequency	Sampling Method
PM10	milligrams per cubic metre	Continuous	AM-22

M2.3 Water and/ or Land Monitoring Requirements

POINT 24

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	micrograms per cubic metre	Continuous during discharge	Continuously

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Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample
pH	pH	Continuous during discharge	Continuously
Total suspended solids	milligrams per litre	Weekly during any discharge	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.
- 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.

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".

M4 Weather monitoring

- M4.1 The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.
- M4.2 For each monitoring point specified in the table below the licensee must monitor (by sampling and 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 other columns.

Point 21

Parameter	Unit of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	Degress celsius	Continuous	1 hour	AM-4
Wind direction	Degrees	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4

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Temperature lapse rate	Degrees	Continuous	15 minute	Part E2 & E4 of the Nsw Industrial Noise Policy
Rainfall	mm	Continuous	24 hour	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

M5 Recording of pollution complaints

- M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M5.2 The record must include details of the following:
- the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the licensee, the reasons why no action was taken.
- M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

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.

M7 Requirement to monitor volume or mass

- M7.1 For each discharge point or utilisation area specified below, the licensee must monitor:
- the volume of liquids discharged to water or applied to the area;
 - the mass of solids applied to the area;
 - the mass of pollutants emitted to the air;
- at the frequency and using the method and units of measure, specified below.

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POINT 24

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	megalitres per day	Flow meter and continuous logger

M8 Blasting

M8.1 To determine compliance with condition(s) L6.1 to L6.4:

- a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out on the premises;
 - approximately 50m west of the Wollar Primary School grounds - E 777403 N6416219 (MGA94, Zone 55)
- b) Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L6.1 to L6.4 at any "noise sensitive locations" other than the locations identified in the above condition.

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.
- R1.3 Where this licence is transferred from the licensee to a new licensee:
- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and

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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.

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

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

R2 Notification of environmental harm

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

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

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

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;

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- 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 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the second round of quarterly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

- a) an assessment of compliance with noise limits presented in Condition L5.1; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L5.1.

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 Reverse Osmosis Plant Waste

U1.1 By 28 February 2017, the licensee must provide a report to the EPA regarding waste materials generated from the reverse osmosis water treatment process at the premises which:

1. details all wastes types generated, including:

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- the classification of all wastes in accordance with the *EPA Waste Classification Guidelines (Nov 2014)*; and
- the volumes all wastes generated.

2. assesses the options for the disposal of all wastes.

9 Special Conditions

E1 Spontaneous Combustion Air Monitoring

E1.1 The licensee must undertake continuous monitoring of the following pollutants at the Barigan Street, Wollar air monitoring unit:

- Oxides of nitrogen;
- Sulfur dioxide;
- Hydrogen Sulfide;
- Volatile organic compounds (VOCs) including, benzene, toluene and xylene; and
- Polycyclic aromatic hydrocarbons (PAHs)

Monitoring must be undertaken in accordance with the relevant methods outlined in the EPA publication "Approved Methods - for the Sampling and Analysis of Air Pollutants in NSW" (2007).

This monitoring must be undertaken until 30 June 2014.

This data must be used to update the report titled "*Ambient Air Monitoring Report - Wilpinjong Coal*" prepared by Pacific Environment Limited and dated 22 July 2013. Reference must be made in the report comparing ambient air monitoring monitoring results in Wollar to odor complaints received by the licensee and all known spontaneous events that occurred at the premises during the monitoring period.

The updated report must be submitted to the Central West (Bathurst) office of the EPA by 29 August 2014.

E1.2 The licensee must undertake near source air monitoring at appropriate locations adjacent to the 'Keylah' and 'Noise Bund' overburden stockpiles. The monitoring must be undertaken:

- at least twice, from either stockpile, during the period up to 30 June 2014;
- for a sufficient length of time in order to collect a representative sample;
- at a time when a spontaneous combustion event is occurring from the respective stockpile; and
- such that the samples are analysed for NO_x, SO₂, H₂S, PAHs and VOCs.

Monitoring must be undertaken in accordance with the relevant methods outlined in the EPA publication "Approved Methods - for the Sampling and Analysis of Air Pollutants in NSW" (2007).

This data must be used to update the report titled "*Ambient Air Monitoring Report - Wilpinjong Coal*" prepared by Pacific Environment Limited and dated 22 July 2013.

The updated report must be submitted to the Central West (Bathurst) office of the EPA by 29 August

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2014.

E2 Keylah Dump Removal

E2.1 Prior to the commencement of works associated with the removal of the Keylah dump at the premises, the licensee must develop a management plan which:

- Is consistent with any recognised industry standards or guidelines;
- Details how the removal will occur;
- Defines the location of where material will be relocated to;
- Provides a timeframe for the completion of the works;
- Identifies mitigation measures for any risks identified during the risk assessment process;
- Details the proactive measures that will be utilised to prevent to occurrence of spontaneous combustion during the works, including but not necessarily limited to:
 - o Temperature and oxygen monitoring;
 - o A weather Trigger Action Response Plan (TARP); and
 - o A spontaneous combustion determination and response TARP which includes air quality management triggers and defined response actions;
- Details the contingency plans should additional resources be required;
- Details air quality management trigger and define the actions performance indicators which will be utilised to minimise offsite impacts including odour and dust; and
- Outlines the complaint response procedure including verification and follow up action.

E2.2 Prior to the commencement of works associated with the removal of the Keylah dump at the premises, the licensee must review and update the Pollution Incident Response Management Plan for the premises to include incidents which relate to the removal of the Keylah dump.

E3 Discharge Volume Limits

E3.1 From 31 December 2019, the discharge volume limit applicable to licence point 24 is 5 ML/day, replacing the 15 ML/day limit in condition L3.1 of the licence.

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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 Darryl Clift

Environment Protection Authority

(By Delegation)

Date of this edition: 08-February-2006

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End Notes

- 1 Licence varied by notice 1072608, issued on 26-Apr-2007, which came into effect on 26-Apr-2007.
- 2 Licence varied by notice 1076174, issued on 19-Jul-2007, which came into effect on 19-Jul-2007.
- 3 Licence varied by notice 1078394, issued on 21-Sep-2007, which came into effect on 21-Sep-2007.
- 4 Licence varied by notice 1082103, issued on 23-Jan-2008, which came into effect on 23-Jan-2008.
- 5 Licence varied by notice 1082690, issued on 28-Feb-2008, which came into effect on 28-Feb-2008.
- 6 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 7 Licence varied by notice 1097990, issued on 06-Mar-2009, which came into effect on 06-Mar-2009.
- 8 Licence varied by notice 1103683, issued on 29-Jul-2009, which came into effect on 29-Jul-2009.
- 9 Licence varied by notice 1122547, issued on 08-Dec-2010, which came into effect on 08-Dec-2010.
- 10 Licence varied by notice 1123563, issued on 22-Feb-2011, which came into effect on 22-Feb-2011.
- 11 Licence varied by notice 1126951, issued on 08-Jun-2011, which came into effect on 08-Jun-2011.
- 12 Licence varied by notice 1129417, issued on 05-Jul-2011, which came into effect on 05-Jul-2011.
- 13 Licence varied by notice 1502792 issued on 02-Dec-2011
- 14 Licence varied by notice 1506541 issued on 19-Jun-2012
- 15 Licence varied by notice 1509947 issued on 20-Dec-2012
- 16 Licence varied by notice 1511169 issued on 22-Mar-2013
- 17 Licence varied by notice 1516864 issued on 02-Oct-2013
- 18 Licence varied by notice 1518174 issued on 10-Feb-2014
- 19 Licence varied by notice 1524208 issued on 21-Aug-2014
- 20 Licence varied by notice 1525523 issued on 24-Oct-2014
- 21 Licence varied by notice 1542895 issued on 26-Jul-2016

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22 Licence varied by notice 1547609 issued on 16-Jan-2017
