

Environment Protection Licence

Licence - 767

Licence Details

Number:	767
Anniversary Date:	01-January

Licensee

METROPOLITAN COLLIERIES PTY. LTD.

PO BOX 402

HELENSBURGH NSW 2508

Premises

METROPOLITAN COLLIERY

PARKES STREET

HELENSBURGH NSW 2508

Scheduled Activity

Coal works

Mining for coal

Fee Based Activity

Scale

Coal works	> 2000000-5000000 T annual handling capacity
Mining for coal	> 2000000-3500000 T annual production capacity

Contact Us

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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:

METROPOLITAN COLLIERIES PTY. LTD.
PO BOX 402
HELENSBURGH NSW 2508

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	> 2000000 - 5000000 T annual handing capacity
Mining for coal	Mining for coal	> 2000000 - 3500000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
METROPOLITAN COLLIERY
PARKES STREET
HELENSBURGH
NSW 2508
LOT 1 DP 229817, LOT 342 DP 752033, LOT 617 DP 752033
MINING PURPOSES LEASE 276, 725 AND 1344

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.

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

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

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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
1	Dust Monitoring		Dust gauge located at 136 The Crescent labelled as DG1 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
2	Dust Monitoring		Dust gauge located at 28 Old Station Rd labelled as DG2 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
3	Dust Monitoring		Dust gauge located at the Mine entrance labelled as DG3 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
4	Dust Monitoring		Dust gauge located at Helensburgh Golf Club labelled as DG4 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
5	Dust Monitoring		Dust gauge located at 83 Parkes Street labelled as DG5 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
11	Dust Monitoring		Dust gauge located at 59 Parkes Street labelled as DG6 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
12	Dust Monitoring		Dust gauge located at 32 Old Station Road labelled as DG7 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
13	Dust Monitoring		Dust gauge located at 88 Parkes Street labelled as DG8 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
14	Dust Monitoring		Dust gauge located at Helensburgh Public School labelled as DG9 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
15	Dust Monitoring		Dust gauge located at Helensburgh Private School labelled as DG10 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045
16	Ambient Air Monitoring		PM10 monitor located at 12 Robertson Street labelled as HVAS1/TEOM1 on the map titled "Figure 4 - Location of Air Quality Monitoring Sites" EPA ref. DOC13/32045

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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
6		Discharge to Waters	The pipe outlet to Camp Creek upstream of the existing weir wall shown on drawing No. M518 titled "EPA Monitoring Points" dated 10/11/06 and contained in EPA file no. 280026A22.
7		Discharge to Waters	The outlet of the concrete flume (from the water treatment plant) to Camp Creek shown on drawing No. M518 titled "EPA Monitoring Points" dated 10/11/06 and contained in EPA file no. 280026A22.
8		Discharge to Waters	The overflow from the Turkey Nest Dam to Camp Creek shown on drawing No. M518 titled "EPA Monitoring Points" dated 10/11/06 and contained in EPA file no. 280026A22.
9	Effluent Quality Monitoring		The clean water tank of the water treatment plant shown on Drawing No. SADA-G-013 titled "Water Clean-up Plant General Arrangement" dated 12/11/2001 and contained in EPA file no. 280026A15
10	Volume Monitoring		The flowmeter on the pipeline discharging from the clean water tank in the water treatment plant shown on Drawing No. SADA-G-013 titled "Water Clean-up Plant General Arrangement" dated 12/11/2001 and contained in EPA file no. 280026A15

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

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section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table/s 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/s.
- L2.4 Water and/or Land Concentration Limits

POINT 6,7

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Oil and Grease	milligrams per litre				10
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				30

Note: The monitoring at Point 9 required by condition M2 is conducted by the licensee to determine compliance with the limits specified for Points 6 & 7 in condition L2.4. A non-compliance is only taken to have occurred if the results of water quality monitoring required by the licence at point 9 are greater than the limits in L2.4 and there is a discharge occurring from Points 6 & 7 at the time of sampling.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.
This includes:
- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.



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O2 Maintenance of plant and equipment

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

O3 Dust

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

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 1,2,3,4,5

Pollutant	Units of measure	Frequency	Sampling Method
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Ash	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003
Combustible solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003
Insoluble solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003

POINT 11,12,13,14,15

Pollutant	Units of measure	Frequency	Sampling Method
Ash	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003
Combustible solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003
Insoluble solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003

POINT 16

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Monthly	AS/NZS 3580.9.6:2003

M2.3 Water and/ or Land Monitoring Requirements**POINT 9**

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Monthly during discharge	Grab sample
pH	pH	Monthly during discharge	Grab sample
Total suspended solids	milligrams per litre	Monthly during discharge	Grab sample

M3 Testing methods - concentration limits

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

- 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

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approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

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

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 Recording of pollution complaints

M4.1 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.

M4.2 The record must include details of the following:

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

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 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.

M5.2 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.

M5.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M6 Requirement to monitor volume or mass

M6.1 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;

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c) the mass of pollutants emitted to the air;
at the frequency and using the method and units of measure, specified below.

POINT 10

Frequency	Unit of Measure	Sampling Method
Continuous	kilolitres per day	Magnetic flow meter

6 Reporting Conditions

R1 Annual return documents

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

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

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

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

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

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

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

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

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

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

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered

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

- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- the licence holder; or
 - by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

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 they became aware of the incident.

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.

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- 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 premises.

G2 Other general conditions

G2.1 Completed Programs

Program	Description	Completed Date
PRP1: Wastewater Collection and Treatment System	Wastewater collection and treatment system installed to collect and treat contaminated surface stormwater runoff from the coal and coal waste stockpile area catchments.	30-June-1997
PRP2: Turkeys Nest Pond and Pumping System Upgrade	Turkeys Nest Pond and Pumping System upgrade to ensure no discharge of contaminated runoff into Camp Creek.	31-October-2000
PRP3: Settlement Pond Upgrade	Settlement Pond upgrade to enhance the collection and treatment of contaminated stormwater from the upper catchment of the premises	31-December-2000
PRP4: Taj Mahal Upgrade	Taj Mahal upgrade to facilitate the use of stormwater for operational purposes and to provide a means of underground disposal of excess contaminated stormwater from significant rainfall events.	31-January-2001
PRP5: Dust Monitoring Program	Install dust deposition monitoring network. Assess the impact of dust from coal mine on local community	31-March-2003
PRP6: Surface Dust Action Plan	Complete a surface dust action plan. Minimise the impact of dust from coal mine	30-June-2003
PRP7: Surface Water Assessment	Prepare a surface water management plan including surveys of all water containment structures and determine storm event (24hr) that site can capture and treat. Protect Hacking River Catchment and make licence more enforceable by determining capacity of site to capture and treat stormwater run off.	31-August-2004

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PRP8: Improvement to Dust Suppression Systems	Prepare and submit a report investigating installation of additional stockpile sprays. Installation of sprays to reduce impact of dust on community	31-August-2004
PRP9: Noise Assessment Report	Assess noise from the premises in accordance with INP and determine if they meet requirements of the policy. Eliminate public concern caused by machinery operations at night and prepare noise limits for licence	31-October-2004
PRP10: Improvements to Rail Line Dust Suppression	Install six additional dust suppression sprays along the rail line near the stockpile. Reduce dust emissions from the stockpile and during rail loading operations	31-December-2005
PRP11: Noise Emission Reduction Program	Noise Emission Reduction Program Report. Investigate measures to reduce noise emissions from the premises with the aim of meeting the noise criteria outlined.(+)	30-April-2006
PRP12: Stage 2 Noise Investigation and Mitigation	Stage 2 Noise Investigation and Mitigation Program. Identify reasonable and feasible noise controls and management measures for the premises.(+)	31-March-2008
PRP13: 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	21-September-2012
Rail Wagon Profiler	Installation of a rail noise profiler to reduce noise and dust emissions	30-June-2018

8 Pollution Studies and Reduction Programs

U1 Water Discharge Impact Assessment

U1.1 Discharge Impact Assessment Monitoring Program

The Licensee must engage a suitably qualified and experienced person to prepare and undertake an assessment of the environmental impact of discharges from the premises on Camp Gully Creek (Camp Creek) and the Hacking River.

The assessment must include at a minimum the following.

Water Quality Impact Assessment

Identification of all potential pollutants which may be present in discharges from the water treatment plant point 7 (LDP 7) and overflows from the turkey's nest dam LDP 8 that pose a risk of nontrivial harm to human health or the environment. The list of potential pollutants is expected to include but not necessarily be limited to:

pH, turbidity, total suspended solids, EC, dissolved oxygen (% saturation), alkalinity (speciated), hardness, total and filtered metals (ICPMS & ICPAES), major cations and anions, nutrients (ammonia, oxides of nitrogen, total nitrogen, filterable reactive phosphate, total phosphorus).

Sampling of discharges from LDP 7 and LDP 8, and at sites on Camp Creek (upstream and downstream of

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the discharges), and the Hacking River for identified potential pollutants of concern on at least seven independent sampling dates.

- I. The licensee must consult with the EPA regarding the locations of the proposed sampling sites.
- II. Sampling of sites in Camp Creek must be undertaken to reflect the maximum concentration of potential pollutants caused by discharge from LDP 7.
- III. Sampling may be undertaken from LDP 9 to determine water quality for LDP 7 due to the difficulty of access to point 7.
- IV. If during the sampling period, a discharge of water does not occur from LDP 8, the licensee must take representative water samples from the turkey's nest dam and/or settling pond.
- V. The sampling should attempt to capture the full variability of water quality discharged including average and worst-case scenarios for the range of operational processes and rainfall conditions that may materially impact discharge water quality.
- VI. The level of reporting for concentrations of pollutants should be sensitive enough to detect pollutants at levels related to their environmental risk and ANZG default guideline value for high conservation value ecosystems (where available) while having regard to the best available analytical practical quantification limits using available technology.
- VII. Reference to ANZG in this licence is a reference to the current online version of the Australian & New Zealand Guidelines for Fresh & Marine Water Quality.

Flow Assessment

Determination of flow rates and volumes in Camp Creek below the discharge points during the assessment period in order to determine the dilution of discharges under varying climatic conditions.

Details of number and volume of discharges occurring from the premises during the assessment period, including the times, flow rates and volumes of discharges.

Macroinvertebrate Assessment

Quantitative sampling and analysis of macroinvertebrates at sampling locations along Camp Creek and the Hacking River upstream and downstream of the discharges. There must be at least four sampling events with one sampling event undertaken during Autumn of 2023. The sampling events may include surveys already undertaken by the licensee in 2022.

Toxicity testing

Toxicity testing on at least three sampling occasions using the test species and methodology given below.

Testing must be carried out at LDP7 and LDP8 as well as at an upstream sampling point and the nearest downstream sampling point(s) representative of fully mixed conditions.

Toxicity testing should be undertaken using receiving water as the diluent.

Species	Sampling Method	Sampling Frequency
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Ceriodaphnia dubia	Chronic toxicity US EPA Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, 4th Edition (2002), EPA-821-R-02-013.)	Three times (minimum of 30-day intervals)
Melenotaenia duboulayi (Crimson spotted rainbowfish) or Melanotaenia splendida (Eastern Rainbowfish)	96-hour larval imbalance test US EPA (2002). Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms. 5 ed. EPA-821-R-02-012. Washington DC, USA	Three times (minimum of 30-day intervals)
Raphidocelis subcapitata (Selenastrum capricornutum)	Growth test method US EPA Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, 4th Edition (2002), EPA-821-R-02-013.)	Three times (minimum of 30-day intervals)

U1.2 Sediment Assessment

Identification of potential pollutants from LDP 7 and LDP 8 that can accumulate in sediment, and which may pose a risk of nontrivial harm to human health or the environment.

Collection and analysis of sediment samples for identified potential pollutants of concern. The samples should be taken from locations in Camp Creek and the Hacking River at sampling sites to characterise the extent of potential impacts from the discharge at LDP 7 and LDP 8.

The sample design should take consideration of recommendations in ANZG for assessment against "Toxicant default guideline values for sediment quality". Where no default guideline values are available for a pollutant of concern, a natural background reference site should be used.

Due Date for a draft Discharge Impact Assessment Plan

The licensee must submit a draft plan for the discharge impact assessment program to the EPA for review by **28 February 2023**.

U1.3 Discharge Impact Assessment Report

The Licensee must engage a suitably qualified and experienced person to prepare a Discharge Impact Assessment report.

The report must assess the impact of discharges from the premises on the environmental values of the receiving waterways:

- I. using the results of the discharge impact assessment in condition E1;
- II. taking a weight of evidence approach to analyse and evaluate the studies undertaken;
- III. consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG). The level of protection should be assumed to be for a high conservation value ecosystem; and
- IV. considering typical and worse case combinations of river flows and mine operation.

The report must specifically assess the effect of discharges from the premises on water quality, sediment,

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and aquatic health taking consideration of at least the following.

- I. Default guideline values for physical, chemical stressors and toxicants in ANZG.
- II. Upstream and natural background values for these analytes.
- III. Toxicity assessment criteria: EC10reproduction/growth >100% sample and percent bio stimulation for algae.
- IV. Ausrivas predictive model criteria (OE50Ratio & Band) and the Stream Invertebrate Grade Number Average Level(SIGNAL2) biotic index.

Due Date for a draft Scope of Works

The licensee must submit a draft scope of works for the impact assessment report to the EPA for review by the **7 April 2023**.

Due Date for Impact Assessment Report

The impact assessment report must be submitted to the EPA by the **30 September 2023**

9 Special Conditions

E1 Assessment of environmental impact and remediation options for coal spill

E1.1 Background

Coal from the premises has been discharged to Camp Gully Creek during periods of heavy rainfall between late 2021 through mid 2022. Coal fines have settled on the banks and in a layer on the riverbed of the creek downstream of the premises.

Requirements

Unless otherwise agreed by the EPA in writing:

- a) By 26 August 2022 the licensee must propose the name and provide the qualifications of a suitably qualified and experienced ecological health practitioner (ecologist) to oversee the following works to the EPA.
 - reviewed and endorsed by the approved ecologist;
 - assessing any environmental impact that may have resulted due to the discharge; and
 - examining reasonable and feasible options to recover the material.
- b) By 9 September 2022 the licensee must submit a report:

The report must contain the following information:

1. The characteristics and estimated quantity of fine coal materials discharged.
2. The extent of dispersion of the materials downstream in Camp Gully and the Hacking River from the incident.
3. The nature and extent of any environmental impacts from the incident.
4. Examination of options to restore the downstream creek and/or river from any impacts of the incident.
5. The assessment should take account of possible impacts to riparian vegetation, stream bed and water quality from methods to remove the material.



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6. A recommendation for any preferred option to remove the material, restore the creek and a time frame for completion of the recommended option.

7. A monitoring program to determine recovery of the creek from the incident (if required) and to evaluate any restoration of the creek.

The report must be based on scientific methodology and include comments from the approved ecologist supporting the above information and any proposed actions.

The report must be provided to the EPA by no later than 9 September 2022

Due Date 9 September 2022

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Dictionary

General Dictionary

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

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

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

Ms Debbie Maddison

Environment Protection Authority

(By Delegation)

Date of this edition: 06-April-2000

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End Notes

- 1 Licence varied by notice V/M upgrade, issued on 07-Aug-2000, which came into effect on 07-Aug-2000.
- 2 Licence varied by notice 1002149, issued on 18-Oct-2000, which came into effect on 12-Nov-2000.
- 3 Licence varied by notice 1009721, issued on 18-Jul-2001, which came into effect on 07-Aug-2001.
- 4 Licence varied by notice 1012601, issued on 19-Nov-2001, which came into effect on 14-Dec-2001.
- 5 Licence varied by notice 1018036, issued on 21-Jun-2002, which came into effect on 27-Jun-2002.
- 6 Licence varied by notice 1025170, issued on 28-Feb-2003, which came into effect on 25-Mar-2003.
- 7 Licence varied by notice 1027944, issued on 21-Aug-2003, which came into effect on 15-Sep-2003.
- 8 Licence varied by notice 1036485, issued on 11-May-2004, which came into effect on 05-Jun-2004.
- 9 Licence varied by notice 1039412, issued on 09-Sep-2004, which came into effect on 04-Oct-2004.
- 10 Licence varied by notice 1042725, issued on 07-Jan-2005, which came into effect on 01-Feb-2005.
- 11 Licence varied by notice 1048913, issued on 28-Jun-2005, which came into effect on 23-Jul-2005.
- 12 Licence varied by notice 1052262, issued on 02-Dec-2005, which came into effect on 27-Dec-2005.
- 13 Licence varied by change to DEC Region allocation, issued on 16-Mar-2006, which came into effect on 16-Mar-2006.
- 14 Licence varied by notice 1060175, issued on 12-Dec-2006, which came into effect on 12-Dec-2006.
- 15 Licence varied by notice 1079812, issued on 05-Dec-2007, which came into effect on 05-Dec-2007.
- 16 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 17 Licence varied by notice 1104121, issued on 02-Oct-2009, which came into effect on 02-Oct-2009.
- 18 Licence varied by notice 1501798 issued on 01-Nov-2011
- 19 Licence varied by notice 1502957 issued on 19-Dec-2011



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20	Licence varied by notice	1508753 issued on 11-Sep-2012
21	Licence varied by notice	1515088 issued on 11-Dec-2013
22	Licence varied by notice	1526235 issued on 21-Nov-2014
23	Licence varied by notice	1532622 issued on 04-Aug-2015
24	Licence varied by notice	1561733 issued on 12-Mar-2018
25	Licence varied by notice	1574620 issued on 11-Jan-2019
26	Licence varied by notice	1621831 issued on 19-Aug-2022
27	Licence varied by notice	1624411 issued on 08-Feb-2023