

Licence Variation



Licence - 656

MUSWELLBROOK COAL COMPANY LTD
PO BOX 123
MUSWELLBROOK NSW 2333

Attention: Julie Thomas

Notice Number 1634279
File Number EF13/3318
Date 07-Dec-2023

NOTICE OF VARIATION OF LICENCE NO. 656

BACKGROUND

- A. MUSWELLBROOK COAL COMPANY LTD (“the licensee”) is the holder of Environment Protection Licence No. 656 (“the licence”) issued under the *Protection of the Environment Operations Act 1997* (“the Act”). The licence authorises the carrying out of activities at COAL ROAD, MUSWELLBROOK, NSW, 2333 (“the premises”).
- B. On 30-Oct-2023 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. The variation seeks to reduce the scale of the Scheduled Activity of Mining for coal to 0-500,000 tonnes annual production capacity.
- D. This Notice does not authorise a significant increase in the environmental impact of the activities authorised or controlled by the licence.
- E. This variation has been undertaken with consideration of section 45 of the Act.

VARIATION OF LICENCE NO. 656

- 3. By this notice the EPA varies licence No. 656. The attached licence document contains all variations that are made to the licence by this notice.
- 4. The following variations have been made to the licence:
 - A1.1 Amended annual tonnage for the Scheduled Activity of Mining for coal.

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Licence Variation



Jenny Lange
Unit Head
Environment Protection Authority
(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operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

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Licence Details

Number:	656
Anniversary Date:	30-November

Licensee

MUSWELLBROOK COAL COMPANY LTD
 PO BOX 123
 MUSWELLBROOK NSW 2333

Premises

MUSWELLBROOK COLLIERY HOLDING
 COAL ROAD
 MUSWELLBROOK NSW 2333

Scheduled Activity

Coal works
 Mining for coal

Fee Based Activity

Scale

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

Contact Us

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 6 Parramatta Square
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Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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



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

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

Transfer of licence

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

Public register and access to monitoring data

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

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

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

This licence is issued to:

MUSWELLBROOK COAL COMPANY LTD
PO BOX 123
MUSWELLBROOK NSW 2333

subject to the conditions which follow.

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1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

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

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

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

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
MUSWELLBROOK COLLIERY HOLDING
COAL ROAD
MUSWELLBROOK
NSW 2333
AREA DEFINED AS "EPL PREMISES BOUNDARY TABLE" IN PLAN TITLED "MUSWELLBROOK COAL COMPANY LIMITED MUSWELLBROOK COAL MINING OPERATIONS PREMISE PLAN" DATED 9-08-17, DRAWING NUMBER MC-A3-2082EPA REFERENCE NUMBER DOC17/398500-01.

A3 Other activities

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

Ancillary Activity

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Chemical Storage Facilities

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:

- 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.

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
7	Particulate Matter Monitor		TEOM located at co-ordinates 305255 6432519 (Easting Northing).
8	Particulate Matter Monitor		TEOM located at coordinates 306051 6429269 (Easting Northing).
9	Ambient Air Monitoring		Hydrogen Sulfide (H ₂ S) monitor located at co-ordinates 305255 6432519 (Easting Northing) defined as Ambient Air Monitoring Location 9 on the Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premise Plan dated 9-08-17
10	Ambient Air Monitoring		Hydrogen Sulfide (H ₂ S) monitor located at co-ordinates 305934 6426585 (Easting Northing) defined as defined as Ambient Air Monitoring Location 10 on the Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premise Plan dated 9-08-17.
13	Ambient Air Monitoring		TEOM located at co-ordinates 305934 6426585 (Easting Northing)

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15	Ambient Air Monitoring	Sulfur Dioxide (SO ₂) monitor located at co-ordinates 305255 6432519 (Easting Northing) defined as Ambient Air Monitoring Location 15 on the Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premise Plan dated 9-08-17
16	Ambient Air Monitoring	Sulfur Dioxide (SO ₂) monitor located at co-ordinates 305934 6426585 (Easting Northing) defined as Ambient Air Monitoring Location 9 on the Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premise Plan dated 9-08-17

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 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
3	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as B1 in plan titled "Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference DOC17/398500-01.
4	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as B2 at easting 301816, northing 6428982, MGA zone 56.
5	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as B3 in plan titled "Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference DOC17/398500-01.
6	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as B4 in plan titled "Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference DOC17/398500-01.
11	Meteorological Station – to determine meteorological conditions for noise monitoring	Weather station located at 303724 6429504 (easting and northings) - location labelled "Site 4" on plan titled "Muswellbrook Coal Company Limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference Doc17/398500-01

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14	Noise monitoring	Attended noise monitoring - location labelled R13 on plan titled "Muswellbrook Coal Company limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference Doc17/398500-01
17	Noise monitoring	Attended noise monitoring - location labelled R15 on plan titled "Muswellbrook Coal Company limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference Doc17/398500-01
18	Noise monitoring	Attended noise monitoring - location labelled R17 on plan titled "Muswellbrook Coal Company limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference Doc17/398500-01
19	Noise monitoring	Attended noise monitoring - location labelled R25 on plan titled "Muswellbrook Coal Company limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference Doc17/398500-01
20	Noise monitoring	Attended noise monitoring - location labelled R32 on plan titled "Muswellbrook Coal Company limited Muswellbrook Coal Mining Operations Premises Plan" dated 9-08-17. EPA reference Doc17/398500-01

3 Limit Conditions

L1 Pollution of waters

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

L2 Noise limits

L2.1 Noise from the premises must not exceed the noise limits presented in the table below.

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LA1(1 minute)
R1, R2, R3, R4, R17, R26, R27, R28, R29, R30, R31, R32, R33, R34, R35, R37, R38, R39	35	35	35	45
R5, R16	36	36	36	45
R7, R14, R36	38	38	38	45

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R12, R22, R23	39	39	39	45
R15, R21	37	37	37	45
R13	41	41	41	45
R18, R20	45	38	37	47
R24, R42	40	40	40	45
R25	42	42	42	45

Note: Receptor locations referred to in the table above are identified in Appendix C of Muswellbrook Shire Councils development consent S96(2) Modification to Muswellbrook Coal Mining Operations in Open Cut No.1 & 2 205/2002/8, dated 26 October 2016, EPA Reference DOC16/551495.

L2.2 For the purpose of Condition L2.1:

- 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.

L2.3 To determine compliance with the LAeq(15 minutes) limits specified in condition L2.1, noise from the premises must be measured at, or computed for, the most affected point on or within the residential boundary, or at the most affected point within 30m of the dwelling (rural situations) where the dwelling is more than 30m from the boundary.

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 must be applied to the measured noise levels where applicable.

L2.4 To determine compliance with the LA1(1minute) noise limits in condition L2.1, noise from the premises is to be measured at 1m from the dwelling façade.

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.

L2.5 The noise emission limits identified in condition L2.1 apply under all meteorological conditions except for the following:

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

L2.6 For the purpose of condition L2.5:

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- a) Data recorded from the meteorological station identified as Point 11 in Condition P1.1 must be used to determine the 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 Blasting

- L3.1 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 3, 4, 5 or 6 in Condition P1.2.
- L3.2 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 3, 4, 5 or 6 in Condition P1.2.
- L3.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 5mm/second for more than 5% of the total number of blasts during each reporting period; at either monitoring point 3, 4, 5 or 6 in Condition P1.2.
- L3.4 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 3, 4, 5 or 6 in Condition P1.2.
- L3.5 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:

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

O2 Maintenance of plant and equipment

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

O3 Dust

- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.
- O3.3 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

O4 Emergency response

- O4.1 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.

O5 Other operating conditions

- O5.1 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.

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M1.2 All records required to be kept by this licence must be:

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

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

M2.2 Air Monitoring Requirements

POINT 7,8,13

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

POINT 9,10

Pollutant	Units of measure	Frequency	Sampling Method
Hydrogen Sulfide	parts per hundred million	Continuous	Special Method 1

POINT 15,16

Pollutant	Units of measure	Frequency	Sampling Method
Sulfur dioxide	parts per hundred million	Continuous	Special Method 1

Note: Special Method 1 requires the Licensee to undertaken the monitoring of Hydrogen sulphide and Sulphur dioxide in accordance with method as approved by the Environment Protection Authority using Serinus 51 analyser.

M3 Testing methods - concentration limits

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- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
 - if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
 - if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2022* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M4 Weather monitoring

- M4.1 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Wind direction @ 10 metres	degrees	Continuous	15 minute	AM-2 & AM-4
Wind speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	degrees celcius	Continuous	15 minutes	AM-4
Temperature @ 10 metres	degrees celcius	Continuous	15 minutes	AM-4
Rainfall	mm	Continuous	Daily	AM-4
Sigma theta @ 10 metres	degrees	Continuous	15 minutes	AM-2 & AM-4

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

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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 conditions L3.1, L3.2, L3.3 and L3.4:

a) Airblast overpressure and ground vibration must be measured and electronically recorded for monitoring points 3, 4, 5 and 6 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 Noise

M8.1 The licensee must undertake monthly 15 minute attended night time noise monitoring. The monitoring must be undertaken by an appropriately experienced acoustic consultant to determine compliance with the night time noise LAeq(15min) and LA1(1min) limits in Condition L2.1.

Requirement to Monitor Particulate Matter

M8.2 The licensee must record the average PM₁₀ concentration at Monitoring Points 7 and 8 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to

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see them.

Requirement to Monitor Spontaneous Emissions

M8.3 The licensee must record:

- a) average PM10 concentration at monitoring point 13 at intervals of one hour;
- b) average sulphur dioxide concentration at monitoring points 15 and 16 at intervals of one hour;
- c) average hydrogen sulphide concentrations at monitoring points 9 and 10 at intervals of 30 minutes; and
- d) this data must be made available upon request by an 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 notification that the Annual Return is due.

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

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

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

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

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

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

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

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- 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:
- the licence holder; or
 - 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 they became aware of the incident.

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:
- where this licence applies to premises, an event has occurred at the premises; or
 - 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:
- the cause, time and duration of the event;
 - the type, volume and concentration of every pollutant discharged as a result of the event;
 - 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;
 - 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;
 - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and

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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 Noise Compliance Assessment Report

A noise compliance assessment report must be submitted to the EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an appropriately experienced acoustic consultant and determine compliance with the night time noise limits in Condition L2.1.

R4.2 Reporting of exceedence of noise limits

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.

R4.3 Reporting of blasting monitoring

The results of the blast monitoring required by condition M7.1 must be submitted to the EPA at the end of each reporting period.

R4.4 Spontaneous combustion management reporting

The licensee must prepare and submit quarterly spontaneous combustion management reports to the EPA. A copy of each quarterly report must be forwarded to the regional office of the EPA no later than two (2) months after the quarterly period being reported.

The quarterly report must include but not be limited to the following:

- a) A monthly summary of actions and procedures undertaken to prevent or control spontaneous combustion at the site
- b) An assessment of the effectiveness of the actions and procedures undertaken
- c) Spontaneous combustion areas capped in square meters
- d) Spontaneous combustion areas mined out in square meters
- e) Areas under water infusion
- f) Map of the approximate location of the areas subject to spontaneous combustion, areas capped, areas mined out and areas under water infusion
- g) Number of complaints received in relation to spontaneous combustion.

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.



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

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

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Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

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flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Bernie Weir

Environment Protection Authority

(By Delegation)

Date of this edition: 11-September-2000

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End Notes

- 1 Licence varied by notice 1003032, issued on 06-Dec-2000, which came into effect on 31-Dec-2000.
- 2 Condition HRSTS Dis Note varied by notice issued on <issue date> which came into effect on <effective date>
- 3 Licence varied by notice 1013330, issued on 07-Dec-2001, which came into effect on 01-Jan-2002.
- 4 Licence varied by notice 1017830, issued on 02-Jun-2003, which came into effect on 02-Jun-2003.
- 5 Licence varied by notice 1038787, issued on 12-Aug-2004, which came into effect on 06-Sep-2004.
- 6 Licence varied by notice 1042380, issued on 23-Dec-2004, which came into effect on 17-Jan-2005.
- 7 Licence varied by notice 1045160, issued on 07-Mar-2005, which came into effect on 01-Apr-2005.
- 8 Licence varied by notice 1047505, issued on 12-May-2005, which came into effect on 06-Jun-2005.
- 9 Licence varied by notice 1089933, issued on 06-Aug-2008, which came into effect on 06-Aug-2008.
- 10 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 11 Licence varied by notice 1104191, issued on 17-Nov-2009, which came into effect on 17-Nov-2009.
- 12 Licence varied by notice 1501470 issued on 02-Dec-2011
- 13 Licence varied by notice 1510495 issued on 21-Mar-2013
- 14 Licence varied by notice 1516260 issued on 05-Sep-2013
- 15 Licence varied by notice 1522371 issued on 16-Oct-2014
- 16 Licence varied by notice 1526206 issued on 15-Dec-2014
- 17 Licence varied by notice 1527535 issued on 07-Jan-2015
- 18 Licence varied by notice 1528595 issued on 27-Feb-2015
- 19 Licence varied by notice 1546780 issued on 21-Nov-2016
- 20 Licence varied by notice 1546918 issued on 29-Aug-2017
- 21 Licence varied by notice 1590736 issued on 29-Jan-2020
- 22 Licence varied by notice 1597371 issued on 10-Jul-2020



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