

Environment Protection Licence

Licence - 12856

Licence Details

Number:	12856
Anniversary Date:	09-July

Licensee

DONALDSON COAL PTY LTD
 PO BOX 1613
 NEWCASTLE NSW 2300

Premises

ABEL UNDERGROUND MINE AND DONALDSON OPEN CUT MINE
 1132 JOHN RENSHAW DRIVE
 BLACK HILL NSW 2322

Scheduled Activity

Coal works
 Mining for coal

Fee Based Activity

Scale

Coal works	0-2000000 T annual handing capacity
Mining for coal	0-500000 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:

DONALDSON COAL PTY LTD
PO BOX 1613
NEWCASTLE NSW 2300

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	0 - 2000000 T annual handing capacity
Mining for coal	Mining for coal	0 - 500000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
ABEL UNDERGROUND MINE AND DONALDSON OPEN CUT MINE
1132 JOHN RENSHAW DRIVE
BLACK HILL
NSW 2322
PREMISES BOUNDARY DEFINED AS: "ABEL EPL BOUNDARY (EPL12856)"; "ABEL MINE WORKINGS (UPPER AND LOWER DONALDSON COAL SEAMS)"; "D/C SHAFT"; AND "U/C SHAFT"; ON PLAN TITLED "EPL LICENCE VARIATION" DWG NO A1A0031.DWG SHEETS 1 TO 4 DATED 07/06/2024 (EPA REFERENCE DOC24/654543) AND CORRESPONDING SPATIAL FILES CONTAINED IN DOC24/178944. THIS LICENCE DOES NOT APPLY TO, OR INCLUDE THE AREA IDENTIFIED AS "KURRI KURRI LATERAL PIPELINE" SHOWN ON THE PLAN LISTED ABOVE OR ANY PUBLIC ROADS.

A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

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2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
3	Air quality monitoring		Monitoring of air quality at Black Hill at coordinates 370613, 6365766 (Easting, Northing), identified as "Point 3" on PLAN TITLED "EPL LICENCE VARIATION" DATED 01/04/2021 (EPA REFERENCE DOC21/639208).

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
4	Surface water monitoring		Monitoring of surface water quality at Buttai Creek at coordinates 365732, 6366569 (Eastings, Northings), identified as "Site 1" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
5	Surface water monitoring		Monitoring of surface water quality at Blue Gum Creek at coordinates 369268, 6363494 (Eastings, Northings), identified as "Site 10" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).

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6	Surface water monitoring	Monitoring of surface water quality at Viney Creek at coordinates 371698, 6368339 (Eastings, Northings), identified as "Site 11" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
7	Surface water monitoring	Monitoring of water quality at Four Mile Creek, upstream of the Big Kahuna Dam, at coordinates 368413, 6367395 (Eastings, Northings), identified as "FMCU" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
8	Surface water monitoring	Monitoring of water quality at Four Mile Creek, downstream of Big Kahuna Dam, at coordinates 368257, 6369375 (Eastings, Northings), identified as "FMCD" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
9	Surface water monitoring	Monitoring of upstream water quality at Weakleys Flat Creek, at coordinates 370449, 6368133 (Eastings, Northings), identified as "WFCU" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
10	Surface water monitoring	Monitoring of downstream water quality at Weakleys Flat Creek, at coordinates 371256, 6369064 (Eastings, Northings), identified as "WFCD" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
11	Surface water monitoring	Monitoring of upstream water quality at Scotch Dairy Creek, at coordinates 369659, 6369739 (Eastings, Northings), identified as "SDCU" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
12	Surface water monitoring	Monitoring of downstream water quality at Scotch Dairy Creek, at coordinates 371389, 6370174 (Eastings, Northings), identified as "SDCD" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).

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13	Groundwater quality monitoring		Monitoring of groundwater at coordinates 368727, 6368626 (Eastings, Northings), identified as "DPZ3" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
14	Groundwater quality monitoring		Monitoring of groundwater at coordinates 369366, 6368067 (Eastings, Northings), identified as "DPZ8" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
15	Groundwater quality monitoring		Monitoring of groundwater at coordinates 371142, 6371198 (Eastings, Northings), identified as "REGDPZ1" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
16	Groundwater quality monitoring		Monitoring of groundwater at coordinates 368599, 6367322 (Eastings, Northings), identified as "DPZ6" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
17	Groundwater quality monitoring		Monitoring of groundwater at coordinates 370936, 6368362 (Eastings, Northings), identified as "DPZ10" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
18	Groundwater quality monitoring		Monitoring of groundwater at coordinates 368398, 6367109 (Eastings, Northings), identified as "JRD2" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
19	Discharge quality monitoring Volume monitoring	Discharge quality monitoring Volume monitoring	Monitoring at the pipe outlet located adjacent to the bridge crossing at Four Mile Creek, at coordinates 368563, 6368698 (Eastings, Northings), identified as "Point 19" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
20	Discharge to pipe	Discharge to pipe	Discharge of mine water to Bloomfield Colliery via pipe at coordinates 367643, 6369331 (Eastings, Northings), identified as "Point 20" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).

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.

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Noise/Weather

EPA identification no.	Type of monitoring point	Location description
22	Noise monitoring	Noise monitoring at Black Hill School, at coordinates 370600, 6365820 (Eastings, Northings) identified as "Location D" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
23	Noise monitoring	Noise monitoring at Lot 684 Black Hill Road, at coordinates 367280, 6367320 (Eastings, Northings) identified as "Location F" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
24	Noise monitoring	Noise monitoring at 156 Buchanan Road, Buchanan, at coordinates 363026, 6369156 (Eastings, Northings) identified as "Location G" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
25	Noise monitoring	Noise monitoring at 49 Magnetic Drive, Ashtonfield, at coordinates 369210, 6372560 (Eastings, Northings) identified as "Location I" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
26	Noise monitoring	Noise monitoring at 220 Parish Drive, Beresfield, at coordinates 370327, 6371536 (Eastings, Northings) identified as "Location J" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
27	Noise monitoring	Noise monitoring at 17 Kilshanny Avenue, Ashtonfield, at coordinates 367685, 6372790 (Eastings, Northings) identified as "Location L" on plan titled "EPL Licence Variation" dated 01/04/2021 (EPA Reference DOC21/639208).
28	Meteorological Station	Monitoring of meteorological conditions at coordinates 368922, 6368117 (Eastings, Northings) identified as "Met Station" on plan titled "EPL Licence Variation Able Underground Coal (EPL 12856)" dated 19/04/2021 (EPA Reference DOC23/321678).

P1.5 Grid coordinates in this Licence are defined by the Map Grid of Australia 1994 (MGA94) Zone 56 projection, using the Geodetic Datum of Australia 1994 (GDA94).

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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/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

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

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

L2.4 Water and/or Land Concentration Limits

POINT 19

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				2000
pH	pH				6.0 - 8.0
Total suspended solids	micrograms per litre				50

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
19	kilolitres per day	40000

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- L3.2 The volume of wastewater referred to in condition L3.1 must only be discharged in accordance with the following:
- a) 40,000 kL each day for the 5 days following rainfall of at least 10 mm as measured at the Donaldson meteorological station in 24 hours (09:00 to 09:00).

L4 Noise limits

- L4.1 Noise generated at the premise must not exceed the noise limits presented in the table below. The noise limits in the table below represent the noise contribution from the premises.

Locality	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute)
Location A (Weakleys Drive, Beresfield)	50	48	41	51
Location B (Yarrum Road, Beresfield)	50	48	41	51
Location C (Phoenix Road, Black Hill)	43	44	38	50
Location D (Black Hill School)	41	40	37	46
Location E (Brown Road, Black Hill)	41	40	36	46
Location F (Black Hill Road, Black Hill)	41	40	36	46
Location G (Buchanan Road, Buchanan)	43	41	36	46
Location H (Mt Vincent Road, Louth Park)	43	41	36	46
Location I (Magnetic Drive, Ashtonfield)	44	46	38	48
Location J (Parish Drive, Beresfield)	49	47	40	50
Location K (Catholic Diocese off Black Hill Road)	41	40	37	46
Location L (Kilshanny Avenue, Ashtonfield)	46	46	40	53

- L4.2 The noise limits in the table below do not apply if the licensee has a written agreement with the relevant land owner to exceed the noise limit, and the licensee has advised the EPA in writing. The noise limits also do not

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apply to mine-owned residences.

L4.3 For the purposes 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 Sunday and public holidays.

L4.4 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above the ground level;
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

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).

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

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

O2 Maintenance of plant and equipment

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

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

O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O3.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise dust at the boundary of the premises.

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

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O4 Processes and management

- O4.1 All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.

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
 - 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 3

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

M2.3 Water and/ or Land Monitoring Requirements

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POINT 4,5,6,7,8,9,10,11,12

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 13,14,15,16,17,18

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 19

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample
Total suspended solids	micrograms per litre	Daily 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.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2022* 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

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discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Weather monitoring

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

POINT 28

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous
Sigma theta	AM-2 & AM-4	Degrees	15 minutes	Continuous
Rainfall	AM-4	millimetres	15 minutes	Continuous
Temperature at 10 metres	AM-4	degrees Celsius	15 minutes	Continuous
Relative humidity	AM-4	percent	15 minutes	Continuous

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.

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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.

POINT 19

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	In line instrumentation

POINT 20

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	In line instrumentation

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 22,23,24,25,26,27

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

- M8.2 For the purposes of Condition M8.1, Special Frequency 1 is defined as quarterly, when activities occurring at the premises generate audible noise at the nearest privately owned residence.

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Routine noise monitoring is not required when activities at the premises are inaudible at the nearest privately owned residence.

- M8.3 To assess compliance with the noise limits in this licence, operator-attended noise monitoring must occur:
- at the locations in Condition P1.4; and
 - during one night time period as defined in the Noise Policy for Industry (2017) for a minimum of 15 minutes at each location.

- M8.4 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.

Note: The EPA may require the licensee, in writing, to increase the frequency of noise monitoring or number of noise monitoring locations should complaints be received.

Noise affected locations may be determined by review of meteorological data collected by the onsite meteorological station at EPA Point 28.

6 Reporting Conditions

R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- a Statement of Compliance,
 - a Monitoring and Complaints Summary,
 - a Statement of Compliance - Licence Conditions,
 - a Statement of Compliance - Load based Fee,
 - a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
 - a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
 - 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 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:
- the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.



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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

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

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

R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
- a) where this licence applies to premises, an event has occurred at the premises; or
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
 - b) the type, volume and concentration of every pollutant discharged as a result of the event;
 - c) the name, address and business hours telephone number of employees or agents of the licensee, or a

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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 notifications

Water Quality Monitoring Report

R4.1 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 Annual Return reporting period:

i) a summary of results for all surface and groundwater quality monitoring required by the licence in table and graphical form;

ii) total daily continuous rainfall records in graphical form from the meteorological monitoring required by the licence; and

iii) a graphical presentation of the trends of monitoring results required by the licence for the Annual Return reporting period and the preceding data for the period.

Notification of Pollution of Waters

R4.2 The Licensee must notify the EPA by telephoning the Environment Line service on 131555 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 at hunter.region@epa.nsw.gov.au within 7 days of the date of the notification.

7 General Conditions

G1 Copy of licence kept at the premises or plant

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

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

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8 Special Conditions

E1 Surface Water Monitoring of Big Kahuna Dam

E1.1 The licensee must undertake water quality monitoring within the waters of Big Kahuna Dam during the Annual Return reporting period in accordance with the table below.

Parameter	Units	Frequency	Method
Aluminium (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Arsenic (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Barium (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Bicarbonate alkalinity	milligrams per litre	Quarterly	Grab sample
Chromium (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Copper (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Iron (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Lead (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Lithium (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Manganese (total and dissolved)	milligrams per litre	Quarterly	Grab sample
Mercury (total and dissolved)	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample
Total suspended solids	milligrams per litre	Quarterly	Grab sample

E1.2 The licensee must provide the EPA an annual water quality monitoring report, with its Annual Return, prepared by an appropriately qualified and experienced person. The report must include, for the monitoring required by Condition E1.1, the following:

- i) a summary of results for all water quality monitoring required by Condition E1.1 in table and graphical form;
- ii) a summary of the volume of groundwater transferred to the Big Kahuna Dam during the Annual Return reporting period;
- iii) total daily rainfall records from the closest meteorological station on the days that sampling was undertaken, in table form;
- iv) total daily continuous rainfall records from the closest meteorological station in graphical form; and
- v) a graphical and written analysis of the trends of monitoring results required by Condition E1.1 for the Annual Return reporting period and any data preceding this period.

After 2 years' of data (8 quarterly periods), the licensee may request the EPA to review the inclusion of this condition on the licence.

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E2 Discontinuation of Mining

E2.1 The Licensee must notify the EPA, in writing to the EPA's Hunter Region, prior to the recommencement of mining or of any coal handling activities on the premises.

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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
Wellhead	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: 09-July-2008

End Notes

- 1 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 2 Licence varied by notice 1104231, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.
- 3 Licence varied by notice 1502528 issued on 21-Dec-2011
- 4 Licence varied by notice 1563550 issued on 01-Oct-2021
- 5 Licence varied by notice 1628044 issued on 20-Apr-2023
- 6 Licence varied by notice 1636399 issued on 04-Sep-2024