

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 MINE
RIX'S CREEK LANE
SINGLETON NSW 2330

Scheduled Activity
Coal works
Mining for coal

Fee Based Activity	Scale
Coal works	> 2000000-5000000 T annual handing capacity
Mining for coal	> 3500000-5000000 T annual production capacity

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 Other activities	6
A4 Information supplied to the EPA	7
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	7
P1 Location of monitoring/discharge points and areas	7
3 LIMIT CONDITIONS	10
L1 Pollution of waters	10
L2 Waste	11
L3 Noise limits	11
L4 Blasting	12
4 OPERATING CONDITIONS	13
O1 Activities must be carried out in a competent manner	13
O2 Maintenance of plant and equipment	13
O3 Dust	14
O4 Effluent application to land	14
O5 Emergency response	15
O6 Other operating conditions	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

Environment Protection Licence



Licence - 3391

M6	Telephone complaints line	18
M7	Blasting	18
M8	Other monitoring and recording conditions	18
M9	Noise monitoring	19
6	REPORTING CONDITIONS	19
R1	Annual return documents	19
R2	Notification of environmental harm	20
R3	Written report	20
R4	Other reporting conditions	21
7	GENERAL CONDITIONS	23
G1	Copy of licence kept at the premises or plant	23
G2	Other general conditions	23
DICTIONARY	25
General Dictionary	25

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

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

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

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
RIX'S CREEK MINE
RIX'S CREEK LANE
SINGLETON
NSW 2330
PREMISED DEFINED BY PLAN TITLED "RIXS CREEK PTY LTD PLAN OF EPL3391 PREMISES BOUNDARY" DATED 10/2/2017 EPA REF DOC17/119016

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Environment Protection Licence

Licence - 3391



Ancillary Activity

Sewage Treatment Systems

A4 Information supplied to the EPA

A4.1 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:

- 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.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
12	Particulate Matter Monitoring		TEOM identified as "RCN - North West" at coordinates 321505 6406475 (Easting Northing) shown on Figure 2.
13	Particulate Matter Monitoring		TEOM identified as "RCN - South East" at coordinates 327035 6401815 (Easting Northing) shown on Figure 2.
14	Particulate Matter Monitoring		TEOM identified as "RCN - North East" at coordinates 327990 6404130 (Easting Northing) shown on Figure 2.
15	Particulate Matter Monitoring		DustTrak identified as "RCS - North-West" at coordinates 321930 6401025 (Easting Northing) shown on Figure 2.
16	Particulate Matter Monitoring		DustTrak identified as "RCS - South-East" at coordinates 324390 6399090 (Easting Northing) shown on Figure 2.

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

Environment Protection Licence



Licence - 3391

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
8	Ambient water quality monitoring		At the point where Martin Creek enters the mine site at coordinates 327730 6402830 (Easting Northing), labelled as RCN-W3 on Figure 3.
9	Ambient water monitoring		At the point where Station Creek leaves the mine site at coordinates 324000 6405900 (Easting Northing), labelled as RCN-W1 on Figure 3.
10	Ambient water monitoring		At the point where Black Wattle Creek enters the mine site at coordinates 326260 6403920 (Easting Northing), labelled as RCN-W6 on Figure 3.
17	Ambient water quality monitoring		Rixs Creek Railway at coordinates 326390 6401690 (Easting Northing) labelled as RCS-W1 on Figure 3.
18	Ambient water quality monitoring		At co-ordinates 325760 6400260 (Easting Northing) labelled as RCS-W6-CWD 6 on Figure 3.
19	Ambient water quality monitoring		At coordinates 325390 6399750 (Easting Northing) labelled as RCS-W5-CWD 2 on Figure 3.
20	Ambient water quality monitoring		At coordinates 325400 6399560 (Easting Northing) labelled as RCS-W4-CWD 1 on Figure 3.
21	Ambient water quality monitoring		At coordinates 324500 6400130 (Easting Northing) labelled as RCS-W2-Rixs Creek-NEH on Figure 3.
22	Ambient water quality monitoring		At coordinates 323770 6398410 (Easting Northing) labelled as RCS-W10-Rixs Creek- Below Operation on Figure 3.
23	Ambient water quality monitoring		At coordinates 322590 6397360 (Easting Northing) labelled as RCS-W3-Rixs Creek-Maison Dieu on Figure 3.

Environment Protection Licence



Licence - 3391

27	Effluent quality monitoring Discharge to utilisation area	Effluent quality monitoring Discharge to utilisation area	Monitoring at 325633, 640432 (easting northing) from Northern CHPP STP to discharge utilisation area labelled on Figure 4.
28	Effluent quality monitoring Discharge to utilisation area	Effluent quality monitoring Discharge to utilisation area	Monitoring at 325725, 6401296 (easting northing) Southern CHPP STP to discharge utilisation area labelled on Figure 4.

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

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
4	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at coordinates 320685 6405605 (Easting Northing) labelled as Camberwell on Figure 5.
5	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at coordinates 327665 6400815 (Easting Northing) labelled as Retreat on Figure 5.
6	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at coordinates 326900 6397690 (Easting Northing) labelled as Mines Rescue Singleton Heights on Figure 5.
7	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at coordinates 322575 6397475 (Easting Northing) labelled as Wright's Maison Dieu on Figure 5.
11	Meteorological Station	Meteorological station at coordinates 322160 6399325 (Easting Northing) labelled as Weather Station on Figure 2.
24	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at coordinates 321630 6405025 (Easting Northing) labelled as Watling on Figure 5.
25	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at coordinates 325890 6407975 (Easting Northing) labelled as Cherry on Figure 5.
26	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor at coordinates 327985 6404125 (Easting Northing) labelled as Bridgeman Rd on Figure 5.
29	Noise monitoring	Monitoring at coordinates 319720 6403667 (Easting Northing) shown as NM1 on Figure 1.
30	Noise monitoring	Monitoring at coordinates 325528 6408420 (Easting Northing) shown as NM3 on Figure 1.
31	Noise monitoring	Monitoring at coordinates 328418 6406145 (Easting Northing) shown as NM4 on Figure 1.

Environment Protection Licence



Licence - 3391

32	Noise monitoring	Monitoring at coordinates 327907 6404030 (Easting Northing) shown as NM5 on Figure 1.
34	Noise monitoring	Monitoring at coordinates 327114 6398857 (Easting Northing) shown as NM7 on Figure 1.
35	Noise monitoring	Monitoring at coordinates 324970 6397138 (Easting Northing) shown as NM8 on Figure 1.
36	Noise monitoring	Monitoring at coordinates 322635 6395438 (Easting Northing) shown as NM10 on Figure 1.
37	Noise monitoring	Monitoring at coordinates 323600 6397220 (Easting Northing) shown as NM11 on Figure 1.
38	Noise monitoring	Monitoring at coordinates 318050 6399643 (Easting Northing) shown as NM12 on Figure 1.
39	Noise monitoring	Monitoring at coordinates 327636, 6400559 (Easting Northing) shown as NM6 on Figure 1.

- P1.5 Figure 1 in Condition P1.4 refers to the document titled "EPL 3391 Noise Monitoring Sites" dated 12/2/2019 EPA Reference DOC19/44904-03.
- P1.6 Figure 2 in Conditions P1.1 and P1.4 refers to the document titled "Rixs Creek P/L Air Quality and Green House Gas Management Plan Air Quality Monitoring Sites" dated 10/2/2017 EPA Reference DOC17/119016.
- P1.7 Figure 3 in Condition P1.3 refers to the document titled "Rixs Creek P/L EPL 3391 Surface Water Monitoring Sites" dated February 2017 EPA Reference DOC17/119016-01.
- P1.8 Figure 4 in Condition P1.3 refers to the document titled "Rixs Creek P/L EPL 3391 Sewage Treatment Infrastructure and Major Plant and Facilities" dated 15/2/2017 EPA Reference DOC17/119016-02.
- P1.9 Figure 5 in Condition P1.4 refers to the document titled "Rixs Creek P/L- EPL 3391 Blast Monitoring Sites" dated 10/2/2017 EPA Reference DOC17/119016.
- P1.10 The datum for grid references in this Licence is the Geodetic Datum of Australia 1994 (GDA94), Zone 56.

3 Limit Conditions

L1 Pollution of waters

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

Environment Protection Licence

Licence - 3391

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	Plasterboard and ceramics	Plasterboard to be used for soil amelioration and amendment	As specified in each particular resource recovery exemption	The Licensee must comply with The plasterboard exemption 2014.
NA	Biosolids categorised as unrestricted use, or as restricted use 1, 2 or 3, in accordance with the criteria set out in the biosolids guidelines	Biosolids to be used for soil amelioration and amendment	As specified in each particular resource recovery exemption	The Licensee must comply with The biosolids exemption 2014.

L3 Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits in the Table below.

Location	Day/Evening/Night LAeq (15 minute)	Night LA1 (1 minute)
EPA 29 and NMG1	40	48
EPA 30 and NMG3	40	45
EPA 31 and NMG4	37	49
EPA 32 and NMG5	41	47
EPA 33 and NMG6	42	47
EPA 34 and NMG7	40	45
EPA 35 and NMG8	40	47
EPA 36 and NMG10	40	47
EPA 37 and NMG11	40	47
EPA 38 and NMG12	40	47

L3.2 For the purpose of condition L3.1:

- EPA (number) refers to EPA identification point numbers as referenced in condition P1.4; and
- NMG (number) refers to all residential receivers on land within noise monitoring groups identified by

Environment Protection Licence



Licence - 3391

Figure 1.

L3.3 For the purpose of condition L3.1:

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

L3.4 The noise limits set out in condition L3.1 apply under all meteorological conditions except for the following:

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

L3.5 For the purposes of condition L3.4:

- a) Data recorded by a meteorological station installed on the premises at EPA Identification Point 11 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.

L3.6 A non-compliance of condition L3.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at any location within the Noise Monitoring Groups defined in Condition L3.1.

L3.7 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.

Definitions:

- *NSW Industrial Noise Policy refers to the document titled " New South Wales Industrial Noise Policy published by the EPA in January 2000.*
- *Noise refers to 'sound pressure levels' for the purpose of conditions L3.1 to L3.8.*

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.

Environment Protection Licence



Licence - 3391

- 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.

O2 Maintenance of plant and equipment

Environment Protection Licence



Licence - 3391

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

O3 Dust

- O3.1 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.

O4 Effluent application to land

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

Environment Protection Licence

Licence - 3391

O5 Emergency response

- O5.1 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.

O6 Other operating conditions

- O6.1 All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.

5 Monitoring and Recording Conditions

M1 Monitoring records

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

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

Environment Protection Licence

Licence - 3391

POINT 12,13,14

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 "Model 8530/8531/8532EP DustTrak II Operation and Service Manual", or any updated version as published by the manufacturer.

M2.3 Water and/ or Land Monitoring Requirements**POINT 8,9,10,17,18,19,20,21,22,23**

Pollutant	Units of measure	Frequency	Sampling Method
Electrical 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 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

POINT 27,28

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

M3 Testing methods - concentration limits

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

Environment Protection Licence

Licence - 3391

- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- b) 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
- 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

Environment Protection Licence

Licence - 3391



of the licensee in relation to pollution arising from any activity to which this licence applies.

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

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

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

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

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

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

Requirement to Monitor Particulate Matter

Environment Protection Licence

Licence - 3391



M8.1 The Licensee must record the average PM10 concentration at Monitoring Points 12, 13, 14, 15 and 16 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.

M9 Noise monitoring

M9.1 To assess compliance with condition L3.1, attended noise monitoring must be undertaken in accordance with conditions L3.6 and:

- a) at a minimum of 6 locations from those listed condition P1.4 shown to be experiencing noise enhancing meteorological conditions;
- b) occur every calendar month in a reporting period; and
- c) occur during one night-time period as defined in the NSW Industrial Noise Policy for a minimum of 30 minutes at each location from a) during the night.

M9.2 Where required in writing by the EPA, the licensee must carry out monitoring to determine if the modification factors in Section 4 of the NSW Industrial Noise Policy need to be applied.

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

Environment Protection Licence



Licence - 3391

the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

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

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

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

a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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

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

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

a) the licence holder; or

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

R2 Notification of environmental harm

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which 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.

Environment Protection Licence



Licence - 3391

- 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 Exceedance Reporting

- R4.1 The Licensee must report any exceedance of the Licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the Licensee or to one of the Licensee's employees or agents.
- R4.2 Within 14 days following a blast exceedance, the Licensee must undertake an investigation into the exceedance and provide the EPA with a report that includes:
- a) the date and time of blast;
 - b) the location of the blast on the premises;
 - c) the blast monitoring results at each blast monitoring station;
 - d) an explanation of why blast limits were exceeded; and
 - e) an explanation of how the Licensee will avoid future blast limit exceedances.

Blast Monitoring Report

- R4.3 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.

Environment Protection Licence

Licence - 3391



Sewage Treatment System Report

- R4.4 The sewage treatment system maintenance program required by Condition O2.6 must be submitted annually to the EPA with the Annual Return.
- R4.5 The licensee must retain a copy of each report required by Condition O2.5 for 3 years from the date each record is made.

Noise Exceedance Reporting

- R4.6 The licensee must notify the EPA in writing of any exceedance of noise criteria in this licence immediately after the licensee becomes aware of the exceedance.

Noise Compliance Assessment Report

- R4.7 A noise compliance assessment report must be submitted to the EPA with the Annual Return. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:
- a) an assessment of compliance with noise limits presented in Condition L3.1; and
 - b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in condition L3.1.

Water Quality Monitoring Report

- R4.8 The Licensee must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following:
- a) for the monitoring required by the Licence during the reporting period to which the Annual Return Relates:
 - (i) a summary of results for all ambient water quality monitoring required by the Licence in table form and graphical form;
 - (ii) total daily continuous rainfall monitoring results for the Annual Return period from the Licence meteorological station on the premises in graphical form; and
 - (iii) a plan with the location of the monitoring.
 - b) A graphical presentation of the trends of ambient water quality monitoring results required by the Licence for the reporting period to which the Annual Return relates and the preceding data for the period of record the Licensee has monitoring results for the monitoring location. This must be shown against rainfall records graphically for the period of record.

7 General Conditions

Environment Protection Licence

Licence - 3391

G1 Copy of licence kept at the premises or plant

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

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

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

G2 Other general conditions

G2.1 Completed Programs

Program	Description	Completed Date
Bunding Improvement Program	Bunding Improvement Program - prepare assessment report and timeframes for completion of any improvement works. Protect surface and ground water from contamination. (#)	31-March-2011
Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	29-June-2012
Coal Mine Particulate Matter Control Best Management Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	29-June-2012
Premises noise limits	The licensee is to determine noise limits for the premises in accordance with the INP or otherwise as consistent with the project approval and develop a compliance monitoring program to assess compliance with those limits	30-June-2017
Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	15-August-2014
Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden under Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	15-August-2014
Particulate Matter Control Best Practice Implementation - Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	15-August-2014

Environment Protection Licence

Licence - 3391



Particulate Matter Control Best Practice – Disturbing and Handling Overburden under Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather	15-August-2014
Particulate Matter Control Best Practice - Trial of Best Practice Measures for Disturbing and Handling Overburden	Investigation to establish best practice measures for the handling of overburden	30-July-2014
Coal Mine Wind Erosion of Exposed Land Assessment	Assessment of predicted vs actual exposed lands.	30-March-2015
Particulate Matter Control Best Practice Implementation - Rix's Creek North	Implementation of particulate matter best management practices to address wheel-generated dust in Rix's Creek North area.	20-June-2016

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
- 22 Licence varied by notice 1550914 issued on 05-Apr-2017

Environment Protection Licence

Licence - 3391



23	Licence varied by notice	1552351 issued on 30-Aug-2017
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24	Licence varied by notice	1575248 issued on 23-Apr-2019
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