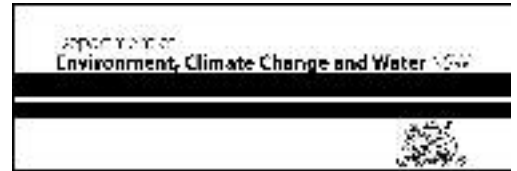


# Environment Protection Licence

Licence - 12932



## Licence Details

Number:	12932
Anniversary Date:	18-August
Review Due Date:	02-Nov-2014

## Licensee

MOOLARBEN COAL OPERATIONS PTY LTD  
 Locked Bag 2003  
 MUDGEES NSW 2850

## Licence Type

Premises

## Premises

MOOLARBEN COAL PROJECT  
 Ulan-Cassilis Road  
 ULAN NSW 2850

## Scheduled Activity

Mining for coal  
 Coal works

## Fee Based Activity

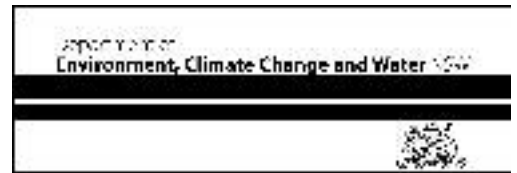
<u>Fee Based Activity</u>	<u>Scale</u>
Coal works	> 5000000 - T loaded
Mining for coal	> 5000000 - T produced

## Region

North West - Bathurst  
 Lvl 2, 203-209 Russell Street  
 BATHURST NSW 2795  
 Phone: 02 6332 7600  
 Fax: 02 6332 7630  
  
 PO Box 1388 BATHURST  
 NSW 2795

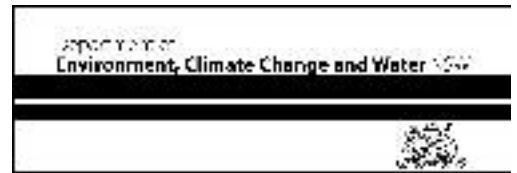
# Environment Protection Licence

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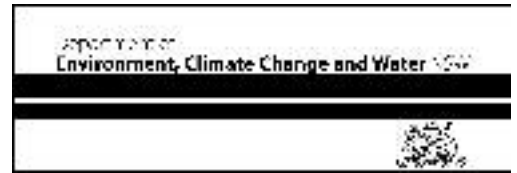
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## Information about this licence

### 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); and
- 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

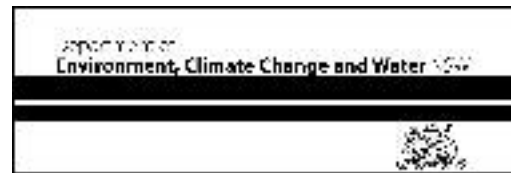
For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

The EPA publication "A Guide to Licensing" contains information about how to calculate your licence fees.

# Environment Protection Licence

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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>MOOLARBEN COAL OPERATIONS PTY LTD</b>
<b>Locked Bag 2003</b>
<b>MUDGEE NSW 2850</b>

subject to the conditions which follow.

## 1 Administrative conditions

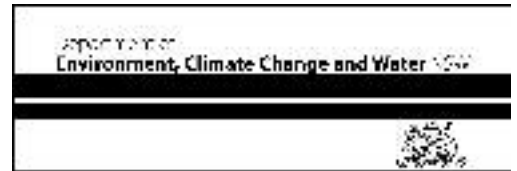
### A1 What the licence authorises and regulates

A1.1 Not applicable.

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.

# Environment Protection Licence

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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
Mining for coal
Coal works

Fee Based Activity	Scale
Coal works	> 5000000 - T loaded
Mining for coal	> 5000000 - T produced

A1.3 Not applicable.

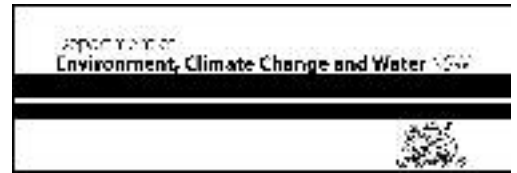
## A2 Premises to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
<b>MOOLARBEN COAL PROJECT</b>
<b>Ulan-Cassilis Road</b>
<b>ULAN</b>
<b>NSW</b>
<b>2850</b>
<b>EXPLORATION LICENCES 6288 AND 7074</b>
<b>INCLUDING MINING LEASES 1605, ML 1606, MLA</b>
<b>316, ML A 317 AND ML1628</b>
<b>Property details as indicated in appendix 1 of</b>
<b>Development Approval 05_0117</b>

# Environment Protection Licence

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## **A3 Other activities**

A3.1 Not applicable.

## **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.

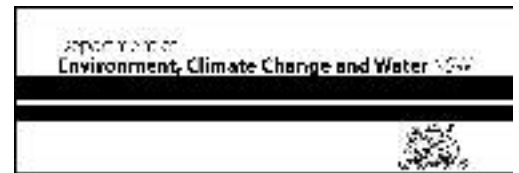
## **2 Discharges to air and water and applications to land**

### **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.

# Environment Protection Licence

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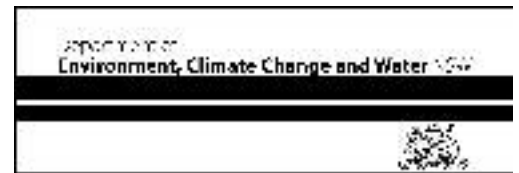


## Air

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
6	Dust deposition monitoring (DM1)	Dust deposition monitoring (DM1)	North of 6288 on Williams property (property no 52) as indicated on fig 3 pg 16 Air Quality Management Plan dated 12/3/08
7	Dust deposition monitoring (DM2)	Dust deposition monitoring (DM2)	Mine owned property (property no 16) between Murragamba Road and Ulan-Wollar Road, approx 1.5 km from the intersection of the roads.
8	Dust deposition monitoring (DM3)	Dust deposition monitoring (DM3)	Mine owned property no 2, south west of intersection of Murragamba Road and south western boundary of Munghorn Gap Nature Reserve
9	Dust deposition monitoring (DM4)	Dust deposition monitoring (DM4)	Spring Street, Ulan Village
10	Dust deposition monitoring (DM5)	Dust deposition monitoring (DM5)	Ryans Creek Road, Ulan Coal Mine owned land (property no 46), near intersection of Ulan and Lagoons Road
11	Dust deposition monitoring (DM6)	Dust deposition monitoring (DM6)	Cox property Moolarben Road (property 31), near intersection with Mayberry Road
12	Dust deposition monitoring (DM7)	Dust deposition monitoring (DM7)	Rayner property Moolarben Road (property no 36)
13	Dust deposition monitoring (DM8)	Dust deposition monitoring (DM8)	Mayberry property Moolarben Road (property no 29A), near Spring Creek
14	Dust deposition monitoring (DM9)	Dust deposition monitoring (DM9)	Szymkarczuk residence Ulan Road (property 37)
15	Dust monitoring PM10 (TEOM)		Mine owned property no 16 between Murragamba Road and Ulan-Wollar Road, approx 1.5 km from the intersection of the roads.
16	Dust monitoring PM10 (HVAS)		John Street, Ulan village
17	Dust monitoring PM10 (TEOM)		Ulan Public School, Ulan village

# Environment Protection Licence

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- 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.
- P1.3 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.

## *Water and land*

EPA identification no.	Type of monitoring point	Type of discharge point	Description of location
1	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge to Bora Creek from pond 2B as indicated in figure 2 (MCP stage 1 general arrangement) Moolarben Coal Project EPL attachments received by EPA 30/6/08
2	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge to Bora Creek from pond 2D as indicated by figure 2 (MCP stage 1 general arrangement) Moolarben Coal Project EPL attachments received by EPA 30/6/08.
3	Surface water quality monitoring		Bora Creek at the western boundary of mining lease 1605. Surface water monitoring point SW11 as indicated in figure 2 Moolarben Water Management Plan appendix C, dated 10 December 2008
4	Surface water quality monitoring		Bora Creek upstream of the extent of the rail loop. Surface water monitoring point SW10 as indicated in figure 2 of the Moolarben Water Management Plan Appendix C, dated 10 December 2008
5	Effluent discharge and monitoring	Effluent discharge and monitoring	End of pipe discharging to the environmental bund adjacent to open cut 1

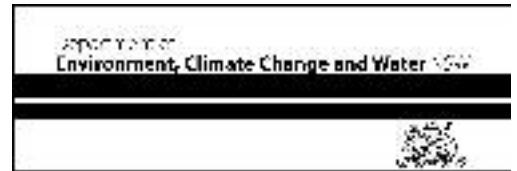
## 3 Limit conditions

### L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must

# Environment Protection Licence

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

## L2 Load limits

L2.1 Not applicable.

L2.2 Not applicable.

## L3 Concentration limits

L3.1 For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

L3.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L3.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

### *Air*

POINTS 6,7,8,9,10,11,12,13,14

Pollutant	Units of measure	100 percentile concentration limit
Particulates - Deposited Matter	grams per square metre per month	4.0

### *Water and Land*

POINTS 1,2

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
Conductivity	microsiemens per centimetre	800			900
Iron	milligrams per litre				5
Oil and Grease	milligrams per litre				10
pH	pH				6.5-8.5
Zinc	milligrams per litre				5
Total suspended solids	milligrams per litre				50

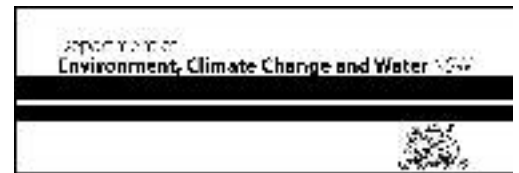
## L4 Volume and mass limits

L4.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

(a) liquids discharged to water; or;

# Environment Protection Licence

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(b) solids or liquids applied to the area;

must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of measure	Volume/Mass Limit
1	kilolitres per day	400
2	kilolitres per day	400
5	kilolitres per day	25

## L5 Waste

L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

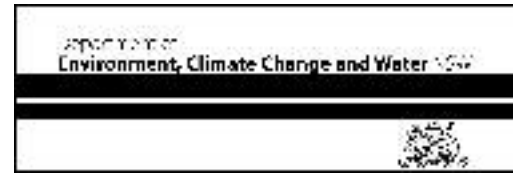
## L6 Noise Limits

L6.1 Noise from the premises must not exceed the noise limits presented in the following table, where the location is not owned by the licensee:

Location	Noise Limits (dBA)			
	Day	Evening	Night	
	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1minute)
26 G V Robinson	38	38	38	45
49 A M Brooks	38	38	38	45
22 A Aiton	38	38	37	45
23 A & E Woodhead	38	38	37	45
41A P Libertis	38	38	37	45
63 B & B Whiticker	38	38	37	45
64 Goninan & Boland	38	38	37	45
170 W & T Roberts	38	38	37	45
171 J McGregor	38	38	37	45
172 A & T Kimber	38	38	37	45
169 E & R Tinker	37	37	37	45
All other privately owned land (outside the village of Ulan)	35	35	35	45
Ulan primary school	35 (internal) when in use and under all weather	35 (internal) when in use and under all weather	35 (internal) when in use and under all weather	-

# Environment Protection Licence

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	conditions	conditions	conditions	
Ulan Anglican Church	35 (internal) when in use and under all weather conditions	35 (internal) when in use and under all weather conditions	35 (internal) when in use and under all weather conditions	-
Ulan Catholic Church	35 (internal) when in use and under all weather conditions	35 (internal) when in use and under all weather conditions	35 (internal) when in use and under all weather conditions	-
Goulburn River National Park <sup>(1)</sup>	50	50	50	-
Munghorn Nature Reserve <sup>(1)</sup>	50	50	50	-

*Note:*

1) *The noise level is to be assessed at the most affected point within 50 metres of the boundary of the National Park and Nature Reserve.*

- Where  $L_{Aeq}$  means the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels occurring over a measurement period.
- Where the Project Specific Noise Limits (PSNL) are exceeded by between 3 to 5 decibels, the proponent shall develop and implement a Noise Reduction Plan which will consider a range of feasible and reasonable mitigation measures with PSNL as a noise goal for the longer term operation of the mine.

L6.2 For the purpose of condition day, evening and night time periods are as defined in the NSW Industrial Noise Policy January 2000.

L6.3 To determine compliance with condition(s) L6.1 noise must be computed for or measured at:

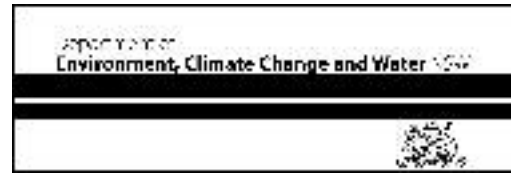
- 1 metre from the dwelling façade to determine compliance with  $L_{A1(1\text{ minute})}$  noise limits; and
- The most affected point within the residential boundary (or at the most affected point within 30 metres of a dwelling where the dwelling is more than 30 metres from the boundary (rural situation)), to determine compliance with the  $L_{eq(15\text{ minute})}$  noise limits in condition L6.1.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

A modifying factor correction must be applied for tonal, impulsive or intermittent noise in accordance with the "Environmental Noise Management - NSW Industrial Noise Policy (January 2000)".

L6.4 The noise emission limits identified in this licence apply under all meteorological conditions except:  
(a) during rain and wind speeds (at 10m height) greater than 3m/s; and  
(b) under "non-significant weather conditions".

# Environment Protection Licence



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Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.

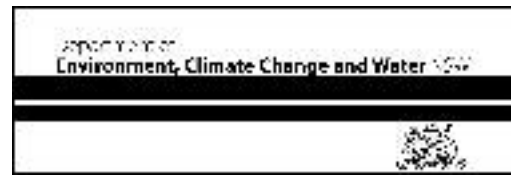
## L7 Blasting limits

- L7.1 Blasting in or on the premises must only be carried out between 9.00 hours and 17.00 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.
- L7.2 Blasting at the premises is limited to the following:
- A maximum of 2 blasts per day;
  - A maximum of 9 blasts per week averaged over a 12 month reporting period; including
  - A maximum of 4 blasts per week, averaged over a 12 month reporting period, with a maximum instantaneous charge (MIC) of greater than 650 kg.
- L7.3 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any residence or noise sensitive location (such as school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level. 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.
- L7.4 The overpressure level from blasting operations at 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 residence or noise sensitive location (such as school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative overpressure level. 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.
- L7.5 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any residence or noise sensitive location (such as school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative vibration level. 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.
- L7.6 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period at any residence or noise sensitive location (such as school or hospital) that is not owned by the licensee or subject of a private agreement between the owner of the residence or noise sensitive location and the licensee as to an alternative vibration level. 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

# Environment Protection Licence

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## **O1 Activities must be carried out in a competent manner**

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

This includes:

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

## **O2 Maintenance of plant and equipment**

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

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

## **O3 Dust**

O3.1 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 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

## **O4 Effluent application**

O4.1 Effluent application must not occur in a manner which causes surface runoff.

O4.2 Spray from effluent application must not drift beyond the boundary of the premises.

O4.3 The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent.

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

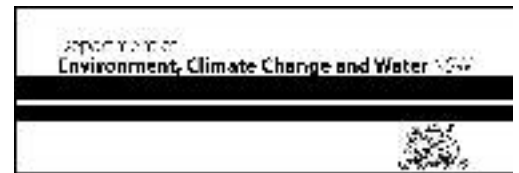
## **5 Monitoring and recording conditions**

### **M1 Monitoring records**

M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol

# Environment Protection Licence

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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:

### POINTS 1,2

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Continuous during discharge	Probe
Iron	milligrams per litre	Daily during any discharge	Composite sample
Oil and Grease	milligrams per litre	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Composite sample
Zinc	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample

### POINT 3

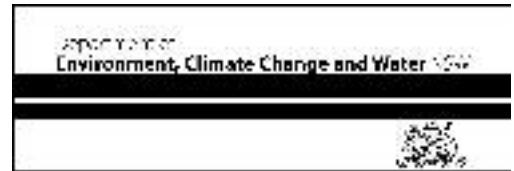
Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 1	Probe
Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample
pH	pH	Special Frequency 1	Grab sample

### POINT 4

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Special Frequency 2	Probe
Oil and Grease	milligrams per litre	Special Frequency 2	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample
pH	pH	Special Frequency 2	Grab sample

# Environment Protection Licence

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## POINT 5

Pollutant	Units of measure	Frequency	Sampling Method
Biochemical oxygen demand	milligrams per litre	Quarterly	Grab sample
Nitrogen (total)	milligrams per litre	Quarterly	Grab sample
Oil and Grease	milligrams per litre	Quarterly	Grab sample
Phosphorus (total)	milligrams per litre	Quarterly	Grab sample
Total suspended solids	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Probe

## POINTS 6,7,8,9,10,11,12,13,14

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

## POINT 15

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

## POINT 16

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

For the purposes of the table(s) above Special Frequency 1 means Point 3 is required to be sampled monthly in the event of a flow, and daily during periods of discharge from the premises and in the event of a flow at Point 3.

For the purposes of the table(s) above Special Frequency 2 means Point 4 is required to be sampled monthly in the event of a flow.

## M3 Testing methods - concentration limits

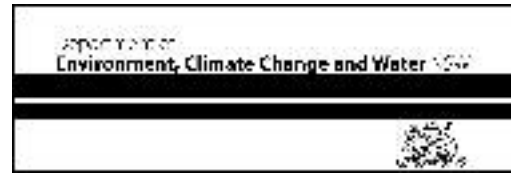
M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- 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 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication

# Environment Protection Licence

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"Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

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

## **M4 Recording of pollution complaints**

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

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

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

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

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

## **M5 Telephone complaints line**

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

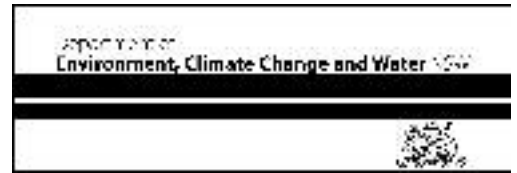
M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after:

- (a) the date of the issue of this licence or
- (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

## **M6 Requirement to monitor volume or mass**

M6.1 For each discharge point or utilisation area specified below, the licensee must monitor:

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- (a) the volume of liquids discharged to water or applied to the area;
- (b) the mass of solids applied to the area;
- (c) the mass of pollutants emitted to the air;

at the frequency and using the method and units of measure, specified below.

## POINTS 1,2

Frequency	Unit Of Measure	Sampling Method
Daily during any discharge	kilolitres per day	By Calculation (volume flow rate or pump capacity multiplied by operating time)

## POINT 5

Frequency	Unit Of Measure	Sampling Method
Daily during any discharge	kilolitres per day	By Calculation (volume flow rate or pump capacity multiplied by operating time)

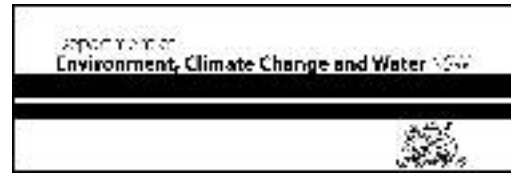
## M7 Requirement to monitor weather

M7.1 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 18

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	mm	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
Temperature @ 10 metres	°C	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	°	Continuous	15 minute	AM-2 & AM-4
Solar radiation	W/m <sup>2</sup>	Continuous	15 minute	AM-4
Additional requirements - Siting - Measurement				AM-1 & AM-4 AM-2 & AM-4
Relative humidity @ 2 metres	%	Continuous	1 hour	AM-4

## M8 Blasting monitoring



- M8.1 To determine compliance with condition(s) L7.3, L7.4, L7.5 and L7.6, and for additional blasting monitoring:
- Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non-mine owned residence, the Ulan Primary School and the Aboriginal rock shelter site S1MC55 and S1MC56 where blasting is undertaken within 2 kilometres; and
  - Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

## 6 Reporting conditions

### R1 Annual return documents

#### What documents must an Annual Return contain?

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
- a Statement of Compliance; and
  - a Monitoring and Complaints Summary.
- A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before 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.

#### Period covered by Annual Return

- 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.

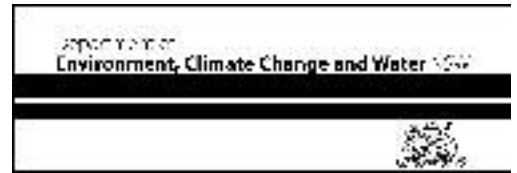
- R1.3 Where this licence is transferred from the licensee to a new licensee:
- the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
  - 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:
- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
  - in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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## Deadline for Annual Return

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

## Notification where actual load can not be calculated

R1.6 Not applicable.

## Licensee must retain copy of Annual Return

R1.7 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.

## Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary

R1.8 Within the Annual Return, the Statement 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.

R1.9 A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.

## R2 Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

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

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

## R3 Written report

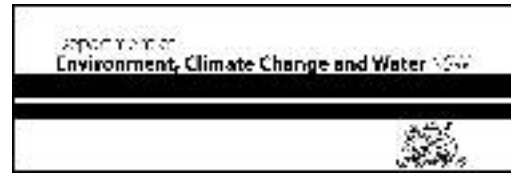
R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

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

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

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- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
- 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 Quarterly Report

- R4.1 Every calendar quarter, the licensee must complete and submit to the EPA a quarterly report comprising:
- Data, reported graphically where practicable, for monitoring conducted in accordance with licence requirements;
  - Statement of compliance; and
  - A complaints summary.

The quarterly report must be received by the EPA no later than 4 weeks after the end of the period being reported.

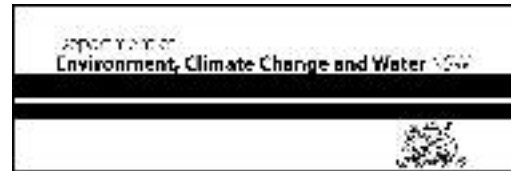
## General conditions

### G1 Copy of licence kept at the premises

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at

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the premises.

## G2 Signage

G2.1 Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.

## G3 Chemicals and Dangerous Goods

G3.1 All chemicals, fuels and explosives must be handled and stored in a bunded area which complies with the specifications of the relevant Australian Standard and legislative requirements.

G3.2 Contingency and emergency management plans must be developed and implemented for the spill of any chemical and fuel.

## Pollution studies and reduction programs

### U1 Erosion and Sediment Control Action Plan

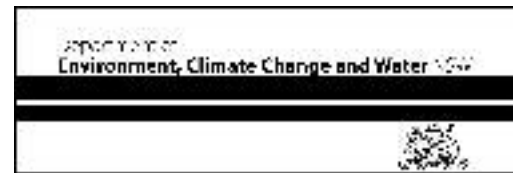
U1.1 The licensee will undertake the following works by the completion date as indicated in Table 1 below. The works are to be undertaken within the area defined as the Moolarben Coal Project Stage 1 - Project Boundary as indicated in Appendix 2 of Modification 6 DA 05\_0117 approved by the Department of Planning 11 January 2010.

**Table 1**

Item	Description	Completion Date
Sediment dam construction	Identification of requirement for and installation of new sediment dams	Ongoing, as required
Temporary erosion and sediment controls structures	Installation of velocity control structures, sediment fencing and drainage culverts	26 February 2010
	Inspection of velocity control structures, sediment fencing and drainage culverts	Monthly or within 24 hours of rainfall event of greater than 30 mm in a 24 hour period
	Maintenance to velocity control structures, sediment fencing and drainage culverts	As required
Diversion of water	Initiate installation of clean water diversion around the CHPP	22 February 2010
	Clean water diversion around the CHPP completed	30 April 2010
	Identification and installation of new clean water diversions	Ongoing, as required

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Maintenance of control structures	Inspection of sediment build up in sediment dams and culverts	Monthly or within 48 hours of rainfall event of greater than 30 mm in a 24 hour period
	Remove built-up sediment from sediment dams, culverts and rock-lined drains	When the design capacity cannot be achieved
	Inspection and maintenance of jute meshing	Inspections - monthly or within 48 hours of rainfall event of greater than 30 mm in a 24 hour period. Maintenance – ongoing, as required
Rehabilitation works	Temporary rehabilitation of the two CHPP bunds	19 March 2010
	Temporary rehabilitation of the CHPP unsuitable stockpile	30 May 2010
	Jute meshing of rail batters, rail loop drains and spray mulching of disturbed sloped areas	19 March 2010
	Revegetation of disturbed areas	To commence within 2 weeks of completion of area being utilised

## U2 Water Management System Independent Audit

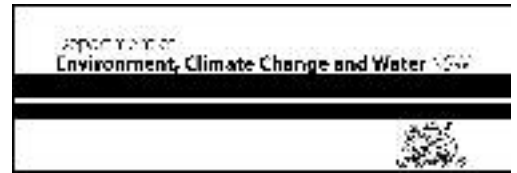
U2.1 The licensee must undertake an Independent Audit of the Water Management System in accordance with the requirements of the Protection of the Environment Operations Act, specific requirements of Environment Protection Licence 12932 and against recognised Industry Standards and Guidelines. An audit report outlining the findings of the audit and recommendations must be submitted to the Bathurst office of the EPA by **30 April 2010**.

Note: The Audit is applicable to the area defined as the Moolarben Coal Project Stage 1 - Project Boundary as indicated in Appendix 2 of Modification 6 DA 05\_0117 approved by the Department of Planning 11 January 2010.

U2.2 The licensee must develop a "Water Management Action Program", based on the recommendations of the audit required by condition U2.1 above and in consultation with the EPA. A draft copy of the Water Management Action Plan must be submitted to the Bathurst office of the EPA by **14 May 2010**.

The Water Management Action Program should include, but not necessarily be limited to, the following items:

- a) The on ground works to be undertaken;
- b) The timeframes for the completion of required works;
- c) A review of all relevant Management Plans;
- d) Updating of all relevant Management Plans to include the Audit recommendations; and
- e) Submission of the revised Management Plans to the Department of Planning for approval.



## Special conditions

E1 Not applicable.

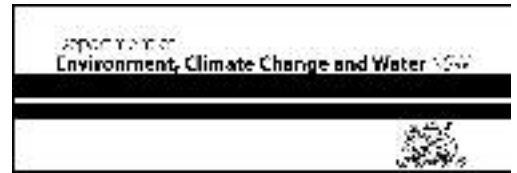
## Dictionary

### General Dictionary

In this licence, unless the contrary is indicated, the terms below have the following meanings:

<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 1998
<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 1998
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
<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

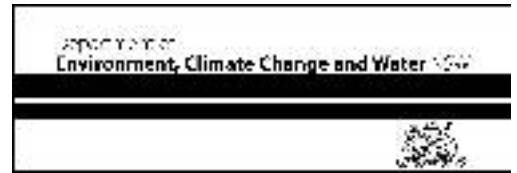
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<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 1998.
<b>flow weighted 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 (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<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 1998
<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

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<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> .
<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 Darryl Clift

Environment Protection Authority

(By Delegation)

Date of this edition - 19-Feb-2010

## End Notes

- 1 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 2 Licence varied by notice 1103176, issued on 02-Nov-2009, which came into effect on 02-Nov-2009.
- 3 Licence varied by notice 1111570, issued on 19-Feb-2010, which came into effect on 19-Feb-2010.