

Licence Variation



Licence - 1323

ANGLO COAL (DRAYTON MANAGEMENT) PTY LIMITED
ABN 67 002 028 257
PMB 9
MUSWELLBROOK NSW 2333

Attention: James Benson

Notice Number 1536002
File Number EF13/2546
Date 28-Nov-2016

NOTICE OF VARIATION OF LICENCE NO. 1323

BACKGROUND

- A. ANGLO COAL (DRAYTON MANAGEMENT) PTY LIMITED (“the licensee”) is the holder of Environment Protection Licence No. 1323 (“the licence”) issued under the *Protection of the Environment Operations Act 1997* (“the Act”). The licence authorises the carrying out of activities at THOMAS MITCHELL DRIVE, MUSWELLBROOK, NSW, 2333 (“the premises”).
- B. When developing the Upper Hunter Air Quality Monitoring Network (UHAQMN) the EPA and Department of Planning and Environment (DPE) entered into a Memorandum of Understanding (MoU) with Upper Hunter power station and coal mine operators. The MoU states that upon establishment of the network, the EPA and DPE would work with industry to rationalise the existing mine operated monitoring network by removing redundant monitoring requirements.
- C. To fulfil the requirements of the MoU and to facilitate capture of improved air quality data in the Upper Hunter Valley, the EPA intends to no longer require mines to monitor air quality at nearby residences, but instead monitor at locations near the edge of each mine site. Monitoring is to be both upwind and downwind of the mine site to align with the predominant wind direction. The EPA is proposing to optimise monitoring in this way because:
- Current air quality monitoring at residential locations cannot be attributed to particular sources;
 - The optimised monitoring should provide a better indication of the particulate matter emissions from each mine, thereby giving a better indication of whether particulate matter emissions are being effectively managed at each site; and
 - The UHAQMN is now providing robust and quality assured data on air quality in populated areas.
- D. This notice varies the air quality monitoring required by this licence to be consistent with this approach.

Licence Variation



VARIATION OF LICENCE NO. 1323

1. By this notice the EPA varies licence No. 1323. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
 - Condition P1.1 - removal of dust monitoring points 1, 2 and 4.
 - Condition P1.1 - addition of dust monitoring points 8, 9, 10 and 11 to enable continuous monitoring of upwind and downwind PM₁₀ concentration.
 - Condition P1.4 - addition of meteorological monitoring point 12.
 - Condition M2.2 - remove monitoring points 1, 2 and 4 and add monitoring points 8, 9, 10 and 11. A note describing Special Method 1 for determining PM₁₀ concentration at monitoring points 8, 9, 10 and 11 has also been added to this condition.
 - Condition M4.1 - update monitoring table for Point 12.
 - Condition M8.2 - addition of a condition requiring monitoring data to be recorded in ten minute intervals.

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Mitchell Bennett
Head Regional Operations Unit
North - Hunter
(by Delegation)

INFORMATION ABOUT THIS NOTICE

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

Appeals against this decision

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

When this notice begins to operate

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

Environment Protection Licence



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Licence Details

Number:	1323
Anniversary Date:	01-May

Licensee

ANGLO COAL (DRAYTON MANAGEMENT) PTY LIMITED

PMB 9

MUSWELLBROOK NSW 2333

Premises

DRAYTON COAL MINE

THOMAS MITCHELL DRIVE

MUSWELLBROOK NSW 2333

Scheduled Activity

Coal works

Mining for coal

Fee Based Activity

Scale

Coal works	> 5000000 T annual handling capacity
Mining for coal	> 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

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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:

ANGLO COAL (DRAYTON MANAGEMENT) PTY LIMITED
PMB 9
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	> 5000000 T annual handing capacity
Mining for coal	Mining for coal	> 5000000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
DRAYTON COAL MINE
THOMAS MITCHELL DRIVE
MUSWELLBROOK
NSW 2333
PREMISES BOUNDARY AS SHOWN ON DRAWING TITLED "EPA LICENCE AREA, PLAN NO ENV-0005 " DATED 12 MARCH2009.

A3 Other activities

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

Ancillary Activity
Extractive Industries - small gravel quarry
Sewage Treatment System with a capacity <300 EP.

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.

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

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

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
8	Particulate Matter Monitoring		Monitor "ES-01" at coordinates 303404 6420313 (Easting Northing) as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.
9	Particulate Matter Monitoring		Monitor "ES-02" at coordinates 305573 6415968 (Easting Northing) as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.
10	Particulate Matter Monitoring		Monitor "ES-03" at coordinates 305162 6419038 (Easting Northing) as shown on plan titled "Drayton Mine Dust and Meteorological Monitoring Locations" dated November 2016.
11	Particulate Matter Monitoring		Monitor "ES-04" at coordinates 304203 6417889 (Easting Northing) as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.

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

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

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
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3	Discharge to utilisation area. Effluent volume monitoring.	Discharge to utilisation area. Effluent volume monitoring.	Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.
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P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise

EPA identification no.	Type of monitoring point	Location description
5	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Sharman" in the document titled: "Blast Monitoring Sites, Figure 11, Anglo American Drayton Mine, 21/03/2013"
6	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "De Boer" in the document titled: "Blast Monitoring Sites, Figure 11, Anglo American Drayton Mine, 21/03/2013"
7	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Antiene" in the document titled: "Blast Monitoring Sites, Figure 11, Anglo American Drayton Mine, 21/03/2013"
12	Meteorological Station	Monitor labelled "Met Station" at coordinates 305436 6420494 as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.

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 Volume and mass limits

L2.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
 a) liquids discharged to water; or;
 b) solids or liquids applied to the area;
 must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of Measure	Volume/Mass Limit
3	kilolitres per day	140

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L3 Noise limits

L3.1 Noise generated at the premises must not exceed the noise limits presented in the table below. The noise limits in the table below represent the noise contribution from the premises.

Land	Day	Evening	Night	Night
Number	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LA1(1 minute)
12	36	36	36	47
13	36	36	35	45
14	40	39	38	47
16	41	41	39	47
17	37	38	36	47
18	38	39	38	47
19	40	40	39	47
20	39	40	39	45
21	38	38	38	45
22	38	38	38	45
23	35	35	35	47
25	36	37	37	47
26	36	37	38	47
27	36	37	39	47
28	35	37	40	47
29	35	35	36	47
31	35	35	37	47
32	35	35	40	47
33	35	35	38	45
34	35	35	36	45
35	35	35	35	45
37	35	35	35	45
42	35	35	35	45
61	39	40	39	45
69	35	37	41	47
70	35	36	41	47
71	35	35	41	47

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72	36	37	42	47
75	35	35	41	47
76	35	36	42	47
86	35	35	38	45
All other privately owned land	35	35	35	45

Note: LAeq means the equivalent continuous noise level - the level equivalent to the energy average of noise levels occurring over a measurement period.

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

Evening is defined as the period of 6pm to 10pm.

Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am on Sundays and Public Holidays.

These limits do not apply if the licensee has an approved agreement with the relevant owner/s of these residences to generate higher noise levels.

Land identification numbers refer to the document titled "*Drayton Mine Project Approval Modification Environmental Assessment, Table 1 & Figure 4*", prepared by Hansen Bailey for Anglo Coal (Drayton Management) Pty Limited and dated July 2009.

L3.2 To determine compliance with the LAeq(15 minutes) noise limits in condition L3.1 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 shall be applied to the measured noise levels where applicable

L3.3

To determine compliance with the LA1(1 minute) conditions L3.1 noise from the premises is to be measured at 1m from the dwelling facade.

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.

L3.4 The Noise emission limits identified in condition L3.1 apply under metrological conditions of:

- Wind speed up to 3m/s at 10 meters above ground level; or
- Temperature inversion conditions of up to 3 degrees/100m and wind speed up to 2m/s at 10 meters above the ground.

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L4 Blasting

- L4.1 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 5, 6 or 7 in Condition P1.4.
- L4.2 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 5, 6 or 7 in Condition P1.4.
- L4.3 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 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: 10 mm/second at any time; at either monitoring point 5, 6 or 7 in Condition P1.4.
- L4.5 Blasting in or on the premises must only be carried out between 900 hours and 1700 hours, Monday to Saturday (Eastern Standard Time) and between 900 hours and 1800 Hours, Monday to Saturday (Daylight Saving Time). Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.
- 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

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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 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 Effluent application must not occur in a manner that causes surface runoff.
- O4.2 Spray from effluent application must not drift beyond the boundary of the premises.
- O4.3 The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

For the purpose of this condition, 'effectively utilise' include the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

O5 Other operating conditions

- O5.1 There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.

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:

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- 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 8,9,10,11

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 "E-Sampler Particulate Monitor Operation Manual - Revision J".

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:
- 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.

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".

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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 12

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Rainfall	AM-4	millimetres	10 minutes	Continuous
Sigma theta	AM-2 & AM-4	Degrees	10 minutes	Continuous
Temperature at 2 metres	AM-4	Celsius	10 minutes	Continuous
Temperature at 10 metres	AM-4	Celsius	10 minutes	Continuous
Total Solar Radiation	AM-4	Watts per square metre	10 minutes	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	10 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	10 minutes	Continuous

Note: (1) All methods are specified in the *Approved Methods for Sampling and Analysis of Air pollutants in New South Wales* and all monitoring must be conducted strictly in accordance with the requirements outlined in this document

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:

- 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.

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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 L4.1, L4.2, L4.3 and L4.4:
- Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 5, 6 and 7 for the parameters specified in Column 1 of the table below; and
 - 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

M8.1 Noise Monitoring

Every six months the Licensee must monitor noise from the premises in accordance with Conditions L3.2 and L3.3 to determine compliance with the limits specified in Condition L3.1.

M8.2 Requirement to Monitor Particulate Matter

The Licensee must record the average PM10 concentration at Monitoring Points 8, 9, 10 and 11 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to see them.

6 Reporting Conditions

R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- a Statement of Compliance,
 - a Monitoring and Complaints Summary,

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3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

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

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

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

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

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

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

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

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

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

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

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

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

R1.8 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.

R2 Notification of environmental harm

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening

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material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

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

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

R3 Written report

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

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

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

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

R3.5 Reporting of exceedences of blasting limits

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.

R3.6 Spontaneous Combustion Control Program Reporting

The monthly summaries, assessments and maps prepared under the spontaneous combustion control program must be submitted to the EPA in the form of a half yearly report. The licensee must forward a copy of each report to the regional office of the EPA no later than (2) months after the half yearly period

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being reported.

R3.7 The monthly summaries, assessments and maps must be retained by the licensee for not less than three (3) years following the period under review. The records must be kept in a legible form and must be made available to any authorised officer of the EPA on request

R3.8 Noise Monitoring 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 accredited acoustical consultant and determine compliance with the noise limits in Condition L3.1.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

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

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

8 Pollution Studies and Reduction Programs

U1 Coal Mine Wind Erosion of Exposed Land Assessment

U1.1 The licensee must undertake the following steps:

1. Calculate the wind erosion exposed surface area (in hectares) within the premises as of 31 March 2015.
2. Determine the wind erosion exposed surface area (in hectares) predicted as at 31 March 2015 within the licensee's Environmental Assessment for the premises.
3. Compare the areas calculated in steps 1 and 2.
4. Submit a written report to the EPA at hunter.region@epa.nsw.gov.au containing the analysis required in steps 1 to 3, by 29 May 2015.

The report submitted to the EPA must be accompanied by spatial data to confirm the wind erosion exposed surface area calculations. The following data is required:

- Shapefiles showing the premises boundary.
- Shapefiles showing the wind erosion exposed area within the premises as of 31 March 2015
- Shapefiles showing areas classified as stabilised surface as of 31 March 2015.
- Details of any studies undertaken to verify that the areas of stabilised surface meet the definition.

Note: 1. *Environmental Assessment* means any environmental assessment document prepared in order to gain approval or consent under the Environmental Planning and Assessment Act (1979) under which the Licensee currently operates at the premises. If predictions made in this document do not correspond to

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the current year of mine operation, the Licensee should interpolate between predictions.

2. *Stabilised Surface* means any previously disturbed surface area which shows visual or other evidence of surface crusting and is resistant to wind-driven fugitive dust and is demonstrated to be stabilised. Stabilisation can be determined in accordance with one or more of the applicable test methods contained in the Rule 403 Implementation Handbook located at:

www.capcoa.org/Docs/SQAQMD%20r403%20handbook.doc.

3. *Wind Erosion Exposed Surface Area* means the portion of the premises surface which has been physically moved, uncovered, destabilised or otherwise modified from its natural state, thereby increasing the potential for particulate matter emissions, but excluding areas which have been:

- paved or covered by a permanent building or structure;
- maintained with a vegetative ground cover of at least 50% of ground cover for particular areas.

Vegetative ground cover can be determined in accordance with the standardised procedure for revegetation assessment contained in Atyeo C. & Thackway R. (2009) located at:

http://data.daff.gov.au/data/warehouse/pe_brs90000004196/revegetationManual200906_20100410_ap14.pdf; or;

- classified as a stabilised surface.

U2 V Notch Weir Monitoring Program

U2.1 The licensee must:

1. Conduct a targeted V Notch weir ('the weir') monitoring program that includes:

- Continued monthly monitoring of water quality at the V Notch Weir (the Weir) (pollutants/parameters to include those reported in the document titled 'Access Road Dam' dated 24 September 2014, pg 4).
- real-time flow monitoring at the weir and recording of daily flows (in L/day)
- rainfall monitoring (existing licence condition M4.1)
- monitoring at the groundwater monitoring bore (DS1) on a monthly basis for the following parameters: groundwater level, electrical conductivity, pH, total dissolved solids, and salinity.
- monitoring of electrical conductivity in the Access Road Dam (at least quarterly) at 3 different depths within the dam – 30cm, 4m and 8m depth.

2. Return all water draining to the Weir back to the Access Road Dam (or an alternate 'dirty' water dam on the premises) to ensure that saline water is not discharged from the premises. Pumping is to commence no later than 28 August 2015.

9 Special Conditions

E1 Spontaneous combustion control program

E1.1 Spontaneous combustion control program

Carbonaceous material that is prone to self heating and which is not extracted as run of mine coal must be selectively removed and purposely disposed of in such a manner that will prevent the development of spontaneous combustion at the disposal site.

The licensee must implement a Spontaneous Combustion Control Program which must include, but may not be limited to, the following:-

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- (a) A monthly summary of actions and procedures undertaken to prevent the development or to control the spread of spontaneous combustion at the premises.
- (b) An assessment of the effectiveness of the actions and procedures undertaken every month in preventing the development and control of the spread of spontaneous combustion at the premises.
- (c) Monthly mapping of the approximate location of the areas subject of spontaneous combustion at the premises. The map must show the respective areas in square metres of each area affected and must include a key to show the relative intensity of the heatings.

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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

Mr Mitchell Bennett

Environment Protection Authority

(By Delegation)

Date of this edition: 18-September-2000

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End Notes

- 1 Licence varied by notice 1003018, issued on 06-Dec-2000, which came into effect on 31-Dec-2000.
- 2 Licence varied by notice 1008465, issued on 19-Jul-2001, which came into effect on 13-Aug-2001.
- 3 Condition HRSTS Non Dis Note - Credit Holder in "the Scheme" varied by notice issued on <issue date> which came into effect on <effective date>
- 4 Licence varied by notice 1013305, issued on 07-Dec-2001, which came into effect on 01-Jan-2002.
- 5 Licence varied by notice 1024224, issued on 10-Feb-2003, which came into effect on 20-Feb-2003.
- 6 Licence varied by notice 1025260, issued on 26-Feb-2003, which came into effect on 23-Mar-2003.
- 7 Licence varied by notice 1039953, issued on 28-Sep-2004, which came into effect on 23-Oct-2004.
- 8 Licence varied by notice 1043446, issued on 21-Feb-2005, which came into effect on 18-Mar-2005.
- 9 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 10 Licence varied by notice 1094057, issued on 21-Jul-2009, which came into effect on 21-Jul-2009.
- 11 Licence varied by notice 1104324, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.
- 12 Licence varied by notice 1119501, issued on 18-Feb-2011, which came into effect on 18-Feb-2011.
- 13 Licence varied by notice 1501073 issued on 26-Aug-2011
- 14 Licence varied by notice 1502331 issued on 21-Dec-2011
- 15 Licence varied by notice 1510493 issued on 21-Mar-2013
- 16 Licence varied by notice 1516248 issued on 05-Sep-2013
- 17 Licence varied by notice 1522183 issued on 21-Oct-2014
- 18 Licence varied by notice 1525756 issued on 28-Jan-2015
- 19 Licence varied by notice 1528100 issued on 26-Feb-2015
- 20 Licence varied by notice 1528961 issued on 23-Mar-2015
- 21 Licence varied by notice 1529346 issued on 16-Apr-2015

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22 Licence varied by notice 1532406 issued on 28-Aug-2015
