

Environment Protection Licence



Licence - 1770

Licence Details

Number:	1770
Anniversary Date:	01-April

Licensee

LAKECOAL PTY LTD

PO BOX 7115

MANNERING PARK NSW 2259

Premises

CHAIN VALLEY COLLIERY

CONSTRUCTION ROAD

CHAIN VALLEY BAY NSW 2259

Scheduled Activity

Coal works

Mining for coal

Fee Based Activity

Scale

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

Region

North - Hunter

Ground Floor, NSW Govt Offices, 117 Bull Street
NEWCASTLE WEST NSW 2302

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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:

LAKECOAL PTY LTD
PO BOX 7115
MANNERING PARK NSW 2259

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	> 500000 - 2000000 T annual production capacity

A1.2 The licensee must not produce by mining activities more than 1.5 million tonnes of coal within any calendar year.

Note: These limits on the scale of the fee based activities are based on Project Approval SSD5465 granted under the S.89E of the *Environmental Planning and Assessment Act 1979* which limits extraction to 1.5 million tonnes of run of mine (ROM) coal per calendar year.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
CHAIN VALLEY COLLIERY
CONSTRUCTION ROAD
CHAIN VALLEY BAY
NSW 2259
SURFACE PREMISES OF THE COLLIERY IDENTIFIED IN PLAN TITLED "EPL PREMISES PLAN FIGURE 2 - SURFACE EXTENTS" 12 MARCH 2015 DOC15/39169 AND UNDERGROUND PREMISES (MINING FOR COAL) INCLUDES ONLY MINING FOR COAL IN THE FASSIFERN COAL SEAM AND GREAT NORTHERN COAL SEAM AS IDENTIFIED IN THE PLAN TITLED "FIGURE 1: GENERAL LAYOUT OF THE CHAIN VALLEY EXTENSION PROJECT" 28/1/14 ACCOMPANYING THE LICENCE APPLICATION DOC14/10689 AND THE UNDERGROUND ROAD JOINING MANNERING COLLIERY TITLED "LOCATION OF UNDERGROUND LINKAGE" DOC14/298690-02 ACCOMPANYING SSD5465-MOD 1 APPROVAL AND THE PLAN TITLED "EPL PREMISES PLAN - FIG 1 PROJECT EXTENTS, MONITORING AND COMPLIANCE LOCATIONS" 12 MARCH 2015 DOC15/83810.

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Note: An updated plan of the premises must be provided to the EPA by the licensee, to the EPA's specifications.

A3 Other activities

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

Ancillary Activity
Sewage Treatment Systems

A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

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

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

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
25	Air Monitoring Point Particulate Matter PM10 Thermo Fisher Scientific TEOM 1405		MPSTP Compound 220 Tall Timbers Road Doyalson NSW 2262

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.

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Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge to waters Discharge quality and volume monitoring	Discharge to waters Discharge quality and volume monitoring	Discharge to waters and monitoring from final settlement pond via low level discharge identified as EPA 1 on plan of the premises titled "EPL premises Plan Fig 1 Project Extents, Monitoring and Compliance Locations dated 12 March 2015 DOC15/83810.
27	Discharge to waters Discharge quality and volume monitoring	Discharge to waters Discharge quality and volume monitoring	Discharge to waters via concrete high level spillway from final settlement pond adjacent to EPA 1 on plan of the premises titled "EPL premises Plan Fig 1 Project extents, Monitoring and Compliance Locations" dated 12 March 2015 DOC15/83810.

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
9	Noise monitoring	(R8) 109 Griffith Street, MANNERING PARK, 2259
12	Noise monitoring	(R11) 35 Lakeshore Avenue, CHAIN VALLEY BAY, 2259
13	Noise monitoring	(R12) 20 Lakeshore Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259
14	Noise monitoring	(R13) 33 Karoola Avenue, Kingfisher Shores, CHAIN VALLEY BAY, 2259
16	Noise monitoring	(R15) Short Street, Macquarie Shores, CHAIN VALLEY BAY, 2259
20	Noise monitoring	(R19) 2 Sunset Parade, CHAIN VALLEY BAY, 2259
23	Noise monitoring	(R22) 275a Cams Boulevard, CHAIN VALLEY BAY, 2259
26	Meteorological Station	Ruttleys Road Doyalson

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.

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L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.
- L2.4 Water and/or Land Concentration Limits

POINT 1,27

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Faecal Coliforms	colony forming units per 100 millilitres				200
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				50

L3 Volume and mass limits

- L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
- liquids discharged to water; or;
 - 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
1	kilolitres per day	12161
27	kilolitres per day	12161

- L3.2 The volumetric daily discharge limit for the premises is the combined discharge measured at EPA discharge points 1 and 27 and must not exceed 12161 kilolitres per day.

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L4 Waste

L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Waste	Any other waste received on the premises for storage, treatment, processing, sorting or disposal and which receipt is not a scheduled activity under Schedule 1 of the POEO Act, as in force from time to time.	-	
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014.	As specified in each particular resource recovery exemption	NA

L5 Noise limits

L5.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

POINT 12

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	-	49
Evening	Evening-LAeq (15 minute)	-	49
Night	Night-LAeq (15 minute)	-	49
Night	Night-LA1 (1 minute)	-	54

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POINT 13

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	-	49
Evening	Evening-LAeq (15 minute)	-	49
Night	Night-LAeq (15 minute)	-	49
Night	Night-LA1 (1 minute)	-	53

POINT 14

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	-	43
Evening	Evening-LAeq (15 minute)	-	43
Night	Night-LAeq (15 minute)	-	43
Night	Night-LA1 (1 minute)	-	49

POINT 16

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	-	36
Evening	Evening-LAeq (15 minute)	-	36
Night	Night-LAeq (15 minute)	-	36
Night	Night-LA1 (1 minute)	-	45

POINT 20

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	-	37
Evening	Evening-LAeq (15 minute)	-	37
Night	Night-LAeq (15 minute)	-	37
Night	Night-LA1 (1 minute)	-	45

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POINT 23

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	-	46
Evening	Evening-LAeq (15 minute)	-	46
Night	Night-LAeq (15 minute)	-	36
Night	Night-LA1 (1 minute)	-	45

POINT 9

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	-	38
Evening	Evening-LAeq (15 minute)	-	38
Night	Night-LAeq (15 minute)	-	38
Night	Night-LA1 (1 minute)	-	45

L5.2 The licensee must ensure that noise generated on the premises does not exceed:

- a) 35 LAeq(15min) during the day, evening or night at any privately owned land nearest to the residence apart from those receivers identified in Condition 5.1; and
- b) 45 LA1(1min) during the night at any privately owned land nearest to the residence apart from those receivers identified in Condition 5.1.

Note: The licensee may provide to the EPA written evidence of any agreement with a landholder which is subject to the above noise limits. The written evidence may be submitted with a licence variation to remove the landholder from the above tables.

L5.3 For the purpose of condition L5.1 and condition L5.2:

- (a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and public holidays;
- (b) Evening is defined as the period 6pm to 10pm, and
- (c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and public holidays.

L5.4 The noise limits set out in condition L5.1 and condition L5.2 apply under all meteorological conditions except for any one of the following:

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

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L5.5 For the purpose of condition L5.4:

(a) the meteorological data to be used for determining meteorological conditions is the data recorded at the meteorological station identified in this licence as EPA Identification Point 26.

(b) Stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the *NSW industrial Noise Policy* (EPA 2000)

Note: The weather station must be designed, commissioned and operated in a manner to obtain the necessary parameters required under the above condition.

L5.6 For the purpose of determining the noise generated at the premises the licensee must use a Class 1 or Class 2 noise monitoring device as defined by AS IEC61672.1 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing.

L5.7 To determine compliance:

1. With the $L_{Aeq(15\text{ min})}$ noise limits in condition L5.1 and condition L5.2, the licensee must locate noise monitoring equipment;

(a) within 30 metres of a dwelling facade (but not closer than 3 metres) where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises;

(b) approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises, or, where applicable,

(c) within approximately 50 metres if the boundary of a national park or nature reserve.

2. With the $LA1(1\text{ minute})$ noise limits in condition L5.1 and L5.2, the noise monitoring equipment must be located within 1 metre of a dwelling facade.

3. With the noise limits in condition L5.1 and condition L5.2, the noise monitoring equipment must be located;

(a) at the most affected point at a location where there is no dwelling at the location, or

(b) at the most affected point within an area at a location prescribed by conditions L5.7 1(a) or L5.7 1(b).

L5.8 A non-compliance of condition L5.1 or condition L5.2 will still occur where noise generated from the premises in excess of the appropriate limit is measured;

a) at a location other than an area prescribed by conditions L5.7 1(a) and L5.7 1(b), and /or

b) at a point other than the most affected point at a location.

L5.9 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

4 Operating Conditions

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O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

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

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

O3 Dust

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust on or from the premises.

O3.2 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation of wind-blown or traffic generated dust.

O3.3 All trafficable areas, coal stockpile(s) and 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 of dust.

O3.4 All vehicles transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage.

Note: Vehicles transporting coal on the private haul road from Chain Valley Colliery to Vales Point Power station are exempt from covering their load if surface coal moisture is above 8%.

O3.5 Activities occurring in or on the premises must be carried out in a manner that will minimise the tracking of dust from the premises.

O4 Effluent application to land

O4.1 An area must be provided for the use of effluent from the sewage treatment plant. The design of the system must be in accordance with the DEC's Environmental Guideline: Use of Effluent By Irrigation.

O4.2 The quantity of wastewater applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent.

For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.

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O5 Emergency response

- O5.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency 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. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

O6 Waste management

- O6.1 The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- O6.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.

O7 Other operating conditions

Sewage Treatment

- O7.1 All sewage generated on the premises must be directed, collected and treated by the sewage treatment system(s).
- O7.2 The licensee is responsible for the correct operation of the sewage treatment system(s) on their premises.
- O7.3 Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system requirements and must ensure that the necessary service contracts are in place.
- O7.4 The sewage treatment system(s) must be serviced by a suitably qualified and experienced waste water technician at least once each quarterly period and a minimum of four times per year.
- O7.5 The licensee must record each inspection and any actions required or recommended by the technician; including all results from tests performed on the sewage treatment system(s) by the technician as defined in Condition O7.4.
- O7.6 All treated sewage that is discharged from the premises must be discharged through licensed discharge point "EPA Identification no. 1", as defined in condition P1.3.

Bunding

- O7.7 All above ground tanks containing material that is likely to cause material harm to the environmental must be banded or have an alternative spill containment system in place.

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5 Monitoring and Recording Conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.

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

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

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

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

M2 Requirement to monitor concentration of pollutants discharged

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

M2.2 Air Monitoring Requirements

POINT 25

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

M2.3 Water and/ or Land Monitoring Requirements

POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Biochemical oxygen demand	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample
Enterococci	colony forming units per 100 millilitres	Once a month (min. of 4 weeks)	Grab sample
Faecal Coliforms	colony forming units per 100 millilitres	Once a month (min. of 4 weeks)	Grab sample

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pH	pH	Once a month (min. of 4 weeks)	Grab sample
Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample

POINT 27

Pollutant	Units of measure	Frequency	Sampling Method
Enterococci	colony forming units per 100 millilitres	Daily during any discharge	Grab sample
Faecal Coliforms	colony forming units per 100 millilitres	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample

M3 Testing methods - concentration limits

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

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

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

M4 Environmental monitoring

Requirement to monitor noise

- M4.1 To determine compliance with condition L5.1, attended noise monitoring must be undertaken in accordance with conditions L5.7 and L5.8, and

- at each one of the locations listed in condition L5.1;

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- (b) occur quarterly within the reporting period of the Environment Protection Licence with at least 2 months between monitoring periods;
- (c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 15 minutes for three of the quarters;
- (d) the night time 15 minute attended monitoring in accordance with c) must be undertaken between the hours of 1am and 4am;
- (e) the night time LA1 (1 min) attended monitoring in accordance with c) must be undertaken between the hours of 1am and 4am;
- (f) one quarterly monitoring must occur during each day, evening and night period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 1.5 hours during the day; 30 minutes during the evening; and 1 hours during the night, and
- (g) each quarterly monitoring must be undertaken on a different day(s) of the week not including Saturdays, Sundays and public holidays; and
- (h) these monitoring conditions take effect in the 2015 Reporting period.

Note: The intention of this condition is that quarterly monitoring be undertaken at each sensitive receiver. That at each sensitive receiver monitoring is undertaken over a range of different days excluding weekends and public holidays during the reporting period so as to be representative of operating hours. That night time 15 minute attended monitoring and the LA1 (1min) monitoring for three of the quarters be undertaken at worst case being the most stable atmospheric conditions and when noise would be most intrusive to sleep. All of the sensitive receivers do not have to be monitored on the same day, evening and night for sub condition f.

- M4.2 For the Annual Reporting Period ending March 2015 the EPA will accept all monitoring required by the current Department of Planning and Environment consent (usually quarterly monitoring for noise as dB(A) Leq15minutes) for compliance with noise monitoring requirements in this licence, as a single report attached to the Annual Return for the premises.

M5 Weather monitoring

- M5.1 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.

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POINT 26

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Rainfall	AM-4	millimetres	24 hours	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	1 hour	Continuous
Wind speed	AM-2 & AM-4	metres per second	1 hour	Continuous
Temperature at 10 metres	AM-4	degrees Celsius	1 hour	Continuous
Sigma theta	AM-2 & AM-4	Degrees	15 minutes	Continuous
Relative humidity	AM-4	percent	1 hour	Continuous

M6 Recording of pollution complaints

- M6.1 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.
- M6.2 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.
- M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M7 Telephone complaints line

- M7.1 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.
- M7.2 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.
- M7.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.
- M7.4 The licensee must notify the EPA with contact details of personnel capable of a timely response to emergencies or any other exigent circumstances.

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- (a) the nominated contact must be available at all times.
- (b) contact details must include a telephone number and must be current.
- (c) such notification must be made within 14 days of receiving this licence.

M8 Requirement to monitor volume or mass

M8.1 For each discharge point or utilisation area specified below, the licensee must monitor:

- a) the volume of liquids discharged to water or applied to the area;
 - b) the mass of solids applied to the area;
 - c) the mass of pollutants emitted to the air;
- at the frequency and using the method and units of measure, specified below.

POINT 1

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	In line instrumentation

POINT 27

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	In line instrumentation

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,
 7. a Statement of Compliance - Environmental Management Systems and Practices; and
 8. a Statement of Compliance - Environmental Improvement Works.

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

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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 by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

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

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

a) the licence holder; or

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

R2 Notification of environmental harm

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

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

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

R3 Written report

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

a) where this licence applies to premises, an event has occurred at the premises; or

b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

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

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- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
 - b) the type, volume and concentration of every pollutant discharged as a result of the event;
 - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
 - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Other reporting conditions

Noise Monitoring Report

- R4.1 The licensee must submit to the EPA a noise compliance assessment report at the end of each reporting period. The report must be submitted with the Environment Protection Licence Annual Return. The report must be prepared by a suitably qualified and experienced acoustical consultant which:
- (a) details the noise monitoring undertaken in accordance with condition M4;
 - (b) assesses compliance with noise limits presented in condition L5.1 and condition 5.2; and
 - (c) outlines any management actions taken within the monitoring period to address any exceedences of limits contained in condition L5.1 and condition L5.2.

Note: The licensee must provide the EPA with one report, but this report may be a combination of the monitoring undertaken by the licensee as part of their quarterly monitoring program as required by the Project Approval SSD-5456 and must include LA1(1min).

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.

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

G2 Other general conditions

G2.1 Completed Programs

PRP	Description	Completed Date
Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions	28-September-2012
Assessment of Potential Impacts of Metals in wastewater	The licensee must conduct an assessment of metals detected in wastewater discharges from the mine in accordance with the ANZECC water quality guidelines.. To obtain a greater understanding of the type and concentration of metals discharged in mine water and entering the receiving waters. To limit the concentration of metals discharged in mine water within ANZECC guidelines.	23-October-2013
Air Quality Monitoring	The licensee must evaluate best locations and install monitoring devices as defined in Project Approval MP10_0161 under the Environment Planning & Assessment Act 1979.	31-December-2013
PRP4 - Upgrade to Clean and Dirty Water Management System	The licensee must review and upgrade separation of the Clean and Dirty Water Management System and review and upgrade bunding.	14-August-2015
PRP5 - Remediation of Dam Wall and Spillway formalisation	The licensee must design and remediate the dam wall on the final control pond and formalise a spillway to prevent dam seepage and to ensure that volumetric discharge can be monitored	27-February-2015
PRP 6 Upgrade to Sewage Treatment Systems	Assessment of options for improved disinfection of effluent from STP on licenced premises.	06-January-2015
PRP7 Sewage Treatment System Concept Design	Provide the EPA with a Concept Design and Timetable for Implementation of Upgrade to the Sewage Treatment System	19-February-2016

8 Pollution Studies and Reduction Programs

U1 PRP 8 - Construction of Sewerage System

U1.1 By 07 July 2017 the licensee must construct a pump station, rising main and other infrastructure in order to connect the sewage from Chain Valley Colliery to Wyong Shire Council's sewerage system. The construction must be undertaken by an appropriately qualified an experienced person. The Licensee

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must:

- a) obtain the appropriate approvals and permits required for the development;
- b) construct option A or option B in accordance with the document titled *"Concept Design Report for Sewage Treatment System Upgrade Chain Valley Colliery"* dated 1 February 2016 and prepared by RGH Consulting Group;
- c) include connection of sewage from the administration building to the rising main;
- c) notify the EPA in writing at hunter.region@epa.nsw.gov.au within 2 weeks of the pump station and rising main being commissioned; and
- d) provide the EPA with a report on commissioning of the pump station and rising main which details the final option constructed within 2 weeks of the pump station and rising main being commissioned.

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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

Ms Debbie Maddison

Environment Protection Authority

(By Delegation)

Date of this edition: 10-November-2000

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End Notes

- 1 Licence varied by notice 1008662, issued on 24-Oct-2001, which came into effect on 24-Oct-2001.
- 2 Licence transferred through application 141163, approved on 24-Apr-2002, which came into effect on 20-Apr-2002.
- 3 Licence varied by notice 1026573, issued on 16-Apr-2003, which came into effect on 11-May-2003.
- 4 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 5 Licence varied by notice 1104492, issued on 11-Dec-2009, which came into effect on 11-Dec-2009.
- 6 Licence varied by notice 1502571 issued on 21-Dec-2011
- 7 Licence varied by notice 1504446 issued on 15-Apr-2013
- 8 Licence varied by notice 1516485 issued on 20-Aug-2013
- 9 Licence varied by notice 1519380 issued on 26-Sep-2014
- 10 Licence varied by notice 1527706 issued on 15-May-2015
- 11 Licence varied by notice 1535160 issued on 30-Oct-2015
- 12 Licence varied by notice 1540199 issued on 08-Jun-2016