

Licence Variation



Licence - 3391

RIX'S CREEK PTY. LIMITED
Trading as RIX'S CREEK COLLIERY
ABN 25 003 824 244
PO BOX 4
EAST MAITLAND NSW 2323

Attention: Mr John Hindmarsh

Notice Number 1550914
File Number EF13/3519
Date 05-Apr-2017

NOTICE OF VARIATION OF LICENCE NO. 3391

BACKGROUND

- A. RIX'S CREEK PTY. LIMITED Trading as RIX'S CREEK COLLIERY ("the licensee") is the holder of Environment Protection Licence No. 3391 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at RIX'S CREEK LANE, SINGLETON, NSW, 2330 ("the premises").
- B. On 05-Apr-2017 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. Condition E1 requires the licensee to commission continuous PM₁₀ air quality monitors at locations upwind and downwind of the premises by 31 March 2017.
- D. On 31 March 2017, the licensee advised that, due to property access issues and delays with electrical installation that are outside the licensee's control, monitoring point 12 TEOM RCN - North West would not be commissioned by the due date.
- E. The licensee has requested that the due date for commissioning be extended to 31 May 2017.
- F. The EPA intends to have all Hunter Valley open cut coal mines continuously monitoring PM₁₀ prior to Spring 2017. An extension as requested will not affect this time frame.

Licence Variation



VARIATION OF LICENCE NO. 3391

1. By this notice the EPA varies licence No. 3391. 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 E1 - due date for commissioning of monitoring network extended to 31 May 2017.

.....
Mitchell Bennett
Head Regional Operations Unit
North - Hunter
(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 the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

Environment Protection Licence

Licence - 3391



Licence Details

Number:	3391
Anniversary Date:	03-April

Licensee

RIX'S CREEK PTY. LIMITED

PO BOX 4

EAST MAITLAND NSW 2323

Premises

RIX'S CREEK COLLIERY

RIX'S CREEK LANE

SINGLETON NSW 2330

Scheduled Activity

Coal works

Mining for coal

Waste storage

Fee Based Activity

Scale

Coal works	> 2000000-5000000 T annual handing capacity
Mining for coal	> 3500000-5000000 T annual production capacity
Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste	Any listed waste type stored

Region

North - Hunter

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

Environment Protection Licence

Licence - 3391



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	9
L1 Pollution of waters	9
L2 Waste	9
L3 Noise limits	10
L4 Blasting	14
4 OPERATING CONDITIONS	14
O1 Activities must be carried out in a competent manner	14
O2 Maintenance of plant and equipment	15
O3 Dust	15
5 MONITORING AND RECORDING CONDITIONS	15
M1 Monitoring records	15
M2 Requirement to monitor concentration of pollutants discharged	15
M3 Testing methods - concentration limits	16
M4 Weather monitoring	17
M5 Recording of pollution complaints	17
M6 Telephone complaints line	18
M7 Blasting	18
M8 Other monitoring and recording conditions	18
6 REPORTING CONDITIONS	19

Environment Protection Licence



Licence - 3391

R1	Annual return documents	19
R2	Notification of environmental harm	20
R3	Written report	20
R4	Other reporting conditions	21
7	GENERAL CONDITIONS	21
G1	Copy of licence kept at the premises or plant	21
8	POLLUTION STUDIES AND REDUCTION PROGRAMS	22
U1	Premises noise limits	22
9	SPECIAL CONDITIONS	23
E1	Commencement of Optimised Real-time Air Quality Monitoring	23
DICTIONARY		24
	General Dictionary	24

Environment Protection Licence

Licence - 3391



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 - 3391



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:

RIX'S CREEK PTY. LIMITED
PO BOX 4
EAST MAITLAND NSW 2323

subject to the conditions which follow.

Environment Protection Licence

Licence - 3391



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	> 2000000 - 5000000 T annual handing capacity
Mining for coal	Mining for coal	> 3500000 - 5000000 T annual production capacity
Waste storage	Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste	Any listed waste type stored

A2 Premises or plant to which this licence applies

- A2.1 The licence applies to the following premises:

Premises Details
RIX'S CREEK COLLIERY
RIX'S CREEK LANE
SINGLETON
NSW 2330
PREMISES DETAILS AS SHOWN ON THE DRAWING TITLED "PLAN OF EPL3391 PREMISES BOUNDARY SHOWING RIX'S CREEK NORTH" DATED 4/12/2015, EPA REFERENCE DOC15/524394.

A3 Information supplied to the EPA

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

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

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

Environment Protection Licence

Licence - 3391



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
12	Particulate Matter Monitoring		TEOM "RCN - North West" at coordinates 321546 6406545 (Easting Northing) as shown on plan titled "Rix's Creek P/L - EPL 3391 Air Quality Monitoring Sites" dated December 2016. DOC16/621064.
13	Particulate Matter Monitoring		TEOM "RCN - South East" at coordinates 326985 6401815 (Easting Northing) as shown on plan titled "Rix's Creek P/L - EPL 3391 Air Quality Monitoring Sites" dated December 2016. DOC16/621064.
14	Particulate Matter Monitoring		TEOM "RCN - North East" at coordinates 326985 6401815 (Easting Northing) as shown on plan titled "Rix's Creek P/L Real-Time EPL 3391 Air Quality Monitoring Sites" dated December 2016. DOC16/621064.
15	Particulate Matter Monitoring		DustTrak "RCS - North-West" at coordinates 321931 6401023 (Easting Northing) as shown on plan titled "Rix's Creek P/L - EPL 3391 Air Quality Monitoring Sites" dated December 2016. DOC16/621064.
16	Particulate Matter Monitoring		DustTrak "RCS - South-East" at coordinates 324388 6399089 (Easting Northing) as shown on plan titled "Rix's Creek P/L - EPL 3391 Air Quality Monitoring Sites" dated December 2016. DOC16/621064.
17	Particulate Matter Monitoring		TEOM located at coordinates 322142 6405900 (Easting Northing) as shown on plan titled Dust Monitors of Rix's Creek Mine dated 10 February 2016 and located in Rix's Creek North Air Quality and Greenhouse Gas Management Plan dated 10 February 2016.
18	Particulate Matter Monitoring		TEOM located at coordinates 322130 6404413 (Easting Northing) as shown on plan titled Dust Monitors of Rix's Creek Mine dated 10 February 2016 and located in Rix's Creek North Air Quality and Greenhouse Gas Management Plan dated 10 February 2016.

Environment Protection Licence

Licence - 3391



Note: The EPA notes that Licensee will also use monitoring data from the Upper Hunter Air Quality Monitoring Network monitors at Camberwell and Singleton North West when deriving a differential between upwind and downwind PM10 concentrations.

P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.3 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Ambient water quality monitoring		Locations shown in Figure 2 Environmental Monitoring Sites located from GPS co-ordinates on a Google earth map provided to the EPA on 8 September 2011 on file LIC06/228-02 with DOC11/42444.
8	Ambient water monitoring		At the point where Martin Creek enters the mine site, labelled as W3 on map titled 'Camberwell Coal, Form 13 C-1 Date 1 June 2000 Environmental Monitoring Plan' attached to correspondence dated 30 June 2000.
9	Ambient water monitoring		At the point where Station Creek leaves the mine site, labelled as W1 on map titled 'Camberwell Coal, Form 13 C-1 Date 1 June 2000 Environmental Monitoring Plan' attached to correspondence dated 30 June 2000.
10	Ambient water monitoring		At the point where Black Wattle Creek enters the mine site, labelled as W6 on map titled 'Camberwell Coal, Form 13 C-1 Date 1 June 2000 Environmental Monitoring Plan' attached to correspondence dated 30 June 2000.

P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise

EPA identification no.	Type of monitoring point	Location description
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Environment Protection Licence

Licence - 3391



4	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Earnst Blast Monitor" in the document titled: "Rix's Creek Pty Limited - EPL 3391, Blast Monitoring Site Location Diagram, 7-1-2015".
5	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Retreat Blast Monitor" in the document titled: "Rix's Creek Pty Limited - EPL 3391, Blast Monitoring Site Location Diagram, 7-1-2015".
6	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Mines Rescue Blast Monitor" in the document titled: "Rix's Creek Pty Limited - EPL 3391, Blast Monitoring Site Location Diagram, 7-1-2015".
7	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Wright Blast Monitor" in the document titled: "Rix's Creek Pty Limited - EPL 3391, Blast Monitoring Site Location Diagram, 7-1-2015".
11	Meteorological Station	Meteorological station located at the premises at the coordinates Easting 322164 Northing 6399325.

3 Limit Conditions

L1 Pollution of waters

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

L2 Waste

- L2.1 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	General or Specific exempted waste			NA
J120	Waste oil/hydrocarbons mixtures/emulsions in			No more than 68,000 Litres to

Environment Protection Licence

Licence - 3391



water

be stored at the premises at any time.

L2.2 All waste oil used in blasting operations at the premises must meet the following quality limits:

Parameter	Units of Measure	Limit	Test Method
Moisture	%/L	less than 2	EPA Method 9000 or ASTM D4928-11
Flash point	deg C	not less than 65	EPA 1010 or ASTM D93-11
Polychlorinated biphenyls	ppm	less than 2	ASTM D6160-98(2009) or EPA 8082.A
Lead	ppm	less than 100	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Chromium	ppm	less than 10	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Glycol	%/L	less than 0.2%	ASTM D4291
Polyaromatic hydrocarbons	ppm	less than 1000	US EPA 3580A (Extraction method); US EPA 8270D (Analysis method)
Cadmium	ppm	less than 2	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Arsenic	ppm	less than 5	ASTM D5185 US EPA method 3031, 3051A or 3052 (digestion method) and 6010C (analysis method)
Particulate diameter	micrometres	less than 25	ASTM D4055-04 (2009) and substitute 0.8 micrometre membrane filter for a 25 micrometre membrane filter

L3 Noise limits

L3.1 Noise from the premises must not exceed the limits specified in the table below:

Location	Day - LAeq(15 minute)	Evening - LAeq(15 minute)	Night - LAeq(15 minute)	Night - LA1(1 minute)
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Environment Protection Licence

Licence - 3391



NAG 1 - All privately owned land	38	38	36	46
NAG 2 - All privately owned land	39	39	37	47
NAG 3 - All privately owned land	40	40	39	49
NAG 4 - 99, 100	39	39	39	47
NAG 4 - 88, 91, 95	40	40	40	47
NAG 4 - 105, 161	41	41	41	47
NAG 4 - All other privately owned land	42	42	37	47
NAG 5 - 104	35	35	35	52
NAG 5 - 139	36	36	36	52
NAG 5 - 103	37	37	37	52
NAG 5 - 121	40	40	40	52
NAG 5 - 118, 154	43	43	43	52
NAG 5 - All other privately owned land	50	46	42	52
NAG 6 - 137	35	35	35	48
NAG 6 - 133	37	37	37	48
NAG 6 - 132	38	38	38	48
NAG 6 - All other privately owned land	41	41	38	48
NAG 7 - All privately owned land	45	42	39	49
NAG 8 - 142	35	35	35	45
NAG 8 - All other privately owned land	42	42	35	45
NAG 9 - 146, 148, 149	35	35	35	48
NAG 9 - 143, 144, 145, 147, 150, 151, 152	36	36	36	48
NAG 9 - 2	37	37	37	48
NAG 9 - 3, 4	39	39	39	48
NAG 9 - All other privately owned land	40	40	38	48

Environment Protection Licence

Licence - 3391



NAG 10 - 5	40	40	40	47
NAG 10 - 6, 11	41	41	41	47
NAG 10 - 8	42	42	42	47
NAG 10 - All privately owned land	39	39	37	47
NAG 11 - 18	35	35	35	49
NAG 11 - 20, 21	37	3	36	49
NAG 11 - 19	37	37	37	49
NAG 11 - 17	38	38	38	49
NAG 11 - 7	39	39	39	49
NAG 11 - 12, 15	40	40	40	49
NAG 11 - 14, 16	42	42	42	49
NAG 11 - All other privately owned land	41	41	39	49
NAG 12 - 52, 55	35	35	35	45
NAG 12 - 51, 56	37	37	37	45
NAG 12 - 53, 57	38	38	38	45
NAG 12 - 50, 54	39	39	39	45
NAG 12 - 62	40	40	40	45
NAG 12 - All other privately owned land	38	38	35	45
NAG A - 24, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41	35	35	35	46
NAG A - 31	36	36	35	46
NAG A - 42, 43	36	36	36	46
NAG A - 32	37	37	35	46
NAG A - 22, 23	37	37	37	46
NAG A - 34	39	39	36	46
NAG A - 35	39	39	35	46
NAG A - All other privately owned land	39	39	36	46
NAG B - All other privately owned land	37	37	35	45
NAG C - 47	39	39	39	45
NAG C - 63	40	40	40	45

Environment Protection Licence

Licence - 3391



NAG C - All other privately owned land	37	37	35	45
NAG D - 44, 48	36	36	36	48
NAG D - 49	39	39	39	48
NAG D - All other privately owned land	40	40	38	48
NAG F - 65, 66	39	39	39	50
NAG F - 67	40	40	40	50
NAG F - 68	42	42	42	50
NAG F - All other privately owned land	40	40	40	50
NAG G - All privately owned land	41	41	39	50
All other privately owned land	35	35	35	45

Note: The acronym NAG refers to "Noise Assessment Group". All NAG and receiver locations are referenced in Appendix C2 of "Environmental Assessment, Integra Open Cut Project, Volume 2" dated 2008, prepared by URS Australia Pty Ltd.

L3.2 For the purpose of the noise limits table above:

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

L3.3 Noise from the premises is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in this licence unless otherwise stated.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

L3.4 Noise from the premises is to be measured at 1m from the dwelling façade to determine compliance with the LA1(1minute) noise limits in this licence.

L3.5 The noise emission limits identified in this licence apply under all meteorological conditions of:

- a) Wind speeds up to 3m/s at 10 metres above the ground level; or
- b) Temperature inversion conditions of up to 3oC/100m and wind speed up to 2m/s at 10 metres above the ground.

Environment Protection Licence

Licence - 3391



L4 Blasting

- L4.1 Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.
- L4.2 The airblast overpressure level from blasting operations in or on the premises must not exceed: 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; at either monitoring point 4, 5, 6 or 7 in Condition P1.4.
- L4.3 The airblast overpressure level from blasting operations in or on the premises must not exceed: 120 dB (Lin Peak) at any time; at either monitoring point 4, 5, 6 or 7 in Condition P1.4.
- L4.4 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 5 mm/second for more than 5% of the total number of blasts during each reporting period; at either monitoring point 4, 5, 6 or 7 in Condition P1.4.
- L4.5 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 10 mm/second at any time; at either monitoring point 4, 5, 6 or 7 in Condition P1.4.
- L4.6 Offensive blast fume must not be emitted from the premises.

Definition:

Offensive blast fume means post-blast gases 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:

- 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or*
- 2. 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.*

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.

Environment Protection Licence

Licence - 3391



O2 Maintenance of plant and equipment

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- a) must be maintained in a proper and efficient condition; and
 - b) must be operated in a proper and efficient manner.

O3 Dust

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

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

Environment Protection Licence

Licence - 3391



POINT 12,13,14,17,18

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

POINT 15,16

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Continuous	Special Method 1

Note: Special Method 1 requires the Licensee to undertake the monitoring of PM10 concentration in strict accordance with the manufacturer's operating manual supplied with the continuous monitoring equipment and titled "DustTrak xxxxxxxxxxxx", or any updated version as published by the manufacturer.

M2.3 Water and/ or Land Monitoring Requirements

POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Once a month (min. of 4 weeks)	Grab sample
pH	pH	Once a month (min. of 4 weeks)	Grab sample
Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample

POINT 8,9,10

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Once a month (min. of 4 weeks)	Grab sample
Total dissolved solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample
Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the Act, any methodology which a condition of this

Environment Protection Licence

Licence - 3391



licence requires to be used for that testing; or

c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

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

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M4 Weather monitoring

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

POINT 11

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

Note: Special Method 2 means sampling method in accordance with Part E4 of Appendix E of the NSW Industrial Noise Policy

M5 Recording of pollution complaints

- M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M5.2 The record must include details of the following:
- the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details

Environment Protection Licence

Licence - 3391



- were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

- M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M7 Blasting

- M7.1 To determine compliance with the blasting conditions of this licence:
 - a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 4, 5, 6 and 7 for the parameters specified in Column 1 of the table below; and
 - b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast Overpressure	Decibels (Linear Peak)	All Blasts	Australian Standard AS 2187.2-2006
Ground Vibration Peak Particle Velocity	millimetres/second	All Blasts	Australian Standard AS 2187.2-2006

M8 Other monitoring and recording conditions

Noise Monitoring

- M8.1 The licensee must carry out a noise monitoring program to measure and record the level of noise (LA10, 15 minute) over a 72 hour continuous period at least twice a year, (December and July) at the following locations:

1 Singleton Heights

Environment Protection Licence

Licence - 3391



- 2 Off Bridgeman Road
- 3 Off Maison Dieu Road
- 4 Off the New England Highway, north of the premises boundary.

Waste Oil Monitoring Requirements

- M8.2 The licensee must ensure that each delivery of waste oil received at the premises is subject to stastically valid sampling and analysis to assess whether the waste oil complies with the limits detailed in condition L2.2 of this licence.
- M8.3 The analysis of waste oil must be conducted strictly in accordance with the testing methods specified in condition L2.2 of this licence.

Requirement to Monitor Particulate Matter

- M8.4 The Licensee must record the average PM10 concentration at Monitoring Points 12, 13, 14, 15, 16, 17 and 18 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to see them.

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.

Environment Protection Licence

Licence - 3391



- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
 - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

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

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

R3 Written report

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

Environment Protection Licence

Licence - 3391



specified class of them, who witnessed the event;

d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and

g) any other relevant matters.

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

R4 Other reporting conditions

R4.1 Blasting exceedence reporting

The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.

R4.2 Reporting of blasting monitoring

The licensee must supply with each Annual Return, a Blast Monitoring Report which must include the following information relating to each blast carried out within the premises during the reporting period covered by the Annual Return:

a) the date and time of the blast;

b) the location of the blast on the premises;

c) the blast monitoring results at each blast monitoring station; and

d) an explanation for any missing blast monitoring results.

Reporting on Testing of Waste Oil

R4.3 The licensee must supply the following information with the Annual Return:

(a) The number of deliveries and the total quantity of waste oil received at the premises during the reporting period;

(b) The results of all waste oil testing conducted in accordance with the conditions of this licence during the reporting period;

(c) The total amount of waste oil used in blasting operations during the 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.

Environment Protection Licence

Licence - 3391



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

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

8 Pollution Studies and Reduction Programs

U1 Premises noise limits

U1.1 The licensee must conduct a noise assessment in accordance with the document, 'NSW Industrial Noise Policy', (EPA 2000) for the operations and activities carried out at the licensed premises and submit a report to the Manager, Hunter Region, by no later than 31 March 2013.

U1.2 The report referred to in condition U1.1 must include, but is not limited to the following:

1. Project Specific Noise Levels for the nearest noise sensitive receiver location(s). The project specific noise levels may be sourced from recent documentation submitted in support of a project approval applications, or determined specifically in response to this condition, provided that:

- (a) The source of the project specific noise levels are stated;
- (b) The project specific noise levels have been derived in accordance with the NSW industrial Noise Policy (EPA 2000), ("INP");
- (c) Details are provided of how the project specific noise levels have been derived; and
- (d) The nearest noise sensitive receiver locations chosen are representative of those potentially most affected by noise from the premises.

2. Predicted or measured noise level contributions for the noise sensitive receiver locations identified in U1.2-1 above as a result of all activities and operations carried out at the premises. These may be sourced from recent documentation submitted in support of a project approval or determined specifically in response to this conditions provided that:

- (a) The source of the predicted or measured noise level(s) are stated;
- (b) Noise levels have been predicted or measured in accordance with the INP; and
- (c) Details of how the noise levels have been predicted are provided.

3. Noise limits proposed for the location(s) identified in U1.2-1 above, derived with regard to the project specific noise levels and predicted noise level contributions from U1.2-1 and U1.2-2 above, that can be placed on the licence, for all activities and operations carried out at the premises.

4. Details of methods to be used to determine compliance with limits in U1.2-3 above.

Note: (a) A reference to the INP includes a reference to INP Application Notes; and
(b) Noise sensitive receiver locations do not include any locations owned by the licensee or another coal mine or where a negotiated agreement (as outlined in the INP) is in place between the landowner and any licence holder.

Environment Protection Licence

Licence - 3391



9 Special Conditions

E1 Commencement of Optimised Real-time Air Quality Monitoring

- E1.1 The Licensee does not have to commence the continuous PM₁₀ monitoring required by Condition M2.1 of this licence at Monitoring Points 12 and 13 until 31 May 2017.
- The Licensee must advise the EPA at hunter.region@epa.nsw.gov.au following the commissioning of Monitoring Points 12 and 13, after which the EPA intends to remove Monitoring Points 17 and 18 from the licence.

Environment Protection Licence

Licence - 3391



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 - 3391



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 - 3391

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 Mitchell Bennett

Environment Protection Authority

(By Delegation)

Date of this edition: 21-August-2000

Environment Protection Licence

Licence - 3391



End Notes

- 1 Licence varied by notice 1003033, issued on 06-Dec-2000, which came into effect on 23-Dec-2000.
- 2 Licence varied by notice 1003580, issued on 03-Jan-2001, which came into effect on 03-Jan-2001.
- 3 Licence varied by notice 1006347, issued on 30-Jul-2001, which came into effect on 30-Jul-2001.
- 4 Condition HRSTS Non Dis Note - Credit Holder in "the Scheme" varied by notice issued on <issue date> which came into effect on <effective date>
- 5 Licence varied by notice 1013328, issued on 07-Dec-2001, which came into effect on 01-Jan-2002.
- 6 Licence varied by notice 1024226, issued on 10-Feb-2003, which came into effect on 07-Mar-2003.
- 7 Licence varied by notice 1027971, issued on 11-Jun-2003, which came into effect on 06-Jul-2003.
- 8 Licence varied by notice 1039165, issued on 13-Oct-2004, which came into effect on 07-Nov-2004.
- 9 Licence varied by notice 1105339, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.
- 10 Licence varied by notice 1122201, issued on 03-Mar-2011, which came into effect on 03-Mar-2011.
- 11 Licence varied by notice 1501491 issued on 28-Sep-2011
- 12 Licence varied by notice 1502468 issued on 02-Dec-2011
- 13 Licence varied by notice 1506559 issued on 09-Nov-2012
- 14 Licence varied by notice 1510492 issued on 28-Mar-2013
- 15 Licence varied by notice 1516536 issued on 08-Oct-2013
- 16 Licence varied by notice 1524153 issued on 13-Aug-2014
- 17 Licence varied by notice 1524946 issued on 16-Oct-2014
- 18 Licence varied by notice 1527269 issued on 05-Feb-2015
- 19 Licence varied by notice 1530039 issued on 27-Apr-2015
- 20 Licence varied by notice 1536540 issued on 21-Dec-2015
- 21 Licence varied by notice 1543469 issued on 19-Dec-2016