

# Licence Variation



Licence - 12870

WHITEHAVEN COAL MINING LIMITED  
ABN 65 086 426 253 ACN 086 426 253  
PO BOX 600  
GUNNEDAH NSW 2380

Attention: Jill Johnson

Notice Number 1555283  
File Number EF13/4395  
Date 04-Sep-2017

## NOTICE OF VARIATION OF LICENCE NO. 12870

### BACKGROUND

- A. WHITEHAVEN COAL MINING LIMITED ("the licensee") is the holder of Environment Protection Licence No. 12870 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at Wean Road , GUNNEDAH, NSW, 2380 ("the premises").
- B. The EPA has varied the license to re-align all monitoring location references to that of the monitoring map supplied to the EPA on 24 April 2017 (DOC17/291855)

### VARIATION OF LICENCE NO. 12870

1. By this notice the EPA varies licence No. 12870. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
  - Condition A2.1 - changed reference for map to read Figure 1 - Rocglen Coal Mine EPL Monitoring Sites received by the EPA on 24 April 2017 (DOC17/291855).
  - Conditions P1.1, 1.2 and P1.3 - changed reference for Map to Figure 1 - EPL Monitoring Sites received by the EPA on 24 April 2017 (DOC17/291855).
  - Condition M7.2 - changed description of location to read Figure 1 - Rocglen Coal Mine EPL Monitoring Sites received by the EPA on 24 April 2017 (DOC17/291855) for BB1 and BB3 and changed property from "Roseberry" to "Surrey".

# Licence Variation

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A handwritten signature in black ink, appearing to read 'Robert O'Hern'.

.....  
**Robert O'Hern**  
**Head Regional Operation Unit**  
**North - Armidale**  
(by Delegation)

## **INFORMATION ABOUT THIS NOTICE**

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

## **Appeals against this decision**

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

## **When this notice begins to operate**

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

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| <b><u>Licence Details</u></b> |         |
|-------------------------------|---------|
| Number:                       | 12870   |
| Anniversary Date:             | 31-July |

| <b><u>Licensee</u></b>         |
|--------------------------------|
| WHITEHAVEN COAL MINING LIMITED |
| PO BOX 600                     |
| GUNNEDAH NSW 2380              |

| <b><u>Premises</u></b> |
|------------------------|
| ROCGLEN COAL MINE      |
| WEAN ROAD              |
| GUNNEDAH NSW 2380      |

| <b><u>Scheduled Activity</u></b> |
|----------------------------------|
| Coal works                       |
| Mining for coal                  |

| <b><u>Fee Based Activity</u></b> | <b><u>Scale</u></b>                           |
|----------------------------------|---|
| Coal works                       | 0-2000000 T annual handing capacity           |
| Mining for coal                  | > 500000-2000000 T annual production capacity |

| <b><u>Region</u></b>                               |
|--|
| North - Armidale                                   |
| Ground Floor, NSW Govt Offices, 85 Faulkner Street |
| ARMIDALE NSW 2350                                  |
| Phone: (02) 6773 7000                              |
| Fax: (02) 6772 2336                                |
| PO Box 494 ARMIDALE                                |
| NSW 2350   |

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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:

|                                       |
|---------------------------------------|
| <b>WHITEHAVEN COAL MINING LIMITED</b> |
| <b>PO BOX 600</b>                     |
| <b>GUNNEDAH NSW 2380</b>              |

subject to the conditions which follow.

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## 1 Administrative Conditions

### A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

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

| Scheduled Activity | Fee Based Activity | Scale   |
|--------------------|--------------------|---|
| Coal works         | Coal works         | 0 - 2000000 T annual handing capacity           |
| Mining for coal    | Mining for coal    | > 500000 - 2000000 T annual production capacity |

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

| Premises Details  |
|---|
| ROCGLEN COAL MINE   |
| WEAN ROAD   |
| GUNNEDAH  |
| NSW 2380  |
| THE LAND WITHIN MINING LEASES ML1662 & ML1620 AS SHOWN ON THE MAP ENTITLED 'FIGURE 1 - ROCGLEN COAL MINE EPL MONITORING SITES' RECEIVED BY THE EPA ON 24 APRIL 2017 (DOC17/291855). |

### 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  |
| 4                      | Ambient Air Monitoring   |                         | Location labelled BD4 (Surrey) as shown on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855).  |
| 6                      | Ambient Air Monitoring   |                         | Location labelled BD6 (Roseberry) as shown on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855).                                       |
| 10                     | Ambient Air Monitoring   |                         | PM10 monitoring location on the property 'Roseberry' labelled 'BA2' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855).              |
| 17                     | Ambient Air Monitoring   |                         | Real time air quality monitor located on the property 'Roseberry' labelled 'BR1' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855). |

P1.2 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.

| <i>Water and land</i>  |   |   |  |
|------------------------|---|---|--|
| EPA Identification no. | Type of Monitoring Point                                    | Type of Discharge Point                                     | Location Description   |
| 11                     | Wet weather discharge<br>Discharge water quality monitoring | Wet weather discharge<br>Discharge water quality monitoring | Discharge location labelled 'LDP11' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855). |
| 12                     | Wet weather discharge<br>Discharge water quality monitoring | Wet weather discharge<br>Discharge water quality monitoring | Discharge location labelled 'LDP12' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855). |

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|    |                                  |  |
|----|----------------------------------|--|
| 13 | Ambient water quality monitoring | Monitoring location to the north-west of the mining lease labelled 'Driggle Draggie Creek (DDCK)' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855). |
| 14 | Ambient water quality monitoring | Monitoring location to the south of the mining lease labelled 'Unnamed Drainage Channel (UNDC)' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855).   |
| 15 | Ambient water quality monitoring | Monitoring location on the eastern side of the mining lease labelled 'SD7' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855).                        |
| 16 | Surface water quality monitoring | Monitoring location labelled 'Void Water Dam' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855).   |

P1.3 The following point(s) in the table are identified in this licence for the purpose of the monitoring of weather parameters at the point.

| EPA Identification No. | Type of Monitoring Point | Description of Location   |
|------------------------|--------------------------|---|
| W1                     | Weather Analysis         | Weather station as shown on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855). |

## 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),

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the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

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

## POINT 11,12

| 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 |                                   |                                   |                          | 50                                 |

- L2.5 The Total Suspended Solids concentration limits specified for Points 11 and 12 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 Reject material from the Whitehaven CHPP can be disposed of at the premises in accordance with the Project Approval 10\_0015 as modified.

## L4 Noise limits

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

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| Locality and Location      | Day- LAeq (15 minute) | Evening- LAeq (15 minute) | Night- LAeq (15 minute) | Night- LA1 (1 minute) |
|----------------------------|-----------------------|---------------------------|-------------------------|-----------------------|
| All surrounding 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; or
  - subject to a private agreement, relating to the noise levels, between the licensee and the land owner.

L4.3 For the purpose of the table above:

- 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.

#### L4.4 Determining Compliance

To determine compliance:

- with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:
  - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- with the noise limits in the Noise Limits table, the noise measurement equipment must be located:
  - at the most affected point at a location where there is no dwelling at the location; or
  - at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

L4.5 The noise limits set out in the Noise Limits table apply under all meteorological conditions except for the following:

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

For the purposes of this condition:

- Data recorded by the meteorological station identified as EPA Identification Point(s) W1 must be used to determine meteorological conditions; and
- 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 Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the

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noise monitoring equipment.

L4.7 The noise limits set by this licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:

- a) agrees to an alternative noise limit for that property; or
- b) provides an alternative means of compensation to address noise impacts from the premises.

A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.

## L5 Blasting

- L5.1 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.2 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L5.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

## 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.

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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:
- 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.
- O3.2 Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.

## O4 Other operating conditions

### Blast Fume

- O4.1 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

- O4.2 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.
- O4.3 The licensee must keep the PIRMP on the premises at all times.

## 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

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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 4,6

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

### POINT 10

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

### POINT 17

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

M2.3 Water and/ or Land Monitoring Requirements

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

## POINT 13,14,15

| Pollutant              | Units of measure            | Frequency           | Sampling Method |
|------------------------|-----------------------------|---------------------|-----------------|
| Conductivity           | microsiemens per centimetre | Special Frequency 2 | In situ         |
| Oil and Grease         | milligrams per litre        | Special Frequency 2 | Grab sample     |
| pH                     | pH                          | Special Frequency 2 | In situ         |
| Total organic carbon   | milligrams per litre        | Special Frequency 2 | Grab sample     |
| Total suspended solids | milligrams per litre        | Special Frequency 2 | Grab sample     |

## POINT 16

| Pollutant              | Units of measure            | Frequency | Sampling Method |
|------------------------|-----------------------------|-----------|-----------------|
| Aluminium              | milligrams per litre        | Yearly    | Grab sample     |
| Arsenic                | milligrams per litre        | Yearly    | Grab sample     |
| Bicarbonate            | milligrams per litre        | Yearly    | Grab sample     |
| Chloride               | milligrams per litre        | Yearly    | Grab sample     |
| Conductivity           | microsiemens per centimetre | Quarterly | In situ         |
| Iron                   | milligrams per litre        | Yearly    | Grab sample     |
| Manganese              | milligrams per litre        | Yearly    | Grab sample     |
| Oil and Grease         | milligrams per litre        | Quarterly | Grab sample     |
| pH                     | pH                          | Quarterly | In situ         |
| Sodium                 | milligrams per litre        | Yearly    | Grab sample     |
| Total organic carbon   | milligrams per litre        | Quarterly | Grab sample     |
| Total suspended solids | milligrams per litre        | Quarterly | Grab sample     |

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

M2.5 For the purposes of the table(s) above Special Frequency 2 means the collection of samples quarterly (in the event of a flow during the quarter) at a time when there is flow and as soon as practicable after each wet weather discharge from points 11 and 12 commences and in any case not more than 12 hours after each discharge commences.

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Note: Groundwater monitoring is not included in the EPL as this is addressed in the Department of Planning and Environments' project approvals. Groundwater monitoring must be undertaken in accordance with the currently approved water management plan.

M2.6 At Monitoring Point 16, monitoring is not required when the monitoring site is dry or inadequate water is available to collect a sample.

## M3 Testing methods - concentration limits

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

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

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

## M4 Weather monitoring

M4.1 For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

POINT W1

| Parameter                 | Units of Measure | Frequency  | Averaging Period | Sampling Method |
|---------------------------|------------------|------------|------------------|-----------------|
| Rainfall                  | mm/h             | Continuous | 1 hour           | AM-4            |
| Wind speed @10 metres     | m/s              | Continuous | 15 minute        | AM-2 & AM-4     |
| Wind direction @10 metres | °                | Continuous | 15 minute        | AM-2 & AM-4     |
| Temperature @2 metres     | °C               | Continuous | 15 minute        | AM-4            |

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|   |      |            |           |             |
|---|------|------------|-----------|-------------|
| Temperature @10 metres                    | °C   | Continuous | 15 minute | AM-4        |
| Sigma theta @10 metres                    | °    | Continuous | 15 minute | AM-2 & AM-4 |
| Solar radiation                           | W/m2 | Continuous | 15 minute | AM-4        |
| Additional Requirements:<br>- Siting      | -    | -          | -         | AM-1 & AM-4 |
| Additional Requirements:<br>- Measurement | -    | -          | -         | AM-2 & AM-4 |

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:

- 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 3 months after: the date of the issue of this licence.

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## M7 Blasting

M7.1 To determine compliance with condition(s) L5.1, L5.2, L5.3 and L5.4:

a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out in or on the premises and electronically recorded at points BB1 and BB3.

b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in the conditions of this licence at any “noise sensitive locations” other than the locations identified in the above condition.

M7.2 For the purpose of condition M7.1, the blast monitoring locations are described as:

| EPA Identification No. | Description of Location  |
|------------------------|--|
| BB1                    | Property 'Retreat' residence labelled 'BB1' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017(DOC17/291855) |
| BB3                    | Property 'Surrey' residence labelled 'BB3' entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 24 April 2017 (DOC17/291855).           |

## M8 Other monitoring and recording conditions

### Noise Monitoring

M8.1 For each monitoring point specified below, the Licensee must monitor the noise or vibration parameter 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.

POINTS: N1, N2

| Parameter     | Units of Measure   | Frequency | Sampling Method  |
|---------------|--|-----------|--|
| Ambient Noise | LAeq (15 minute)<br>LAmax<br>LA1 (1 minute)<br>LA10<br>LA90<br>LAmin | Quarterly | Type 1 Noise Meter – unattended and attended monitoring as detailed in the document “Noise Monitoring Program for the Rocglen Mine, Whitehaven Coal Mining Pty. Ltd., 24/4/2008” |

M8.2 For the purpose of condition M8.1, the noise monitoring locations are described as:

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| EPA Identification No. | Description of Location  |
|------------------------|--|
| N1                     | Property 'Retreat' residence labelled 'N1' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 21 April 2016 (DOC16/128666-01). |
| N2                     | Property 'Surrey' residence labelled 'N2' on the map entitled 'Figure 1 - Rocglen Coal Mine EPL Monitoring Sites' received by the EPA on 21 April 2016 (DOC16/128666-01).  |
| N3                     | Portable monitor   |

Note: Point N3 is a portable monitor enabling the monitor to be relocated to areas of potential greatest impact. The licensee is responsible to ensure that it is located at the most suitable location.

Note: The location, frequency of monitoring and the parameters to be monitored may be varied by the EPA once the variability of the noise impact is established.

M8.3 To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition titled Determining Compliance, outlined above, and:

- a) at each one of the monitoring locations N1 and N2;
- b) occur quarterly in a reporting period;
- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
  - i) 1.5 hours during the day;
  - ii) 30 minutes during the evening; and
  - iii) 1 hour during the night.
- d) occur for three consecutive operating days.

## 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 a copy of the form that must be completed and returned to the EPA.

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

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

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

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

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

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

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

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

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

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

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

## R2 Notification of environmental harm

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

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

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

## R3 Written report

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

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the

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

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

## R4 Other reporting conditions

- R4.1 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.
- R4.2 A noise compliance assessment report must be submitted to the EPA within thirty (30) days of the completion of the quarterly noise monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant 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 limits detailed in the limit conditions of this licence.

## 7 General Conditions

### G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

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

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## Dictionary

### General Dictionary

|  |  |
|--|--|
| <b>3DGM [in relation to a concentration limit]</b> | 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 |
| <b>Act</b>   | Means the Protection of the Environment Operations Act 1997  |
| <b>activity</b>                                    | Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997  |
| <b>actual load</b>                                 | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>AM</b>  | 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> .   |
| <b>AMG</b>   | Australian Map Grid  |
| <b>anniversary date</b>                            | 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.                            |
| <b>annual return</b>                               | Is defined in R1.1   |
| <b>Approved Methods Publication</b>                | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>assessable pollutants</b>                       | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>BOD</b>   | Means biochemical oxygen demand  |
| <b>CEM</b>   | 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> .  |
| <b>COD</b>   | Means chemical oxygen demand   |
| <b>composite sample</b>                            | 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.   |
| <b>cond.</b>                                       | Means conductivity   |
| <b>environment</b>                                 | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>environment protection legislation</b>          | Has the same meaning as in the Protection of the Environment Administration Act 1991   |
| <b>EPA</b>   | Means Environment Protection Authority of New South Wales.   |
| <b>fee-based activity classification</b>           | Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.   |
| <b>general solid waste (non-putrescible)</b>       | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |

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|  |  |
|--|--|
| <b>flow weighted composite sample</b>                                | Means a sample whose composites are sized in proportion to the flow at each composites time of collection.   |
| <b>general solid waste (putrescible)</b>                             | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>grab sample</b>   | Means a single sample taken at a point at a single time  |
| <b>hazardous waste</b>   | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>licensee</b>  | Means the licence holder described at the front of this licence  |
| <b>load calculation protocol</b>                                     | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009  |
| <b>local authority</b>   | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>material harm</b>   | Has the same meaning as in section 147 Protection of the Environment Operations Act 1997   |
| <b>MBAS</b>  | Means methylene blue active substances   |
| <b>Minister</b>  | Means the Minister administering the Protection of the Environment Operations Act 1997   |
| <b>mobile plant</b>  | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>motor vehicle</b>   | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>O&amp;G</b>   | Means oil and grease   |
| <b>percentile [in relation to a concentration limit of a sample]</b> | 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.   |
| <b>plant</b>   | Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.  |
| <b>pollution of waters [or water pollution]</b>                      | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>premises</b>  | Means the premises described in condition A2.1   |
| <b>public authority</b>  | Has the same meaning as in the Protection of the Environment Operations Act 1997   |
| <b>regional office</b>   | Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence   |
| <b>reporting period</b>  | 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. |
| <b>restricted solid waste</b>  | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>scheduled activity</b>  | Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997  |
| <b>special waste</b>   | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997   |
| <b>TM</b>  | 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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|                         |   |
|-------------------------|---|
| <b>TSP</b>              | Means total suspended particles   |
| <b>TSS</b>              | Means total suspended solids  |
| <b>Type 1 substance</b> | Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements                               |
| <b>Type 2 substance</b> | Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements |
| <b>utilisation area</b> | Means any area shown as a utilisation area on a map submitted with the application for this licence   |
| <b>waste</b>            | Has the same meaning as in the Protection of the Environment Operations Act 1997  |
| <b>waste type</b>       | 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: 31-July-2008

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## End Notes

- 1 Licence varied by notice 1096864, issued on 19-May-2009, which came into effect on 19-May-2009.
- 2 Licence varied by notice 1103283, issued on 18-Aug-2009, which came into effect on 18-Aug-2009.
- 3 Licence varied by notice 1126963, issued on 13-Jul-2011, which came into effect on 13-Jul-2011.
- 4 Licence varied by notice 1503204 issued on 20-Dec-2011
- 5 Licence varied by notice 1503676 issued on 21-Jun-2012
- 6 Licence varied by notice 1509252 issued on 15-Oct-2012
- 7 Licence varied by notice 1510430 issued on 21-Mar-2013
- 8 Licence varied by notice 1516120 issued on 06-Sep-2013
- 9 Licence varied by notice 1518355 issued on 05-Feb-2014
- 10 Licence varied by notice 1522247 issued on 19-Nov-2014
- 11 Licence varied by notice 1529402 issued on 14-Jul-2015
- 12 Licence varied by notice 1539264 issued on 31-Jul-2017