

Licence Variation



Licence - 20221

Maules Creek Coal Pty Ltd
PO BOX 56
BOGGABRI NSW 2382

Attention: Emma Bulkeley

Notice Number 1617211
File Number DOC22/93354
Date 30-Mar-2022

NOTICE OF VARIATION OF LICENCE NO. 20221

BACKGROUND

- A. Maules Creek Coal Pty Ltd ("the licensee") is the holder of Environment Protection Licence No. 20221 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at THERRIBRI ROAD, BOGGABRI, NSW, 2382 ("the premises").
- B. On 03-Mar-2022 the Environment Protection Authority (EPA) received an application for the variation of the licence. The variation sought amendments to reflect approved changes in PA10_038 Modification 8 - Mobile Coal Sizing and Waste Tyre Disposal.
- C. The EPA sent the draft licence variation notice to the licensee for comment on the 18 March 2022.
- D. Comments from the licensee were received on the 18 March 2022. The licensee proposed minor changes to licence conditions L3.1 and E1.1(b). The EPA has accepted these changes and the relevant conditions have been amended.
- E. This variation does not authorise a significant increase in environmental impacts of the activities regulated by this licence.

VARIATION OF LICENCE NO. 20221

1. By this notice the EPA varies licence No. 20221. 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:
 - New condition L3.1 - added new waste tyre limits.
 - Amended condition L3 - noise limits renumbered to L4.

Licence Variation



- Amended condition L4.6 - condition amended to align with item 8 of the Transitional Arrangements for the Noise Policy for Industry.
- Amended condition L4 - blasting limits renumbered to L5.
- Amended condition L5 - other limit conditions renumbered to L6.
- New Condition O4.1 - added new waste tyre disposal condition.
- New Condition O4.2 - added new waste stockpile condition.
- Amended condition O4 - other operating conditions renumbered to O5.
- New Condition R4.4 - added new annual heavy plant tyre disposal report condition.
- New Condition E1.1 - added waste tyre review condition.

Rebecca Scrivener

.....
Rebecca Scrivener
Head Regional Operations Unit
Environment Protection Authority
(by Delegation)

INFORMATION ABOUT THIS NOTICE

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

Appeals against this decision

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

When this notice begins to operate

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

Licence Variation



Environment Protection Licence

Licence - 20221

Licence Details

Number:	20221
Anniversary Date:	02-May

Licensee

MAULES CREEK COAL PTY LTD
 PO BOX 56
 BOGGABRI NSW 2382

Premises

MAULES CREEK COAL MINE
 THERRIBRI ROAD
 BOGGABRI NSW 2382

Scheduled Activity

Coal works
 Crushing, grinding or separating
 Mining for coal

Fee Based Activity

Scale

Coal works	> 5000000 T annual handing capacity
Crushing, grinding or separating	> 2000000 T annual processing capacity
Mining for coal	> 5000000 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



Environment Protection Licence

Licence - 20221

INFORMATION ABOUT THIS LICENCE	4
Dictionary	4
Responsibilities of licensee	4
Variation of licence conditions	4
Duration of licence	4
Licence review	4
Fees and annual return to be sent to the EPA	4
Transfer of licence	5
Public register and access to monitoring data	5
1 ADMINISTRATIVE CONDITIONS	6
A1 What the licence authorises and regulates	6
A2 Premises or plant to which this licence applies	6
A3 Other activities	6
A4 Information supplied to the EPA	7
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND	7
P1 Location of monitoring/discharge points and areas	7
3 LIMIT CONDITIONS	10
L1 Pollution of waters	10
L2 Concentration limits	10
L3 Waste	11
L4 Noise limits	12
L5 Blasting	13
L6 Other limit conditions	14
4 OPERATING CONDITIONS	15
O1 Activities must be carried out in a competent manner	15
O2 Maintenance of plant and equipment	15
O3 Dust	15
O4 Waste management	15
O5 Other operating conditions	16
5 MONITORING AND RECORDING CONDITIONS	17
M1 Monitoring records	17
M2 Requirement to monitor concentration of pollutants discharged	17
M3 Testing methods - concentration limits	18
M4 Weather monitoring	19
M5 Recording of pollution complaints	19



Environment Protection Licence

Licence - 20221

M6	Telephone complaints line	20
M7	Blasting	20
M8	Other monitoring and recording conditions	20
6	REPORTING CONDITIONS	21
R1	Annual return documents	21
R2	Notification of environmental harm	22
R3	Written report	22
R4	Other reporting conditions	23
7	GENERAL CONDITIONS	23
G1	Copy of licence kept at the premises or plant	23
8	SPECIAL CONDITIONS	24
E1	Waste Tyre Review	24
DICTIONARY	25
	General Dictionary	25

Environment Protection Licence

Licence - 20221

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).



Environment Protection Licence

Licence - 20221

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:

MAULES CREEK COAL PTY LTD
PO BOX 56
BOGGABRI NSW 2382

subject to the conditions which follow.

Environment Protection Licence

Licence - 20221

1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2:

Construction of mine related infrastructure.

A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

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

Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	> 5000000 T annual handing capacity
Crushing, grinding or separating	Crushing, grinding or separating	> 2000000 T annual processing capacity
Mining for coal	Mining for coal	> 5000000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
MAULES CREEK COAL MINE
TERRIBRI ROAD
BOGGABRI
NSW 2382
THE LAND APPROVED UNDER PROJECT APPROVAL 10_0136 INDICATED IN APPENDIX 2 PROJECT LAYOUT.

Note: The Lot and DP details of the shared rail spur have been excluded from the licence as they are included on environment protection licence no. 12407.

A3 Other activities

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

Environment Protection Licence

Licence - 20221

Ancillary Activity
Chemical storage
Concrete works
Crushing, grinding and separating of rock for construction activities
Railway systems activities
Sewage treatment system

A4 Information supplied to the EPA

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

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

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

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
18	Ambient Air Monitoring		Location labelled EPL18(TEOM1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
19	Ambient Air Monitoring		Location labelled EPL19(HVAS1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.

Environment Protection Licence

Licence - 20221

20	Ambient Air Monitoring	Location labelled EPL20(DDG1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
21	Ambient Air Monitoring	Location labelled EPL21(DDG2) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
22	Ambient Air Monitoring	Location labelled EPL22(DDG3) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
23	Ambient Air Monitoring	Location labelled EPL23(DDG4) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
37	Ambient Air Monitoring	Location labelled TEOM3 on satellite imagery labelled "Maules Creek Coal Mine EPL Monitoring Locations" (DOC22/125280) submitted with the Licence variation application form received by the EPA on 17 December 2021.

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	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Dam labelled EPL3(SD3) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.
12	Surface Water Quality Monitoring		Mining void (variable location) from the main mining void on the premises.
15	Groundwater Quality Monitoring		Location labelled EPL15(BCM01) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.

Environment Protection Licence

Licence - 20221

16	Groundwater Quality Monitoring		Location labelled EPL16(BCM03) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.
17	Groundwater Quality Monitoring		Location labelled EPL17(REG10A) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.
24	Groundwater quality monitoring		Location labelled RB05A on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.
36	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Dam labelled EPL3(SD12) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.

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
25	Noise monitoring	Location labelled EPL NM1 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
27	Noise monitoring	Location labelled EPL NM3 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
28	Noise monitoring	Location labelled EPL NM4 on aerial photo titled "Maules Creek Coal Mine EPL Monitoring Locations" (DOC22/125280) submitted with the Licence variation application form received by the EPA on 17 December 2021
29	Noise monitoring	Location labelled EPL NM5 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.

Environment Protection Licence

Licence - 20221

30	Noise monitoring	Location labelled EPL NM6 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
31	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM1 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
32	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM2 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
33	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM3 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
34	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM4 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.
35	Meteorological Station	Location labelled EPLW1(AWS) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.

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 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.

Environment Protection Licence

Licence - 20221

- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.
- L2.4 Water and/or Land Concentration Limits

POINT 3,36

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	20	35		50

- L2.5 The Total Suspended Solids concentration limits specified for Points 2 and 36 may be exceeded for water discharged provided that:
- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.

Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.

L3 Waste

- L3.1 The licensee may dispose of up to 400 end-of-life mining heavy plant tyres on the premises in each annual return year period up until 2 May 2023. Should the report provided in accordance with condition E1.1:
- a) be submitted to the EPA's satisfaction at intervals of 2 years; and
- b) find that recycling options are not feasible;

then the on-site disposal of end-of-life heavy mining plant tyres may continue for the subsequent 2 annual reporting periods.

Environment Protection Licence

Licence - 20221

Note: Only waste tyres generated at the premises may be disposed of in accordance with this condition.

L4 Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits in the table below.

Locality and location	Day-LAeq(15 minute)	Evening - LAeq(15 minute)	Night - LAeq (15 minute)	Night - LA1 (1 minute)
All privately owned residences	35	35	35	45

L4.2 The noise limits identified in the above table do not apply at privately owned residences that are:

- identified as residences subject to acquisition or noise mitigation on request within the Project Approval 10_0138; or
- subject to a private agreement, relating to the noise levels, between the licensee and the land owner.

L4.3 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

POINT 25,27,28,29,30

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	LAeq (15 minute)	Monthly	35
Evening	LAeq (15 minute)	Monthly	35
Night	LAeq (15 minute)	Monthly	35
Night	Night-LA1 (1 minute)	Monthly	45

Note: Attended noise monitoring locations identified in the table above are taken to be representative of privately owned residences and are to be used for the purposes of determining compliance with noise limits identified in this licence, unless otherwise required in writing by the EPA.

L4.4 For the purpose of the table in condition L3.1 and L3.3:

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

L4.5 The noise limits set out in condition L3.1 and L3.3 apply under all meteorological conditions except for the

Environment Protection Licence

Licence - 20221

following:

a) Wind speeds greater than 3 metres/second at 10 metres above ground level.

For the purposes of this condition:

a) Data recorded by the meteorological station identified as EPA Identification Point(s) 35 must be used to determine meteorological conditions; and

b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L4.6 For the purposes of determining the noise generated at the premises the modification factors in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, as appropriate, to the noise measurements by the noise monitoring equipment.

L4.7 If required in writing by the EPA to determine compliance at an individual private residence referred to in condition L3.1:

a) to determine compliance with the Leq(15 minute) noise limits in condition L3.1, the noise measurement equipment must be located:

- i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
- ii) 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
- iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve; or
- iv) at an alternative location approved in writing by the EPA.

b) to determine compliance with the LA1(1 minute) noise limits in condition L3.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.

c) to determine compliance with the noise limits in condition L3.1, the noise measurement equipment must be located:

- i) at the most affected point at a location where there is no dwelling at the location; or
- ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

L5 Blasting

L5.1 The airblast overpressure level from blasting operations in or on the premises must not exceed 120dB (Lin Peak) at any time at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.

L5.2 The airblast overpressure level from blasting operations in or on the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period at any time and at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.

Environment Protection Licence

Licence - 20221

- L5.3 The ground vibration peak particle velocity from the blasting operations carried out in or on the premises must not exceed 10mm/sec at any time at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.
- L5.4 The ground vibration peak particle velocity from the blasting operations carried out in or on the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.
- L5.5 Blasting operations on the premises must only be carried out between the hours 9am to 5pm, Monday to Saturday, inclusive.
- L5.6 The hours of operation for blasting operations specified in condition L4.5 may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.
- L5.7 Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

Note: Additional blasts are permitted where it is demonstrated to be necessary for safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

Note: This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately owned land.

Note: For the purpose of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

- L5.8 Condition L4.7 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately- owned land, or to blasts required to ensure the safety of the mine or its workers.

Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

L6 Other limit conditions

- L6.1 Noise from activities associated with the construction and/ or upgrade of the Maules Creek rail spur line must not exceed the noise limits in the table below.

Location	Construction Noise Criteria Day LAeq (15 minute)
256	50
259	45

Environment Protection Licence

Licence - 20221

All privately owned residences

40

Note: The noise limits identified in the above table do not apply at privately owned residences that are subject to a private agreement, relating to the noise levels, between the licensee and the land owner.

Note: Locations 256 and 259 are defined in Figure 2, Appendix 4 of Project Approval 10_0138.

L6.2 Activities associated with the construction and/ or upgrade of the Maules Creek rail spur line may only be carried on between:

- a) 7:00am to 6:00pm Monday to Friday;
- b) 8:00am to 1:00pm Saturdays; and,
- c) At no time on Sundays or public holidays.

L6.3 The above hours of operation specified in condition L5.2 may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the 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 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O4 Waste management

O4.1 The licensee is authorised to dispose of heavy plant tyre waste generated on the premises, in the waste rock/overburden emplacements.

Environment Protection Licence

Licence - 20221

The licensee must:

- a) ensure that heavy plant waste tyres are re-used on the premises as much as practical;
- b) ensure that any surplus heavy plant waste tyres can be emplaced by being spread out within the waste rock/overburden emplacements and buried as deep as practical, but, covered by at least 20 metres of inert material beneath any final rehabilitated surface;
- c) place heavy plant waste tyres at least 15 metres away from coarse reject material or tailings emplacement areas;
- d) not emplace any heavy plant waste tyres directly on the pit floor, or in a location that is likely to impede or contaminate saturated aquifers;
- e) not emplace any heavy plant waste tyres in a position that compromises the stability of the final rehabilitated landform;
- f) not place any heavy plant waste tyres within 15 metres of heated or potentially acid forming materials;
- g) not place any heavy plant waste tyres in an area likely to leach to any watercourse; and
- h) record the co-ordinates (easting, northing and elevation) of each disposal location.

O4.2 Stockpiles of any heavy plant waste tyres stored at the premises awaiting disposal must:

- a) be less than 3 metres in height;
- b) not cover an area of more than 200 square metres; and
- c) not be located within 10 metres of any other flammable or combustible materials.

O5 Other operating conditions

Blast Fume

O5.1 Offensive blast fume must not be emitted from the premises.

Definition: *Offensive blast fume* means post-blast gases (whether visible or invisible, odorous or odourless) 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:

- (i) are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or
- (ii) 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.

Pollution Incident Response Management Plan

O5.2 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, 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.

O5.3 The licensee must keep the PIRMP on the premises at all times.

Environment Protection Licence

Licence - 20221

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 18,37

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

POINT 19,37

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Every 6 days	AM-18

POINT 20,21,22,23

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19

Environment Protection Licence

Licence - 20221

M2.3 Water and/ or Land Monitoring Requirements

POINT 3,36

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

POINT 12

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Every 2 months	Representative sample
Oil and Grease	milligrams per litre	Every 2 months	Representative sample
pH	pH	Every 2 months	Representative sample
Total suspended solids	milligrams per litre	Every 2 months	Representative sample

POINT 15,16,17,24

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Representative sample
pH	pH	Quarterly	Representative sample
Total dissolved solids	milligrams per litre	Quarterly	Representative sample

M2.4 For the purposes of the table(s) above Special Frequency 1 means the collection of samples as soon as practicable after a discharge from points 3 and 36 commences and in any case not more than 12 hours after a discharge commences.

Note: The frequency of monitoring and the parameters to be monitored may be varied by the EPA.

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

Environment Protection Licence

Licence - 20221

requires to be used for that testing; or

c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2021* 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 Weather monitoring

M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

POINT 35

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Rainfall	AM-4	millimetres	1 hour	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous
Temperature at 2 metres	AM-4	degrees Celsius	15 minutes	Continuous
Temperature at 10 metres	AM-4	degrees Celsius	15 minutes	Continuous
Total Solar Radiation	AM-4	Watts per square metre	15 minutes	Continuous
Siting	AM-1	-	-	-

M4.2 The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in this section.

M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

Environment Protection Licence

Licence - 20221

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

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until 60 days after the date of the issue of this licence.

M7 Blasting

M7.1 To determine compliance with conditions L4.1 to L4.4 inclusive:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 31, 32, 33 and 34 for the parameters specified in Column 1 of the table below and
- b) The licensee must use the units of measure, sampling method and sample at the frequency specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006
Ground vibration peak particle velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006

M8 Other monitoring and recording conditions

Noise Monitoring

M8.1 To assess compliance with the noise limits specified in condition L3.3, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below during a period of time representative of typical operating conditions and not undertaken during a shutdown period.

Environment Protection Licence

Licence - 20221

POINTS 25, 27, 28, 29, 30

Assessment period	Minimum frequency in a Reporting Period	Minimum duration within an assessment period
Night	Monthly	15 minutes

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



Environment Protection Licence

Licence - 20221

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

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

R2 Notification of environmental harm

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

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.

- R2.2 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.

Environment Protection Licence

Licence - 20221

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

R4 Other reporting conditions

- R4.1 A noise compliance assessment report must be submitted to the EPA within thirty (30) calendar days of the completion of the monthly noise monitoring. The assessment must be prepared by a suitably qualified and experienced person and include:
- an assessment of compliance with noise limits detailed in the limit conditions of this licence; and
 - an outline of any management actions taken within the monitoring period to address any exceedences of the noise limits detailed in condition L3.3 of this licence.
- R4.2 The Licensee must report any exceedence of the licence noise limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.
- R4.3 The Licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.

Annual Heavy Plant Tyre Disposal Report

- R4.4 The Licensee must provide the EPA with an Annual Heavy Plant Tyre Disposal Report. The Report must be submitted with the licence Annual Return each year and must include a plan of the disposed heavy plant waste tyres on the premises for the period that includes:
- each tyre serial number;
 - supplier of each tyre;
 - purchase date of each tyre;
 - disposal date of each tyre;
 - co-ordinates (easting and northings) of the location where each tyre was disposed of by burial in accordance with condition O4.1;
 - the Real Level (RL) in metres AHD of each tyre emplacement location; and
 - the number of tyres buried in/within each emplacement location; and
 - the cumulative total number and tonnage of tyres disposed of at the premises each year.

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.

Environment Protection Licence

Licence - 20221

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

8 Special Conditions

E1 Waste Tyre Review

- E1.1 The licensee must undertake a review of available recycling options for end of life heavy plant tyres at least once every 2 years and provide a report to the EPA that contains, but is not limited to, the following:
- a) analysis of the current capacity of recycling facilities that can accept end of life mining heavy plant tyres for processing in NSW and other neighbouring states;
 - b) evidence of enquiries made by the licensee in the previous 24 months to actively seek recycling options for end of life heavy mining plant tyres generated at the premises;
 - c) analysis of any pre-treatment options that can be performed at the premises to reduce the costs associated with the transporting and recycling of end of life mining heavy plant tyres;
 - d) analysis of the specific costs to the licensee associated with the transport and delivery/acceptance of site generated end of life mining heavy plant tyres at the nearest capable recycling facilities;
 - e) the current costs associated with the continued on-site burial of end of life mining heavy plant tyres; and
 - f) a full cost benefit analysis of continued on-site burial of end of life mining tyres compared to their transport from the site and their recycling/processing.

Environment Protection Licence

Licence - 20221

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

Environment Protection Licence

Licence - 20221

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> .

Environment Protection Licence

Licence - 20221

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

Mr Robert O'Hern

Environment Protection Authority

(By Delegation)

Date of this edition: 02-May-2013

End Notes

2	Licence varied by notice	1518351 issued on 05-Feb-2014
3	Licence varied by notice	1524455 issued on 23-Dec-2014
4	Licence varied by notice	1528403 issued on 13-Feb-2015
5	Licence varied by notice	1529408 issued on 21-Sep-2015
6	Licence varied by notice	1534873 issued on 25-Feb-2016
7	Licence varied by notice	1557609 issued on 01-Mar-2018
8	Licence varied by notice	1562604 issued on 07-Mar-2018
9	Licence varied by notice	1585322 issued on 27-Nov-2019
10	Licence varied by notice	1616766 issued on 02-Mar-2022