

Licence Variation



Licence - 1360

OCEANIC COAL AUSTRALIA PTY LIMITED
PO BOX 4186
EDGEWORTH NSW 2285

Attention: Mike Carrucan

Notice Number 1595031
File Number EF13/3383
Date 17-Jul-2020

NOTICE OF VARIATION OF LICENCE NO. 1360

BACKGROUND

- A. OCEANIC COAL AUSTRALIA PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 1360 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at WEST WALLSEND COLLIERY, MACQUARIE COAL PREPARATION PLANT AND WESTSIDE MINE, TERALBA, NSW, 2284 ("the premises").
- B. On 18-May-2020 the Environment Protection Authority (EPA) received an application for the variation of the licence. The application related to the amendment of the waste limit table (L4.1) to allow for the receipt of pond ash at the premises, in accordance with a resource recovery order, being the Eraring Ash Dam Coal Ash Order 2020. The use of pond ash is to assist in the onsite rehabilitation process.
- C. The EPA has assessed the application and included the use of pond ash within the waste limits table.
- D. In consideration of section 45 of the POEO Act, the EPA has amended other waste limit conditions for fly ash, to allow ash which is extracted from the ash dam to be approved for rehabilitation activities.
- E. Operating conditions have been amended to include the minimisation of the potential for pond ash contamination of surface water and ground water during rainfall events.
- F. The current operating conditions relating to the management of dust are considered to be fit for purpose to minimise or prevent potential air quality impacts resulting from the receipt and use of pond ash at the premises.
- G. On 24-Jun-2020 the EPA provided a draft Notice of Variation of Licence to the licensee and the Resource Recovery Innovation unit within the EPA for comment.
- H. On 26-Jun-2020 the EPA received correspondence from the licensee accepting the proposed variation to the licence.
- I. On 29-Jun-2020 the EPA made amendments to the proposed variation to the licence, which were agreed upon by the licensee via a phone conversation.

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J. This Notice does not authorise an increase in the environmental impact of the activities authorised or controlled by the licence.

VARIATION OF LICENCE NO. 1360

1. By this notice the EPA varies licence No. 1360. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
 - Condition L4.1 - amended to allow pond ash extracted from an ash dam, as defined by a resource recovery order, to be used for rehabilitation activities.
 - Condition O4.1 - amended to include pond ash.

.....
Mitchell Bennett
Unit Head
Regulatory Operations
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.epa.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

When this notice begins to operate

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or

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the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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Licence Details	
Number:	1360
Anniversary Date:	31-December

Licensee
OCEANIC COAL AUSTRALIA PTY LIMITED
PO BOX 4186
EDGEWORTH NSW 2285

Premises
WEST WALLSEND COLLIERY
WEST WALLSEND COLLIERY, MACQUARIE COAL PREPARATION PLANT AND WESTSIDE MINE
TERALBA NSW 2284

Scheduled Activity
Coal works
Mining for coal

Fee Based Activity	Scale
Coal works	0-2000000 T annual handling capacity
Mining for coal	0-500000 T annual production capacity

Region
Metropolitan North - Newcastle
Ground Floor, NSW Govt Offices, 117 Bull Street NEWCASTLE WEST NSW 2302
Phone: (02) 4908 6800
Fax: (02) 4908 6810
PO Box 488G NEWCASTLE NSW 2300



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Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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

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

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

Transfer of licence

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

Public register and access to monitoring data

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

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

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

This licence is issued to:

OCEANIC COAL AUSTRALIA PTY LIMITED
PO BOX 4186
EDGEWORTH NSW 2285

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

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
WEST WALLSEND COLLIERY
WEST WALLSEND COLLIERY, MACQUARIE COAL PREPARATION PLANT AND WESTSIDE MINE
TERALBA
NSW 2284
THE PREMISES IS DEFINED BY PLAN TITLED "OCEANIC COAL AUSTRALIA PTY LIMITED EPL 1360 ENVIRONMENTAL MONITORING LOCATIONS KAO-188 REVISION 1" DATED 05/04/2019 (EPA REFERENCE DOC19/671219-2).

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.

- A3.2 Any other document and/or management plan is not to be taken as part of the documentation in condition A3.1, other than those documents and/or management plans specifically referenced in 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.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
4	Dust deposition monitoring site		Dust Deposition Monitoring point labelled Point 4 on Plan 1
5	Dust deposition monitoring site		Dust Deposition Monitoring point labelled Point 5 on Plan 1
6	Dust deposition monitoring site		Dust Deposition Monitoring point labelled Point 6 on Plan 1
7	Dust deposition monitoring site		Dust Deposition Monitoring point labelled Point 7 on Plan 1
8	Dust deposition monitoring site		Dust deposition monitoring point labelled Point 8 on Plan 1
9	Dust deposition monitoring site		Dust Deposition Monitoring point labelled Point 9 on Plan 1
10	Dust deposition monitoring site		Dust Deposition Monitoring point labelled Point 10 on Plan 1

Note: Plan 1 means "Oceanic Coal Australia Pty Limited EPL 1360 Environmental Monitoring Locations KAO-188 Revision 1" dated 05/04/2019 (EPA Reference DOC19/671219-2).

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

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
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1	Discharge to waters Quality monitoring Volume monitoring	Discharge to waters Quality monitoring Volume monitoring	Discharge point to the north east of MCPP identified as Point 1 in Plan 1
2	Discharge to waters Quality monitoring Volume monitoring	Discharge to waters Quality monitoring Volume monitoring	Discharge point at West Wallsend Colliery below detention ponds identified as Point 2 in Plan 1

Note: Plan 1 means "Oceanic Coal Australia Pty Limited EPL 1360 Environmental Monitoring Locations KAO-188 Revision 1" dated 05/04/2019 (EPA Reference DOC19/671219-2).

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

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
12	Noise monitoring	(R1) 48 The Trongate Killingworth NSW 2278, Point 12 on Plan 1
13	Noise monitoring	(R2) 2 The Trongate Killingworth NSW 2278, Point 13 on Plan 1
14	Noise monitoring	(R3) 50 Charlton Street Barnsley NSW 2278, Point 14 on Plan 1
15	Noise monitoring	(R4) 15 Bendigo Street Barnsley NSW 2278, Point 15 on Plan 1
16	Noise monitoring	(R5) 15 Charlton Street Barnsley NSW 2278, Point 16 on Plan 1
17	Noise monitoring	(R6) 84 Northville Drive Barnsley NSW 2278, Point 17 on Plan 1
18	Noise monitoring	(R7) 59 Charlton Street Barnsley NSW 2278, Point 18 on Plan 1
19	Meteorological Station	Station located adjacent to Macquarie Coal Preparation Plant rail loop, Point 19 on Plan 1
20	Noise monitoring	(R8) Any Residence in Wakefield Point 20 on Plan 1

Note: Plan 1 means "Oceanic Coal Australia Pty Limited EPL 1360 Environmental Monitoring Locations KAO-188 Revision 1" dated 05/04/2019 (EPA Reference DOC19/671219-2).

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.

L1.2 The total suspended solids concentration limit stipulated by condition L2.1/L2.4 and/or the volume

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stipulated by condition L3.1 for EPA Identification Point 1 is deemed not to apply when the discharge:

a) occurs solely as a result of rainfall measured at the premises which exceeds 51 millimetres over any consecutive five (5) day period; and

b) continues for a period of not more than five (5) days from the last day of the five (5) day consecutive rainfall period.

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 1

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.5-9.0
Total suspended solids	milligrams per litre				50

POINT 2

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				10000
pH	pH				6.5-9.0
Total suspended solids	milligrams per litre				50

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L3 Volume and mass limits

- L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
- liquids discharged to water; or;
 - 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
1	kilolitres per day	6000
2	kilolitres per day	4000

L4 Waste

- L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

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

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

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

Code	Waste	Description	Activity	Other Limits
NA	Fly ash	As defined by and meeting the requirements of the Coal Ash Order 2014, as in-force from time to time	As specified in each particular resource recovery exemption	For use in onsite rehabilitation activities for the Tailings Storage Facility only.
NA	Pond Ash	As defined by and meeting the requirements of the Eraring ash dam Coal Ash Order 2020, as in-force from time to time	As specified in each particular resource recovery exemption	For use in onsite rehabilitation activities only.
NA	Organics	Compost, manure and mulch as defined by and meeting the requirements of the Compost, Manure and Mulch Order and Exemption, as in-force from time to time	As specified in each particular resource recovery exemption	For use in onsite rehabilitation activities only.
NA	Biosolids categorised as	As defined by and	As specified in each	For use in onsite

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	unrestricted use, or as restricted use 1, 2 or 3, in accordance with the criteria set out in the biosolids guidelines	meeting the requirements of the Biosolids Order and Exemption, as in-force from time to time	particular resource recovery exemption	rehabilitation activities only.
NA	Excavated natural material	As defined by and meeting the requirements of the Excavated Natural Material Order and Exemption, as in-force from time to time	As specified in each particular resource recovery exemption	For use in onsite rehabilitation activities only.
NA	Virgin excavated natural material	As defined by the Protection of the Environment Operations Act, as in-force from time to time	-	For use in onsite rehabilitation activities only.

L5 Noise limits

L5.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

POINT 12

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	Special Frequency 1	39
Evening	Evening-LAeq (15 minute)	Special Frequency 1	39
Night	Night-LAeq (15 minute)	Special Frequency 1	39

POINT 12,13,14,15,16,17,18

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Night	Night-LA1 (1 minute)	Special Frequency 1	49

POINT 13,15

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Night	Night-LAeq (15 minute)	Special Frequency 1	41
Evening	Evening-LAeq (15 minute)	Special Frequency 1	41

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Day	Day-LAeq (15 minute)	Special Frequency 1	41
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POINT 14

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	Special Frequency 1	40
Evening	Evening-LAeq (15 minute)	Special Frequency 1	40
Night	Night-LAeq (15 minute)	Special Frequency 1	40

POINT 16

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Night	Night-LAeq (15 minute)	Special Frequency 1	37
Evening	Evening-LAeq (15 minute)	Special Frequency 1	37
Day	Day-LAeq (15 minute)	Special Frequency 1	37

POINT 17,20

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Evening	Evening-LAeq (15 minute)	Special Frequency 1	35
Night	Night-LAeq (15 minute)	Special Frequency 1	35
Day	Day-LAeq (15 minute)	Special Frequency 1	35

POINT 18

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Night	Night-LAeq (15 minute)	Special Frequency 1	44
Day	Day-LAeq (15 minute)	Special Frequency 1	44
Evening	Evening-LAeq (15 minute)	Special Frequency 1	44

POINT 20

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Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Night	Night-LA1 (1 minute)	Special Frequency 1	51

Note: Special Frequency 1 is the frequency as defined in condition M4.1.

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

- (a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and public holidays;
- (b) Evening is defined as the period 6pm to 10pm;
- (c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and public holidays;
- (d) the noise limits are applied at the residence on any privately owned land; and
- (e) the noise limits are applied on more than 25% of any privately owned land.

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

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

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

- (a) the meteorological data to be used for determining meteorological conditions is the data recorded at the meteorological station identified in this licence as EPA Identification Point 19.
- (b) Stability category conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the *NSW industrial Noise Policy* (EPA 2000)

Note: The weather station must be designed, commissioned and operated in a manner to obtain the necessary parameters required under the above condition.

L5.5 For the purpose of determining the noise generated at the premises the licensee must use a Class 1 or Class 2 noise monitoring device as defined by AS IEC61672.1 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing.

L5.6 To determine compliance:

1. With the $L_{Aeq(15\text{ min})}$ noise limits in condition L5.1, the licensee must locate noise monitoring equipment;
 - (a) within 30 metres of a dwelling facade (but not closer than 3 metres) where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises;
 - (b) approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises, or, where applicable,
 - (c) within approximately 50 metres if the boundary of a national park or nature reserve.

2. With the noise limits in condition L5.1, the noise monitoring equipment must be located;

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- (a) at the most affected point at a location where there is no dwelling at the location, or
- (b) at the most affected point within an area at a location prescribed by conditions L5.6 1(a) or L5.6 1(b).

- L5.7 A non-compliance of condition L5.1 will still occur where noise generated from the premises in excess of the appropriate limit is measure;
- at a location other than an area prescribed by conditions L5.6 1(a) and L5.6 1(b), and /or
 - at a point other than the most affected point at a location.
- L5.8 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6 Potentially offensive odour

- L6.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

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

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.

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- O3.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

O4 Processes and management

- O4.1 The licensee must maximise the diversion of run-on waters from lands upslope and around the Tailings Storage Facility whilst flyash and pond ash remediation activities are being undertaken.
- O4.2 The licensee must only add water to flyash to the minimum extent to achieve progressively capping and remediating the Tailings Storage Facility.

5 Monitoring and Recording Conditions

M1 Monitoring records

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

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified 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 4,5,6,7,8,9,10

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Pollutant	Units of measure	Frequency	Sampling Method
Ash	grams per square metre per month	Continuous	Australian Standard 3580.10.1-2003
Insoluble solids	grams per square metre per month	Continuous	Australian Standard 3580.10.1-2003

M2.3 Water and/ or Land Monitoring Requirements

POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Arsenic (total)	micrograms per litre	Special Frequency 2	Grab sample
Boron	micrograms per litre	Special Frequency 2	Grab sample
Cadmium (total)	micrograms per litre	Special Frequency 2	Grab sample
Chromium (total)	micrograms per litre	Special Frequency 2	Grab sample
Conductivity	microsiemens per centimetre	Special Frequency 2	Grab sample
Copper (total)	micrograms per litre	Special Frequency 2	Grab sample
Lead (total)	micrograms per litre	Special Frequency 2	Grab sample
Mercury (total)	micrograms per litre	Special Frequency 2	Grab sample
Molybdenum (total)	micrograms per litre	Special Frequency 2	Grab sample
Nickel (total)	micrograms per litre	Special Frequency 2	Grab sample
Oil and Grease	milligrams per litre	Special Frequency 2	Grab sample
pH	pH	Special Frequency 2	Grab sample
Selenium (total)	micrograms per litre	Special Frequency 2	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample
Zinc (total)	micrograms per litre	Special Frequency 2	Grab sample

POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Monthly during discharge	Grab sample
pH	pH	Monthly during discharge	Grab sample
Total suspended solids	milligrams per litre	Monthly during discharge	Grab sample

M2.4 For the purposes of the table(s) above Special Frequency 2 means the collection of samples within 24 hours of commencing discharge and weekly thereafter during discharge.

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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 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

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

M4 Environmental monitoring

Requirement to monitor noise

- M4.1 To determine compliance with condition L5.1, attended noise monitoring must be undertaken in accordance with conditions L5.5 and L5.6 and the following requirements:
- at each one of the locations listed in condition L5.1;
 - occur quarterly within the reporting period of the Environment Protection Licence with at least 2 months between monitoring periods;
 - occur during each day period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 15 minutes for three of the quarters;
 - occur during the evening and or night periods as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 15 minutes for three of the quarters, when any works or activities are being undertaken during the evening and or night period ;
 - one quarterly monitoring must occur during each day, evening and night (where required) period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 1.5 hours during the day; 30 minutes during the evening; and 1 hours during the night, and
 - each quarterly monitoring must be undertaken on a different day of the week not including Saturdays, Sundays and public holidays; and
 - these monitoring conditions take effect in the 2015 Reporting period.

M5 Weather monitoring

- M5.1 For each monitoring point specified in the table below, the licensee must monitor (by sampling obtaining

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results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point 19

PARAMETER	UNIT OF MEASURE	FREQUENCY	AVERAGING PERIOD	SAMPLING METHOD
Rainfall	millimetres	continuous	24 hour	AM-4
Wind direction at 10m	degrees	continuous	1 hour	AM-2 and AM-4
Wind speed at 10m	metres per second	continuous	1 hour	AM-2 and AM-4
Air temperature at 2m and 10m	degrees celcius	continuous	1 hour	AM-4
Sigma-theta at 10m	degrees	continuous	15 minute	AM-2 and AM-4
Relative humidity	percentage	continuous	1 hour	AM-4

M5.2 For the purpose of condition M5.1 , Point 19 refers to meteorological station established on the premises.

M6 Recording of pollution complaints

M6.1 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.

M6.2 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.

M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M7 Telephone complaints line

M7.1 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.

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M7.2 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.

M7.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M8 Requirement to monitor volume or mass

M8.1 For each discharge point or utilisation area specified below, the licensee must monitor:

- a) the volume of liquids discharged to water or applied to the area;
- b) the mass of solids applied to the area;
- c) the mass of pollutants emitted to the air;

at the frequency and using the method and units of measure, specified below.

POINT 1

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	Special Method 1

POINT 2

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	Special Method 1

Note: For the purpose of this condition
Special method 1 means flowmeter or continuous logger.

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 due.

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

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

R1.3 Where this licence is transferred from the licensee to a new licensee:

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

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

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 the incident occurred.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the

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carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Other notifications

Notification of Pollution of Waters

R4.1 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 L1.1 of the licence.

R4.2 The licensee must provide written details of the notification to the EPA's Director Hunter at hunter.region@epa.nsw.gov.au within 7 days of the date of the notification required by condition R4.1.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

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

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

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premises.

G2 Contact number for incidents and responsible employees

- G2.1 The licensee must operate 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can:
- a) respond at all times to incidents relating to the premises; and
 - b) 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 this licence.
- G2.2 The licensee is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

G3 Other general conditions

G3.1 Completed Programs

Program	Description	Completed Date
Ecological assessment of saline minewater discharg	Ecological assessment of saline minewater discharges.. Seeks to determine level of impact on aquatic communities and provide guidance for further discharge controls.	01-March-2001
Provide report to assess options for alternate dis	Provide report to assess options for alternate disposal of saline minewater.. Remove dry weather discharge of saline waters to a freshwater creek. Return streamflows to its natural regime.	31-March-2003
Complete investigaitons, environmental assessment	Complete investigaitons, environmental assessment and documentation nedded to submit a development application to undertake works that prevent saline minewater discharges from the premises. Discontinue saline discharges to Burkes Creek. Restore flows in Burkes Creek to its natural regime.	31-August-2004
Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emisissions.	28-September-2012
Assessment of metals leaving the premises	Assessment of metals in mine discharge waters leaving the premises.	08-October-2015

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8 Pollution Studies and Reduction Programs

U1 Discharge Water Management Study

U1.1 The licensee is to provide the EPA with a scope of works for review and approval that addresses those works required under condition U1.2.

The scope of works must be provided to Director Hunter Region via e-mail at hunter.region@epa.nsw.gov.au or via post at PO Box 488G, Newcastle, NSW, 2300 by 5pm on 6/09/2018.

EPA approval of the scope of works must be obtained before the licensee undertakes those works required by condition U1.2.

U1.2 The licensee is to undertake, complete and report on a study of mine closure water management that:

1. Details a plan showing all clean and dirty water catchments, all temporary and permanent water management structures and all discharge points;
2. Provides predictions for discharge volumes from Discharge Point 1 over time;
3. Provides predictions for discharge quality associated with Discharge Point 1 over time;
4. Assesses the predicted discharge volumes and quality (including salinity, pH, TSS and metals) against the existing concentration limits of the licence, the ANZECC Guidelines and the NSW Water Quality Objectives/NSW Marine Water Quality Objectives applicable to the receiving environment; and
5. Examines all practicable measures to minimise discharge volumes and manage discharge quality to achieve the relevant objectives and prevent pollution of the receiving environment upon mine closure.

A report detailing this study must be provided to Director Hunter Region via e-mail at hunter.region@epa.nsw.gov.au or via post at PO Box 488G, Newcastle, NSW, 2300 by 5pm on 29/10/2018.

9 Special Conditions

E1 Mine Closure

E1.1 The licensee must consider contamination and remediation of the former Teralba Colliery and its water management dam during the mine closure process for the West Wallsend Colliery, Teralba Colliery and Macquarie Coal Preparation Plan area.

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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

Ms Debbie Maddison

Environment Protection Authority

(By Delegation)

Date of this edition: 24-August-2000

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End Notes

- 1 Licence varied by notice 1003381, issued on 07-Apr-2001, which came into effect on 02-May-2001.
- 2 Licence varied by notice 1007997, issued on 04-Sep-2002, which came into effect on 29-Sep-2002.
- 3 Licence varied by notice 1025027, issued on 17-Feb-2003, which came into effect on 14-Mar-2003.
- 4 Licence varied by notice 1026594, issued on 29-Apr-2003, which came into effect on 15-May-2003.
- 5 Licence varied by notice 1029164, issued on 28-Jul-2003, which came into effect on 22-Aug-2003.
- 6 Licence varied by notice 1033156, issued on 21-Dec-2003, which came into effect on 15-Jan-2004.
- 7 Licence varied by notice 1034803, issued on 01-Jun-2004, which came into effect on 26-Jun-2004.
- 8 Licence varied by notice 1040656, issued on 28-Oct-2004, which came into effect on 22-Nov-2004.
- 9 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 10 Licence varied by notice 1106223, issued on 29-Dec-2009, which came into effect on 29-Dec-2009.
- 11 Licence varied by notice 1502567 issued on 21-Dec-2011
- 12 Licence varied by notice 1506568 issued on 05-Jul-2013
- 13 Licence varied by notice 1525774 issued on 26-May-2015
- 14 Licence varied by notice 1540526 issued on 27-Jul-2016
- 15 Licence varied by notice 1564754 issued on 06-Sep-2018
- 16 Licence varied by notice 1578275 issued on 05-Sep-2019
- 17 Licence varied by notice 1585256 issued on 13-Dec-2019