

# Environment Protection Licence

Licence - 11879

## Licence Details

Number:	11879
Anniversary Date:	01-January

## Licensee

ASHTON COAL OPERATIONS PTY LIMITED  
 PO BOX 699  
 SINGLETON NSW 2330

## Premises

ASHTON COAL MINE  
 GLENNIES CREEK ROAD AND NEW ENGLAND HIGHWAY  
 CAMBERWELL NSW 2330

## Scheduled Activity

Coal works  
 Mining for coal

## Fee Based Activity

## Scale

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

## Contact Us

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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>ASHTON COAL OPERATIONS PTY LIMITED</b>
<b>PO BOX 699</b>
<b>SINGLETON NSW 2330</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
Coal works	Coal works	> 5000000 T annual handing capacity
Mining for coal	Mining for coal	> 5000000 T annual production capacity

Note: In relation to this licence, the licensee must comply with:

- the activity scale limits imposed by this licence;
- the activity scale limits which apply for the reporting period specified in this licence; and
- the activity scale limits imposed by other legal instruments, such as approvals currently in force under the *Environmental Planning and Assessment Act 1979*.

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

A2.1 The licence applies to the following premises:

Premises Details
ASHTON COAL MINE
GLENNIES CREEK ROAD AND NEW ENGLAND HIGHWAY
CAMBERWELL
NSW 2330
PREMISES BOUNDARY DEFINED BY SHAPE FILES AND MARKED AS 'ASHTON ENVIRONMENTAL PROTECTION LICENCE AREA' ON THE PLAN TITLED "ASHTON UNDERGROUND ENVIRONMENTAL PROTECTION LICENCE" DRAWING NO. A-9846 DATED 15/09/2022, WITH BOTH SHAPEFILES AND PLAN PROVIDED TO THE EPA ON 26/09/2022 (EPA REFERENCE DOC22/850412).

### 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.

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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
9	Particulate Matter Monitoring		Monitoring at coordinates 318060, 6407586 (Easting, Northing), identified as Site 7 on Figure 1.
10	Particulate Matter Monitoring		Monitoring at coordinates 320854, 6407223 (Easting, Northing), identified as Site 9 on Figure 1.
11	Particulate Matter Monitoring		Monitoring at coordinates 320049, 6405620 (Easting, Northing), identified as Site 10 on Figure 1.
16		Discharge to Air	Gas flares at coordinates 319135, 6405675 (Easting, Northing), identified as CGDP Flares on Figure 2.

- 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.

<i>Water and land</i>			
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Ambient surface water monitoring		Monitoring u/s Bowmans Creek at coordinates 318011, 6407623 (Easting, Northing), identified as SM03 on Figure 1.

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3	Ambient surface water monitoring		Monitoring Bowmans Creek near New England Highway at coordinates 318507, 6406607 (Easting, Northing), identified as SM04 on Figure 1.
4	Ambient surface water monitoring.		Monitoring Bowmans Creek near Longwall Panels at coordinates 317625, 6405580 (Easting, Northing), identified as SM05 on Figure 1.
5	Ambient surface water monitoring		Monitoring Bowmans Creek at Hunter River Confluence at coordinates 317124, 6404172 (Easting, Northing), identified as SM06 on Figure 1.
6	Ambient surface water monitoring.		Monitoring Hunter River u/s Bowmans Creek Confluence at coordinates 316484, 6404147 (Easting, Northing) identified as SM09 on Figure 1.
7	Ambient surface water monitoring		Monitoring Hunter River d/s Bowmans Creek Confluence at coordinates 317438, 6403869 (Easting, Northing), identified as SM10 on Figure 1.
17	Discharge to utilisation area Effluent quality monitoring	Discharge to utilisation area Effluent quality monitoring	STP monitoring and discharge at coordinates 319380, 6405955 (Easting, Northing), identified as STP - U/G on Figure 1.
18	Discharge to utilisation area Effluent quality monitoring	Discharge to utilisation area Effluent quality monitoring	STP monitoring and discharge at coordinates 318765, 6406765 (Easting, Northing), identified as STP - CHPP on Figure 1.
19	Discharge to utilisation area Effluent quality monitoring	Discharge to utilisation area Effluent quality monitoring	STP monitoring and discharge at coordinates 319355, 6406945 (Easting, Northing), identified as STP - O/C on Figure 1.
20	Groundwater monitoring		Monitoring upgradient of Bowmans Creek alluvium at coordinates 318438, 6407195 (Easting, Northing), identified as YAP016 in Figure 1.
21	Groundwater monitoring		Monitoring mid-gradient of Bowmans Creek alluvium at coordinates 317457, 6405388 (Easting, Northing), identified as WMLP320 in Figure 1.
22	Groundwater monitoring		Monitoring of Bowmans Creek alluvium at coordinates 317299, 6403992 (Easting, Northing), identified as WMLP279 in Figure 1.
23	Groundwater monitoring		Monitoring mid-gradient of Hunter River alluvium at coordinates 317798, 6403793 (Easting, Northing), identified as WMLP280 in Figure 1.



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24	Groundwater monitoring	Monitoring up-gradient of Glennies Creek alluvium at coordinates 319294, 6404588 (Easting, Northing), identified as WML120B in Figure 1.
25	Groundwater monitoring	Monitoring mid-gradient of Glennies Creek alluvium at coordinates 319468, 6403528 (Easting, Northing), identified as WML129 in Figure 1.
26	Groundwater monitoring	Monitoring down-gradient of Glennies Creek alluvium at coordinates 318965, 6402842 (Easting, Northing), identified as WMLP336 in Figure 1.
27	Groundwater monitoring	Monitoring up-gradient of Barrett coal seam at coordinates 318431, 6407214 (Easting, Northing), identified as GM1 in Figure 1.
28	Groundwater monitoring	Monitoring up-gradient of Pikes Gully coal seam at coordinates 319292, 6404580 (Easting, Northing), identified as WML120A in Figure 1.
29	Groundwater monitoring	Monitoring mid-gradient of Pikes Gully coal seam at coordinates 319220, 6403928 (Easting, Northing), identified as WML262 in Figure 1.
30	Groundwater monitoring	Monitoring up-gradient of Upper Liddell coal seam at coordinates 319215, 6403958 (Easting, Northing), identified as WML181 in Figure 1.
31	Groundwater monitoring	Monitoring mid-gradient of Upper Liddell coal seam at coordinates 319188, 6404325 (Easting, Northing), identified as WML183 in Figure 1.

P1.4 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/Weather*

EPA identification no.	Type of monitoring point	Location description
12	Meteorological Station – to determine meteorological conditions for noise monitoring	Meteorological monitoring at coordinates 320522, 6406815 (Easting, Northing), identified as Repeater on Figure 2.
13	Noise monitoring	Monitoring at coordinates 320554, 6405839 (Easting, Northing), identified as N3 on Figure 2 and representative of Noise Assessment Group 2.

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14	Noise monitoring	Monitoring at coordinates 320297, 6405670 (Easting, Northing), identified as N2 on Figure 2 and representative of Noise Assessment Group 1.
15	Noise monitoring	Monitoring at coordinates 319776, 6404101 (Easting, Northing), identified as N4 on Figure 2 and representative of Noise Assessment Group 3.
32	Meteorological Station – to determine meteorological conditions for noise monitoring	Monitoring of temperature at 'M1' at coordinates 320259, 6405971 (Easting, Northing).

- P1.5 For the purposes of Condition P1.1, P1.2 and P1.3, Figure 1 refers to the plan titled "Ashton Underground Mine Environment Protection licence 11879 Premises Boundary, Surface Infrastructure" dated 30/08/19 (EPA reference DOC19/761196).
- P1.6 For the purpose of Condition P1.4, Figure 2 refers to the plan titled "Ashton Underground Mine Environment Protection licence 11879 Premises Boundary, Monitoring" dated 30/08/19 (EPA reference DOC19/761196).
- P1.7 The datum for grid references in this Licence is the Geodetic Datum of Australia 1994 (GDA94), Zone 56.

## 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 Flares must be operated by the licensee such that there is no visible emission other than for a total period of no more than 5 minutes in any 2 hours, except for heat haze.

### L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste to be received at the premises unless specified in this licence.
- L3.2 The Licensee must not dispose of waste on the premises unless authorised by a condition of this Licence.

### L4 Noise limits

- L4.1 Noise from the premises must not exceed the noise limits specified in the table below.

Residences referenced in this table are from the consent DA 309-11-2001-i and summarised in the EPA

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reference DOC19/761196.

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LAeq(1 minute)
EPA Point 13	38	38	36	46
EPA Point 14	38	38	36	46
EPA Point 15	38	38	36	46
All other privately owned residences	38	38	36	46

L4.2 For the purpose of Condition L4.1:

- a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- b) Evening is defined as the period from 6pm to 10pm, and
- c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays

L4.3 The noise emission limits identified in condition L4.1 apply under the following meteorological conditions:

- a) wind speeds up to 3m/s at 10m above ground level; and
- b) temperature inversion conditions up to 3 degrees C/100m.

L4.4 For the purposes of condition L4.1:

- a) Data recorded by the closest and most representative meteorological station installed on the premises at EPA Identification Point 12 must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the methods referred to in Fact Sheet D of the Noise Policy for Industry (2017) using EPA Identification Points 12 and 32.

## 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.

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## **Sewage Treatment System**

- O2.2 The licensee is responsible for the correct operation of the sewage treatment system on the premises.
- O2.3 Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system management requirements and must ensure that the necessary service contracts are in place.
- O2.4 The sewage treatment system must be serviced by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year.
- O2.5 The licensee must record each inspection and any actions required or recommended by the technician including all results of tests performed on the sewage treatment system by the technician as required in Condition O2.4.
- O2.6 The licensee must prepare a sewage treatment system maintenance program. The program must include:
- a) Certification from the system provider that the sewage treatment system is operating within its capacity;
  - b) Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and
  - c) Provide written records of each quarterly inspection.

## **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.
- O3.3 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

## **O4 Effluent application to land**

- O4.1 The licensee must ensure that the effluent discharge utilisation area perimeter is signposted and controlled in a manner to ensure exclusion of persons from that area.
- O4.2 The licensee must ensure that sprays or mists from irrigation do not drift beyond the boundary of the effluent discharge utilisation area and that no ponding occurs.
- O4.3 Application of wastewaters must only be applied at a rate that can be assimilated by the effluent discharge utilisation area and its evapotranspiration capacity.

## **O5 Emergency response**

Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management

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Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.

## O6 Processes and management

O6.1 Banks, channels and similar works must be constructed and maintained to divert stormwater away from disturbed or contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring.

## O7 Waste management

O7.1 A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of minewater, sewage effluent and other wastewater.

O7.2 Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must:

- have walls and floors constructed of impervious materials;
- be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
- have walls not be less than 250 millimetres high; and
- have floors graded to a collection sump.

O7.3 A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas.

## O8 Other operating conditions

O8.1 There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.

## 5 Monitoring and Recording Conditions

### M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by this licence must be:

- 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

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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:

- 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 Air Monitoring Requirements

**POINT 9,10,11**

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

M2.3 Water and/ or Land Monitoring Requirements

**POINT 2,3,4,5,6,7**

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 17,18,19**

Pollutant	Units of measure	Frequency	Sampling Method
Faecal Coliforms	colony forming units per 100 millilitres	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

**POINT 20,21,22,23,24,25,26,27,28,29,30,31**

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Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Every 6 months	Grab sample
Standing Water Level	metres	Every 6 months	In situ

M2.4 For the purposes of conditions M2.2 and M4.1, 'Continuous' means the operation of equipment to achieve a minimum pollutant and/or meteorological data capture rate of 95% for the duration of the licence Annual Return reporting period. The calculation of the data capture rate does not include data loss caused by the following activities:

- routine maintenance;
- routine calibration, including zero and span checks;
- other activity or condition as approved in writing by the EPA.

Note: The above condition is interim only. The minimum data capture rate and calculation method required to achieve continuous monitoring is subject to review and could change, resulting in a change of this condition.

## 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.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2021* 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 The licensee must collect and analyse meteorological data at monitoring point 12 for the parameters, at a frequency, averaging period and using a method as specified in the table below.

### *Meteorological Monitoring*

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
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Temperature @ 1.2m	C	Continuous	1 hour	AM-4
Rainfall	mm	Continuous	15 minutes	AM-4
Wind direction @ 10m	degrees	Continuous	10 minutes	AM-2 & AM-4
Wind speed @ 10m	m/s	Continuous	10 minutes	AM-2 & AM-4
Temperature Lapse Rate	degrees	Continuous	15 minutes	Factsheet D of the NSW Noise Policy for Industry

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

## M5 Recording of pollution complaints

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

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

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



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## M7 Other monitoring and recording conditions

### Requirement to Monitor Particulate Matter

M7.1 The Licensee must record the average PM10 concentration at monitoring points 9,10 and 11 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to see them.

## M8 Noise monitoring

M8.1 To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

### POINT 13,14,15

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Night	Monthly	15 minutes	1 operation day

M8.2 For the purposes of compliance monitoring and determining the noise generated at the premises the modification factors in the EPA's Fact Sheet C of the Noise Policy for Industry (2017) must be applied, as appropriate, to the noise levels measured by noise monitoring equipment.

### Definitions

Noise refers to 'sound pressure levels' for the purpose of conditions L4.1 to L.4.4 and condition M8.

## 6 Reporting Conditions

### R1 Annual return documents

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

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

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

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due.

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 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 they became aware of the incident.

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

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## R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- where this licence applies to premises, an event has occurred at the premises; or
  - 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:
- the cause, time and duration of the event;
  - the type, volume and concentration of every pollutant discharged as a result of the event;
  - 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;
  - 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;
  - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
  - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - 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 notifications

### Noise Exceedance Notification

- R4.1 The licensee must report any exceedance of licence noise limits to the EPA Hunter at [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents

### Notification of Pollution of Waters

- R4.2 The Licensee must notify the EPA by telephoning the Environment Line service on 131 555 immediately after the Licensee becomes aware of any contravention or potential contravention of Condition L1 of the Licence.
- R4.3 The Licensee must provide written details of the notification to the EPA Director Hunter at [hunter.region@epa.nsw.gov.au](mailto:hunter.region@epa.nsw.gov.au) within 7 days of the date of the notification.

## R5 Other reporting conditions

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## Noise Compliance Assessment Report

- R5.1 A noise compliance assessment report must be submitted to the EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with noise limits at noise monitoring points specified in Condition (s) P1.4 and L4.2 to L4.4.

## Water Quality Monitoring Report

- R5.2 The licensee must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following:
- a) for the monitoring required by the licence during the reporting period to which the Annual Return relates:
    - (i) a summary of results for all ambient water quality monitoring required by the licence in table form and graphical form;
    - (ii) total daily rainfall records from the premises meteorological monitoring required by the licence on the day that the sampling was undertaken in table form;
    - (iii) total daily continuous rainfall records in graphical form; and
    - (iv) a plan with the monitoring locations.
  - b) A graphical presentation of the trends of monitoring results required by the licence for the reporting period to which the Annual Return relates and the preceding data for the period of record the licensee has monitoring results for the licensed location.
  - c) A graphical representation of total daily continuous rainfall records required by the licence for the record that matches the ambient water quality results, if available.

## Groundwater Quality Monitoring Report

- R5.3 The licensee must provide the EPA with its Annual Return an annual groundwater quality monitoring report prepared by an appropriately qualified and experienced person that includes the following:
- a) for the monitoring required by the licence during the reporting period to which the Annual Return relates:
    - (i) a summary of results for all groundwater quality monitoring required by the licence in table form and graphical form;
    - (ii) total daily rainfall records from the premises meteorological monitoring required by the licence on the day that the sampling was undertaken in table form;
    - (iii) total daily continuous rainfall records in graphical form; and
    - (iv) a plan with the monitoring locations.
  - b) A graphical presentation of the trends of monitoring results required by the licence for the reporting period to which the Annual Return relates and the preceding data for the period of record the licensee has monitoring results for the licensed location.
  - c) A graphical representation of total daily continuous rainfall records required by the licence for the record that matches the groundwater quality results, if available.

## Sewage Treatment Systems

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- R5.4 The sewage treatment system maintenance program required by Condition O2.6 must be submitted annually to the EPA with the Annual Return.
- R5.5 The licensee must retain a copy of each report required by Condition O2.5 for 3 years from the date each record is made.

## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

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

### G2 Contact number for incidents and responsible employees

- G2.1 The licensee must operate one 24-hour telephone contact line for the purpose of enabling the EPA:
- a) to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises, and
  - b) to contact the licensee's senior employees or agents authorised at all times to:
    - i) speak on behalf of the licensee, and
    - ii) provide any information or document required under licence.

### G3 Other general conditions

#### G3.1 Completed Programs

Program	Description	Completed Date
Report comparing actual measured noise levels gene	Provide a report comparing actual measured noise levels generated by the Licensee with those predicted in the EIS under all conditions incl inversions & enhancing winds, & list measures taken to ensure noise from mine is not in excess of predict or limit. To prevent excessive noise levels at sensitive receptors (partpculariy in Camberwell Village).(+) )	22-July-2009
Coal Mine Particulate Matter Control Best Practice	Requires the licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	29-June-2012

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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

# Environment Protection Licence

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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
<b>Wellhead</b>	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Mitchell Bennett

Environment Protection Authority

(By Delegation)

Date of this edition: 02-September-2003



# Environment Protection Licence

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## End Notes

- 1 Licence varied by notice 1032190, issued on 10-Nov-2003, which came into effect on 05-Dec-2003.
- 2 Licence varied by notice 1043742, issued on 28-Feb-2005, which came into effect on 25-Mar-2005.
- 3 Licence varied by notice 1051915, issued on 17-Nov-2005, which came into effect on 12-Dec-2005.
- 4 Licence varied by notice 1066832, issued on 20-Nov-2006, which came into effect on 20-Nov-2006.
- 5 Licence varied by notice 1078274, issued on 27-Dec-2007, which came into effect on 27-Dec-2007.
- 6 Licence varied by notice 1093983, issued on 28-Apr-2009, which came into effect on 28-Apr-2009.
- 7 Licence varied by notice 1104322, issued on 17-Nov-2009, which came into effect on 17-Nov-2009.
- 8 Licence varied by notice 1500513 issued on 02-Dec-2011
- 9 Licence fee period changed by notice 1527486 on 22-Dec-2014
- 10 Licence varied by notice 1536107 issued on 24-Oct-2016
- 11 Licence varied by notice 1553714 issued on 17-Aug-2017
- 12 Licence varied by notice 1555646 issued on 27-Mar-2019
- 13 Licence varied by notice 1585700 issued on 21-Nov-2019
- 14 Licence varied by notice 1590081 issued on 03-Feb-2020
- 15 Licence varied by notice 1622951 issued on 03-Nov-2022