

EPL 3607

Environment Protection Licence

Licence - 3607



Environment,
Climate Change
& Water

Licence Details

Number:	3607
Anniversary Date:	01-January

Licensee

SPRINGVALE COAL PTY LIMITED
LEVEL 18, BT TOWER, 1 MARKET STREET
SYDNEY NSW 2000

Licence Type

Premises

Premises

SPRINGVALE COLLIERY
CASTLEREAGH HIGHWAY
LIDSDALE NSW 2790

Scheduled Activity

Mining for coal
Coal works

Fee Based Activity

Mining for coal
Coal works

Scale

> 2000000 - 3500000 T produced
> 2000000 - 5000000 T loaded

Region

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

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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:

SPRINGVALE COAL PTY LIMITED
LEVEL 18, BT TOWER, 1 MARKET STREET
SYDNEY NSW 2000

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.

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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
Mining for coal	> 2000000 - 3500000 T produced
Coal works	> 2000000 - 5000000 T loaded

A1.3 Not applicable.

A2 Premises to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
SPRINGVALE COLLIERY
CASTLEREAGH HIGHWAY
LIDSDALE
NSW
2790
ML 1303, ML 1323, ML 1326, ML1352, ML1537, ML1588, MPL314, EL6974, MLA326, A460, CCL 733, ML204, ML1319, ML564, CL394 and CL361 as shown on map titled 'Figure no. 1 - Plan of Operations' provided to the EPA on 4 September 2009

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.

Air

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
8	Dust monitoring network		Dust deposition gauge monitoring network as shown on Springvale Coal's Figure 3.3.1 titled Dust Monitoring Locations, forwarded to the EPA on 20/6/01

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.

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Water and land

EPA identification no.	Type of monitoring point	Type of discharge point	Description of location
1	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	Overflow from Dam 3 at Springvale pit top labelled as LD001 on Springvale Coal's Diagram titled "Discharge Points LD001, LD002 & LD003", dated 18-November-99.
2	Discharge to utilisation area		Area labelled as LD002 on Springvale Coal's Diagram titled "Discharge Points LD001, LD002 & LD003", dated 18-November-99.
4	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	Emergency discharge point on unnamed creek leading to Wolgan River, labelled as LDP 004 on State Forest's Figure 3.2.4 titled 'Softwoods Region Occupation Permit No. 02349.
5	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	Emergency discharge point on unnamed creek leading to Wolgan River, labelled as LDP 005 on State Forest's Figure 3.2.4 titled 'Softwoods Region Occupation Permit No. 02349.
6	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	Drain from final filter lagoon at Western Main labelled as LD006 in Springvale Coal's Diagram titled Discharge Point LD006, dated 18-November-99.
7	Discharge to waters Discharge quality monitoring	Discharge to waters Discharge quality monitoring	Duncan Street coal conveyor transfer drain from final filter lagoon at Western Main labelled as LD007 in Springvale Coal's Diagram titled as LD007, dated 18-November-99

Note: Licensed discharge points 4 (LD4) and 5 (LD5) are only to be used for emergency discharges as defined in condition E1.1.

3 Limit conditions

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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 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\ 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\.

Water and Land

POINT 1

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

POINT 6

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

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POINT 7

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

For discharge points 1, 6 and 7, where the pH of the receiving waters is outside the pH range 6.5-8.5, the licensee may discharge water that is outside the above pH range of 6.5-8.5, provided any water discharged does not vary the pH of the receiving waters by more than 0.5 pH units.

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;
- (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	10000
4	kilolitres per day	15000
5	kilolitres per day	15000
6	kilolitres per day	10000

During emergency discharges (as defined in condition E1.1) the licensee may exceed the 15000kL/day limit for points 4 or 5, however the combined total daily limit for these two points must not exceed 30000kL/day. All practical steps must be taken to ensure that there is equilibrium of flow between these two discharge points.

L5 Waste

L5.1 Not applicable.

L6 Noise Limits

- L6.1 Noise from the upcast ventilation shaft must not exceed an LAeq (15 minute) noise emission criterion of 35 dB(A), except as expressly provided by this licence.
- L6.2 Noise from the premises is to be measured or computed at the nearest or most affected residence to determine compliance with condition L6.1. .
- L6.3 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".

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.

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 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O4 Incineration or open burning

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O4.1 There must be no incineration or burning of any waste at the premises.

O5 Management of utilisation area

O5.1 Effluent application must not occur in a manner which causes surface runoff.

O5.2 Spray from effluent application must not drift beyond the boundary of the premises.

O5.3 Livestock access to any effluent application area must be denied during irrigation and until the applied effluent has dried.

O5.4 The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

For the purpose of this condition, 'effectively utilise' include the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

5 Monitoring and recording conditions

M1 Monitoring records

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

M1.2 All records required to be kept by this licence must be:

- (a) in a legible form, or in a form that can readily be reduced to a legible form;
- (b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- (c) 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:

- (a) the date(s) on which the sample was taken;
- (b) the time(s) at which the sample was collected;
- (c) the point at which the sample was taken; and
- (d) 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:

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POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Weekly during any discharge	Grab sample
Filterable iron	milligrams per litre	Monthly during discharge	Grab sample
Filterable manganese	milligrams per litre	Monthly during discharge	Grab sample
Oil and Grease	milligrams per litre	Monthly during discharge	Grab sample
Total suspended solids	milligrams per litre	Monthly during discharge	Grab sample
Zinc (total)	milligrams per litre	Monthly during discharge	Grab sample
pH	pH	Weekly during any discharge	Grab sample

POINTS 4,5

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Daily during any discharge	Probe
Filterable iron	milligrams per litre	Weekly during any discharge	Grab sample
Filterable manganese	milligrams per litre	Weekly during any discharge	Grab sample
Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample
Temperature	degrees Celsius	Daily during any discharge	Probe
Total suspended solids	milligrams per litre	Weekly during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Probe

POINT 6

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Monthly during discharge	Grab sample
Filterable iron	milligrams per litre	Monthly during discharge	Grab sample
Filterable manganese	milligrams per litre	Monthly during discharge	Grab sample
Nickel (total)	milligrams per litre	Monthly during discharge	Grab sample
Oil and Grease	milligrams per litre	Monthly during discharge	Grab sample
Total Hardness	milligrams per litre	Monthly during discharge	Grab sample
Total suspended solids	milligrams per litre	Monthly during discharge	Grab sample
Zinc (total)	milligrams per litre	Monthly during discharge	Grab sample
pH	pH	Monthly during discharge	Grab sample

POINT 7

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	milligrams per litre	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample

POINT 8

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

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this

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licence must be done in accordance with:

- (a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- (b) 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
- (c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

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

M4 Recording of pollution complaints

- M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M4.2 The record must include details of the following:
- (a) the date and time of the complaint;
 - (b) the method by which the complaint was made;
 - (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken by the licensee, the reasons why no action was taken.
- M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

- M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

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- M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after:
- the date of the issue of this licence or
 - 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:

- the volume of liquids discharged to water or applied to the area;
- the mass of solids applied to the area;
- 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
Daily	kilolitres per day	Flow meter and continuous logger

POINT 2

Frequency	Unit Of Measure	Sampling Method
Daily	kilolitres per day	Flow meter and continuous logger

POINT 4

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)

POINT 6

Frequency	Unit Of Measure	Sampling Method
Daily	kilolitres per day	Flow meter and continuous logger

POINT 7

Frequency	Unit Of Measure	Sampling Method
Daily during any discharge	kilolitres per day	Estimate

M7 Meteorological Monitoring

M7.1 The licensee must ensure that the following meteorological parameters are monitored on site and the results recorded:-

- daily rainfall;
- daily evaporation;
- continuous wind speed and direction.

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

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
(a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
(b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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:
- (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.

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 the premises.

G2 Signage

- G2.1 The location of EPA point number(s) 4 (LD4) and 5 (LD5) must be clearly marked by signs that indicate the point identification number used in this licence and be located as close as practical to the point.

Pollution studies and reduction programs

U1 Implementation of discharge water quality improvements works

U1.1 The licensee must undertake the following works within the time frame indicated:-

1. Modify the site water management arrangements at the premises as follows;
 - (i) Establishing pumping capacity directly from Cooks Dam to the coal washery and, during times of low consumption at the washery, pump water from Cooks Dam to the DML Dam – following receipt of water licence from NSW Office of Water – **by 30 July 2011**.
 - (ii) Establish the Retention Dam as a rainfall runoff silt trap prior to discharge through licensed discharge point 6 (LDP 6) – following receipt of water licence from NSW Office of Water – **by 1 July 2011**.
 - (iii) Establish controlled discharge from Main Sedimentation Dam and Water Treatment Dam including the construction of a spillway, drainage channel, treatment facility and new sediment pond – to be completed by **31 December 2010**.
 - (iv) Decant water from the Co-disposal (Tailings) Operation Area is to be directed back to the coal washery for reuse, rather than being discharged through LDP 6 – by **1 November 2010**.
 - (v) Water spillage and rainfall run-off from the immediate coal washery area is to be collected and reused, rather than being discharge through LDP 6 – by **31 December 2010**.
 - (vi) Rainfall runoff contained in the Main Sedimentation Pond is to be regularly discharged through LDP 6 in order to maintain free board in the dam for periods of higher intensity rainfall events – by **1 November 2010**.

The Lambert Gully/Springvale Coal Handling Preparation Plant's water management plan must be progressively updated to incorporate these revised site water management arrangements (including diagrams as appropriate).

2. Investigate the source of seepage from the Cooks Dam wall area and identify options to prevent or minimise the amount of this seepage that discharges from the site via licensed discharge point LDP 6.

This study must be completed, and a report prepared and provided to the Bathurst Office of the EPA, by **31 June 2011**.

U2 Investigation into elevated Heavy Metals in discharge from Lamberts Gully

- U2.1 Determine appropriate discharge quality targets for nickel, zinc, aluminium, iron, manganese and electrical conductivity for licensed discharge point LDP006 using the ANZECC 2000 Water Quality Guidelines. Report on the findings of the investigation, which should include data and process for determining targets.

Completion date: **30 July 2011**

U3 Surface Water Quality Improvements at LDP1

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- U3.1 The licensee must modify the existing site water management arrangements at the premises to establish a temporary pH adjustment system to enable the licensee to meet water quality limits at LDP1.

This system shall be installed and commissioned by 30 August 2011

The efficacy and/or applicability of this system will be reviewed following the outcomes of the study to be commissioned below in Condition U3.2.

- U3.2 The licensee will undertake a holistic review of the site to review current management practices and to investigate potential causes of inherently high pH levels in discharge water at LDP1. At the conclusion of the review a report will be prepared that discusses the sustainable and long term options / strategies to better manage pH levels of discharge waters at LDP1.

This report will be provided to the Bathurst Office of the EPA by 29 February 2012.

Special conditions

E1 Emergency Discharges to Wolgan River

E1.1 *Definition of emergency discharge*

For the purposes of this licence, an “emergency discharge” is defined as the release of groundwater, sourced from the licensee’s underground workings, through licensed discharge points 4 (LD4) and 5 (LD5) in the event of a shutdown of the Springvale Colliery to Delta Water Transfer Scheme for circumstances either beyond the licensee’s control or for essential maintenance purposes.

E1.2 *Prior to discharge:*

The licensee must ensure that appropriate measures are taken prior to any emergency water discharge to minimise erosion and sedimentation at the discharge points (LD4 and LD5) and of the drainage lines downstream of LD4 and LD5.

E1.3 *Notifying the EPA of emergency discharge*

The licensee shall inform the EPA in writing (fax to 6332 2387):

- a. within 24 hours of a failure in the Springvale to Delta Water Transfer Scheme;
- b. no later than 48 hours prior to a scheduled pipeline shutdown;
- c. no later than 48 hours prior to the requirement to continue the emergency discharge for a period greater than 2 weeks; and
- d. within 24 hours following the reinstatement of the pipeline.

The notification of a failure or planned shutdown of the pipeline must include details of the nature of the failure/shutdown and the expected timeframe to restore the pipeline.

E1.4 *Monitoring during emergency discharge*

In addition to the monitoring required by condition M2.1, the licensee shall undertake the following monitoring during and following an emergency discharge event:

- a. daily inspections of the discharge points (LD4 and LD5) and the drainage lines downstream of LD4 and LD5;
- b. daily monitoring (visual) of the equilibration of the flow rate between emergency discharge points LD4 and LD5; and
- c. a photographic survey along the length of the flow lines, beneath the discharge points, likely to be affected during periods of emergency discharge. This survey must be conducted either immediately prior to or during the emergency discharge event and no later than 6 months following the cessation of the emergency discharge event.

E1.5 *Emergency discharge reporting*

A report shall be prepared by the licensee, following the recommissioning of the pipeline, which shall include but not be limited to:

- a. the cause of the pipe failure/shutdown;
- b. the duration of the emergency discharge (in days);
- c. the total volume of water discharged from LD4 and LD5 (in kL/day);
- d. the results of all monitoring undertaken;
- e. any remedial measures required on the drainage line(s) below the emergency discharge points that have been or will require implementation;
- f. any measures to be taken to prevent a recurrence in the case the emergency discharge event was a result of a pipe failure; and
- g. all appropriate photos and figures.

The report must be sent to the EPA's Bathurst office within four (4) weeks of the recommissioning of the Springvale to Delta Water Transfer Scheme.

Dictionary

General Dictionary

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

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 1998

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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 1998
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
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 1998.
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 (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
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 1998
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

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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
Noise	Means "sound pressure levels"
Noise sensitive locations	Means buildings used as residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building
NSW Industrial Noise Policy	Means the document titled "NSW Industrial Noise Policy" published by the Environment Protection Authority in January 2000
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> .
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

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waste type

Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste

Ms Debbie Maddison

Environment Protection Authority

(By Delegation)

Date of this edition - 05-Jul-2011

End Notes

- 1 Licence varied by notice V/M upgrade, issued on 08-Jul-2000, which came into effect on 08-Jul-2000.
- 2 Licence varied by notice 1008839, issued on 24-Sep-2001, which came into effect on 24-Sep-2001.
- 3 Licence varied by notice 1020230, issued on 04-Sep-2002, which came into effect on 29-Sep-2002.
- 4 Licence varied by notice 1025883, issued on 03-Apr-2003, which came into effect on 07-Apr-2003.
- 5 Licence varied by notice 1028983, issued on 19-Dec-2003, which came into effect on 13-Jan-2004.
- 6 Licence varied by notice 1034311, issued on 03-Sep-2004, which came into effect on 28-Sep-2004.
- 7 Licence varied by notice 1041194, issued on 11-Oct-2004, which came into effect on 11-Oct-2004.
- 8 Licence varied by notice 1046241, issued on 08-Aug-2005, which came into effect on 02-Sep-2005.
- 9 Licence varied by notice 1052295, issued on 26-Apr-2006, which came into effect on 26-Apr-2006.
- 10 Licence varied by notice 1063851, issued on 03-Oct-2006, which came into effect on 03-Oct-2006.
- 11 Licence varied by notice 1077081, issued on 21-Aug-2007, which came into effect on 21-Aug-2007.
- 12 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>

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End Notes

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| 13 | Licence varied by notice 1103012, issued on 09-Sep-2009, which came into effect on 09-Sep-2009. |
| 14 | Licence varied by notice 1114246, issued on 10-Sep-2010, which came into effect on 10-Sep-2010. |
| 15 | Licence varied by notice 1126999, issued on 05-Jul-2011, which came into effect on 05-Jul-2011. |