

Environment Protection Licence

Licence - 12932

Licence Details	
Number:	12932
Anniversary Date:	01-January

Licensee
MOOLARBEN COAL OPERATIONS PTY LTD
LOCKED BAG 2003
MUDGEES NSW 2850

Premises
MOOLARBEN COAL MINE
12 ULAN-WOLLAR ROAD
ULAN NSW 2850

Scheduled Activity
Coal works
Extractive activities
Mining for coal

Fee Based Activity	Scale
Coal works	> 5000000 T annual handling capacity
Extractive activities	> 500000-2000000 T annual capacity to extract or process
Mining for coal	> 5000000 T annual production capacity

Region
Central West
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BATHURST NSW 2795
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BATHURST NSW 2795

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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:

MOOLARBEN COAL OPERATIONS PTY LTD
LOCKED BAG 2003
MUDGEES NSW 2850

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	> 5000000 T annual handing capacity
Extractive activities	Extractive activities	> 500000 - 2000000 T annual capacity to extract or process
Mining for coal	Mining for coal	> 5000000 T annual production capacity

A1.2 Notwithstanding A1.1, the scale of the land-based extractive activity authorised under this licence must not exceed 2,000,000 tonnes per annum, being the amount equivalent to the extraction limit approved by the development consent granted under the *Environmental Planning and Assessment Act 1979* for the premises specified in A2.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
MOOLARBEN COAL MINE
12 ULAN-WOLLAR ROAD
ULAN
NSW 2850
THE PREMISES IS DEFINED AS THE COMBINED EXTENTS OF THE APPROVED STAGE 1 PROJECT BOUNDARY AND THE APPROVED STAGE 2 PROJECT BOUNDARY AS INDICATED IN THE NOTICE OF MODIFICATION - PROJECT APPROVAL 05_0117 FIGURE 2.1 (INDEPENDENT PLANNING COMMISSION, 19 JUNE 2019).

A3 Other activities

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

Ancillary Activity
Crushing, grinding or separating <30,000 tonnes per year

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:

- 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.

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
15	Dust monitoring PM10 (TEOM)		TEOM06 - as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)
16	Dust monitoring PM10 (HVAS)		HVAS PM01 - Ulan Village as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)
17	Dust monitoring PM10 (TEOM)		TEOM01 - Ulan School as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)

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27	Dust monitoring PM10 & PM2.5 (TEOM)	TEOM07 - Ulan Road near southern Winchester Crescent as indicated on the figure in "Appendix 4 - Moolarben Coal Complex - Air Quality Monitoring Sites" received by the EPA on 8 August 2019 (DOC19/757840-3)
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P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.3 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge to Goulburn River Diversion near Bora Creek junction indicated as EPA Monitoring Point No. 1 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
2	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge from Open Cut 1 Sediment Dam 106 indicated as EPA Monitoring Point No. 2 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
5	Effluent discharge and monitoring	Effluent discharge and monitoring	Discharge point EFF01 as indicated as EPA Monitoring Point No. 5 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
22	Effluent discharge and monitoring	Effluent discharge and monitoring	Discharge point EFF02 indicated as EPA Monitoring Point No. 22 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
23	Effluent discharge and monitoring	Effluent discharge and monitoring	Discharge point EFF03 indicated as EPA Monitoring Point No. 23 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)

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24	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 24 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
26	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 26 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
28	Discharge to waters. Discharge water quality monitoring.	Discharge to waters. Discharge water quality monitoring.	Discharge to Moolarben Creek from Dam 202 LDP indicated as EPA Identification No. 28 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
29	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 29 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
31	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 31 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
33	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 33 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
35	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA Identification No. 35 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
48	Effluent discharge & monitoring	Effluent discharge & monitoring	Discharge point EFF04 indicated as EPA identification No. 48 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)

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51	Stormwater discharge & monitoring point	Stormwater discharge & monitoring point	Stormwater sediment dams indicated as EPA identification No. 51 on figure "Appendix 5 - EPA Indicative Monitoring Locations" received by the EPA on 8 August 2019 (DOC19/757840-4)
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P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
40	Noise monitoring	Residence 63 - the location of the residence is indicated in Project Approval 05_0117 Moolarben Coal Mine Appendix 5 - Property Number and Land Ownership and Project Approval 08_0135 Moolarben Coal Mine Appendix 5 - Property Number and Land Ownership
41	Noise monitoring	Residence 70 - the location of the residence is indicated in Project Approval 05_0117 Moolarben Coal Mine Appendix 5 - Property Number and Land Ownership and Project Approval 08_0135 Moolarben Coal Mine Appendix 5 - Property Number and Land Ownership
42	Noise monitoring	Residence 75 - the location of the residence is indicated in Project Approval 05_0117 Moolarben Coal Mine Appendix 5 - Property Number and Land Ownership and Project Approval 08_0135 Moolarben Coal Mine Appendix 5 - Property Number and land ownership
43	Noise monitoring	All other privately owned residences - the location of the residences are indicated in Project Approval 05_0117 Moolarben Coal Mine Appendix 5 - Property Number and Land Ownership and Project Approval 08_0135 Moolarben Coal Mine Appendix 5 - Property Number and Land Ownership
44	Noise monitoring	Ulan Primary School, Ulan NSW, 2850
46	Noise monitoring	Goulburn River National Park & Munghorn Gap Nature Reserve
49	Air blast overpressure & ground vibration peak particle velocity monitoring	Ulan Primary School Ulan NSW 2850

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50	Meteorological Station	Moolarben weather monitoring station WS3 as indicated on map Appendix 3 Moolarben Coal Complex Proposed Air Quality Monitoring Points received by the EPA 23 May 2016 (DOC16/215673-03)
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3 Limit Conditions

L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

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 1,2,28

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Conductivity	microsiemens per centimetre				685
Oil and Grease	milligrams per litre				10
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				50

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Turbidity	nephelometric turbidity units	25
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POINT 24,26,29,31,33,35,51

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				50
Turbidity	nephelometric turbidity units				25

L2.5 The total suspended solids and turbidity limits specified under Condition L2.4 for the sediment basins identified as EPA licence discharge points 24, 26, 29, 30, 31, 33, 35 and 51 do not apply when the discharge occurs solely as a result of rainfall measured at the premises which exceeds;

- a total of 44 millimetre of rainfall over any consecutive 5 day period.

Note: A 44mm rainfall depth is defined by the publication Managing urban stormwater: soils and construction (Landcom 2004) as the rainfall depth in millimetres for a 95th percentile 5 day rainfall events for the Central Tablelands consistent with the storage capacity (recommended minimum design criteria) for Type D sediment retention basins for mines and quarries (Vol 2E of the Landcom 2004).

L2.6 The concentration limit for Total Suspended Solids (TSS) and turbidity under condition L2.4 for licence discharge points 24, 26, 29, 30, 31, 33, 35 and 51 is deemed not to have been breached where:

- the sample complies with the turbidity limit at the time of the discharge; and
- the EPA is advised within 3 working days of completion of the TSS testing, of any TSS results above the licence limit.

Note: The purpose of this condition is to expediate the assessment and subsequent discharge of the clarified water from the sediment basins.

L3 Volume and mass limits

L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

- liquids discharged to water; or;
- solids or liquids applied to the area;

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

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Point	Unit of Measure	Volume/Mass Limit
1	megalitres per day	10

L3.2 The volume discharge limit for point 1 in the table under condition L3.1 above only applies prior to and following mining operations in area 'UG4'. During mining operations in 'UG4' the daily discharge volume limit at point 1 is 15 ML/day.

L3.3 The volume discharge limits under conditions L3.1 and L3.2 may be exceeded during periods of prolonged wet weather following written approval from the EPA.

L4 Waste

L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
T140	Tyres	Heavy vehicle waste tyres generated onsite	Waste disposal (application to land)	The total volume of tyres disposed of at the premises must not exceed 650 tonnes per annum

L5 Noise limits

L5.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

POINT 40

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day, Evening, Night	LAeq (15 minute)	-	39
Night	Night-LA1 (1 minute)	-	45

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POINT 41

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day, Evening, Night	LAeq (15 minute)	-	37
Night	Night-LA1 (1 minute)	-	45

POINT 42

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day, Evening, Night	LAeq (15 minute)	-	36
Night	Night-LA1 (1 minute)	-	45

POINT 43

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day, Evening, Night	LAeq (15 minute)	-	35

POINT 44

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day, Evening, Night	LAeq (15 minute)	-	35

POINT 46

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day, Evening, Night	LAeq (15 minute)	-	50

- Note: 1. The above noise limits do not apply at properties where the licensee has a written agreement with the landowner to exceed the noise limits.
 2. The noise limit for licence points 44 and 45 identified in condition L5.1 are applicable when in use only and when measured internally.

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3. The noise limit for licence point 46 identified in condition L5.1 is applicable when in use.

L5.2 For the purpose of Condition L5.1:

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

L5.3 The noise limits set out in condition L5.1 apply under all meteorological conditions except for the following:

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

L5.4 For the purpose of condition L5.3:

- a) Data recorded by the meteorological station identified as EPA Licence Point 25 must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

L5.5 To determine compliance:

- a) with the Leq(15 minute) noise limits in condition L5.1, the noise measurement equipment must be located:
 - i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - ii) within 30 metres of a dwelling façade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - iii) within approximately 50 metres of the boundary of a National Park or Nature Reserve.
- b) with the LA1(1 minute) noise limits in condition L5.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) with the noise limits in condition L5.1, the noise measurement equipment must be located:
 - i) at the most affected point at a location where there is no dwelling at the location; or
 - ii) at the most affected point within an area at a location prescribed by conditions L5.5(a) or L5.5(b).

L5.6 A non-compliance of L5.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

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- (a) at a location other than an area prescribed by condition L5.5(a) and L5.5(b); and/or
- (b) at a point other than the most affected point at a location.

L5.7 For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry (EPA, 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L6 Blasting

L6.1 Blasting in or on the premises must only be carried out between 9 am and 5 pm, 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.

L6.2 Blasting at the premises is limited to the following:

- a) A maximum of 2 blasts per day; and
- b) A maximum of 9 blasts per week averaged over a 12 month reporting period.

Note: 1. This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately owned land, blast misfires or blasts required to ensure the safety of the mine or its workers.
2. For the purposes of the above condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.

L6.3 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.

L6.4 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.

L6.5 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.

L6.6 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.

Note: 1. The airblast overpressure and groundvibration levels in conditions L6.3 to L6.6 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

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2. "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centres, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

L6.7 Offensive blast fume must not be emitted from the premises.

Definition:

Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

- 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or*
- 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.*

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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

This includes:

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

O2 Maintenance of plant and equipment

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

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

O3 Dust

O3.1 All areas in or on the premises must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).

O3.2 Any activity in or on the premises must be carried out by such practicable means as to prevent or minimise the emission into the air of air pollutants (which includes dust).

O3.3 Any plant in or on the premises must be operated by such practicable means as to prevent or minimise

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the emission into the air or air pollutants (which includes dust).

O4 Effluent application to land

- O4.1 Effluent application must not occur in a manner that 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.

O5 Processes and management

- O5.1 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.
- O5.2 Contingency and emergency management plans must be developed and implemented for the spill of any chemical and fuel.

O6 Other operating conditions

- O6.1 The sediment basins identified as EPA identification no. (licence discharge points) 24, 26, 29, 30, 31, 33, 35 and 51 under condition P1.3 must be drained or pumped out as necessary to maintain each basins design storage capacity, within 5 days following rainfall.
- O6.2 Water discharged to comply with condition O6.1 may only be discharge to waters from sediment basins identified under licence discharge points 24, 26, 29, 30, 31, 33, 35 and 51 where the water complies with the discharge limit specified under condition L2.4 for licence discharge points 24, 26, 29, 30, 31, 33, 35 and 51.
- O6.3 The licensee must also undertake maintenance as necessary to desilt basins indentified as under licence discharge points 24, 26, 29, 30, 31, 33, 35 and 51 in order to retain each basins design storage capacity.

5 Monitoring and Recording Conditions

M1 Monitoring records

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

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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 15,17,27

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 27

Pollutant	Units of measure	Frequency	Sampling Method
PM2.5	micrograms per cubic metre	Continuous	Special Method 1

M2.3 For the purposes of the table(s) above Special Method 1 means AS/NZS 3580.9.13:2013 - Methods for sampling and analysis of ambient air determination of suspended particulate matter - PM_{2.5} continuous direct mass method using a tapered element oscillating microbalance monitor.

M2.4 Water and/ or Land Monitoring Requirements

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POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Continuous during discharge	Probe
Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample
pH	pH	Continuous during discharge	Probe
Total suspended solids	milligrams per litre	Weekly during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Continuous during discharge	Probe

POINT 2,28

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

POINT 5,22,23,48

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

POINT 24,26,29,31,33,35,51

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample

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Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Daily during any discharge	Grab sample

Note: For the purposes of conditions M2.2 and M2.4, 'continuous' refers to the capture of relevant pollutant data for the duration of the frequency reporting period. Data capture rates across the frequency reporting period do not apply under the following situations:

- equipment breakdown;
- power loss;
- scheduled maintenance;
- performance specification testing;
- vandalism.

M2.5 When continuous monitoring equipment is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA to determine whether equivalent manual sampling, testing or estimation needs to be undertaken on a daily basis at the monitoring point(s) prior to the return to service of the monitoring equipment.

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.

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.

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".

M4 Weather monitoring

M4.1 The meteorological station (licence point 50) must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.2.

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

POINT 50

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

Note: For the purposes of conditions M4.1 and M4.2, 'Continuous' refers to the continuous monitoring of the relevant weather parameters for the duration of the frequency reporting period except during the following situations:

- equipment breakdown;
- power loss;
- scheduled maintenance;
- performance specification testing;
- vandalism.

M4.3 When the meteorological station is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA and state what alternative weather monitoring arrangements will be put in place until the return to service of the meteorological station.

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:

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

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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.

M7 Requirement to monitor volume or mass

M7.1 For each discharge point or utilisation area specified below, the licensee must monitor:

a) the volume of liquids discharged to water or applied to the area;

b) the mass of solids applied to the area;

c) the mass of pollutants emitted to the air;

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

POINT 1

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	megalitres per day	Flow meter and continuous logger

Note: For the purposes of condition M7.1, 'Continuous' refers to the capture of relevant volume monitoring data for the duration of the frequency reporting period except during the following situations:

a) equipment breakdown;

b) power loss;

c) scheduled maintenance;

d) performance specification testing;

e) vandalism.

M7.2 When continuous monitoring equipment is unavailable for a period of time greater than 48 hours, the licensee must notify the EPA to determine whether equivalent manual sampling, testing or estimation needs to be undertaken on a daily basis at the monitoring point(s) prior to the return to service of the monitoring equipment.

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M8 Blasting

M8.1 To determine compliance with conditions L6.3, L6.4, L6.5 and L6.6:

a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring point 49 for the parameters specified in Column 1 of the table below; and

b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast Overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS2187.2-2006
Ground Vibration Peak Velocity	Millimetres/second	All blasts	Australian Standard AS2187.2-2006

M9 Noise monitoring

M9.1 To determine compliance with the noise limits contained in condition L5.1 noise monitoring must be conducted in accordance with the document *"Moolarben Coal Coal Complex Noise Management Plan June 2015"* (as amended from time to time).

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.

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

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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.

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.

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.

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

R2 Notification of environmental harm

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.

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.

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

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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:
- a) the cause, time and duration of the event;
 - b) the type, volume and concentration of every pollutant discharged as a result of the event;
 - c) 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;
 - d) 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;
 - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - g) 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 Every six (6) months, the licensee must complete and submit to the EPA a report comprising:
- a) Data, reported graphically where practicable, for monitoring conducted in accordance with licence requirements;
 - b) Statement of compliance;
 - c) A complaints summary; and
 - d) An outline of any management actions taken within the period to address any non-compliances identified in the 6 monthly reporting period.

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

7 General Conditions

G1 Copy of licence kept at the premises or plant

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

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G2 Signage

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

Note: Condition G2.1 only applies to monitoring and/or discharge points that are on land owned or controlled by the licensee.

G3 Other general conditions

G3.1 Completed Programs

Program	Description	Completed Date
Undertake an independent audit of water management	Undertake an independent audit of water management on site and based on the results of the audit prepare and implement a works program.. Improved water quality in Bora Creek.(@)	14-May-2010
Coal Mine Particulate Matter Control Best Practice	Site specific determination of particulate matter control against best practice	25-January-2012
Design Review of Water Management System	Undertake an independent design review of the water management system and develop a water management action program based on the recommendations of the review	23-December-2011
Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	15-August-2014
Particulate Matter Control Best Practice Implementation – Disturbing and Handling Overburden in Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	15-August-2014
Particulate Matter Control Best Practice Implementation - Trial of Best Practice Measures for Disturbing and Handling Overburden	Investigation to establish best practice measures for the handling of overburden.	14-April-2014
Upgrades to the Water Management System	Various upgrades to the water management system in the area of the rail loop and the CHPP	18-December-2015
Rail Loop Remediation	Remediation of the rail loop batters	29-September-2017

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8 Special Conditions

E1 Independent Water Quality Study

E1.1 The licensee must complete an independent water quality study that must:-

- be undertaken in accordance with the ANZECC Guidelines;
- be undertaken by an independent scientific organisation;
- collect and utilise water quality monitoring data in the Goulburn River using locations endorsed by the EPA;
- determine appropriate background salinity and heavy metal levels for the Goulburn River upstream of the premises; and
- recommend an electrical conductivity limit for treated water discharges to the Goulburn River from the premises based on the process outlined in the ANZECC Guidelines.

A report summarising the findings from this study must be provided to the Central West (Bathurst) Office of the EPA within the time frame stipulated under condition 32A of Stage 1 Mod 14 (project 05_0117).

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Dictionary

General Dictionary

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

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

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

Mr Darryl Clift

Environment Protection Authority

(By Delegation)

Date of this edition: 18-August-2008

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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.
- 4 Licence varied by notice 1122832, issued on 23-Dec-2010, which came into effect on 23-Dec-2010.
- 5 Licence varied by notice 1125746, issued on 11-Jul-2011, which came into effect on 11-Jul-2011.
- 6 Licence varied by notice 1500573 issued on 08-Aug-2011
- 7 Licence varied by notice 1502327 issued on 28-Oct-2011
- 8 Licence varied by notice 1504816 issued on 22-Mar-2013
- 9 Licence varied by notice 1516887 issued on 11-Sep-2013
- 10 Licence varied by notice 1518786 issued on 20-Dec-2013
- 11 Licence varied by notice 1524488 issued on 22-Aug-2014
- 12 Licence varied by notice 1525159 issued on 30-Oct-2014
- 13 Licence fee period changed by notice 1526437 on 19-Nov-2014
- 14 Licence varied by notice 1531926 issued on 28-Jul-2015
- 15 Licence varied by notice 1538325 issued on 26-May-2016
- 16 Licence varied by notice 1557265 issued on 16-Feb-2018
- 17 Licence format updated on 05-Sep-2018
- 18 Licence varied by notice 1576687 issued on 04-Mar-2019
- 19 Licence varied by notice 1583644 issued on 04-Oct-2019