

Licence Variation



Licence - 12957

NAMOI MINING PTY. LTD.
ABN 24 071 158 373
PO BOX 600
GUNNEDAH NSW 2380

Attention: Jill Johnson

Notice Number 1539251
File Number EF13/4249
Date 01-Nov-2016

NOTICE OF VARIATION OF LICENCE NO. 12957

BACKGROUND

- A. NAMOI MINING PTY. LTD. ("the licensee") is the holder of Environment Protection Licence No. 12957 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at 259 Coocooboonah Lane, GUNNEDAH, NSW, 2380 ("the premises").
- B. On 10-Mar-2016 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The proposed variation included the following;
 - Updating conditions referring to the licensed premises and location descriptions of monitoring/ discharge points to reflect a new map provided to the EPA by the licensee;
 - Removing all ambient air monitoring locations from the licence given the mine is currently not operating and is in 'care and maintenance' status;
 - Removing all limit, operating, monitoring and reporting conditions relating to air, noise and blasting at the premises;
 - Removing conditions relating to extraction limits and construction and mining operations at the premises;
 - Amending relevant conditions to allow for a copy of the licence and the Pollution Incident Response Management Plan (PIRMP) for the premises to be kept at an alternative location; and
 - Removing the Pollution Reduction Program (PRP) condition relating to the Coal Mine Wind Erosion of Exposed Land Assessment which has been completed by the licensee.
- D. The EPA provided draft variations to the licensee via email on 31 March 2016 and has conducted negotiated outcomes with the Licensee to this draft variation.

Licence Variation



E. The variations made by this Notice are detailed below.

VARIATION OF LICENCE NO. 12957

1. By this notice the EPA varies licence No. 12957. 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 A2 - The premises description has been updated to reflect a new map provided to the EPA by the licensee on 10 March 2016.
 - Condition P1.2 - This condition has been removed as it is not relevant to the activities occurring at the premises.
 - Condition P1.3 - The location descriptions of the water monitoring/ discharge points have been updated to reflect a new map provided to the EPA by the licensee on 10 March 2016.
 - Condition L4.5 - This condition has been amended to refer to the Gunnedah Airport Bureau of Meteorology (BoM) weather station as there is no weather station on the premises and the closest BoM weather station to the premises is at the Gunnedah Airport.
 - Condition L7 - Other limit conditions - extraction limits condition has been removed.
 - Condition M2 (Notes) - The first Note has been removed as it is no longer relevant to the premises. The second Note has been amended to refer to the current approved Water Management Plan for the premises.
 - Condition M6.2 - This condition has been updated to refer to other relevant conditions in the licence and relevant blast monitoring locations in accordance with the premises current Environmental Monitoring Program, dated 26 September 2011.
 - Condition R4.1 - This condition has been made a heading.
 - Condition R4.4 - This condition has been removed as the EPA does not require the licensee to provide quarterly noise monitoring reports while mining activities are not occurring at the premises.
 - Condition U1 - This condition has been removed as the Exposed Land Assessment PRP for the premises has been completed to the satisfaction of the EPA.

A handwritten signature in blue ink, appearing to read 'Robert O'Hern', written over a dotted line.

.....
Robert O'Hern
Head Regional Operation Unit
North - Armidale
(by Delegation)

Licence Variation



INFORMATION ABOUT THIS NOTICE

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

Appeals against this decision

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

When this notice begins to operate

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

Environment Protection Licence



Licence - 12957

Licence Details

Number:	12957
Anniversary Date:	15-December

Licensee

NAMOI MINING PTY. LTD.

PO BOX 600

GUNNEDAH NSW 2380

Premises

SUNNYSIDE COAL PROJECT

259 COOCOBOONAH LANE

GUNNEDAH NSW 2380

Scheduled Activity

Coal works

Mining for coal

Fee Based Activity

	<u>Scale</u>
Coal works	0-2000000 T annual handling capacity
Mining for coal	0-500000 T annual production capacity

Region

North - Armidale

Ground Floor, NSW Govt Offices, 85 Faulkner Street

ARMIDALE NSW 2350

Phone: (02) 6773 7000

Fax: (02) 6772 2336

PO Box 494 ARMIDALE

NSW 2350

Environment Protection Licence

Licence - 12957



INFORMATION ABOUT THIS LICENCE	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
1 ADMINISTRATIVE CONDITIONS	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Information supplied to the EPA	6
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	7
P1 Location of monitoring/discharge points and areas	7
3 LIMIT CONDITIONS	8
L1 Pollution of waters	8
L2 Concentration limits	9
L3 Waste	9
L4 Noise limits	10
L5 Blasting	11
L6 Hours of operation	11
4 OPERATING CONDITIONS	12
O1 Activities must be carried out in a competent manner	12
O2 Maintenance of plant and equipment	12
O3 Dust	12
O4 Other operating conditions	13
5 MONITORING AND RECORDING CONDITIONS	13
M1 Monitoring records	13
M2 Requirement to monitor concentration of pollutants discharged	13
M3 Testing methods - concentration limits	15
M4 Recording of pollution complaints	15
M5 Telephone complaints line	16
M6 Blasting	16

Environment Protection Licence



Licence - 12957

6	REPORTING CONDITIONS	17
R1	Annual return documents	17
R2	Notification of environmental harm	18
R3	Written report	18
R4	Other reporting conditions	18
7	GENERAL CONDITIONS	19
G1	Copy of licence kept at the premises or plant	19
8	SPECIAL CONDITIONS	19
E1	Discontinuation of Mining	19
DICTIONARY		20
	General Dictionary	20

Environment Protection Licence

Licence - 12957



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).

Environment Protection Licence

Licence - 12957



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:

NAMOI MINING PTY. LTD.
PO BOX 600
GUNNEDAH NSW 2380

subject to the conditions which follow.

Environment Protection Licence

Licence - 12957



1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:

Construction of surface infrastructure including but not limited to access roads, intersection and surface facilities prior to mining.

A1.2 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

A1.3 The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
SUNNYSIDE COAL PROJECT
259 COOCOBOONAH LANE
GUNNEDAH
NSW 2380
THE LAND WITHIN MINING LEASE ML1624 AS SHOWN ON THE MAP ENTITLED 'FIGURE 1 - SUNNYSIDE COAL MINE EPL PREMISES AND MONITORING SITES' RECEIVED BY THE EPA ON 10 MARCH 2016 (DOC16/128784-01).

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.

Environment Protection Licence

Licence - 12957



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

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

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Ambient Air Monitoring		Deposited dust location labelled 'SD1' on property Ferndale identified on Figure titled 'Sunnyside Coal Mine - Air Quality Monitoring Network and Sunnyside Meteorological Station 10 December 2008' (submitted in email dated 12/12/08 - EPA DOC14/97833)
2	Ambient Air Monitoring		Deposited dust location labelled 'SD3' on property PlainView identified on Figure titled 'Sunnyside Coal Mine - Air Quality Monitoring Network & Sunnyside Meteorological Station 10 December 2008' (submitted in email dated 12/12/08 - EPA DOC14/97833)
4	Ambient Air Monitoring		Deposited dust location labelled 'SD5' on property Ivanhoe identified on Figure titled 'Sunnyside Coal Mine - Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008' (submitted in email dated 12/12/08 - EPA DOC14/97833)
5	Ambient Air Monitoring		Deposited dust location labelled 'SD6' on property Illili identified on Figure titled 'Sunnyside Coal Mine - Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008' (submitted in email dated 12/12/08 - EPA DOC14/97833)
6	Ambient Air Monitoring		Deposited dust location labelled 'SD7' on property Innisvale identified on Figure titled 'Sunnyside Coal Mine - Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008' (submitted in email dated 12/12/08 - EPA DOC14/97833)

Environment Protection Licence

Licence - 12957



7	Ambient Air Monitoring	PM10 location labelled 'SA1' on property Illili identified on Figure titled 'Sunnyside Coal Mine - Air Quality Monitoring Network and Sunnyside Meteorological Station, 10 December 2008' (submitted in email dated 12/12/08 - EPA DOC14/97833)
---	------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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
9	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Discharge point from Storage Dam 3 located on northern side of premises labelled 'SD3' on the map entitled 'Figure 1 - Sunnyside Coal Mine EPL Premises and Monitoring Sites' received by the EPA on 10 March 2016 (DOC16/128784-01).
10	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Discharge point from Storage Dam 4 located on northern side of premises labelled 'SD4' on the map entitled 'Figure 1 - Sunnyside Coal Mine EPL Premises and Monitoring Sites' received by the EPA on 10 March 2016 (DOC16/128784-01).
11	Ambient water quality monitoring		Monitoring point on Coochoonah Creek upstream of project site labelled 'CCUS' on the map entitled 'Figure 1 - Sunnyside Coal Mine EPL Premises and Monitoring Sites' received by the EPA on 10 March 2016 (DOC16/128784-01).
12	Ambient water quality monitoring		Monitoring point on Coochoonah Creek downstream of project site labelled 'CCDS' on the map entitled 'Figure 1 - Sunnyside Coal Mine EPL Premises and Monitoring Sites' received by the EPA on 10 March 2016 (DOC16/128784-01).

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.

Environment Protection Licence



Licence - 12957

L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- 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\.
- L2.4 Water and/or Land Concentration Limits

POINT 9,10

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

- L2.5 The Total Suspended Solids concentration limits specified for Points 9 and 10 may be exceeded for water discharged provided that:
- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.

Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.

L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the

Environment Protection Licence

Licence - 12957



premises if those activities require an environment protection licence.

L4 Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits in the table below.

Locality and Location	Day- LAeq (15 minute)	Evening- LAeq (15 minute)	Night- LAeq (15 minute)	Night- LA1 (1 minute)
All surrounding residences	35	35	35	45

L4.2 The noise limits identified in the above table do not apply at privately owned residences that are:

- identified as residences subject to acquisition or noise mitigation on request within the Project Approval; or
- subject to a private agreement, relating to the noise levels, between the licensee and the land owner.

L4.3 For the purpose of the table above:

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

L4.4 Determining Compliance

To determine compliance:

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

L4.5 The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following:

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

For the purposes of this condition:

Environment Protection Licence

Licence - 12957



- a) Data recorded by the Gunnedah Airport Bureau of Meteorology (BoM) weather station must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L4.6 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.

L4.7 The noise limits set by this licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:

- a) agrees to an alternative noise limit for that property; or
- b) provides an alternative means of compensation to address noise impacts from the premises.

A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.

L5 Blasting

L5.1 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.2 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L5.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6 Hours of operation

L6.1 Construction activities covered by this licence must only be carried out between the hours of 0700 to 1800 hrs Monday to Friday and between 0700 and 1600 hrs Saturday and at no time on Sundays and Public Holidays.

L6.2 Mining operations covered by this licence (other than transport of coal from the premises and blasting)

Environment Protection Licence

Licence - 12957



must only be carried out between the hours of 0700 and 2200 hrs Monday to Friday, and 0700 and 1800 hrs Saturday, and at no time on Sundays and Public Holidays.

- L6.3 Transportation of coal from the premises must only be carried out between the hours of 0700 and 1800 (Eastern Standard Time) hrs Monday to Friday, and 0700 and 2000 hrs (Eastern Summer Time) Monday to Friday, and 0700 to 1600 hrs on Saturdays, and at no time on Sundays and Public Holidays.
- L6.4 Blasting in or on the premises must only be carried out between the hours of 1000 and 1700 hours Monday to Friday, and 1000 and 1400 hrs on Saturdays, and no time on Sundays and Public Holidays.
- L6.5 Conditions L6.1, L6.2, L6.3 and L6.4 do not apply to the delivery of material, and mining operation, if required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances notification must be provided to the EPA and affected residents as soon as practicable.
- L6.6 The hours of operation specified in conditions L6.1, L6.2, L6.3 and L6.4 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

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

O3.2 Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.

Environment Protection Licence

Licence - 12957



O4 Other operating conditions

Blast Fume

O4.1 Offensive blast fume must not be emitted from the premises.

Definition: *Offensive blast fume* means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

(i) are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.

Pollution Incident Response Management Plan

O4.2 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.

O4.3 The licensee must keep a copy of the PIRMP on the premises at all times.

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

Environment Protection Licence

Licence - 12957



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 1,2,4,5,6

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

POINT 7

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

M2.3 Water and/ or Land Monitoring Requirements

POINT 9,10

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 1	In situ
Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	In situ
Total organic carbon	milligrams per litre	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

POINT 11,12

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 2	In situ
Oil and Grease	milligrams per litre	Special Frequency 2	Grab sample
pH	pH	Special Frequency 2	In situ
Total organic carbon	milligrams per litre	Special Frequency 2	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample

M2.4 For the purposes of the table(s) above Special Frequency 1 means the collection of samples as soon as practicable after each discharge commences and in any case not more than 12 hours after each discharge commences.

Environment Protection Licence

Licence - 12957



M2.5 For the purposes of the table(s) above Special Frequency 2 means the collection of samples quarterly (in the event of a flow during the quarter) at a time when there is flow and as soon as practicable after each wet weather discharge from points 9 and 10 commences and in any case not more than 12 hours after each discharge commences.

Note: Groundwater monitoring points have not been formally included in the licence. However, the licensee is required to undertake groundwater monitoring in accordance with the premises currently approved Water Management Plan required under Project Approval 06_0308 dated 24 September 2008. The results of this monitoring are required to be reported in the premises Annual Environmental Management Report (AEMR).

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 Recording of pollution complaints

M4.1 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.

M4.2 The record must include details of the following:

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

Environment Protection Licence



Licence - 12957

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 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.

M5.2 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.

M5.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M6 Blasting

M6.1 To determine compliance with condition(s) L5.1, L5.2, L5.3 and L5.4:

a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out in or on the premises and electronically recorded at receptors R1, R2, R4 and R6

b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

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

M6.2 For the purpose of conditions M6.1, the blast monitoring locations are described as:

EPA identification number	Description of location
R1	Property 'Innisvale' residence
R2	Property 'Ivanhoe' residence
R4	Property 'Illili' residence
R6	Property 'Plain View' residence

Note: The location, frequency of monitoring and the parameters to be monitored may be varied by the EPA once the variability of the noise impact is established.

Environment Protection Licence



Licence - 12957

6 Reporting Conditions

R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
1. a Statement of Compliance,
 2. a Monitoring and Complaints Summary,
 3. a Statement of Compliance - Licence Conditions,
 4. a Statement of Compliance - Load based Fee,
 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
 7. a Statement of Compliance - Environmental Management Systems and Practices.

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

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

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.

Environment Protection Licence



Licence - 12957

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

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

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

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

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

R4 Other reporting conditions

Blast Reporting

R4.1 The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as

Environment Protection Licence

Licence - 12957



soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.

- R4.2 The results of the blast monitoring required by this licence must be submitted to the EPA at the end of each reporting period.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

8 Special Conditions

E1 Discontinuation of Mining

Note: The EPA understands that the licensee has ceased coal mining and handling activities at the premises. It is the EPA's intention to include Pollution Reduction Programs requiring the licensee to implement a number of best practice measures to address wheel-generated dust and the handling of overburden to reduce particulate emissions from coal mining activities, if coal mining recommences.

- E1.1 The licensee must notify the EPA's Manager, Armidale Region in writing 1 month prior to mining or handling any coal on the premises.

Environment Protection Licence



Licence - 12957

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

Environment Protection Licence



Licence - 12957

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> .

Environment Protection Licence



Licence - 12957

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

Mr Stephen O'Donoghue

Environment Protection Authority

(By Delegation)

Date of this edition: 15-December-2008

End Notes

- 1 Licence varied by notice 1103274, issued on 18-Aug-2009, which came into effect on 18-Aug-2009.
- 2 Licence varied by notice 1126972, issued on 13-Jul-2011, which came into effect on 13-Jul-2011.
- 3 Licence varied by notice 1503266 issued on 20-Dec-2011
- 4 Licence varied by notice 1503675 issued on 15-Jun-2012
- 5 Licence varied by notice 1510436 issued on 21-Mar-2013
- 6 Licence varied by notice 1513053 issued on 18-Apr-2013
- 7 Licence varied by notice 1518195 issued on 17-Dec-2013
- 8 Licence varied by notice 1522248 issued on 19-Nov-2014
- 9 Licence varied by notice 1529405 issued on 14-Jul-2015