

Licence Variation



Licence - 11701

DURALIE COAL PTY LTD
PO BOX 168
GLOUCESTER NSW 2422

Attention: The Proper Officer

Notice Number 1608278
File Number EF13/2892
Date 28-Jul-2021

NOTICE OF VARIATION OF LICENCE NO. 11701

BACKGROUND

- A. DURALIE COAL PTY LTD ("the licensee") is the holder of Environment Protection Licence No. 11701 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at Department of Industry & Investment Mining Lease 1427, dated 6/4/98 & Mining Lease 1646 dated 4/1/11, STROUD ROAD, NSW, 2415 ("the premises").
- B. On 21-Apr-2021 the Environment Protection Authority (EPA) received an application for the variation of the licence.
- C. Licence monitoring points (points) 27, 36 and 37 discharge to waters from the premises. A sample at these points is required monthly and daily during discharge.
- D. Points 30, 31 and 35 are ambient water quality monitoring points located upstream and downstream of points, 27, 36 and 37. A sample at these points is required monthly.
- E. The Licensee advised that irrigation of mine related water ceased in 2018. The irrigated mine water is no longer collected in the north and south irrigation area catch drains.
- F. The activity related to the monitoring required at points 36 and 37 has therefore ceased.
- G. The note to Condition M2.3 Water and/or Land Monitoring Requirements has been varied to require monthly sampling to be undertaken at points 27, 30, 31 and 35. In accordance with the requirements of the approved Duralie Coal Mine Surface Water Management Plan, a sample is required to be taken on the first day of any discharges (overflows) from discharge points 27, 36 and 37.
- H. Electrical conductivity will continue to be monitored continuously at points 35, 36 and 37.
- I. This Notice does not authorise a significant increase in the environmental impact of the activities authorised or controlled by the licence.

Licence Variation



VARIATION OF LICENCE NO. 11701

1. By this notice the EPA varies licence No. 11701. 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:
 - Note to Condition M2.3 - variation of the definition of Special Frequency 1.

A handwritten signature in black ink, appearing to read 'R Hughes'.

Rob Hughes
Unit Head
Regulatory Operations Regional North
(by Delegation)

INFORMATION ABOUT THIS NOTICE

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

Appeals against this decision

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

When this notice begins to operate

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



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Licence Details	
Number:	11701
Anniversary Date:	04-September

Licensee
DURALIE COAL PTY LTD
PO BOX 168
GLOUCESTER NSW 2422

Premises
DURALIE COAL MINE
DEPARTMENT OF INDUSTRY & INVESTMENT MINING LEASE 1427, DATED 6/4/98 & MINING LEASE 1646 DATED 4/1/11
STROUD ROAD NSW 2415

Scheduled Activity
Coal works
Extractive activities
Mining for coal

Fee Based Activity	Scale
Coal works	0-2000000 T annual handling capacity
Land-based extractive activity	0-30000 T annual capacity to extract, process or store
Mining for coal	0-500000 T annual production capacity

Contact Us
NSW EPA
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150
Phone: 131 555
Email: info@epa.nsw.gov.au
Locked Bag 5022
PARRAMATTA NSW 2124



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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:

DURALIE COAL PTY LTD
PO BOX 168
GLOUCESTER NSW 2422

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
Extractive activities	Land-based extractive activity	0 - 30000 T annual capacity to extract, process or store
Mining for coal	Mining for coal	0 - 500000 T annual production capacity

A1.2 The development consent for the premises notes that the licensee must not extract more than 3 million tonnes of ROM coal at the premises. For the purposes of this licence, the licensee must not:

1. Handle more than 2,000,000 tonnes of coal within any 12 month period.
2. Produce more than 500,000 tonnes of coal within any 12 month period.

A separate licence variation application will be required to vary the licence to increase production to greater than 500,000 tonnes within any 12 months period.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
DURALIE COAL MINE
DEPARTMENT OF INDUSTRY & INVESTMENT MINING LEASE 1427, DATED 6/4/98 & MINING LEASE 1646 DATED 4/1/11
STROUD ROAD
NSW 2415

A3 Information supplied to the EPA

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

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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	Air Quality Monitoring		Hi-Volume Air Sampler identified as "Point 8" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
9	Air Quality Monitoring		Hi-Volume Air Sampler identified as "Point 9" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
24	Air Quality Monitoring		Dust Deposition Gauge identified as "Point 24" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
25	Air Quality Monitoring		Dust Deposition Gauge identified as "Point 25" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
26	Air Quality Monitoring		Dust Deposition Gauge identified as "Point 26" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
32	Air Quality Monitoring		Hi-Volume Air Sampler and dust deposition gauge identified as "Point 32" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
33	Air Quality Monitoring		TEOM identified as "Point 33" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.

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34	Air Quality Monitoring	Hi-Volume Air Sampler and dust deposition gauge identified as "Point 34" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
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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
3	Discharge quality monitoring		Mine Water Dam identified as "Point 3" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
4	Discharge quality monitoring		Water quality monitoring point identified as "Point 4" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
15	Discharge quality monitoring		Rail Siding south monitoring location identified as "Point 15" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
20	Discharge quality monitoring		Rail Siding north monitoring location identified as "Point 20" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
27	Discharge to waters and discharge quality monitoring	Discharge to waters and discharge quality monitoring	Box Cut / Waste Emplacement monitoring location identified as "Point 27" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.

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30	Ambient water monitoring		Coal Shaft Creek downstream monitoring point identified as "Point 30" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
31	Ambient water monitoring		Upstream monitoring location in Mammy Johnsons River identified as "Point 31" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
35	Ambient water monitoring		Downstream monitoring location in Mammy Johnsons River identified as Point 35 on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
36	Discharge to waters and discharge quality monitoring	Discharge to waters and discharge quality monitoring	Irrigation area catch drain (North Drain) monitoring point identified as "Point 36" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
37	Discharge to waters and discharge quality monitoring	Discharge to waters and discharge quality monitoring	Irrigation area catch drain (South Drain) identified as "Point 37" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.

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

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
38	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Point 38 (AB1)" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
39	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Point 39 (AAAB3)" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.

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40	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location identified as "Point 40 (AAAB4)" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
41	Meteorological Station	Monitoring location identified as "Point 41 (Weather Station)" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
42	Meteorological Station	Monitoring location identified as "Point 42 (TLR1)" on plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.
43	Meteorological Station	Monitoring location identified as "Point 43 (TLR2)" on the plan titled "Duralie Coal Mine EPL 11701 - Environmental Monitoring Locations", dated 20 October 2017, EPA reference DOC17/526704.

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 Concentration limits

L2.1 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\

L2.2 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.

L2.3 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.4 Water and/or Land Concentration Limits

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POINT 27

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Electrical conductivity	microsiemens per centimetre				1326
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				30

POINT 36,37

Pollutant	Units of Measure	50 Percentile concentration limit	90 Percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Electrical conductivity	microsiemens per centimetre				1326
pH	pH				6.5-8.5

Note: The electrical conductivity limit shown for Points 27, 36 and 37 is reflective of Project Approval 08_0203.

L3 Waste

- L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.
- L3.3 Except as provided by any other condition of this licence, only the hazardous waste listed below may be generated at and/or stored at the premises.

Waste oil generated at and stored on the premises not exceeding 30,000 litres at any time.

L4 Noise limits

- L4.1 Operational noise from the premises must not exceed:

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Location	Day LAEQ (15 minute)	Evening LAEQ (15 minute)	Night LAEQ (15 minute)	Night LA1 (1 minute)
172 - Lyall	35	39	40	45
126 - Harmann Pixalu PL	35	35	39	45
123 Oleksiuk & Carmody	35	35	39	45
176 Trigg & Holland	35	36	37	45
116 - Weismantel	35	35	37	45
127 - Fisher-Webster	35	35	37	45
131(1) - Relton	35	35	37	45
180(1) - Thompson	35	36	36	45
95 - Smith & Ransley	35	35	36	45
144 - Wiegosiński	35	36	35	45
169 - Williams	35	36	35	45
177 - Thompson	35	36	35	45
All other privately owned land	35	35	35	45

Note: To identify the locations referred to in the above table see figure titled 'Figure 5: Land Ownership Plan' and associated list in Appendix 3 – Land Ownership Plan, of the Department of Planning's Project Approval for project 08_0203 dated 26 November 2010. A copy of this plan and list of properties has been filed on EPA file LIC07/10-10.

L4.2 To determine compliance:

a) with the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
- within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

b) with the LA1(1 minute) noise limits in condition L4.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.

c) with the noise limits in condition L4.1, the noise measurement equipment must be located:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by conditions L4.2(a) or L4.2(b).

L4.3 For the purpose of condition L4.1;

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- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L4.4 A non-compliance of condition L4.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L4.2(a) and L4.2(b); and/or
- at a point other than the most affected point at a location.

L4.5 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.

L4.6 The noise limits listed in L4.1 do not apply if the Licensee has a written agreement with the relevant landowner to exceed these limits, and the Licensee has provided written evidence of this to the EPA.

L4.7 For the purposes of determining the noise generated at the premises a Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used.

L4.8 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Temperature inversion conditions greater than 3°C/100m.

L4.9 Temperature inversion conditions (vertical temperature gradient in degrees C) are to be determined by direct measurement over a minimum 50m height interval as referred to in Part E2 of Appendix E to the NSW Industrial Noise Policy.

L5 Blasting

L5.1 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 38, 39 or 40 in Condition P1.4.

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- L5.2 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 38, 39 or 40 in Condition P1.4.
- L5.3 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 38, 39 or 40 in Condition P1.4.
- L5.4 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 38, 39 or 40 in Condition P1.4.
- L5.5 Blasting operations at the premises may only take place between 9:00am to 5:00pm Monday to Saturday. (Where compelling safety reasons exist, the Authority may permit a blast to occur outside the abovementioned hours. Prior written (or facsimile) notification of any such blast must be made to the Authority).
- L5.6 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.*

L6 Potentially offensive odour

- L6.1 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

O3.2 The licensee must implement best practice air quality management on site, including regularly assessing the real-time air quality monitoring and meteorological forecasting and implementing all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated from the premises.

Note: This condition has been added to be consistent with Project Approval 08_0203.

O4 Effluent application to land

O4.1 Waste water utilisation areas must effectively utilise the waste water applied to those areas. This includes the use for pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Monitoring of land and receiving waters to determine the impact of waste water application may be required by the EPA.

O4.2 Runoff from Irrigation Areas

Runoff from irrigation areas must not be permitted to run to either Coal Shaft Creek downstream of operations or to Mammy Johnsons River if it has an electrical conductivity of greater than 1326 uS/cm or if the electrical conductivity in Mammy Johnsons River at "High Noon" (EPA point 35) is greater than 400 uS/cm.

Note: Project Approval 08_0203 also allows for runoff from irrigation areas that drain to the unnamed creek north of the premises but only at a salinity level less than the 80th percentile electrical conductivity value for this unnamed creek (prior to irrigation commencing) and if salinity in Mammy Johnsons River is less than 400 uS/cm. There must be no discharge from this irrigation area until this licence has been varied to allow such a discharge.

O4.3 The licensee must keep records showing each occasion that runoff from the irrigation areas was discharged to Coal Shaft Creek and/or Mammy Johnsons River and the corresponding monitoring data recorded at Points 27, 35, 36 and 37 (as is appropriate for each individual discharge point). These

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records must be tabulated and show the maximum salinity value for each individual discharge event. These tabulated results must be supplied to the EPA annually with the Annual Return.

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 Processes and management

- O6.1 The licensee must ensure any hazardous and/or restricted and/or liquid waste is not mixed with any other type of waste or with any other material.
- O6.2 A wastewater management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of sewage effluent and other wastewater.
- O6.3 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 EPA's Guideline "Utilisation of Treated Effluent by Irrigation."

O7 Other operating conditions

O7.1 Giant Barred Frog Protection from Water Pollution

Background

Concern has been expressed about the quality of runoff from irrigation areas having an adverse affect on the "Endangered" Giant Barred Frog population within Mammy Johnsons River.

Project Approval 08_0203 Condition 30 requires the licensee "shall ensure that the (Duralie Mine Extension) Project has no more than a negligible impact on the local Giant Barred Frog population".

Project Approval 08_0203 required a Giant Barred Frog study, to determine baseline information on the local frog population. The Project Approval also required the preparation of a Giant Barred Frog Management Plan which includes the requirement to monitor the local frog population annually and determine if the requirements of condition 30 are being met and a contingency plan if monitoring suggests the Giant Barred Frog population downstream of the confluence of Mammy Johnsons River and Coal Shaft Creek is declining due to the project, which may include a revision of the first flush salinity limits detailed at Condition L2 of this licence.

In order to assess potential impacts of the irrigation activities conducted on the premises, the EPA requires copies of frog monitoring survey reports.

Deliverables

The licensee must provide with the Annual Return each year a summary of the annual Giant Barred Frog survey compared to previous year's surveys. This summary must be in the form of a table and must aggregate frog numbers for "control sites", "upstream sites in Agricultural Areas", and "downstream sites" for each year and in the same cell provide a +/- percentage value indicating how the frog numbers have compared to the previous years data.

The summary must also include statements from the frog expert employed by the licensee:

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- * as to how the age class structure of the frog population downstream of operations compares to the age class structure found in 2011/2012 baseline study,
- * as to how the juvenile or sub-adult recruitment rates compare to those found in the 2011/2012 baseline study,
- * if irrigation activities at the premises have caused more than a negligible impact on the local Giant Barred Frog population.

O7.2 Bunding

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

O7.3 Noise from Trains

The licensee shall only:

- a) dispatch shuttle trains from the site between 6am and 10pm;
- b) receive shuttle trains on site between 6am and midnight; and
- c) operate shuttle trains on the North Coast railway between midnight and 1am in exceptional circumstances.

The licensee must keep records of the:

- a) number of train movements to and from the site each day;
- b) date and time of each train movement to the site between 10pm and midnight; and
- c) instances when the shuttle train is operated on the North Coast railway between midnight and 1am in exceptional circumstances, including the reasons for the exceptional circumstances.

Note: This condition has been added to be consistent with the Modification of Project Approval 08_0203 issued on 1 November 2012.

5 Monitoring and Recording Conditions

M1 Monitoring records

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

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

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

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

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

M2 Requirement to monitor concentration of pollutants discharged

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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

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Every 6 days	24 hour composite sample

POINT 24,25,26

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	grams per square metre per month	Once a month (min. of 4 weeks)	AM-19

POINT 32

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	grams per square metre per month	Once a month (min. of 4 weeks)	AM-19
PM10	micrograms per cubic metre	Every 6 days	24 hour composite sample

POINT 33

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

POINT 34

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	grams per square metre per month	Once a month (min. of 4 weeks)	AM-19
PM10	micrograms per cubic metre	Every 6 days	24 hour composite sample

M2.3 Water and/ or Land Monitoring Requirements

POINT 3,4

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

POINT 15

Pollutant	Units of measure	Frequency	Sampling Method
Total suspended solids	milligrams per litre	Each overflow event	Grab sample

POINT 20

Pollutant	Units of measure	Frequency	Sampling Method
Total suspended solids	milligrams per litre	Each overflow event	Grab sample

POINT 27,30,31

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

POINT 35,36,37

Pollutant	Units of measure	Frequency	Sampling Method
Electrical conductivity	microsiemens per centimetre	Continuous	Probe
pH	pH	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

Note: For the purposes of the tables above:

Special frequency 1 means:

- a) A sample taken monthly from points 27, 30, 31 and 35; and
- b) A sample taken on the first day of any discharges (overflows) from points 27, 36 and 37.



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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

- M4.1 To determine compliance with the Noise Limits conditions shown in this licence attended monitoring must be undertaken in accordance with the Noise Limits conditions of this licence and
- At the four (4) nearest non mine owned noise affected premises listed in the Noise Limits conditions of this licence, (not subject to a private agreement) where agreement between the licensee and the affected landowner to carry out noise monitoring is possible.
 - At each one of the locations listed in the Noise Limits conditions of this licence if a complaint is received by the licensee, or the EPA regarding noise and an authorised officer of the EPA requests monitoring at that site;
 - Quarterly beginning 1 January each year, during each evening and night period as defined in the Noise Limits conditions of this licence

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 41

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

M5.2 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 42, 43

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Temperature lapse over a minimum vertical height interval of 50m	degrees celsius	continuous	1 hour	AM-4

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.

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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.

M8 Blasting

- M8.1 All blast shots must be recorded on video from a position allowing the collars of the shot, and where possible, any face, and/or toe, to be seen on the video. The licensee must retain a copy of this video for at least 12 months after the blast was initiated.
- M8.2 To determine compliance with conditions L5.1, L5.2, L5.3 and L5.4:
- Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 38, 39 and 40 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

M9 Other monitoring and recording conditions

- M9.1 A Noise Compliance Assessment Report must be submitted to the EPA within 30 days of the completion of the quarterly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant which:
- Assesses compliance with the noise limits included in this licence; and
 - Outlines any management actions taken within the monitoring period to address any exceedances of the noise limits contained in this licence.

6 Reporting Conditions

R1 Annual return documents



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R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

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

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

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

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

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

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

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

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

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

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

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

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

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

R2 Notification of environmental harm

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:
- where this licence applies to premises, an event has occurred at the premises; or
 - where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- the cause, time and duration of the event;
 - the type, volume and concentration of every pollutant discharged as a result of the event;
 - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
 - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - 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.

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

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premises.

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 Michelle Bruce

Environment Protection Authority

(By Delegation)

Date of this edition: 04-September-2002

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End Notes

- 1 Licence varied by notice 1031436, issued on 15-Jan-2004, which came into effect on 09-Feb-2004.
- 2 Licence varied by notice 1052650, issued on 18-Nov-2005, which came into effect on 13-Dec-2005.
- 3 Licence varied by notice 1078054, issued on 11-Oct-2007, which came into effect on 11-Oct-2007.
- 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 1090373, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.
- 6 Licence varied by notice 1109941, issued on 13-Apr-2010, which came into effect on 13-Apr-2010.
- 7 Licence varied by notice 1502222 issued on 30-Dec-2011
- 8 Licence varied by notice 1508851 issued on 21-Mar-2013
- 9 Licence varied by notice 1516116 issued on 05-Sep-2013
- 10 Licence varied by notice 1519470 issued on 20-Aug-2014
- 11 Licence varied by notice 1524930 issued on 05-Dec-2014
- 12 Licence varied by notice 1530091 issued on 27-Apr-2015
- 13 Licence varied by notice 1531244 issued on 30-Jun-2015
- 14 Licence varied by notice 1552355 issued on 08-Nov-2017
- 15 Licence varied by notice 1561090 issued on 24-May-2018