

Tomago Aluminium Company



Annual Environment Report 2022

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EXECUTIVE SUMMARY

This Annual Report details the environment management and monitoring program implemented in 2022 by Tomago Aluminium Company to meet the requirements of the Development Consent conditions (DA 391-80 & DA 4908-90).

Tomago Aluminium produced 583,325 tonnes of saleable aluminium in 2022.

Overall Environmental Management during 2022 was effective with compliance with conditions being achieved with the exception of a very few samples being unable to be taken during the year due to minor equipment breakdowns.

Air Quality

An annual average fluoride emission rate of 0.49 kilograms of fluoride per tonne of aluminium produced was achieved. Concentration and Load Based Limits based limits on fluoride, sulfur dioxide, particulates and nitrogen oxides were met.

Ambient monitoring for fluoride demonstrated close alignment with or below EIS modelled concentrations apart from Site 181 (Tomago Farm). All monitoring sites outside the designated buffer zone met the ANZECC air quality guidelines for fluoride. During 2022 at site 181, the Tomago Farm, there were a number of exceedances of the goals. This site experiences elevated levels due to the prevalence of seasonal westerly to north westerly winds. There was also two occasions early in the year when the goals were exceeded at Site 85 (Cnr Old Punt Rd and Pacific Highway) during weeks of very persistent South-Easterly winds, and one occasion when the goals were exceeded at Site 83 to the south-south east of the smelter during Quarter 4. All of these sites are well within the company buffer zone, which was established in recognition that some locations would exhibit fluoride levels in excess of the ANZECC goals. For the longer term, annual average ambient fluoride concentrations are all relatively stable.

Due to the changes in the NSW EPA assessment criteria for sulfur dioxide in August 2022 (adoption of the National Environment Protection Measure (NEPM) for Ambient Air Quality (AAQ) variation 2021) exceedances of the sulfur dioxide criteria have dramatically increased in H2 2022. All the sulfur dioxide monitoring sites are located within the designated buffer zone for the smelter.

Vegetation

Vegetation monitoring and visual assessment highlighted that the fluoride impact on vegetation is confined to areas close to the smelter perimeter.

Fluoride concentrations in both overstorey and forage at the monitoring sites remain relatively stable.

The visual assessment completed in 2022 concluded that although there was an increase in damage on previous years, some of this damage may be attributable to nutritional deficiencies or insect damage. The most impacted area is to the north, consistent with prevailing winds.

Water

Monitoring of surface water, groundwater and stormwater on the smelter site and the surrounding environs was completed in 2022, with sampling of the Hunter River routinely for metals continued.

Surface water

Twelve sites were monitored monthly. Apart from some shallow swamps in very close proximity to the smelter, fluoride concentrations all remain below relevant criteria. Longer term trends remain quite stable.

Groundwater

Fluoride concentration in the groundwater reserve known as the “Tomago Sandbeds” remains at background levels. Monitoring data from the smelter site highlights some localised areas of higher fluoride. The higher fluoride concentrations in groundwater measured on the smelter site become dissipated with distance from the smelter. Concentrations have predominantly remained stable when compared to previous data, with groundwater levels around 0.3m higher than in 2021.

Stormwater

Stormwater was monitored during discharge in 2022. Stormwater discharge limits for controlled discharge of stormwater were met. Several projects are being progressed to lessen stormwater contamination in the medium term. A bio-accumulation program consisting of oyster and sediment sampling and analysis was conducted again in 2022 with no abnormal trends identified.

Energy

In 2022, smelter energy efficiency had a slight decrease most likely as a result of some destabilisation of the process during the autumn and winter months due to some required power interruptions. The installation of improved energy efficient Potcells continued in 2022.

Waste Management

On site storage of spent potlining decreased from 7959 tonnes to 6212 tonnes with the processing and dispatch of 11407 tonnes during 2022. Processing is scheduled to be steady during 2023.

Wallaroo Waste Disposal Facility

All monitoring results remain at background levels. Groundwater monitoring rate was much improved with increased groundwater levels and two bore replacements during 2022.

Noise

No noise complaints received in 2022 with half-yearly monitoring at three sites returning noise levels typical of previous data.

Independent Audits

A Surveillance Audit on the Tomago Aluminium Environment Management System to the requirements of ISO 14001 was completed.

1. INTRODUCTION

This document provides a summary of the environmental performance of the Tomago Aluminium Smelter during 2022. The report has been prepared specifically for the Department of Planning (DoP) to comply with the conditions of development consent for the Tomago Aluminium Smelter Expansion Project. Annual reporting requirements in relation to Environmentally Hazardous Chemicals Act licences is also included.

The report is used to provide regulatory bodies and the community with a technical summary of the company's environmental performance.

The report reviews levels of production, compliance with conditions of development consent as well as summarising and assessing monitoring data for:

- Source emissions
- Ambient air quality in the vicinity of the smelter
- Water quality in the vicinity of the smelter
- Impact of smelter operations on vegetation
- Waste management

The data summarised in this report is collected through an extensive environmental monitoring program conducted by the company. Detailed reports containing this data are forwarded quarterly to the following government departments and statutory authorities:

- Office of Environment and Heritage
- Environment Protection Authority
- National Parks and Wildlife Service
- Department of Primary Industries (NSW Fisheries)
- Port Stephens Council
- Hunter Water Corporation
- Department of Planning and Environment

Separate environmental assessments of potential impacts of smelter operations carried out in 2022 include:

- Ecosystem monitoring
- Vegetation assessment in the vicinity of the smelter

These were prepared and reported to regulatory agencies during 2022 also via the quarterly reporting process.

The appendices of this document contain information on sample site locations for the monitoring of environmental impact associated with the operation of the aluminium smelter and Wallaroo waste disposal facility, development consent conditions and the Environment Protection Licences for the smelter and Wallaroo landfill facility.

Readers seeking clarification or additional information should refer in the first instance to Environment Superintendent, Mrs Robyn Parker (49 669329) of the People, Safety and Environment Department of Tomago Aluminium.

2. SITE DESCRIPTION

The existing TAC smelter is located at 638 Tomago Road in the industrial suburb of Tomago, which is part of the Port Stephens Local Government Area (LGA). A regional context map is shown in Figure 2.1.

Figure 2.1: Regional Context



A number of small to medium industrial facilities are located adjacent to the plant. The nearest residential areas are located to the southwest at Hexham (3km) and to the northwest at Tarro (4.6km) and Beresfield (5.7km).

Neighbouring non industrial/manufacturing facilities include a caravan park (approximately 1.5 km west), Hunter Region Botanic Gardens (approximately 2 km north), historic Tomago House and Chapel (approximately 1 km south east) and NSW Corrective Services Training Centre (approximately 1 km South). A site location map which includes a depiction of the smelter's buffer zone is shown in Figure 2.2.

A map showing the site's approval boundary is shown in Figure 2.3, and facilities and infrastructure is shown in Figure 2.4.

Figure 2.2: Site Location including buffer zone

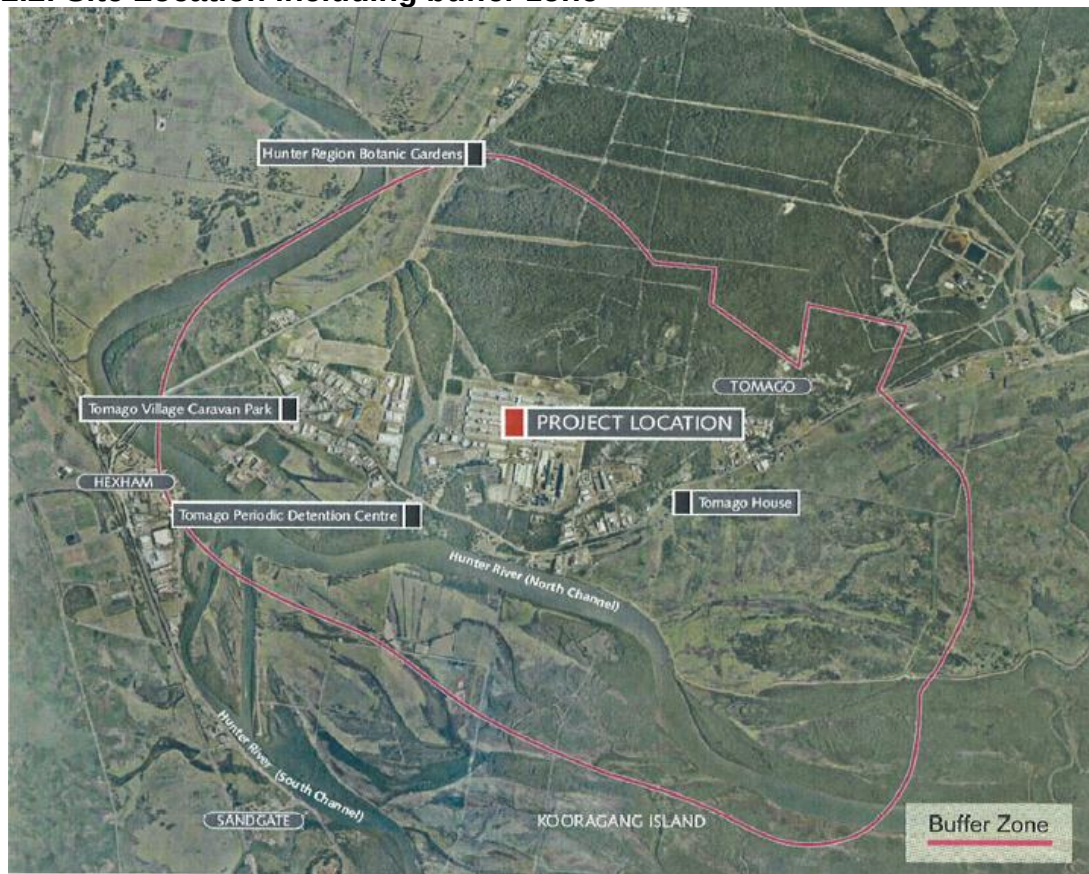


Figure 2.3: Site Approval Boundary

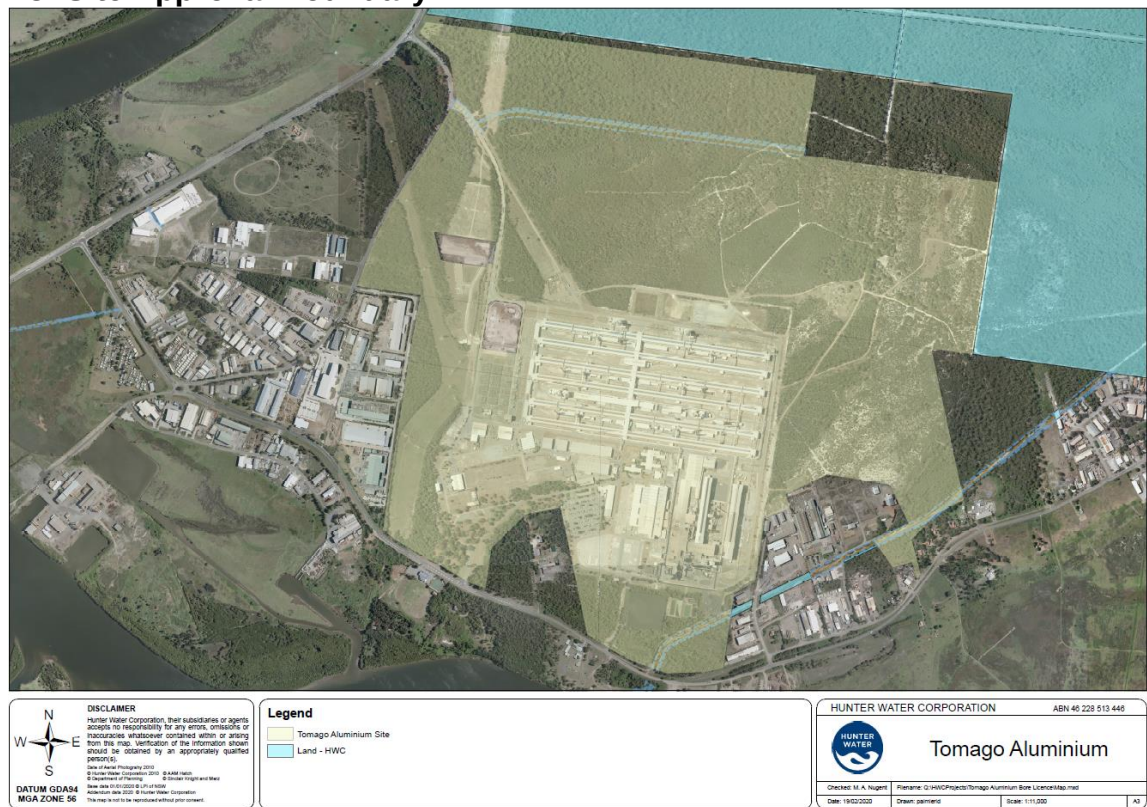


Figure 2.4: Site facilities and infrastructure



3. COMPANY HISTORY – CONDITIONS OF DEVELOPMENT CONSENT

The Tomago Aluminium site is about 13 km North West of Newcastle, within the Port Stephens Council local government area.

Tomago Aluminium Company Pty Ltd was formed in March 1980 with aluminium production beginning in September 1983. In 1991 development consent was granted for a two-stage expansion of the Tomago Aluminium smelter.

This consent contained a total of 55 conditions; many of which were continuations of the original consent conditions for the establishment of the smelter. A large number of conditions relate to ongoing environmental management actions such as environmental monitoring and reporting. The first stage of the expansion was completed in 1993. The EPA granted Pollution Control Approval for the second stage, extension of Potlines 1 and 2, in February 1997 and additional production capacity was on line by December 1998.

Approval to modify development consents for the smelter was granted in August 2001, to allow a production increase to 530,000 tpa. Work was completed in 2006 on this production expansion project known as AP22.

In December 2009 approval was granted to further increase production capacity to 575,000 tonnes.

In October 2015 approval was granted to increase saleable aluminium production capacity to 585,000 tonnes.

In November 2016 approval was granted to increase saleable aluminium production capacity to 600,000 tonnes. The capacity increase has been achieved by minor increases in potline amperage enabled by improvements in pot cell design. The two existing development consents (DA 391-80 & DA 4908-90) were modified.

3.1 Current Approvals for TAC

Approval Type	Approval name/number	Expiry
Development Approval	DA 391-80	N/A
Development Approval	DA 4908-90	N/A
Environment Protection Licence	EPL 6163 (TAC site)	N/A
Environment Protection Licence	EPL 6048 (Wallaroo Landfill Site)	N/A
Environmentally Hazardous Chemicals Act Licence	EHC Licence No. 3	26 Feb 2024
Environmentally Hazardous Chemicals Act Licence	EHC Licence No.4	24 Oct 2024
Specific Immobilisation Approval	SIA2019-S-18	17 Dec 2023
Resource Recovery Exemption	Tomago Aluminium Refractory Brick Exemption February 2021 Tomago Aluminium Refractory Brick Order February 2021	22 Feb 2023

3.2 Status of Development Consent Conditions

Development Consents DA 391/80 and DA 4908/90 contain conditions that require regular review to assess compliance status. Table 1 provides a brief summary of these with details provided in this report supporting compliance. In 2021 an independent environment audit on the development consent conditions was undertaken. All actions except for one longer term action from this audit are now closed.

The next independent environment audit will be completed during 2024.

Table 1: Summary of consent conditions compliance

Consent condition	Environment aspect/compliance status	Section reference
That the applicant shall carry out all those operating and monitoring measures as described and specified in the Statement to prevent, minimise or ameliorate adverse environmental ,social and economic impact except where there is inconsistency with the conditions of this development consent, the consent for the smelter expansion the subject of DA 4908/90 dated 2 August 1990, submitted to Port Stephens Shire Council, or the authorities' requirements shall prevail	Air quality, Water quality, Noise monitoring programs established and conducted	2,4,5,6,7,8,9,10
That the applicant shall, subject as hereinafter provided, establish monitoring stations to collect relevant information on air and water quality and noise pollution. Further, that the applicant shall prepare a programme for the purposes of air and water quality and noise pollution and shall submit such a programme and details of the location of the installations to the State Pollution Control Commission (hereinafter called the "Commission") for approval prior to the commencement of the programme. Further, the information collected and recorded at the monitoring stations shall be forwarded to the Commission at such intervals as required by the Commission and to any monitoring committee which may be established for the purposes indicated above;	Air quality, Water quality, Noise monitoring programs established and conducted	4.2,7,10
That the applicant shall enter into licence agreements with owners within 4 kilometres of the potlines for the purposes of conducting monthly analysis of surface water sites for fluoride levels. Further, the applicant shall obtain the prior consent of the commission and the Hunter District Water Board (hereinafter called the "Board") to enter upon the Board's lands situated within the Board's catchment area for the purposes of conducting monthly analysis of surface water site for fluoride levels. Further, the results shall be made available on the first day of each month to the commission and to the Board and to any monitoring committee which may be established for the purposes of monitoring fluoride emission from the proposed development.	Surface Water	7.1
that the applicant shall establish and operate monitoring systems as may be required by the Board (including those referred to in Condition 5 above):- (a) on the land the subject of the application and the Board's land at Grahamstown, Nelson Bay, Anna Bay and Tomago which lands constitute part of the Board's Catchment Area for the purposes of providing information on the changes in fluoride concentration and determining from time to time, the level of fluoride concentration therein in groundwater, surface water, rainwater and on fauna and flora in those catchment areas; and (b) at adjacent to the liquid effluent disposal area on the land for the purposes of checking the level of chemical or bacteriological contamination reaching groundwater and on the movement of the infiltrated effluent relative to local groundwater flow;	Surface Water, Vegetation and Groundwater monitoring sites established and results assessed	5,7.2
that the applicant shall, in accordance with the requirements of the Commission:- (a) install adequate stand-by emission collection and treatment facilities to meet possible machine or plant failure; (b) ensure that the facilities are in good working order and condition at all times; (c) ensure that the bakehouse and potline dry scrubbing systems have adequate stand-by equipment for all rotation and mechanised devices, such as fans, pumps and feeders; (d) install an additional bakehouse emission scrubber, generally in accordance with 1990 smelter expansion EIS	Air quality monitoring program implemented and equipment uptime monitored and reported.	4.2.1

that the applicant shall minimise energy usage and conserve heat and energy such as by the use of thermal energy recovery from the gases evolved during the smelting operation, heat recovery measures in anode baking and, minimisation of heat loss from electrolytic cells where technically and economically practicable in the design and construction of the smelter;	Energy usage monitored and opportunities assessed and implemented when feasible.	8
The Applicant shall: (a) install continuous real time monitoring of gaseous fluoride emissions from the roof vents in each potline; and (b) Maintain and operate an ambient air quality monitoring network, including sulphur dioxide monitoring in the vicinity of the smelter, to the satisfaction of the EPA.	Air Quality monitoring program in place which includes continuous monitoring of gaseous fluoride emissions in roof vents. Eight ambient fluoride and five ambient sulphur dioxide monitoring stations established and maintained as per EPA requirements.	4.2.1 4.2.2
The Applicant shall ensure that the noise from the operation of the development does not exceed any noise limits specified in the EPL for the facility.	Noise monitoring undertaken at three sites on a six monthly basis.	10
The Applicant must undertake pre and post modification noise audits to ensure the expansion does not increase noise emissions from the transformers. The auditing must be undertaken by a suitably qualified and experienced person whose appointment has been endorsed by the Director-General, and include: (a) a pre modification noise audit and report which must: i. be provided to DECCW and the Department and approved by the Director-General prior to the commencement of the expansion; ii. be undertaken during a period when the facility is operation under normal conditions; iii. identify the existing noise levels produced by the transformer; and iv. report any noise complaints received in the last 12 months. (b) a post modification noise audit and report which must: i. be provided to DECCW and the department and approved by the Director-General; ii. be undertaken within 5 years of this modification approval or once the facility is operational at full capacity, whichever comes sooner; iii. identify the noise levels produced by the transformer; iv. compare the transformer noise levels with the levels identified in the pre modification noise audit in (a) above; v. report any noise complaints received since the undertaking the previous noise audit; vi. assess whether any noise management or mitigation measures are required; vii. describe any measures proposed to be implemented, including a timetable for the implementation; and viii. detail how the effectiveness of these measurements would be assessed and reported.	Completed in 2015. Reports provided to EPA and Department of Planning & Environment	
In consultation with the NPWS, the Applicant shall assist in the development of, and participate in, a periodic monitoring program targeting specific areas/species within Kooragang Island Nature Reserve.	Air quality/ ecological impact. Monitoring sites established within Kooragang Nature Reserve	5
Within 12 months of the approval of the DA 391-80 MOD 4, and then as directed by the Director-General, the Applicant shall commission and pay the full cost of an independent Environmental Audit of the development. This Audit must: (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General; (b) include a Hazard Audit in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5 - Hazard	Independent Environmental Audit completed in 2021. Independent environment audits for accreditation or surveillance under ISO 14001 conducted annually.	11

Audit Guidelines. The audit shall include a review of the Safety Management System and of all incidents recorded and be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, justification must be included; (c) assess the environmental performance of the development, and its effects on the surrounding environment and sensitive receivers; (d) assess whether the development is complying with the conditions, relevant standards, performance measures, and statutory requirements; (e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary; (f) recommend measures or actions to improve the environmental performance of the development, and/or any strategy/plan/program required under this approval.	Hazard Audit done in 2020 (next due 2025) and next IEA due 2024.	
The Applicant at its own expense, shall expand, including, if so required, the establishment of additional monitoring stations, and operate the existing monitoring programs for ambient air and water quality and noise pollution in accordance with any reasonable requirements of the Commission, whether these monitoring programs are carried out by the Applicant, the Commission or an agent of the Commission. Further, the information collected and recorded at the monitoring stations shall be forwarded to the Commission at such intervals as required by the Commission.	Air quality, Water quality, Noise Environment monitoring program expanded with results detailed in quarterly and annual environment reports	4.2 7 10
The Applicant shall ensure that the storage areas for spent pot linings are secure and do not allow contaminants to reach groundwater. If such contamination is detected, the Applicant shall immediately remove the spent pot linings to secure location and satisfactorily remove the contamination.	Waste Dedicated SPL storage sheds constructed to manage SPL storage	9
The Applicant shall establish a fluoride monitoring system within the Gardens and the results obtained shall be made available to the Chairman of the Gardens or his representative.	Air quality Ambient fluoride monitoring station established at Botanic Gardens	4.2.2
The Applicant shall provide to the Department of Planning, NSW Agriculture and Fisheries, the Commission, the Board, NPWS, and the Council the results and analyses of environmental monitoring undertaken in pursuance of the provisions of conditions number 5 and 48. Such results and analyses shall be provided on a quarterly basis, for review by the responsible government bodies in order to identify any areas of non-compliance so that the necessary remedial action can be instituted. The Applicant shall agree to Council making the reports available on request for public inspection.	Reporting Quarterly and annual environment reports provided to interested parties	1
The Applicant shall prepare and implement, an Air Quality Monitoring Program for the development to the satisfaction of the Director-General. This program must: (a) be prepared in consultation with DECCW; (b) be submitted to the Director-General for approval by 1 May 2010; (c) include: - three additional SO₂ monitoring sites; ensuring sufficient monitoring points around "the Farm" precinct; - mapping of all monitoring points; - a description of the monitoring to be undertaken including pollutants, units of measure, frequency and sampling method; - a program to monitor the ongoing performance of the development; and - a description of the contingency measures that would be implemented should the monitoring identify any non-compliances/exceedances.	Air quality Air quality monitoring program lodged with Director General in 2010 and again in 2018 following request from DOP&E Compliance Unit. Approval granted 14/6/18	4.2.2

The Applicant shall prepare and submit an Air Quality Verification Report to the satisfaction of the Director- General and DECCW by 30 th May 2013	AECOM Air quality Verification Report 29/5/13. Lodgement of report 30/5/13	
Within 24 hours of any incident with actual or potential significant impacts on people or the biophysical environment, a report shall be supplied to the director outlining the basic facts. A further detailed report shall be prepared and submitted following investigation into the causes and identification of additional preventative measures. That report must be submitted to the director no later than 14 days after the incident. The applicant shall maintain a register of accidents, incidents and potential incidents.	Reporting requirement included in EMS. No incidents were deemed reportable in 2022.	3.5
The Applicant shall prepare and implement, an updated Waste Management Plan for the site in consultation with DECCW and to the satisfaction of the Director-General.	Waste Management Plan lodged 21/6/11. Resubmitted and reapproved in 2018 and 2021.	9
The Applicant shall prepare and implement, a revised Flora and Fauna monitoring Plan for the site in consultation with the DECCW to the satisfaction of the Director General	Buffer zone Management plan sent 21/6/10. Resubmitted and reapproved in 2018 and 2021.	5 6
Additional requested information for AER post 2018		
1. Figures – please consider consolidating Figures 2.3 and 2.4 and show the development consent boundary over a current aerial image of the site	It was considered to lose too much detail from Figure 2.4 to consolidate the two, however figure 2.3 has been modified to show boundary over current aerial image.	2
2. Approvals – please include a table listing all the current approvals for the TAC site, including, but not limited to: a. Development Consents; b. Environmental Protection Licences issued under the <i>Protection of the Environment Operations Act 1997</i> ; and c. Licences issued under the <i>Environmental Hazardous Chemicals Act 1985</i> .	Approvals listed in tabular form including any applicable expiry dates	3.1
3. Waste – Please include additional data on the volumes of the following wastes generated during the reporting period and stored on site as of 31 December: a. restricted waste (including the dredged stormwater basin sediment) b. general solid waste; and c. reject paste	a. tabulated b. tabulated c. reject paste is not a waste, it is recycled by the process, however a table showing the storage of these types of materials has been included	9.1
4. Noise – please report the maximum measured result for each noise monitoring site recorded during the reporting period against the noise goals and clearly identify if there has been any exceedance of the noise goals.	Maximums Included in tables. Goal exceedances identified.	10
5. Complaints – please include a section summarising the total number of complaints received and TAC response to each complaint.	Section included	3.4

3.3 Performance of the Development

The smelter operated at full capacity during 2022 producing an annual saleable production of 583,325 tonnes. Strategic decisions made and power curtailments throughout the year meant that this tonnage was approximately 1.9% below the original 2022 target. The saleable production target for 2023 is 591,150 tonnes.

Load based targets for the EPA licence year (November 2021 to October 2022) were met. Discharge concentration limits and volumes were met and the environmental monitoring program was completed to schedule.

3.4 Complaints

There were three complaints received during 2022.

- A neighbouring business reported the presence of “smoke/haze” on 01/02/2022. The investigation concluded this was steam from the casthouse cooling towers under inversion meteorological conditions.
- A neighbouring business reported a build up of grey dust in their building gutters on 15/06/22. The investigation into this complaint is still ongoing.
- On 12/8/22 the EPA informed TAC they had received a complaint of black dust coming from the western end of the plant on 21/07/22. The investigation couldn't locate the source and it was deemed probable that the dust was emanating from another business.

3.5 EPA Reportable Incidents

<u>Date</u>	<u>Incident nature</u>
07/02/22	Reduction in pollution control capability for approximately 1.5 hours due to a compressor house trip.

All relevant information on the EPA reportable incident has been given to the EPA and DoPE as per established protocols defined in the Tomago Aluminium Environment Management System.

4. ENVIRONMENT MANAGEMENT AND PERFORMANCE

4.1 Environment Management System

Tomago Aluminium Company operates an Environmental Management System (EMS) certified to ISO 14001- 2015. The EMS drives continual improvement and assists with the management of compliance to regulatory requirements. A surveillance audit of this system combined with Safety Management System (SMS, ISO 45001:2018) was conducted by Quality Control Services (Environmental) during November 2022, with a single Action Item 30 days identified (since rectified), nine action items for follow up at next audit and three opportunities for improvement.

4.2 Air Quality

4.2.1 Source Emissions

Key atmospheric emissions from aluminium smelting include fluorides (both gaseous and particulate) and sulfur dioxide. During the 2009 approval process load limits of 298 tonnes for fluoride and 11,900 tonnes for sulfur dioxide were established. These limits were respected in the 2021-2022 licence year.

Pot cell emissions are collected and transported to a number of Gas Treatment Centres (GTCs) to minimise fluoride emissions to the environment. At each GTC, fresh alumina is injected into the stream of potline off take gases, and the alumina reacts with hydrogen fluoride in the gas stream. Once reacted, the fluoride and alumina mix is collected with other particulate emissions in the baghouses and recycled back into the potrooms. Similarly, emissions generated from the baking of carbon anodes is directed to Fume Treatment Centres (FTCs) where they are scrubbed with alumina. The fluoride scrubbing efficiency of the GTCs and FTCs is greater than 99%.

During the 2021-2022 licence year average uptime on the Gas and Fume Treatment Centres was 99.8%.

4.2.1.1 Fluoride Source Emissions

The level of fluoride emissions from smelting operations is a major indicator of environmental performance.

The EPA licence conditions require that the total fluoride emissions from the smelter must not exceed:

- (a) The equivalent of 0.8 kilograms of total fluoride per tonne of aluminium produced (0.8 kg F/t Al) as a monthly average
- (b) The equivalent of 0.56 kilograms of total fluoride per tonne of aluminium produced (0.56 kg F/t Al) as an annual average, and
- (c) The equivalent of 0.6 kilograms of total fluoride per tonne of aluminium produced (0.6 kg F/t Al) as an annual average for more than one year out of every five years.
- (d) A total fluoride load of 298 tonnes for the EPL licence year (November to October).

The majority of total fluoride emissions result from ventilation through the roof vents of the potrooms.

The roof ventilator of each potroom is monitored twice per month and each stack is monitored six times per quarter for total fluoride emissions. Continuous gaseous fluoride monitoring exists on all Gas and Fume Treatment Centre stacks on site.

The annual average fluoride level in 2022 was 0.49 kg F / t Aluminium produced.

The total fluoride load for 2021/2022 EPA licence year (November 2021 to October 2022) was 292.4 tonnes, against a Load Based Licence Limit of 298 tonnes.

Table 4.1 displays the fluoride emissions from the stacks and potline roof vents along with the total plant emission rate for each month.

Figure 4.1 displays the total plant emission rate for each month and **Figures 4.2A** and **4.2B** display the annual average emission rates and annual fluoride total loads for the past 5 years.

Note: Total loads are calculated on EPA licence year of November – October.

**Table 4.1 - AVERAGE MONTHLY FLUORIDE EMISSION RATES
FROM THE TOMAGO ALUMINIUM SMELTER FOR 2022**

(All results are in kilograms total fluoride per tonne of aluminium produced)

(All results are in kilograms total fluoride per tonne of aluminium produced)													
STACK (EPA Point No.)		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Potline 1 West (1)			0.06	0.09		0.06	0.05		0.06	0.05		0.07	0.08
Potline 1 East (2)		0.06		0.07	0.08		0.04	0.03		0.05	0.04		0.04
Potline 2 West (3)		0.05	0.07		0.07	0.07		0.04	0.05		0.05	0.04	
Potline 2 East (4)		0.05		0.04	0.05		0.07	0.03		0.06	0.04		0.07
Potline 1&2 Ext'n (9)			0.06	0.07		0.05	0.04		0.04	0.05		0.05	0.04
Potline 3 West (7)		0.07	0.07		0.09	0.07		0.04	0.06		0.03	0.04	
Potline 3 East (8)			0.06	0.09		0.06	0.07		0.04	0.05		0.04	0.06
Bake Oven 1 (5)		0.001	0.001		0.001	0.001		0.003	0.001		0.002	0.001	
Bake Oven 2 (6)		0.002		0.003	0.004		0.002	0.005		0.004	0.003		0.004
Roof Vents (EPA Point No.)	Monthly Licence Limit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Potroom A (10)		0.49	0.46	0.38	0.38	0.54	0.36	0.43	0.42	0.54	0.44	0.50	0.50
Potroom B (11)		0.49	0.43	0.56	0.50	0.47	0.40	0.41	0.31	0.41	0.37	0.45	0.42
Potroom C (12)		0.66	0.65	0.42	0.48	0.47	0.37	0.41	0.43	0.43	0.54	0.56	0.46
Potroom D (13)		0.60	0.53	0.48	0.53	0.46	0.29	0.44	0.47	0.48	0.50	0.58	0.59
Potroom E (14)		0.32	0.39	0.39	0.30	0.38	0.36	0.41	0.41	0.42	0.36	0.55	0.47
Potroom F (15)		0.43	0.39	0.42	0.41	0.35	0.33	0.30	0.23	0.35	0.28	0.38	0.35
Total Plant Emission (30)	0.8	0.56	0.54	0.51	0.51	0.51	0.41	0.44	0.43	0.50	0.46	0.55	0.52

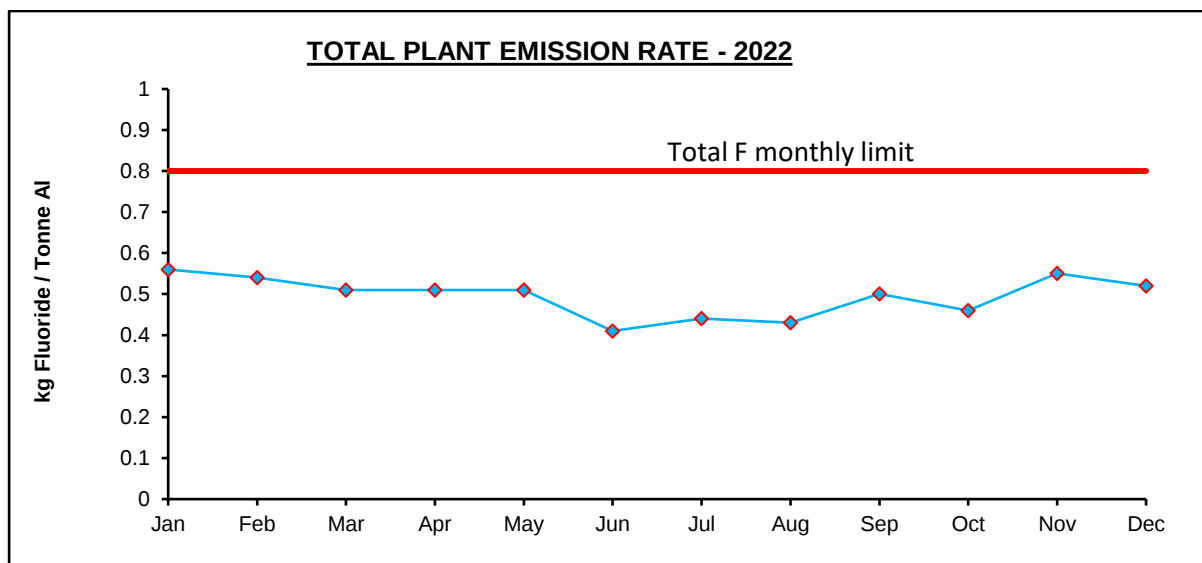


Figure 4.1: TOTAL MONTHLY FLUORIDE EMISSION RATES FROM THE TOMAGO ALUMINIUM SMELTER

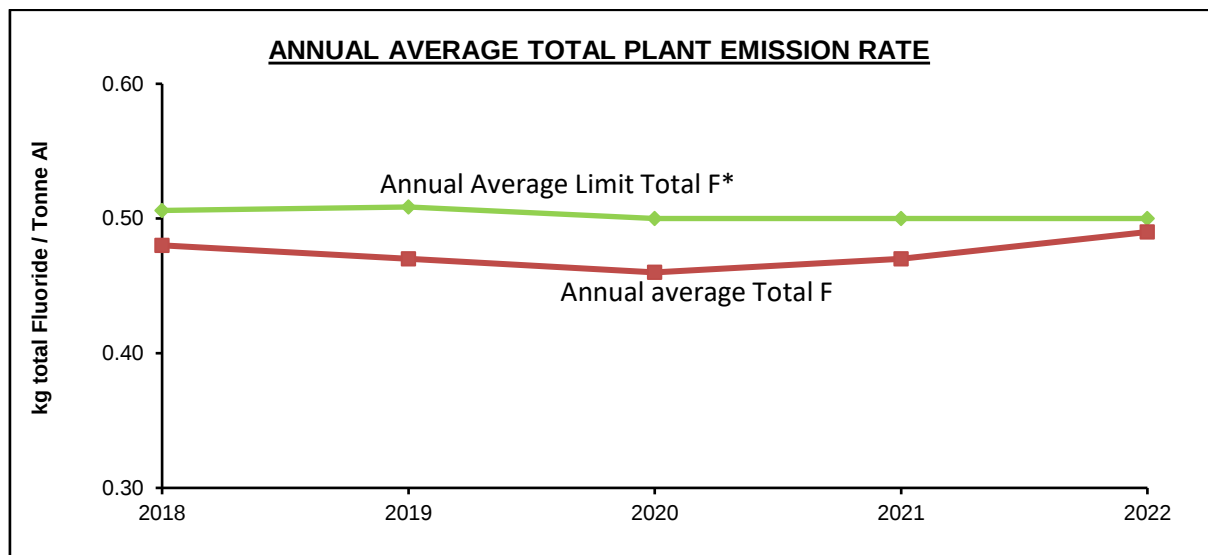


Figure 4.2A: ANNUAL AVERAGE FLUORIDE EMISSION RATES FOR THE TOMAGO ALUMINIUM SMELTER (2018 - 2022)

*Calculated using hot metal production and Fluoride load limit, not licence concentration limit

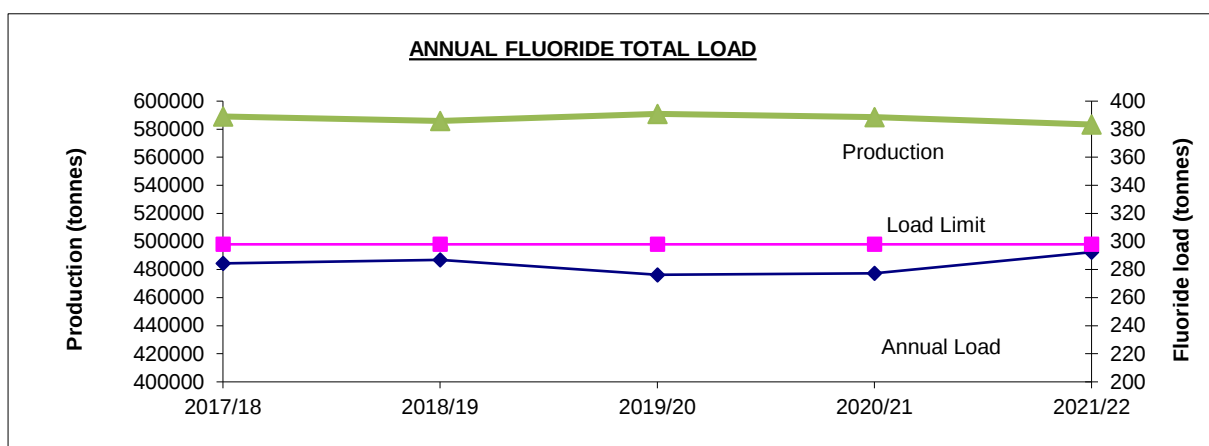


Figure 4.2B: ANNUAL FLUORIDE TOTAL LOAD FOR THE TOMAGO ALUMINIUM SMELTER (2017/18 – 2021/22)

4.2.1.2 Sulfur Dioxide Source Emissions

Sulfur dioxide emissions from aluminium smelting operations are the result of the concentration of sulfur in petroleum coke, the raw material used in the manufacture of carbon anodes for the electrolysis process and, to a much lesser extent, the sulfur level in coal tar pitch, used as a binder in the anode manufacturing process.

The smelter has a current total load limit of 11,900 tonnes per annum of sulfur dioxide. Sulfur dioxide annual total loads for the past 5 years are presented in Figure 4.3. Sulfur dioxide emission rates are presented in Table 4.2 and Figure 4.4 displays the annual average emission rates for the past 5 years.

Note: Total loads are calculated on EPA licence year of November – October.

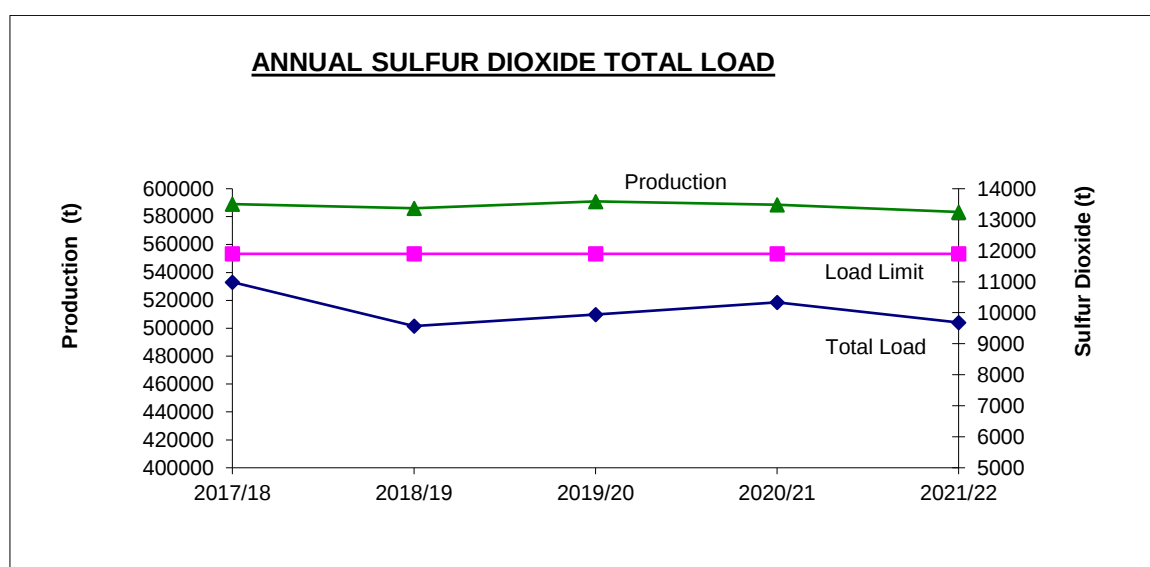


Figure 4.3: ANNUAL SULFUR DIOXIDE TOTAL LOADS FOR THE TOMAGO ALUMINIUM SMELTER (2017/18 – 2021/22)

Table 4.2: SULFUR DIOXIDE EMISSION RATES FROM THE TOMAGO ALUMINIUM SMELTER FOR 2022
(All results are in kilograms of sulfur dioxide per tonne of aluminium produced)

Stacks	2022
POTLINE 1	14.9
POTLINE 2	14.4
POTLINE 3	14.4
BAKE OVENS	1.4
PLANT TOTAL	16.0

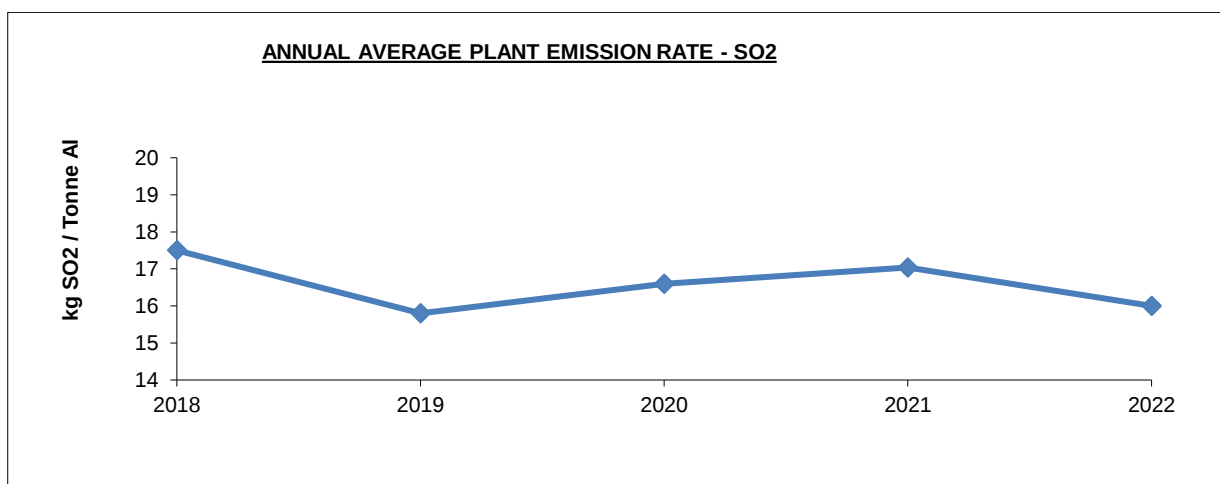


Figure 4.4: ANNUAL SULFUR DIOXIDE EMISSION RATES FOR THE TOMAGO ALUMINIUM SMELTER (2018 – 2022)

4.2.1.3 Other Source Emissions

Other point source emissions tested as per the requirements of POEO Licence 6163 for the 2021-22 Licence year are detailed in Tables 4.3, 4.4 and 4.5 below.

Table 4.3: ANNUAL POTLINE AND BAKE OVENS STACK TESTING 2021-2022 LICENCE YEAR

EPA Monitoring Point	1	2	3	4	5	6	7	8	9
Descriptor	Line 1 West Stack	Line 1 East Stack	Line 2 West Stack	Line 2 East Stack	Anode Plant 1 Stack	Anode Plants 2&3 Stack	Line 3 West Stack	Line 3 East Stack	Line 1&2 Extension Stack
Total Solid Particles, mg/m3	9.0	32	15	7.4	12	34	7.1	12	12
Monitoring frequency requirement	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Annually	Annually
Date Tested	1/08/2022	31/08/2022	31/01/2022	10/03/2022	9/05/2022	11/05/2022	30/11/2021	6/04/2022	29/06/2022
Licence Limit, mg/m3	50	50	50	50	50	50	50	50	50
Nitrogen Oxides, g/m3					0.11	0.096			
Monitoring frequency requirement					Annually	Annually			
Date Tested					9/05/2022	12/05/2022			
Licence Limit, mg/m3					2.0	2.0			
Total PAH's as Benzo(a)pyrene equivalent, mg/m3					0.00032	0.000084			
Monitoring frequency requirement					Annually	Annually			
Date Tested					10/05/2022	12/05/2022			
Licence Limit, mg/m3					0.005	0.005			

Table 4.4: ANNUAL PASTE PLANTS STACK TESTING 2021-2022 LICENCE YEAR

EPA Monitoring Point	31	32	33	34
Descriptor	No.1 Paste Plant, Pitch Circuit Stack	No.1 Paste Plant, Proportioning Circuit Stack	No.2 Paste Plant, Pitch Circuit Stack	No.2 Paste Plant, Proportioning Circuit Stack
Total Solid Particles, mg/m³	2.0	3.1	<0.11	2.4
Monitoring frequency requirement	Annually	Annually	Annually	Annually
Date Tested	21/04/2022	21/04/2022	7/04/2022	7/04/2022
Licence Limit, mg/m ³	50	50	50	50
Total PAH's as Benzo(a)pyrene equivalent, mg/m³	0.000048	0.00003	<0.000018	0.00003
Monitoring frequency requirement	Annually	Annually	Annually	Annually
Date Tested	21/04/2022	21/04/2022	7/04/2022	7/04/2022
Licence Limit, mg/m ³	0.005	0.005	0.005	0.005

Table 4.5: ANNUAL DELINE DEDUST STACK TESTING 2021-2022 LICENCE YEAR

EPA Monitoring Point	38	
Descriptor	Deline/Regain Spent Potliner Dust Filter	
	Total Solid Particles, mg/m³	Fine Particulates, mg/m³
	1.9	2.1
Monitoring frequency requirement	Annually	Annually
Date Tested	15/02/2022	15/02/2022
Licence Limit, mg/m ³	20	10

4.2.2 Ambient Air Monitoring

The ambient concentrations of fluoride and sulfur dioxide are monitored in the vicinity of the smelter. A major objective of this monitoring program is to determine the dispersion of atmospheric fluoride and sulfur dioxide and to confirm the effectiveness of the established and recognised buffer zone.

4.2.2.1 Ambient Fluoride Monitoring

The buffer zone was determined through modelling smelter emissions using the Buoyant Line and Point Source (BLP) model; the area encapsulated by the 0.3 $\mu\text{g}/\text{m}^3$ isopleth for gaseous fluoride being the designated buffer zone.

The buffer zone was designated during the approval process for the third potline in 1991 to accommodate an annual emission equivalent of 298 tonnes of total fluoride per year. The establishment of the buffer zone is to assist in the management of land use around the smelter and to ensure incompatible activities such as dairy cattle grazing were controlled. Tomago Aluminium purchased land that was zoned as either rural or residential under the Development Consent. As production at the smelter has increased, the 298 tonne of total fluoride per year limit has been respected.

The model has proven to be an accurate indicator of annual ambient gaseous fluoride concentration in the vicinity of the smelter.

A comparison of the annual average concentrations to the emission dispersion modelling results is presented in Figure 4.5. In general, the model tends to under-predict concentrations to the South-East of the smelter, and over-predict concentrations to the North-West.

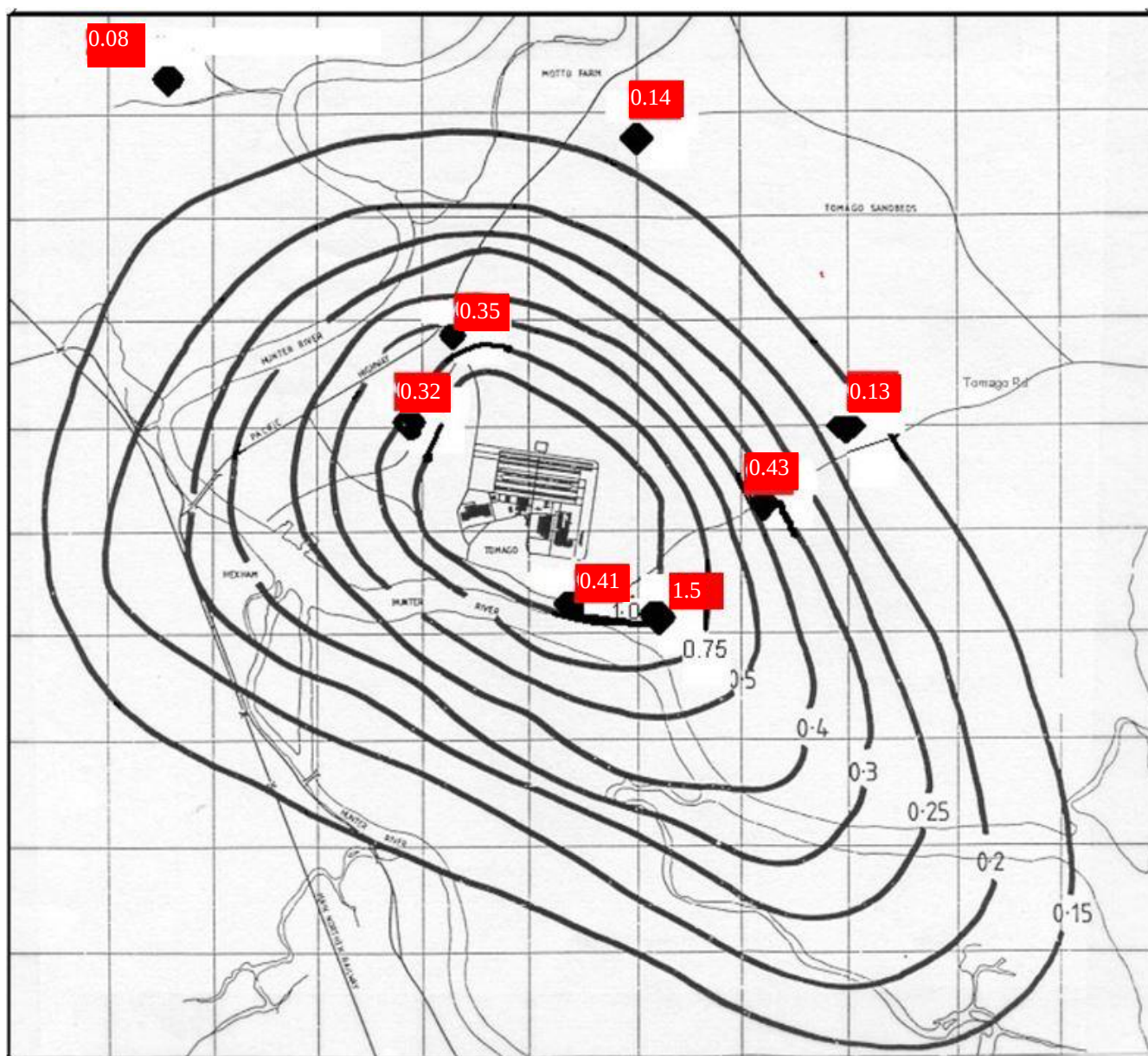


Figure 4.5: Comparison of annual average ambient gaseous fluoride concentrations in 2022 to predicted EIS modelled concentrations.

Tomago Aluminium operates 8 sites for the monitoring of fluoride in ambient air (see Appendix 1, Map1).

Ambient fluoride monitoring is undertaken in accordance with Australian Standard AS/NZS 3580.13.2. The weekly average gaseous fluoride results are illustrated in Figure 4.6 where they are compared to 7 day National Goals established by the Australian and New Zealand Environment Conservation Council (ANZECC). Figure 4.7 displays the annual average total fluoride ambient levels for the past 5 years.

The ANZECC guidelines state (in part) that:

“...goals for ambient air fluoride are designed to protect against injury to plants and grazing animals rather than to protect human health. This is because fluoride can injure vegetation at one-thousandth the level of concern to human health.”

“The goals set for General Land Use (including residential) are designed to protect most of the sensitive species in the natural environment.

The goals set for Specialised Land Use apply when commercially valuable plants, which are demonstrated to be very sensitive to fluoride are being considered.”

“The ambient air goals for fluoride are intended for areas of commercial or conservation value and not intended for comparison with airborne or foliar fluoride levels within industrial areas or buffer zones associated with fluoride emitting industries.”

“Air quality objectives will generally be applied at the outer limits of an industrial buffer zone.” (ANZECC 1990).

The concentrations of gaseous fluoride in ambient air are compared to these guidelines. A conservative approach is taken with sites within the designated buffer zone compared to the general land use goals while sites outside the buffer zone compared to the specialised land use goals.

During 2022 at site 181, the Tomago Farm, there were a number of exceedances of the goals. This site experiences elevated levels due to the prevalence of seasonal westerly to north westerly winds. There was also two occasions early in the year when the goals were exceeded at Site 85 (Cnr Old Punt Rd and Pacific Highway) during weeks of very persistent South-Easterly winds, and one occasion when the goals were exceeded at Site 83 to the south south east of the smelter during Quarter 4. All of these sites are well within the company buffer zone, which was established in recognition that some locations would exhibit fluoride levels in excess of the ANZECC goals.

The annual average ambient fluoride results for 2022 remain reasonably consistent with the data collected over the prior 4 years with Sites 83 and 181 showing a return to levels more in line with prior years following an upward trend in 2020-2021. With site fluoride emissions loads remaining stable, trends are most heavily influenced by prevailing wind conditions.

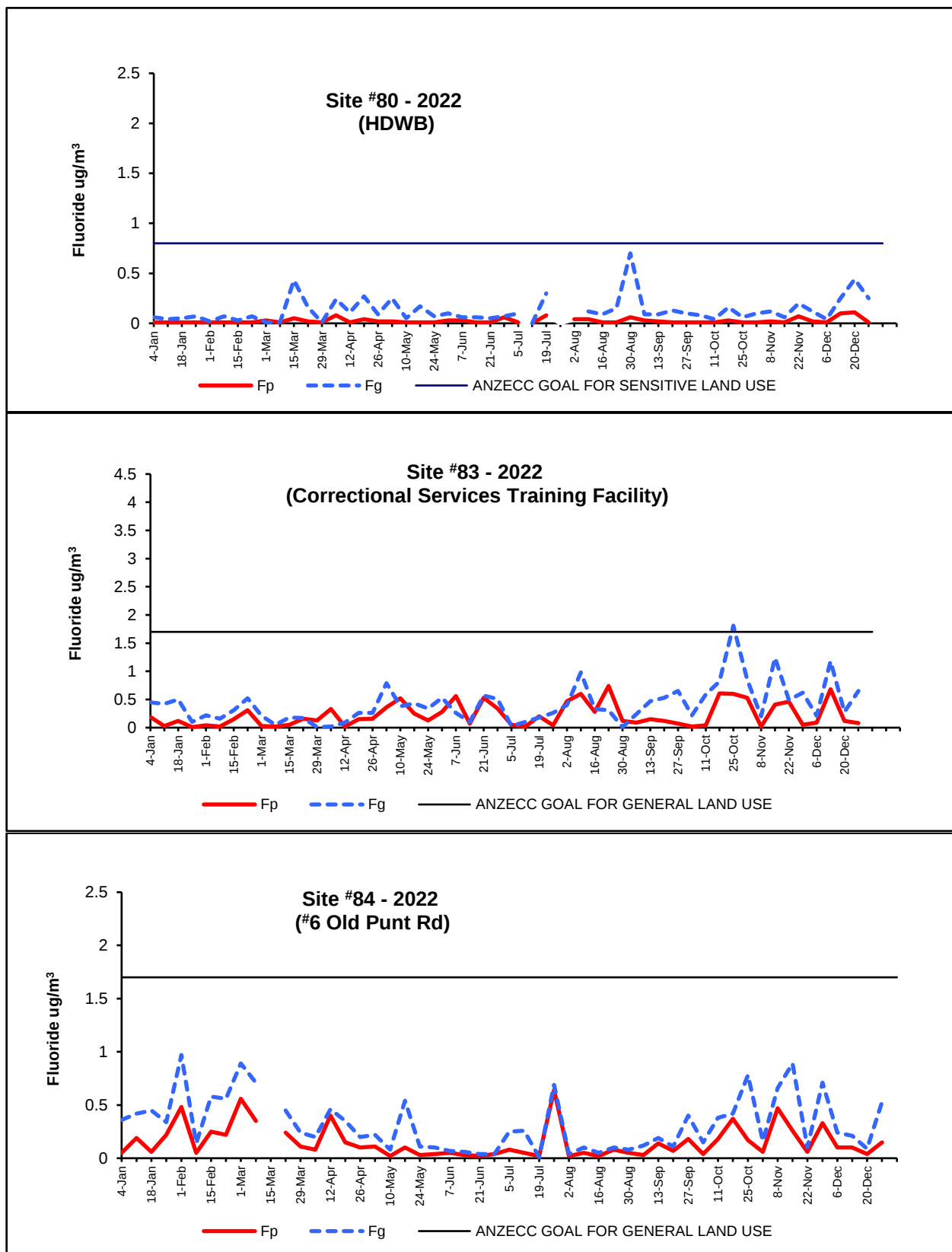


Figure 4.6: Tomago Aluminium weekly ambient fluoride monitoring results for 2022

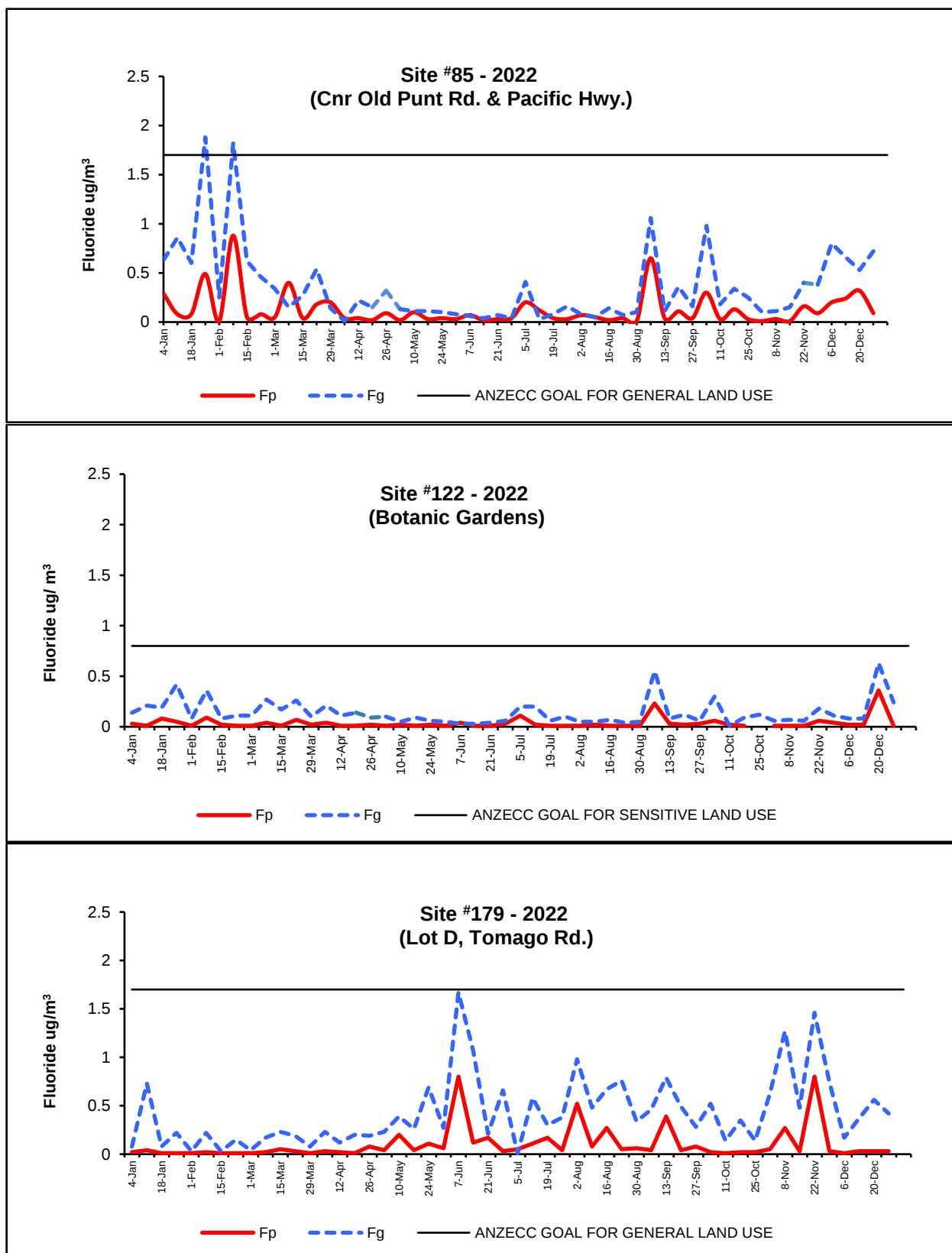


Figure 4.6: Tomago Aluminium weekly ambient fluoride monitoring results for 2022

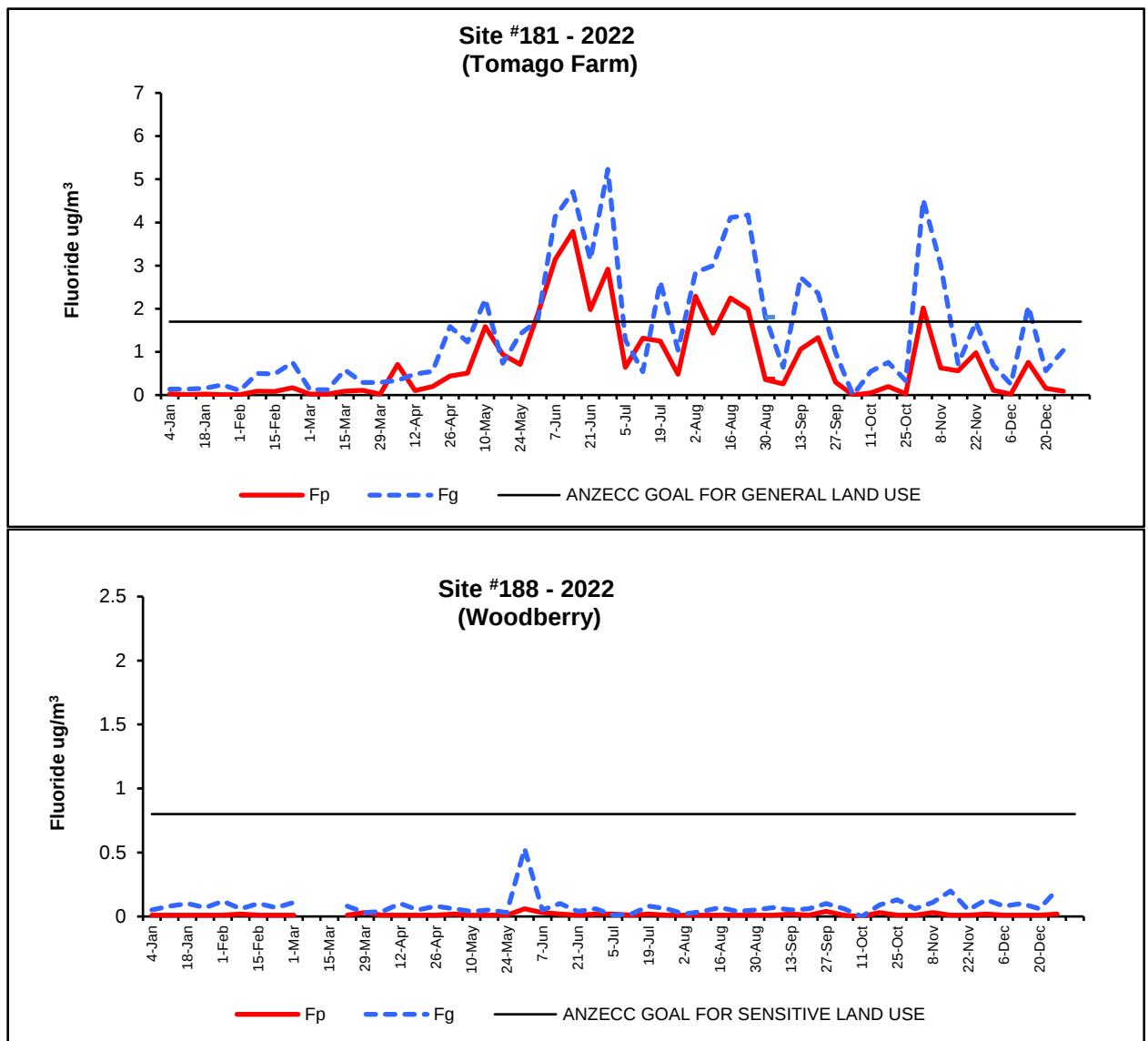


Figure 4.6: Tomago Aluminium weekly ambient fluoride monitoring results for 2022

Note: ANZECC recommended limit for SENSITIVE LAND USE is 0.8ug/m³ and for GENERAL LAND USE is 1.7ug/m³.

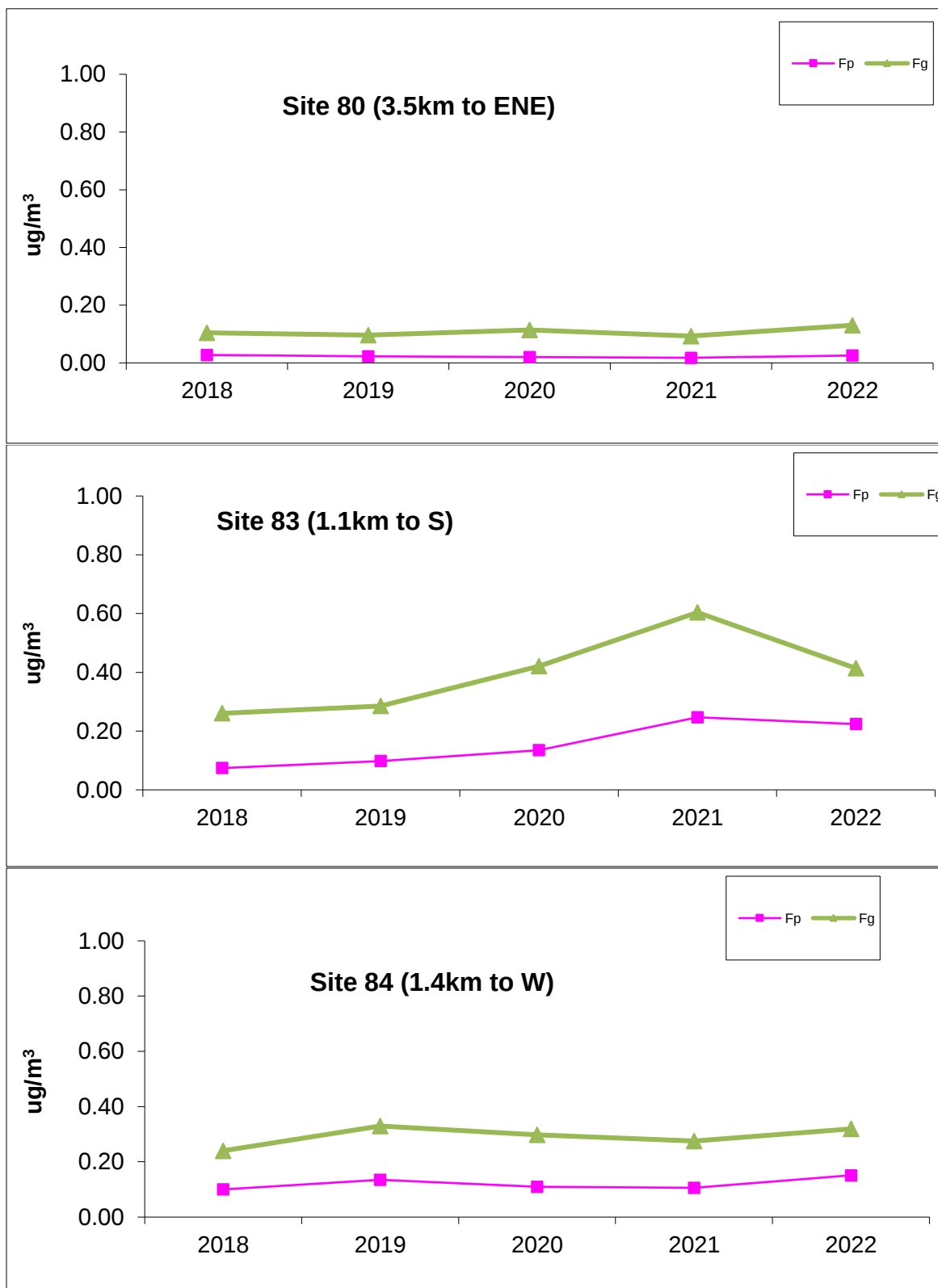


Figure 4.7: Tomago Aluminium annual average total fluoride in ambient air levels (2018 – 2022)

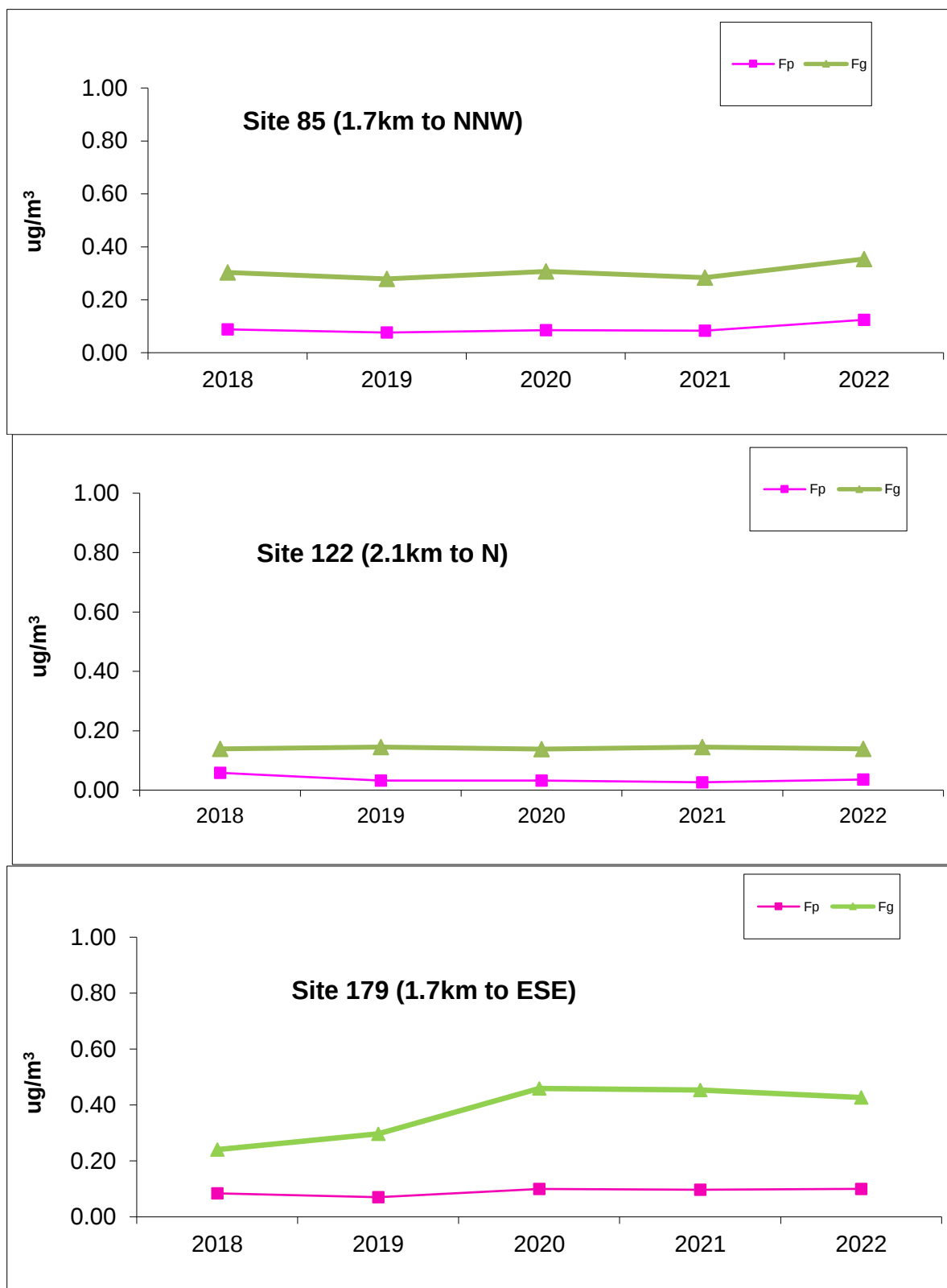


Figure 4.7: Tomago Aluminium annual average total fluoride in ambient air levels (2018 – 2022)



Figure 4.7: Tomago Aluminium annual average total fluoride in ambient air levels (2018 – 2022)

4.2.2.2 Ambient Sulfur Dioxide Monitoring

Concentrations of sulfur dioxide were determined in accordance with Australian Standard AS 3580.4.1 at five sites during 2022.

The results for 2022 are presented in Tables 4.6 and 4.7 and presented graphically in Figures 4.8A to 4.8E and 4.9.

The NSW EPA's "Approved Methods for the Modelling and Assessment of Air Pollutants in NSW" contains impact assessment criteria for sulfur dioxide. Prior to August 2022, the hourly, daily and annual criteria were adopted from the National Environment Protection Measure (NEPM) for Ambient Air Quality (AAQ) that was established originally in 1998 to be "a representative measure of the air quality likely to be experienced by the general population in the region or sub-region", based on an average population of 25,000.

In August 2022 the impact assessment criteria were changed to reflect the change in the NEPM for AAQ that was varied in April 2021.

The impact assessment criteria for sulfur dioxide referenced here are:

Averaging Period

	Prior to Aug 2022	Aug 2022 onwards	
1 hour	20	10	pphm
1 day	8	2	pphm
1 year	2	N/A	pphm

It should be noted that the assessment criteria are designed to be applied at the nearest off-site sensitive receptor, and all five monitoring stations are within the company buffer zone; however, the levels have been used as a point of reference here.

Table 4.6: MAXIMUM SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2022 AT TOMAGO ALUMINIUM MONITORING SITES

SITE		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Meteorological Station	Max 24 hour Value (pphm)	0.6	1.1	2.1	5.8	1.0	2.8	2.9	4.6	1.2	1.2	2.7	2.0
Grid Ref (812 681)	Max 1 hour value (pphm)	4.4	5.7	6.9	8.6	1.5	9.6	8.5	9.3	4.3	5.9	7.4	10.4
Tomago Farm Monitor	Max 24 hour Value (pphm)	0.05	0.6	0.3	4.9	5.6	5.6	4.6	10.7	6.9	5.3	5.8	4.6
Grid Ref (813 665)	Max 1 hour value (pphm)	0.9	5.6	2.7	12.1	13.4	12.9	12.1	16.8	17.1	14.2	12.3	13.1
Highway Monitor	Max 24 hour Value (pphm)	3.9	3.0	3.3	1.2	0.3	0.7	1.3	0.5	3.1	1.6	2.7	2.3
Grid Ref (793 688)	Max 1 hour value (pphm)	8.2	7.7	5.8	4.8	2.5	6.8	9.5	2.6	8.1	5.9	10.1	17.7
Laverick Ave Monitor	Max 24 hour Value (pphm)	5.4	3.3	0.8	1.5	2	0.3	1.0	0.9	3.0	2.8	1.8	1.6
Grid Ref (784 667)	Max 1 hour value (pphm)	11.3	9.6	3.3	6.2	5.6	0.9	4.6	3.4	17.9	9.8	6.1	8.8
Site 179 Monitor	Max 24 hour Value (pphm)	0.1	0.3	0.2	1.2	3.6	3.4	2.0	2.3	1.9	1.3	2.9	1.1
Grid Ref (817 671)	Max 1 hour value (pphm)	0.4	2.3	1.4	5.9	14.1	11.1	9.5	7.0	7.4	9.3	10.5	7.3

Table 4.7: ANNUAL AVERAGE SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2022 AT TOMAGO ALUMINIUM MONITORING SITES

SITE	Meteorological Station	Tomago Farm	Highway	Laverick Ave	Site 179
Annual Average (pphm)	0.3	0.9	0.4	0.5	0.3

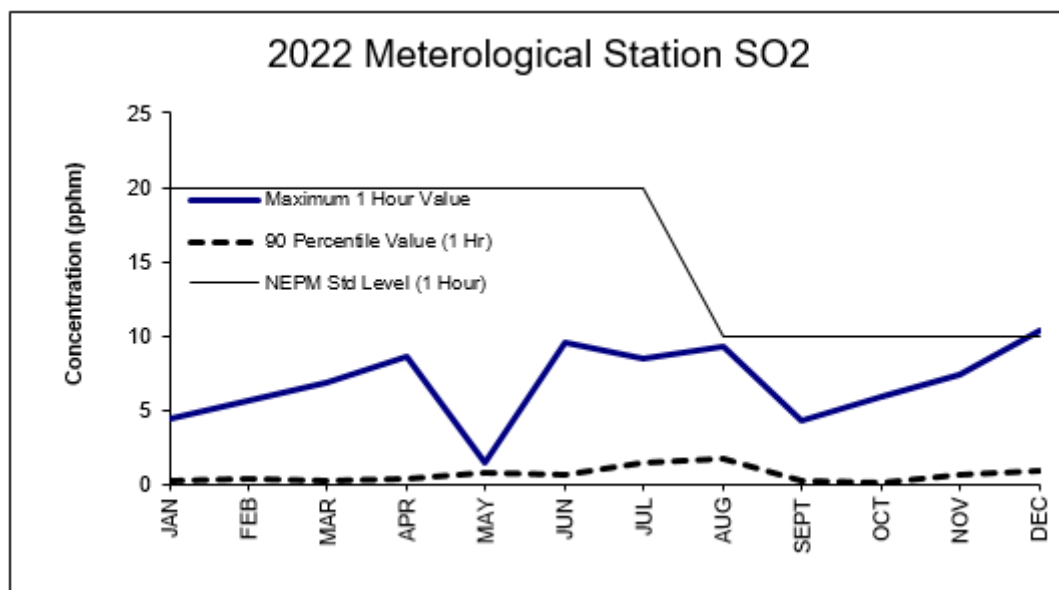


Figure 4.8A: SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2022 COMPARED TO 1 HOUR ASSESSMENT CRITERIA (Met Station)

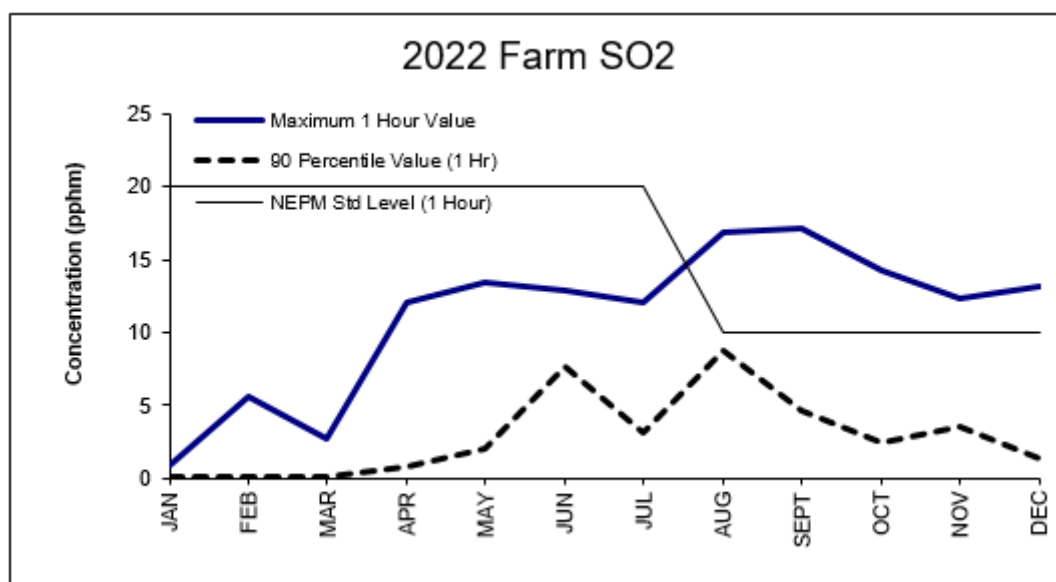


Figure 4.8B: SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2022 COMPARED TO 1 HOUR ASSESSMENT CRITERIA (Farm)

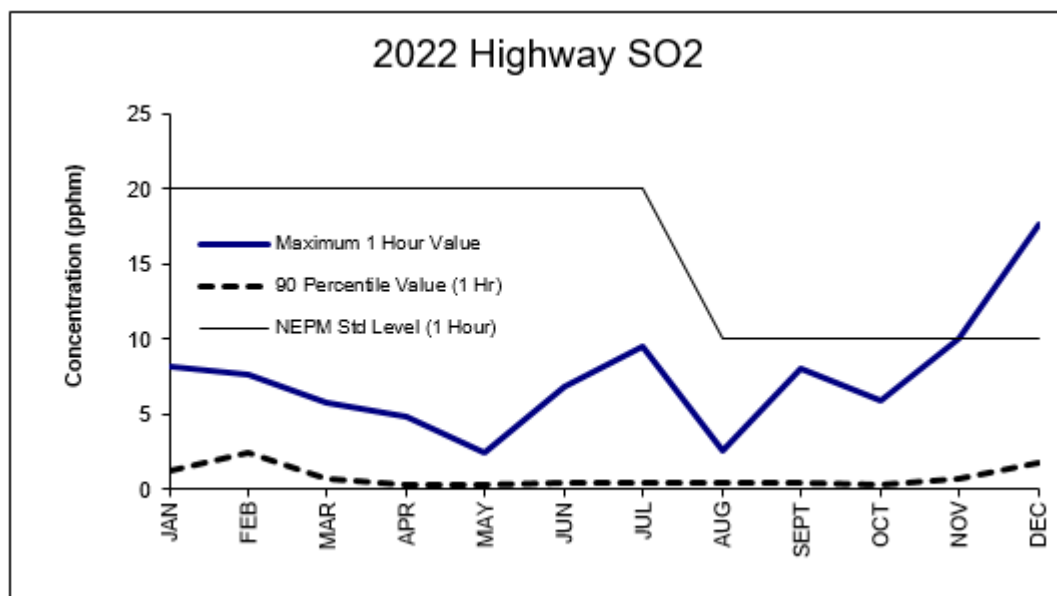


Figure 4.8C: SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2022 COMPARED TO 1 HOUR ASSESSMENT CRITERIA (Highway)

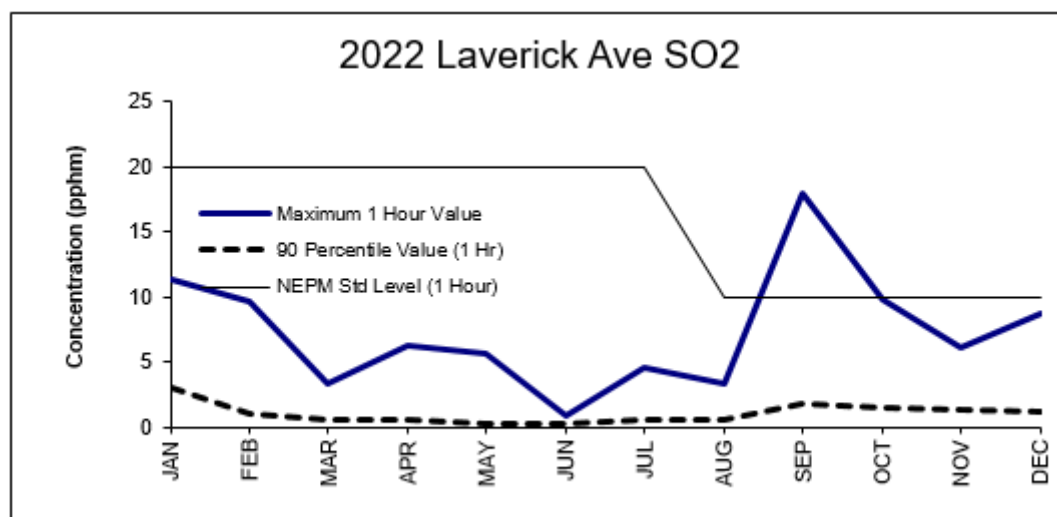


Figure 4.8D: SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2022 COMPARED TO 1 HOUR ASSESSMENT CRITERIA (Laverick Ave)

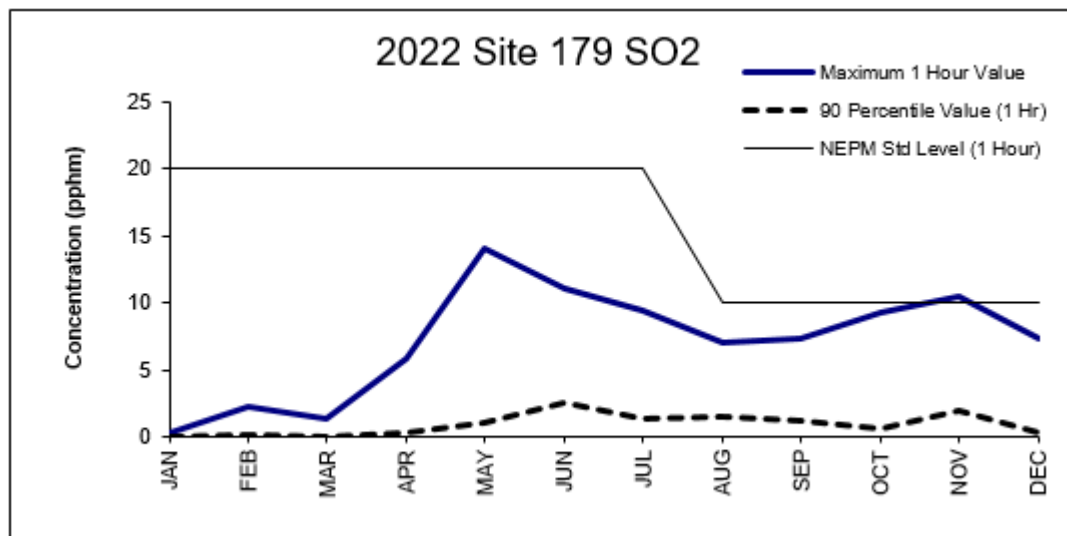


Figure 4.8E: SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2022 COMPARED TO 1 HOUR ASSESSMENT CRITERIA (Site 179)

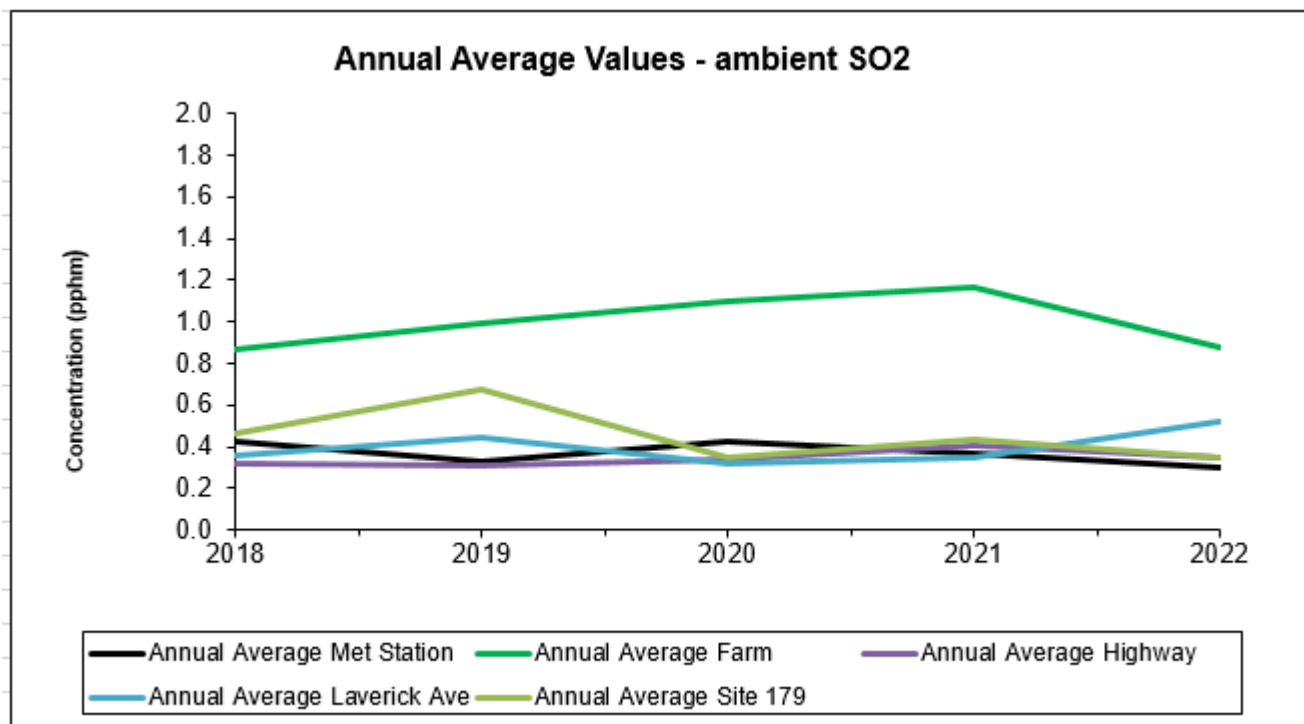


Figure 4.9 AVERAGE ANNUAL SULFUR DIOXIDE CONCENTRATIONS IN AMBIENT AIR FOR 2018 - 2022

4.3 Meteorological Monitoring

Tomago Aluminium operates a meteorological station to assist in the modelling of emissions and to allow interpretation of results.

The meteorological station provided reliable, continuous data during 2022 for wind direction, wind speed, rainfall, humidity, temperature and solar radiation. Detailed meteorological data reports are provided in the Quarterly Environment Reports. Data capture rate for 2022 was 99.1 %.

5. VEGETATION

An extensive vegetation monitoring program is conducted with sites that are situated at varying distances from the smelter sampled on a monthly or quarterly basis. To complement this program an annual visual inspection of the condition of vegetation is conducted by an external consultant.

Gaseous fluoride concentrations in the air can affect the condition of vegetation. Gaseous fluoride is absorbed by plants via the leaf stomata during normal respiration processes. The gaseous fluoride is preferentially absorbed instead of carbon dioxide and can reduce the capacity of the plant to photosynthesise. The extent to which fluoride accumulates in vegetation depends upon a number of variables including exposure regimes, meteorological conditions and plant species characteristics. Specific plant characteristics are an important variable as species can vary in their sensitivity to fluoride. Sensitive species often display foliar damage at tissue concentrations of 50 µg/g. Intermediate species may be damaged at 200 µg/g and resistant species can tolerate tissue concentrations above 500 µg/g before exhibiting symptoms. Background concentrations are typically around 20 µg/g.

5.1 Visual Assessment

A total of 390 sites were assessed mid October 2022. Visible injury symptoms attributable to gaseous emissions from the smelter, particularly hydrogen fluoride and sulfur dioxide, were identified and graded. The grading was used to provide a semi-quantitative indication of the occurrence of injury. Symptoms assessed include: marginal and interveinal chlorosis, undulation, cupping or buckling of the leaf blade, necrosis (death) of tissues at the tip of the leaf, necrosis along the marginal of the leaf, accumulation of anthocyanins (tannin-like materials) in the leaf, leaf chewing insect or browsing injury, sap-sucking insect injury.

Other possible causes of injury, including drought, storm effects, fire or mechanical damage were noted to indicate total injury expression and a separate estimate of injury expression was made for the effects of atmospheric pollutants. As the combinations of these symptoms vary between species for a given level of injury, and between leaf age classes the survey was restricted to current season and one-year old leaves of species of *Corymbia*, *Eucalyptus*, *Angophora* and *Acacia* and for species of other genera that are sensitive to fluoride.

The sites were mapped and the injury category interpolated to produce a model of vegetation injury around the smelter.

Figure 5 shows a model of visible injury in vegetation attributed to smelter operations from this report. Table 5.1 compares the area of each Injury Category within the Modelling Domain since 2016.

Following is the discussion and conclusion from the report on visual assessment by deWitt Ecology in December 2022 of vegetation surrounding the smelter site.

“Discussion

The smelter emissions have an impact on vegetation that is limited to an area of approximately 642.4 ha around the smelter perimeter, this is an increase of 197 ha on the previous report. This area varies from 400 m to about 1.55 km wide from the boundary of TAC (widest in the north and east, narrowest in the west and southeast). Within this area the vegetation showing marked or more severe injury (category 4 or greater) covers approximately 249.5 ha. This damage is mostly to the north of TAC and consistent with the Bureau of Meteorology reported wind flow at Williamstown (station number: 061078), with 40.2% of 3pm wind between 1942 and 2019 flowing from either the south or the south-east.

The extent of damage has increased in the current survey compared to the previous survey. While this may be due to emissions, there are also a number of natural processes that may be contributing to differences. This season marks the third of high rainfall years for the area, with rainfall in 2021 being 428.4 mm (38%) above average. This rain may have increased soil nutrient leaching, in particular magnesium which is a common issue in sandy soils (Hazelton and Murphy, 2007). Magnesium deficiency can have similar symptoms to fluoride exposure (Doley, 2010) and therefore may either be contributing to or increasing independently the area of injury around the smelter.

Rainfall and plant stress may have also co-contributed to the notable areas of insect and / or viral damage across much of the landscape surrounding the smelter. As damage from insects and disease can show stress such as cupping (Doley, 2010), this may have contributed to the increase in areas of impact.

Another contributing factor to differences could be the change in contractor between this and previous surveys. It is possible that there would have been differences in the interpretation of injury category due to this change. To reduce differences between ecologists, photos from previous reports were assessed to calibrate injury category; Appendix 2 of this report provides photographs of each injury category encountered. While all attempts were made to standardise between assessments, it is likely that there were still differences. Another related difference is that the survey was performed earlier in the year to previous surveys; plants may have been at different stages of development to previous surveys.

Vegetation in the main parts of the Hunter Region Botanic Gardens, including along southern mapped walks, did not display any symptoms that could be attributed to hydrogen fluoride and sulphur dioxide. There was some trees displaying very slight (<5%) damage in the southern area of the Gardens, however, the non-uniform display of damage suggests that it could be related to other factors such as nutritional deficiencies or insect damage.

Inspection of vegetation across Ash Island did not indicate that there was any damage attributable to hydrogen fluoride or sulphur dioxide.

*Currently the surveys are limited to Eucalypts and Acacia species, however, the dominant Acacia species (*A longifolia*) does not display damage attributable to hydrogen fluoride and sulphur dioxide very visually. Inclusion of Tree Broom-heath (*Monotoca elliptica*) from the Ericaceae family may assist in future assessments.*

Conclusion and recommendations

Injury attributable to TAC was detected in vegetation around the smelter perimeter. It is noted that there was an increase in damage on previous years and that some of this damage may be attributable to nutritional deficiencies or insect damage. The most impacted area is to the north, consistent with prevailing winds. Though there are areas of high impact in this year's survey, damage does decrease dramatically with distance from TAC. “

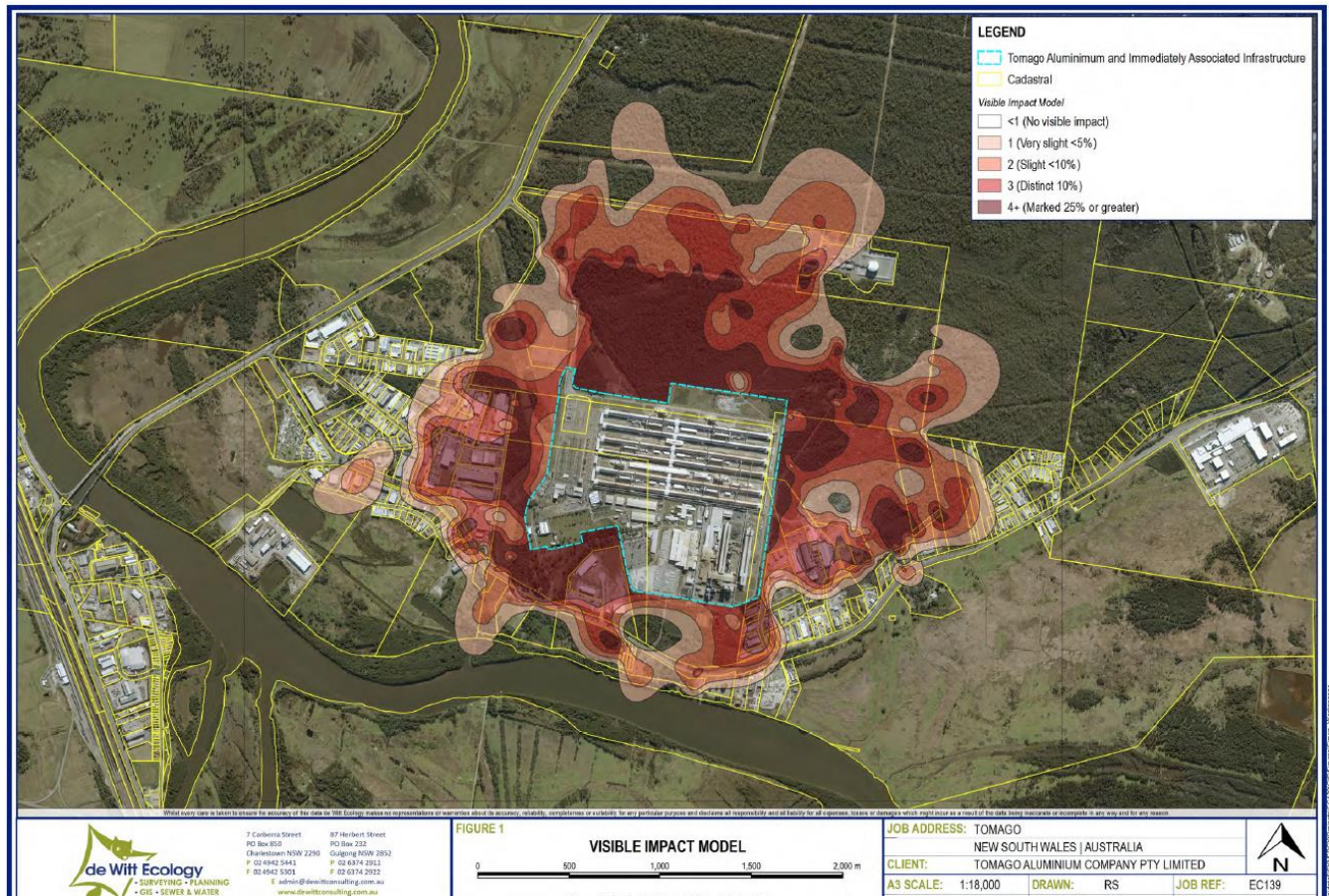


Figure 5 Model of visible injury in vegetation attributable to smelter operations as assessed by deWitt Ecology in October 2022.

Table 5.1 Area of each vegetation injury category within the modelling domain

	2022*		2020		2019		2018		2017	
Categ ory	Area (ha)	Area %	Area (ha)	Area %	Area (ha)	Area %	Area (ha)	Area %	Area (ha)	Area %
0	1584.4	71.2	1784.5	80.1	1781.8	80.0	1770.3	79.5	1742.3	78.2
1	132.0	5.9	185.2	8.3	191.2	8.6	173.6	7.8	221.4	9.9
2	134.2	6.0	183.4	8.2	173.2	7.8	197.2	8.9	186.6	8.4
3	126.7	5.7	68.1	3.1	77.0	3.5	82.7	3.7	74.7	3.4
4	105.4	4.7	5.3	0.2	3.5	0.2	2.9	0.1	1.9	0.1
>4	144.1	6.5	0.2	0	0.1	0.0	0.1	0.0	0.0	0.0
Total	2226.8	100.0	2226.8	100.0	2226.8	100.0	2226.8	100.0	2226.8	100.0

*See notes in discussion

5.2 Overstorey Monitoring

Overstorey sites at varying distances from the smelter (refer Appendix 1, map 2) are sampled on a monthly or quarterly basis and the fluoride concentration in leaf tissue is determined. The average results for 2022 and the four years prior are displayed in Table 5.2.

The smelter's EIS predicted there would be no impact on the Hunter Region Botanic Gardens and monitoring has confirmed this. The conclusions contained within the visual assessment report in section 5.1 above agree with the overstorey monitoring. Sites 122, 185 and 194 in Table 5.2 are on the southern boundary or within the gardens. These results confirm that levels within the Gardens remain at or near background levels.

The mangrove and wetland fluoride levels are well under the Compensatory Mechanism for Replanting Trigger of 500 ug/g, with an overall average of 18 ug/g in 2022 and the highest result of 140 ug/g at Site 126 in November.

Fluoride concentrations in overstorey at the monitoring sites remain relatively stable.

Table 5.2 AVERAGE FLUORIDE CONCENTRATIONS IN OVERSTORY AROUND THE TOMAGO ALUMINIUM SMELTER 2018 – 2022

SITE	2018	2019	2020	2021	2022
6	12	22	12	13	22
111	711	1143	806	1053	1412
112	334	366	278	480	707
113	225	114	121	114	178
114	594	527	940	655	777
115	173	193	164	119	176
116	129	79	98	91	84
117	238	394	289	437	267
118	167	169	303	240	364
119	165	272	129	163	178
120	48	48	42	66	75
121	39	38	38	53	47
122	18	21	20	28	26
123	25	23	27	20	30
124	29	33	23	28	27
125	5	5	8	nra	nra
126	26	32	44	45	60
128	17	15	17	23	34
129	14	13	14	13	19
130	29	37	22	26	31
131	8	7	9	10	7
132	9	8	13	7	7
133	10	24	13	10	20
134	10	18	10	18	20
136	8	18	14	11	8
137	13	11	11	22	17
138	5	9	6	5	8
139	8	8	9	5	11
141	6	13	10	5	31
142	9	14	9	11	10
144	5	8	9	11	15
147	11	6	8	5	6
149	6	9	6	5	5
151	10	9	13	5	9
168	123	74	162	160	166
169	18	25	18	25	23
170	20	18	14	14	11
171	10	15	15	15	13
172	10	14	12	11	11
173	7	9	9	9	9
174	45	33	51	50	40
175	47	39	48	56	38
182	49	39	54	56	40
183	49	41	44	45	38
184	30	24	35	31	60
185	21	36	23	25	30
190	38	25	28	26	22
191	15	15	16	18	14
192	6	8	6	nra	nra
193	13	13	23	56	14
194	59	79	41	45	43

5.3 Forage

22 forage sites are established on pastures within and outside the designated buffer zone (see Appendix 1 Map 3). The Australian and New Zealand Environment and Conservation Council (ANZECC) published national goals for fluoride content in forage which were established to protect domestic grazing animals. The intent of the national goals is “for pastures, to prevent the development of pollutant-induced disease in grazing animals”.

The monitoring results for 2022 are presented in Table 5.3, and the last 5 years results are presented in Table 5.4.

Table 5.3 FLUORIDE CONCENTRATIONS IN FORAGE AROUND THE TOMAGO ALUMINIUM SMELTER FOR 2022

(All results are in micrograms fluoride per gram of dried vegetation)

SITE	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
4	10	40	15	165	115	455	175	240	140	55	195	220
31	q	5	q	q	15	q	q	15	q	q	5	q
32	5	5	5	15	5	5	20	20	10	15	5	5
34	20	nra	10	nra	10	10	20	nra	10	5	70	15
87	15	15	35	80	35	130	10	20	165	120	65	50
125	q	5	q	q	10	q	q	25	q	q	30	q
126	5	5	5	55	25	130	40	30	40	30	40	35
130	q	5	q	q	15	q	q	20	q	q	25	q
131	q	5	q	q	20	q	q	25	q	q	95	q
133	80	5	35	25	5	5	15	25	15	15	5	25
134	q	5	q	q	10	q	q	15	q	q	5	q
141	55	5	5	55	5	5	10	20	15	15	5	20
142	q	5	q	q	10	q	q	25	q	q	20	q
143	q	55	q	q	10	q	q	20	q	q	5	q
160	30	nra	nra	nra	5	5	nra	nra	15	nra	10	20
166	5	5	5	45	25	60	15	45	60	25	10	25
167	5	5	5	30	10	5	20	20	55	25	5	20
176	5	5	5	15	5	5	10	10	25	20	5	10
178	5	10	5	20	15	45	15	30	35	25	25	15
211	5	5	5	5	5	5	15	10	30	10	5	5
307	5	40	5	5	5	5	10	15	20	5	5	5
308	15	15	35	80	35	130	10	20	165	120	65	50

q = sampled quarterly

nra = no result available

ANZECC Goals for Fluoride in forage or hay or silage grown as feed:

- Running 12 month average <40 µg/g
- Average of two consecutive months <60 µg/g
- A monthly sample should not exceed 80 µg/g

During the year 2022, sites 4, and 130 (to the south-east), and 87 (to the south-west) exceeded the goals. All the exceedances are a result of prevailing seasonal meteorological conditions and are consistent with previous years' results. These sites are situated within the company buffer zone which was established in recognition that some locations would exhibit forage fluoride levels in excess of the ANZECC goals. The exceedance at Site 131 to the SSW in November would appear to be an outlier, cause unknown. The ongoing management of the land within the Buffer Zone ensures that grazing animals are not subjected to pasture fluoride levels in excess of the ANZECC goals. The annual average fluoride levels in forage sites remain relatively stable.

Table 5.4 **FLUORIDE CONCENTRATIONS IN FORAGE AROUND THE TOMAGO ALUMINIUM SMELTER FOR 2018 – 2022**

SITE	2018	2019	2020	2021	2022
4	138	192	201	220	152
31	5	9	13	5	10
32	6	9	10	9	10
34	5	16	11	7	19
87	27	32	40	59	62
125	8	11	25	nra	nra
126	21	45	23	15	18
130	32	39	27	45	37
131	6	10	20	10	16
133	10	11	16	14	36
134	8	11	8	9	21
141	9	5	5	5	9
142	6	7	7	7	18
143	13	6	5	5	15
160	13	6	5	29	23
166	9	11	8	7	14
167	35	25	36	33	27
176	9	12	8	6	17
178	6	7	5	7	10
211	21	16	21	15	20
307	5	7	9	6	9
308	6	7	5	6	10

5.4 Cultivated Vegetation

Cultivated vegetation from a vegetable produce garden (site 195) on Kooragang Wetland Rehabilitation Project (KWRP) land situated 1.5 km south of the smelter is sampled quarterly. The fluoride concentrations in spinach* are at or near background levels as displayed in Table 5.5.

Table 5.5 AVERAGE FLUORIDE CONCENTRATIONS IN CULTIVATED VEGETATION IN THE VICINITY OF TOMAGO ALUMINIUM SMELTER FOR 2018 – 2022

(All results are in micrograms fluoride per gram of dried vegetation)

SITE	SPECIES	2018	2019*	2020	2021	2022
195	SPINACH*	21	25	20	9	18

*There was no spinach available at the produce garden during 2019. The sample taken was lettuce.

6. ECOSYSTEM MONITORING

An ecosystem monitoring program is conducted around the environs of Tomago Aluminium smelter. The program is designed to trace the pathway of fluoride from its initial release point at the smelter through the various layers of the dry sclerophyll forest. The results of this program are assessed annually and are reported via the quarterly reporting system.

Results from the 2022 ecosystem monitoring program continue to confirm that fluoride emissions from the smelter yield very localised effects in vegetation with foliar fluoride concentrations decreasing rapidly with distance.

Fluoride concentrations in the forest layers have remained relatively stable and continue to display a filtering effect through the vegetation layers. The leaf litter contains higher levels of fluoride than the other ecolayers and the transfer of fluoride from the leaf litter to the soil is slow suggesting that the fluoride has been converted to insoluble forms in the leaf absorption processes.

The full report for the 2022 program will appear in the First Quarter 2023 report.

7. WATER

Groundwater, surface water and stormwater are monitored in and around the smelter environs to identify any change in water quality that may have resulted from smelter operations.

7.1 Surface Water

There are twelve surface water monitoring sites that were all monitored during 2022.

Due to the large diversity and variability of the water bodies, it is difficult to utilise this data in an assessment of fluoride dispersion, however the results are compared to either EIS predictions or a range of other guidelines. Sites 5 and 6 have naturally elevated levels as they are tidal sites (Hunter River) and site 178 is tap (fluoridated) water (cattle trough). Sites 1 and 4 show some elevation in fluoride levels, with these sites being very shallow swamps in close proximity to the smelter (approximately 0.5 km North, and South-East respectively). The results for 2022 are displayed in Table 7.1 and Figure 7.1, and the results for the last 5 years in Table 7.2 and the maximum concentration recorded displayed in Figure 7.2. The concentrations have remained relatively stable with enough rainfall during 2022 to allow for consistent sampling.

The average fluoride levels at Site 1, and occasionally the Site 4 levels, are above the prediction made in the smelter's original EIS. The Site 1 swamp is a large, shallow wetland areas with variable terrain and vegetation cover as well as diffuse boundaries. The sampling point for Site 1 is on the southern edge of the swamp, which is now very close to the smelter following the 1991 expansion. Site 4 is a very small and shallow swamp directly to the South East. All other site fluoride levels remain below the relevant criteria.

Table 7.1
**SURFACE WATER MONITORING IN THE VICINITY OF
TOMAGO ALUMINIUM SMELTER FOR 2022**
(All results are expressed as milligrams fluoride per litre of water)

SITE	Site Type ¹	Applicable Guideline Value	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	swp	3.65 ²	6.53	6.54	5.29	3.49	2.4	4.34	3.34	2.74	3.14	3.89	4.59	4.89
2	swp	3.65 ²	0.98	1.21	1.05	0.9	0.86	0.8	0.91	0.77	0.85	0.89	1.80	0.84
3	swp	3.65 ²	1.97	2.17	1.69	nra	1.45	1.76	1.14	nra	1.72	1.36	0.61	0.57
4	swp	3.65 ²	3.44	2.54	2.72	3.04	2.30	2.37	4.09	2.64	2.77	3.31	nra	2.19
5	riv	1.8 ³ /5 ⁴	0.27	0.18	0.43	0.61	0.51	0.88	0.26	0.22	0.45	0.47	1.76	0.38
6	riv	1.8 ³ /5 ⁴	0.25	0.18	0.37	0.43	0.17	0.40	0.30	0.20	0.39	0.34	0.88	0.35
7	dra	1.5 ⁵	0.81	1.51	0.97	1.04	0.93	0.91	1.17	0.40	0.95	0.87	1.35	1.43
9	dam	1.5 ⁵	0.27	0.16	0.26	0.22	0.15	0.22	0.27	0.22	0.16	0.22	0.33	0.22
11	swp	1.5 ⁵	0.37	0.25	0.42	0.23	0.38	0.62	0.6	0.43	0.18	0.52	0.46	0.42
17	drk	1.5 ⁶	q	0.14	q	q	0.17	q	q	0.12	q	q	0.41	q
34	lwp	2 ⁷	0.17	nra	0.39	nra	0.10	0.11	0.31	nra	0.72	0.21	0.18	0.4
178	lwp	2 ⁷	1.09	1.06	nra	0.74	nra	nra	nra	nra	0.10	0.85	nra	nra

q = sampled quarterly

DRY = no result available due to site having no water present

¹ swp = swamp, riv = Hunter River, dra = drain, dam = dam, drk = drinking water supply,

lwp = livestock watering point

² EIS prediction for adjacent small freshwater lagoons

³ EIS prediction for Hunter River outside stormwater mixing zone

⁴ Derived guideline value for 95% protection of marine organisms by The National Institute of Water and Atmospheric Research, New Zealand (NIWA)

⁵ NSW Clean Water Regulation 1972 (Repealed)

⁶ NHMRC/ NRMCC 2004 Drinking Water Guideline

⁷ Recommended water quality trigger value (low risk) for livestock drinking water (ANZECC Guidelines 2000)

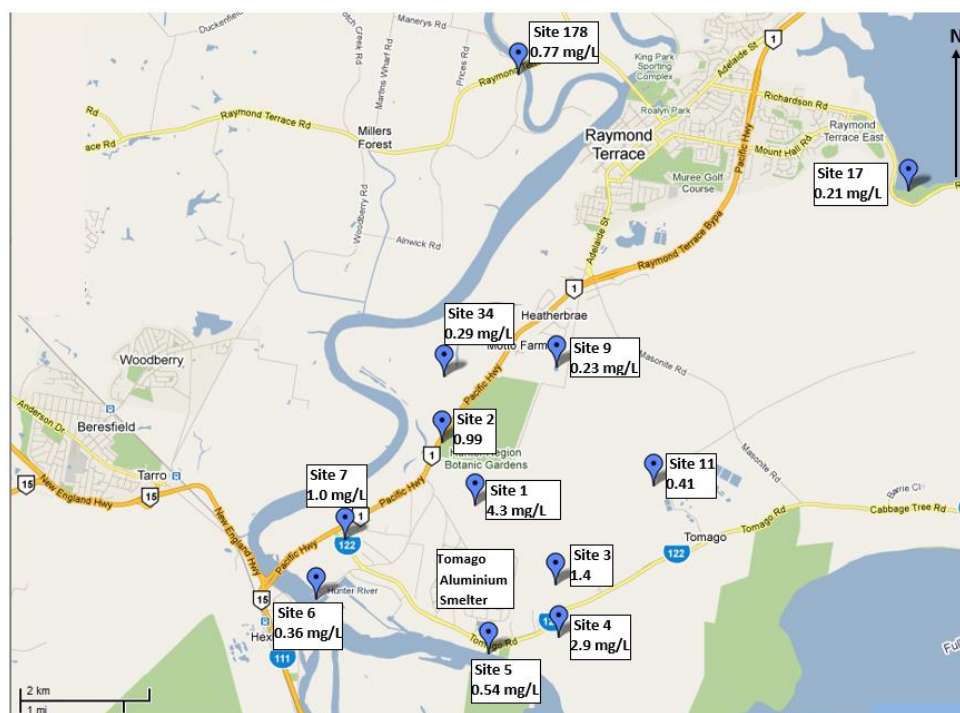
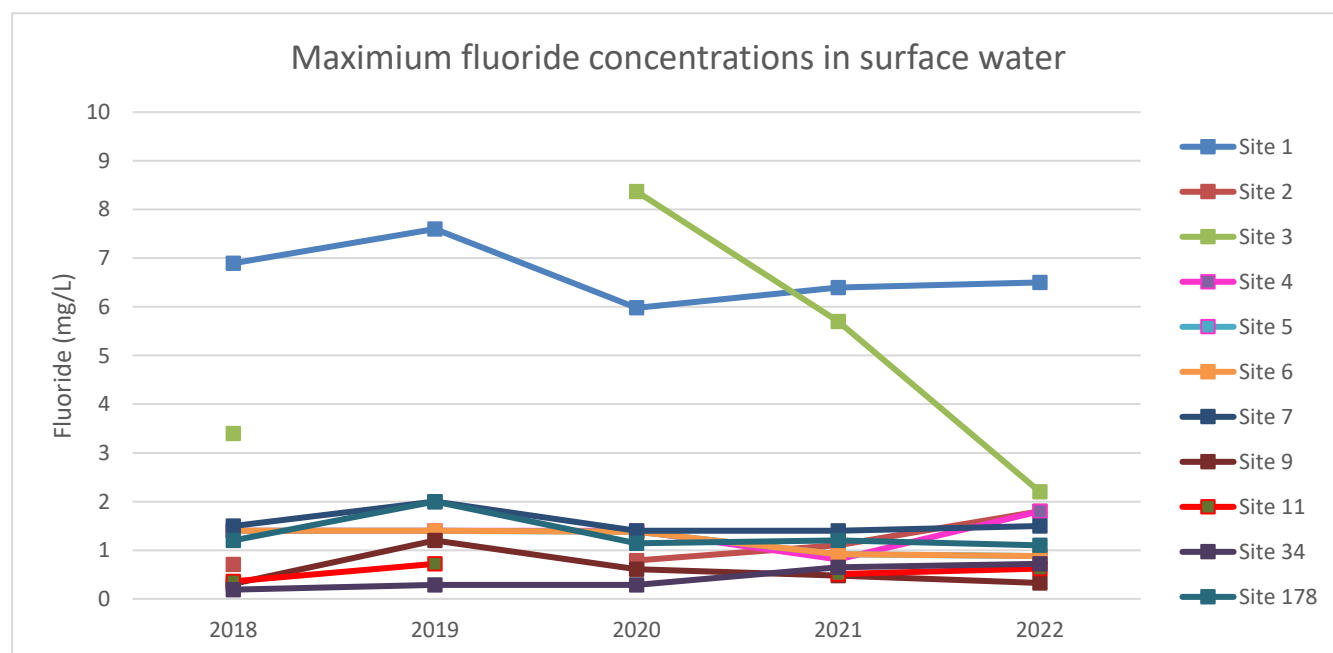

Figure 7.1 Surface Water Sites Average Fluoride Levels 2022

Table 7.2
**SURFACE WATER MONITORING IN THE VICINITY OF
TOMAGO ALUMINIUM SMELTER FOR 2018 – 2022**
(All results are expressed as milligrams fluoride per litre of water)

SITE	2018		2019		2020		2021		2022	
	Avg	Max	Avg	Max	Avg	Max	Avg	Max	Avg	Max
1	5.0	6.9	7.2	7.6	4.0	6.0	4.1	6.4	4.3	6.5
2	0.59	0.71	DRY	DRY	0.79	0.79	0.81	1.1	0.99	1.8
3	3.2	3.4	DRY	DRY	5.7	8.4	2.5	5.7	1.43	2.2
4	2.4	4.4	2.0	2.5	2.4	3.2	2.4	3.0	2.9	4.1
5	1.0	1.4	1.2	1.4	0.66	1.4	0.52	0.81	0.54	1.8
6	0.92	1.4	1.1	1.4	0.58	1.4	0.43	0.92	0.36	0.88
7	0.89	1.5	1.0	2.0	0.95	1.4	0.97	1.4	1.0	1.5
9	0.22	0.31	0.29	1.2	0.29	0.61	0.26	0.48	0.23	0.33
11	0.29	0.36	0.37	0.72	DRY	DRY	0.28	0.51	0.41	0.62
17	0.20	0.24	0.23	0.29	0.17	0.20	0.21	0.33	0.21	0.41
34	0.12	0.19	0.16	0.29	0.17	0.29	0.31	0.65	0.29	0.72
178	0.91	1.2	1.2	2.0	0.67	1.1	0.91	1.2	0.77	1.1


**Figure 7.2 MAXIMUM FLUORIDE CONCENTRATIONS IN SURFACE WATER IN THE
VICINITY OF TOMAGO ALUMINIUM SMELTER FOR 2018-2022**

7.2 Groundwater Monitoring

7.2.1 Groundwater Monitoring General

Groundwater monitoring includes sites monitored by the Hunter Water Corporation and Tomago Aluminium (refer Appendix 1, Maps 5 & 6). Groundwater in the area generally has a low pH level (less than 6.5) and generally low salinity (<200 mg/L) (Coffey Report E110/1-AC). Boreholes on and around the smelter site are monitored monthly or quarterly and analysed for soluble fluoride, electrical conductivity and pH.

The water level in the bores is also monitored at the time of sampling. The results of the monitoring are displayed in Figures 7.3 to 7.6 and Tables 7.3A to 7.3F and 7.4. Groundwater flow direction is indicated in Figure 7.7 for the site and in Figure 7.8 for the broader area.

Groundwater bores in the vicinity of the sewerage treatment plant are also analysed annually for E-coli, there was none detected in 2022 (Table 7.3E).

7.2.2 Assessment of Groundwater Monitoring Data

The groundwater monitoring data sampled by Hunter Water in the groundwater reserve known as “Tomago Sandbeds” indicate that fluoride concentrations remain at background levels (Figure 7.3).

The contours of the groundwater depth beneath the smelter site show that the local flow of groundwater is to the south-south-east, away from the catchment of the main Tomago Sandbeds (Figure 7.7). A groundwater divide is present north of the site where the groundwater gradient is then towards the north-west (Figure 7.8).

There are no applicable limits for onsite groundwater fluoride levels and the groundwater monitoring data trends are used in the assessment of data. 2022 data continues to confirm that increases in fluoride concentration over the smelter site are localised. The following comments on trends are made from observing the trends for the **maximum** fluoride concentrations found.

- The Southern site bores that are situated closest down-gradient of the stormwater retention pond have remained stable during 2022.
- The average fluoride levels in the monitoring bores situated on the northern side of the smelter (Bores 219, 220, 221, 237 and 310) is 2.5 mg/L, a decrease from 3.0 mg/L in 2021. Monitoring bores 220 and 221 which are situated very close to potline 3 have an average of 5.4 mg/L, with the other three bores in this group (to the north-west and north-east) averaging 0.5 mg/L.
- Eastern boundary bores have also remained stable during 2022. Monitoring bore 311 remains the highest in this group, being immediately in the direction of flow from the potline area. The lower levels at bores 254, 255 and 256 (further from potlines in same direction) however show the levels reduce markedly with distance from the source.
- Southern off site bores (all downstream of site in direction of the Hunter River) remain below 1 mg/L.

- Western Boundary Bores are mostly stable apart from the two closest bores to the spent potlining processing area. The extra bores that were established to investigate migration in this area are displayed in Figure 7.5 which again shows the levels reduce markedly with distance from the source.
- Central Plant site bores remain relatively stable.
- South Western Site bores have also remained stable.

The higher fluoride concentrations in groundwater measured on the smelter site become dissipated with distance from the smelter, as evidenced by the background levels measured at the Southern Offsite Bores and other areas outlined above where high levels close to the source rapidly decrease with distance.

The impact fluoride concentrations in the stormwater retention pond are having on groundwater in the Southern Boundary Bores was subject of a Pollution Reduction Program on the site's Environment Protection Licence. The stormwater pond was dredged in late 2015 and the sedimentation basin again in late 2021. There will be a stormwater treatment plant installed in Q1 2024, as well as other ongoing mitigation projects in this area.

Tomago Aluminium Company commissioned Coffey Environments Australia to undertake an assessment of the significance of fluoride recorded in groundwater within the vicinity of the southern stormwater pond. This body of work assessed the potential fluoride concentrations that may have the potential to enter the Hunter River via the groundwater. The following conclusions were drawn regarding the migration of fluoride contaminated groundwater:

The model predicts the migration of fluoride contaminated groundwater will result in only marginal increases in fluoride levels at the groundwater/river interface. When the effects of adsorption are considered within modelling based on reference and field data derived from pond sediment, the modelling predicts that the fluoride plume would not break through at the groundwater/river interface within the next 100 years.

An appraisal of the net flow of the Hunter River indicates the river would provide significant dilution potential. In the context of the marginal increase in fluoride concentrations predicted to discharge into the river, it is assessed that the increase in fluoride levels within the river would not be detectable.

Coffey Environments
ENAU RHOD04246AA-R02v2
23 November 2012



Figure 7.3 Fluoride Levels in Groundwater at Sites Monitored by Hunter Water 2022



Figure 7.4 Annual Fluoride and Water Level Monitoring of Plant Groundwater Sites 2022

Table 7.3A: FLUORIDE CONCENTRATIONS IN GROUNDWATER IN THE VICINITY OF TOMAGO ALUMINIUM SMELTER 2022

(All results are expressed as milligrams fluoride per litre of water)

Bore number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
254	9.6	9.7	9.8	9.3	9.5	9.3	9.8	10	8.9	10	9.9	9.3
255	3.8	3.7	4.6	4.2	4.2	5.0	5.0	nra	6.2	6.3	5.9	5.8
256	4.5	5.1	4.3	4.2	4.3	3.8	3.9	4.2	3.9	4.4	4.0	4.5
258	3.5	3.6	3.8	3.7	3.9	3.8	5.3	5.2	5.1	5.6	6.0	6.4
259	<0.10	<0.10	0.19	0.17	0.15	<0.10	<0.10	0.13	<0.10	0.1	<0.10	0.15
260	17	16	17	18	19	20	17	17	17	17	16	15
261	1.4	1.3	1.6	1.7	1.4	1.6	1.6	1.9	1.6	1.7	1.5	1.5
262	54	54	49	52	52	52	51	51	48	51	48	48
263	57	57	48	38	34	31	39	35	34	35	37	40
264	0.32	0.23	0.19	0.25	0.20	<0.10	4.0	0.23	0.13	0.14	0.20	0.23
266	q	<0.10	q	q	0.20	q	q	0.14	q	q	0.53	q
268	9.8	9.2	9.2	8.5	9.2	8.7	9.2	10	9.8	10	10	9.9
218	0.10	0.10	0.18	0.18	0.17	0.12	0.26	0.10	0.38	0.10	0.15	0.19
219	0.15	0.23	0.19	0.39	0.44	0.35	5.0	0.75	0.25	0.25	0.24	0.29
220	2.8	2.7	2.6	3.4	3.4	4.5	2.8	2.7	3.6	3.3	3.1	3.3
221	6.8	7.3	7.7	7.7	8.6	10.1	8.5	6.9	7.5	7.0	7.0	6.2
224	q	6.9	q	q	9.0	q	q	9.7	q	q	6.5	q
227	q	0.56	q	q	1.0	q	q	1.5	q	q	1.7	q
228	q	6.0	q	q	5.5	q	q	8.6	q	q	11	q
230	q	2.1	q	q	2.4	q	q	5.0	q	q	5.1	q
231	q	9.9	q	q	14	q	q	11	q	q	12	q
233	q	58	q	q	43	q	q	40	q	q	27	q
234	q	0.65	q	q	11	q	q	1.13	q	q	1.22	q
236	6.6	7.3	8.1	7.4	7.5	8.4	8.4	8.9	8.7	7.2	5.8	5.4
237	0.28	0.22	0.15	0.28	0.29	0.20	0.30	0.22	0.14	0.19	0.20	0.24
238	1.6	2.8	5.6	5.5	7.1	4.8	4.9	4.7	4.0	4.8	3.8	2.5
239	29	31	33	49	44	44	50	43	39	47	49	40
241	1.0	1.1	1.3	1.7	1.7	1.5	1.4	1.6	1.5	1.5	1.4	1.1
242	0.60	0.69	0.83	0.95	1.1	0.98	0.72	0.64	0.60	0.59	0.68	0.71
243	6.4	7.0	4.4	4.9	5.3	4.9	6.7	6.3	5.0	5.1	6.0	7.6
245	q	0.96	q	q	3.4	q	q	4.7	q	q	2.1	q
247	q	0.44	q	q	5.8	q	q	3.7	q	q	12	q
249	q	3.4	q	q	3.1	q	q	4.4	q	q	5.0	q
250	q	6.5	q	q	7.6	q	q	20	q	q	26	q
269	4.8	5.0	5.3	4.5	4.8	4.2	4.3	5.0	4.2	5.2	4.5	4.5
272	3.1	3.7	2.4	4.4	9.8	10	23	9.8	10	12	15	11
274	1.2	1.3	0.86	0.90	1.2	0.88	1.1	0.92	0.77	0.94	0.99	0.86
276	1.5	1.4	1.2	1.3	1.8	1.3	1.4	1.2	1.0	1.3	1.3	1.1
279	77	65	74	nra	51	49	39	50	45	57	72	58
280	16	18	5.8	14	15	16	14	13	13	14	15	25
305	q	4.1	q	q	7.0	q	q	6.1	q	q	4.6	q
306	q	15	q	q	12	q	q	8.7	q	q	11	q
309	6.5	5.2	4.3	6.0	5.7	6.5	4.0	5.3	5.6	5.4	5.0	4.5
310	0.47	1.6	0.25	0.20	0.26	0.37	0.25	0.95	0.35	0.40	0.57	0.76
311	20	20	14	14	17	18	13	12	15	18	17	15
312	9.6	6.5	7.5	5.7	8.9	9.5	7.3	11	9.8	12	12	14
313	0.16	0.12	0.10	0.17	0.10	0.10	0.14	0.16	0.10	0.14	0.17	0.10
314	0.84	0.70	0.63	0.54	0.67	0.53	0.57	0.51	0.47	0.54	0.51	0.42
315	0.13	0.12	0.10	0.17	0.19	0.10	0.17	0.10	0.10	0.10	0.10	0.10
316	0.12	0.10	0.10	0.10	0.19	0.10	0.16	0.10	0.10	0.11	0.16	0.10

q = sampled quarterly
nra = no result available

Table 7.3B: WATER LEVEL RELATIVE TO AHD OF GROUNDWATER IN THE VICINITY OF TOMAGO ALUMINIUM SMELTER 2022
(All results are expressed in meters)

Bore number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
254	4.1	4.1	4.4	4.5	4.6	4.4	5.0	4.7	4.7	4.8	4.6	4.4
255	3.9	3.9	4.2	4.2	4.4	4.1	4.7	nra	4.5	4.5	4.4	4.2
256	3.7	3.7	3.9	4.0	4.1	3.9	4.3	4.3	4.2	4.2	4.1	3.9
258	2.4	2.4	2.6	2.5	2.7	2.5	2.7	2.5	2.6	2.6	2.5	2.4
259	1.9	2.3	2.9	2.4	2.5	2.4	2.5	2.4	2.4	2.4	2.4	2.3
260	2.1	2.2	2.4	2.2	2.3	2.3	2.3	2.3	2.3	2.3	2.2	2.2
261	2.7	2.7	3.0	2.9	3.0	2.8	3.0	2.9	2.5	3.0	2.9	2.8
262	2.4	2.4	2.6	2.5	2.6	2.5	2.5	2.5	2.5	2.5	2.4	2.4
263	2.1	2.1	2.4	2.3	2.4	2.2	2.4	2.3	2.3	2.3	2.2	2.2
264	3.1	3.1	3.3	3.3	3.4	3.2	3.5	3.3	3.3	3.4	3.3	3.2
266	q	4.2	q	q	4.6	q	q	4.7	q	q	4.6	q
268	5.1	5.1	5.7	5.7	5.9	5.6	5.9	5.6	5.6	5.7	5.3	5.1
218	3.7	3.7	4.0	4.0	4.1	3.8	4.3	4.2	4.2	4.3	4.1	4.0
219	5.3	5.3	5.6	4.8	6.2	5.7	6.7	6.4	6.3	6.3	6.0	5.9
220	5.2	5.2	5.5	5.6	5.9	5.5	6.0	5.9	5.8	6.0	5.7	5.6
221	5.8	5.9	6.1	6.1	6.2	6.0	6.4	6.2	6.2	6.2	6.2	6.1
224	q	4.8	q	q	5.2	q	q	5.5	q	q	5.4	q
227	q	5.2	q	q	5.5	q	q	5.6	q	q	5.6	q
228	q	4.8	q	q	5.1	q	q	5.3	q	q	5.3	q
230	q	5.0	q	q	5.3	q	q	5.5	q	q	5.4	q
231	q	4.4	q	q	4.7	q	q	5.0	q	q	4.9	q
233	q	4.3	q	q	4.7	q	q	4.9	q	q	4.8	q
234	q	4.3	q	q	4.6	q	q	4.8	q	q	4.7	q
236	5.2	5.3	5.5	5.8	5.8	5.7	5.1	5.9	5.8	5.8	5.6	5.5
237	4.6	4.5	5.0	5.2	5.2	5.1	6.1	5.8	5.8	5.8	5.5	5.3
238	4.5	4.5	4.8	5.0	5.1	4.9	5.8	5.5	5.4	5.5	5.3	5.1
239	3.9	3.9	4.2	4.4	4.3	4.2	4.6	4.6	4.5	4.6	4.4	4.4
241	2.6	2.7	2.8	2.8	3.0	2.7	3.0	2.9	2.8	2.9	2.8	2.7
242	4.5	4.5	5.2	5.2	5.3	4.9	5.3	5.1	5.1	5.1	4.7	4.5
243	5.1	5.1	5.7	5.6	5.8	5.3	5.8	5.6	5.6	5.7	5.3	5.1
245	q	5.1	q	q	5.4	q	q	5.6	q	q	5.5	q
247	q	4.7	q	q	5.1	q	q	5.4	q	q	5.3	q
249	q	4.9	q	q	5.3	q	q	5.2	q	q	5.3	q
250	q	4.8	q	q	5.2	q	q	5.3	q	q	5.2	q
269	5.0	4.9	5.5	5.6	5.8	5.4	5.8	5.5	5.4	5.5	5.2	5.0
272	5.0	4.1	5.6	5.7	5.9	5.4	5.8	5.5	5.5	5.6	5.3	5.1
274	4.6	4.5	5.2	5.2	5.4	5.0	5.3	5.1	5.1	5.1	4.8	4.7
276	4.1	4.1	4.6	4.7	4.9	4.5	4.9	4.4	4.6	4.5	4.3	4.2
279	5.1	5.1	5.4	nra	5.8	5.6	6.0	5.8	5.7	5.7	5.5	5.4
280	5.0	5.0	5.4	5.6	5.7	5.5	5.9	5.6	5.5	5.5	5.4	5.2
305	q	5.0	q	q	5.7	q	q	5.9	q	q	5.7	q
306	q	5.1	q	q	5.4	q	q	5.5	q	q	5.5	q
309	2.4	2.5	2.6	2.6	2.7	2.6	2.8	2.6	2.6	2.7	2.5	2.5
310	5.0	5.0	5.8	5.4	5.4	5.1	5.3	5.1	5.3	5.5	5.3	5.0
311	4.4	4.3	4.6	4.8	4.9	4.7	5.4	5.2	5.1	5.2	5.0	4.8
312	3.3	3.1	3.2	3.3	3.5	3.2	3.6	3.5	3.4	3.5	3.3	3.2
313	1.4	1.4	1.5	1.5	1.6	1.5	1.5	1.5	1.4	1.5	1.5	1.4
314	1.0	1.1	1.3	1.3	1.3	1.3	1.4	1.1	1.1	1.2	1.1	1.0
315	1.3	1.4	1.6	1.5	1.7	1.5	1.8	1.5	1.5	1.5	1.4	1.3
316	5.2	5.2	5.5	5.8	5.9	5.7	6.1	5.9	5.8	5.8	5.6	5.5

q = sampled quarterly nra = no result available

Table 7.3C: pH OF GROUNDWATER IN THE VICINITY OF TOMAGO ALUMINIUM SMELTER 2022

Bore number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
254	5.0	5.6	5.2	5.2	5.3	5.2	5.2	5.1	5.2	4.7	5.3	5.4
255	5.0	4.9	5.3	5.4	5.5	5.3	5.6	nra	5.7	5.4	5.7	5.4
256	5.9	5.9	6.2	6.1	6.2	6.0	6.0	6.0	6.5	5.8	6.2	6.2
258	5.4	6.1	5.7	5.8	6.0	5.7	6.0	5.8	6.0	5.4	5.7	5.8
259	4.9	5.6	5.1	5.3	5.5	5.2	5.4	5.3	5.5	5.0	5.8	5.3
260	5.4	6.1	5.5	5.6	5.7	5.4	5.6	5.5	5.6	5.3	5.6	5.7
261	5.3	6.0	5.8	5.9	6.0	5.7	5.9	6.3	5.7	5.6	5.6	5.8
262	6.0	6.7	6.3	6.4	6.4	6.2	6.5	5.9	6.4	6.0	6.5	6.5
263	6.2	6.5	6.2	6.2	6.2	6.0	6.1	5.9	6.1	5.7	6.0	6.1
264	5.5	6.1	6.1	5.6	5.8	5.5	5.8	5.3	5.9	5.2	5.8	5.6
266	q	5.5	q	q	5.6	q	q	5.3	q	q	5.9	q
268	6.4	6.2	6.7	6.6	6.7	6.5	6.5	6.7	6.8	6.6	6.8	7.0
218	5.5	5.6	5.6	5.6	5.7	5.6	5.6	6.0	5.6	5.2	5.6	5.6
219	4.4	4.2	4.4	4.4	4.4	4.3	6.1	4.1	4.4	4.0	4.5	4.1
220	5.4	5.1	5.2	5.1	5.1	5.0	5.2	4.7	4.9	4.7	4.9	4.6
221	6.1	5.5	5.3	5.3	4.8	4.9	5.5	5.1	4.8	4.7	4.9	4.8
224	q	5.6	q	q	5.8	q	q	5.7	q	q	5.8	q
227	q	5.8	q	q	5.6	q	q	5.5	q	q	5.8	q
228	q	5.7	q	q	5.8	q	q	5.7	q	q	5.9	q
230	q	6.0	q	q	6.0	q	q	6.2	q	q	5.9	q
231	q	5.7	q	q	5.8	q	q	5.6	q	q	5.9	q
233	q	6.0	q	q	6.0	q	q	5.7	q	q	6.0	q
234	q	5.6	q	q	5.7	q	q	5.8	q	q	5.8	q
236	5.7	5.5	5.6	5.5	5.8	5.7	5.8	5.5	6.0	5.4	5.7	5.1
237	5.4	6.0	5.8	5.7	5.7	5.6	5.4	5.5	5.5	5.4	5.9	5.9
238	5.4	6.0	5.7	5.7	5.8	5.6	5.5	5.4	5.3	5.0	5.4	5.4
239	5.9	6.1	6.2	6.3	6.4	6.1	6.2	6.2	6.4	6.1	6.5	5.9
241	5.3	5.3	5.5	5.5	5.5	5.5	5.6	5.4	5.7	5.3	5.6	5.7
242	6.0	6.2	6.2	6.2	6.4	6.0	6.2	5.6	6.3	5.8	6.3	6.4
243	5.9	5.7	6.1	6.1	6.2	6.0	6.0	6.1	6.2	5.7	6.2	6.3
245	q	5.5	q	q	6.7	q	q	5.4	q	q	5.6	q
247	q	5.5	q	q	5.7	q	q	5.7	q	q	5.8	q
249	q	5.7	q	q	5.9	q	q	5.6	q	q	5.9	q
250	q	5.7	q	q	5.8	q	q	5.7	q	q	5.9	q
269	6.4	6.0	6.3	6.2	6.2	6.1	6.1	6.4	6.2	6.2	6.2	6.3
272	5.6	5.3	5.4	5.5	5.8	5.6	6.0	5.6	5.7	5.2	5.8	5.8
274	6.4	6.2	6.3	6.2	6.3	6.0	6.2	5.9	6.3	6.1	6.3	6.4
276	6.3	6.0	6.2	6.2	6.3	6.0	6.2	5.8	6.3	6.0	6.2	6.2
279	6.6	6.7	7.0	nra	6.8	6.5	6.6	6.7	6.9	6.7	7.0	7.1
280	6.8	6.5	6.7	6.7	6.9	6.6	6.4	6.4	6.8	6.5	6.8	6.8
305	q	5.3	q	q	5.6	q	q	5.0	q	q	6.0	q
306	q	5.4	q	q	5.8	q	q	5.5	q	q	6.0	q
309	5.2	5.0	5.3	5.2	5.3	5.1	5.4	5.0	5.5	4.8	5.4	5.5
310	4.5	4.3	4.8	4.7	4.8	4.6	4.5	4.8	4.7	4.3	4.6	4.3
311	5.3	6.4	5.7	5.6	5.7	5.4	5.6	5.5	5.3	5.0	5.5	5.6
312	6.6	5.6	5.8	6.0	6.2	5.6	5.8	5.8	6.3	6.0	6.2	5.8
313	5.5	5.6	5.7	5.7	5.7	5.4	5.6	5.4	5.8	5.3	5.8	5.8
314	6.2	7.0	6.5	6.4	6.5	6.2	6.4	6.2	6.4	6.2	6.4	6.5
315	5.5	5.7	5.6	5.6	5.8	5.6	5.7	5.3	5.9	5.4	5.7	5.7
316	5.4	5.2	5.3	5.2	5.3	5.2	5.2	5.1	5.5	5.1	5.7	5.5

q = sampled quarterly nra = no result available

Table 7.3D: CONDUCTIVITY OF GROUNDWATER IN THE VICINITY OF TOMAGO ALUMINIUM SMELTER 2022

(All results are expressed in micro Siemens per centimetre)

Bore number	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
254	120	112	99	95	105	110	82	107	90	97	90	98
255	357	379	364	324	315	144	300	nra	284	248	315	288
256	505	576	530	540	521	504	469	477	476	426	420	479
258	370	340	338	226	206	196	158	167	122	231	225	238
259	733	739	729	575	528	442	312	326	273	289	301	370
260	559	568	560	677	658	685	641	644	690	670	769	746
261	758	777	405	361	351	311	330	317	323	320	325	328
262	281	286	285	272	273	265	275	266	269	283	280	273
263	279	289	341	437	466	382	472	421	402	404	436	457
264	312	276	344	300	130	280	345	245	282	272	276	292
266	q	282	q	q	351	q	q	281	q	q	246	q
268	639	675	515	488	530	530	515	577	540	484	423	478
218	550	601	528	384	350	321	324	413	458	456	370	320
219	176	176	178	179	182	185	210	187	197	201	236	202
220	181	185	188	198	186	207	167	163	163	174	167	157
221	167	186	169	185	203	198	165	160	187	180	174	156
224	q	205	q	q	272	q	q	330	q	q	295	q
227	q	655	q	q	680	q	q	588	q	q	535	q
228	q	313	q	q	312	q	q	307	q	q	228	q
230	q	307	q	q	299	q	q	388	q	q	358	q
231	q	361	q	q	411	q	q	416	q	q	385	q
233	q	402	q	q	475	q	q	455	q	q	390	q
234	q	324	q	q	302	q	q	259	q	q	281	q
236	162	175	187	174	194	356	139	132	194	199	210	180
237	219	255	230	238	275	253	245	277	276	287	314	260
238	609	524	561	492	224	480	438	447	417	330	314	283
239	794	715	668	551	609	800	610	808	790	703	739	914
241	2.8	253	259	306	329	319	273	319	355	313	349	337
242	517	792	283	255	339	231	194	324	232	145	128	148
243	286	238	150	184	161	208	158	156	180	181	248	263
245	q	355	q	q	315	q	q	365	q	q	296	q
247	q	285	q	q	360	q	q	417	q	q	445	q
249	q	397	q	q	309	q	q	439	q	q	377	q
250	q	373	q	q	368	q	q	371	q	q	329	q
269	561	610	774	670	527	601	533	588	529	570	556	525
272	306	296	314	323	295	308	343	404	423	453	420	552
274	395	410	465	485	414	561	629	668	706	688	594	699
276	472	471	458	427	435	370	401	308	329	504	557	527
279	1471	1380	1388	nra	1043	943	1115	1207	1140	1230	1362	1413
280	403	426	380	346	355	370	306	305	319	342	395	410
305	q	243	q	q	246	q	q	292	q	q	220	q
306	q	205	q	q	215	q	q	313	q	q	325	q
309	128	114	110	143	148	131	112	140	176	163	158	118
310	12030	1259	4830	6950	6120	7150	5850	6730	7005	7980	10700	1443
311	143	175	137	114	174	168	100	91	158	185	156	141
312	120	142	134	172	166	197	192	483	411	509	497	474
313	257	248	262	267	265	280	342	291	257	260	282	262
314	175	269	140	218	208	233	251	191	226	203	243	246
315	173	238	218	210	189	205	150	179	171	201	276	235
316	730	716	761	980	992	865	845	918	694	507	502	563

q = sampled quarterly nra = no result available

Table 7.3E: ECOLI IN GROUNDWATER IN THE VICINITY OF TOMAGO ALUMINIUM SMELTER 2022

(All results are expressed in E. Coli counts per 100 millilitres)

Bore number	June 2022
258	0
259	0
260	0
261	0
262	0



Figure 7.5: Annual fluoride and water level monitoring, Site West Investigation Area 2022

Table 7.4: AVERAGE AND MAXIMUM FLUORIDE CONCENTRATIONS IN GROUNDWATER IN THE VICINITY OF TOMAGO ALUMINIUM SMELTER 2018 – 2022
(All results are expressed as milligrams fluoride per litre of water)

Bore Number	2018		2019		2020		2021		2022	
	Avg	Max	Avg	Max	Avg	Max	Avg	Max	Avg	Max
254	7.0	8.2	7.7	8.4	8.7	11	9.9	11	9.6	10
255	5.4	6.3	4.3	5.3	5.5	8.3	4.6	5.7	5.0	6.3
256	1.6	2.2	1.3	2.0	2.9	5.4	4.0	5.5	4.3	5.1
258	5	6	3.5	4.2	4.0	8.9	3.5	5.1	4.7	6.4
259	0.02	0.29	0.12	0.24	0.13	0.22	0.08	0.17	0.15	0.19
260	8.5	11.5	9.8	14	14	23	16	20	17	20
261	1.12	1.7	1.5	2.1	3.3	11	1.4	1.8	1.6	1.9
262	42	48	51	56	53	59	52	56	51	54
263	45	50	55	60	56	59	53	57	40	57
264	0.17	0.38	0.22	0.39	0.26	0.42	0.31	0.91	0.56	4.0
266	0.02	0.16	0.11	0.29	0.15	0.25	0.11	0.18	0.29	0.53
268	0.79	1.0	1.0	1.9	3.5	5.5	6.6	9.0	9.5	10
218	0.13	0.45	0.19	0.56	0.26	1.7	0.13	0.25	0.17	0.38
219	0.16	0.50	0.25	0.65	0.21	0.35	0.20	0.36	0.71	5.0
220	3.6	4.6	3.2	4.0	3.8	4.7	4.7	7.3	3.2	4.5
221	4.6	6.5	5.1	7.2	6.0	8.2	9.2	15	7.6	10
224	1.5	1.6	1.3	1.5	1.5	2.9	12	17	8.0	9.7
227	0.73	2.0	1.5	3.4	1.2	2.9	0.75	1.5	1.2	1.7
228	6.4	11.2	4.5	6.7	11	15	11	18	7.7	11
230	5.5	11.1	3.6	7.4	2.9	5.9	2.6	3.7	3.7	5.1
231	10	13	9.3	13	6.9	7.7	9.9	13	12	14
233	25	32	23	30	31	54	37	58	42	58
234	0.17	0.3	0.41	0.67	0.24	0.31	1.9	3.1	3.6	11
236	7.0	7.7	6.8	7.8	6.2	6.9	6.6	7.9	7.5	8.9
237	0.67	5.61	0.21	0.58	0.26	0.40	0.28	0.48	0.23	0.30
238	5.4	13	7.1	13	9.0	16	5.4	14	4.4	7.1
239	25	31	24	29	33	40	29	61	41	50
241	1.7	2.0	1.3	1.4	1.2	1.8	1.2	1.4	1.4	1.7
242	0.59	0.81	0.41	0.79	0.66	0.83	0.72	1.1	0.76	1.11
243	5.6	6.6	5.9	6.3	7.2	14	6.4	7.6	5.8	7.6
245	0.49	0.7	0.53	0.78	0.36	0.45	0.62	0.81	2.8	4.7
247	2.92	9.0	3.2	9.8	5.3	14	0.82	1.6	5.6	12
249	2.1	2.2	2.2	2.6	1.6	2.4	2.8	3.5	4.0	5.0
250	8.3	9.6	8.5	11	7.5	11	9.4	12	15	26
269	5.8	6.8	5.7	6.3	5.2	5.9	4.7	5.4	4.7	5.3
272	2.7	3.4	2.5	3.0	2.8	3.6	6.3	17	9.6	23
274	0.71	1.0	1.2	1.8	1.0	2.1	1.1	1.4	1.0	1.3
276	1.15	1.9	1.2	2.0	1.2	2.7	1.1	1.5	1.3	1.8
279	53	59	48	54	49	57	58	69	58	77
280	9	13	3.9	7.2	4.6	8.7	11	15	15	25
305	4.9	5.1	3.7	4.0	3.0	3.6	2.8	3.3	5.5	7.0
306	7.8	8.7	5.2	6.7	5.3	6.6	12	15	12	15
309	6.8	12	5.9	8.4	6.0	11	5.3	6.7	5.3	6.5
310	1.2	8.2	0.79	1.7	0.52	1.2	0.75	3.4	0.53	1.6
311	14	18	15	24	18	23	17	24	16	20
312	6.9	14	7.5	15	8.2	11	6.3	10	9.5	14
313	0.19	0.57	0.19	0.32	0.26	0.40	0.21	0.54	0.13	0.17
314	0.58	0.77	0.54	0.62	0.60	0.80	0.68	0.91	0.58	0.84
315	0.12	0.22	0.12	0.31	0.14	0.33	0.16	0.36	0.12	0.19
316	0.11	0.22	0.11	0.23	0.14	0.41	0.15	0.45	0.12	0.19

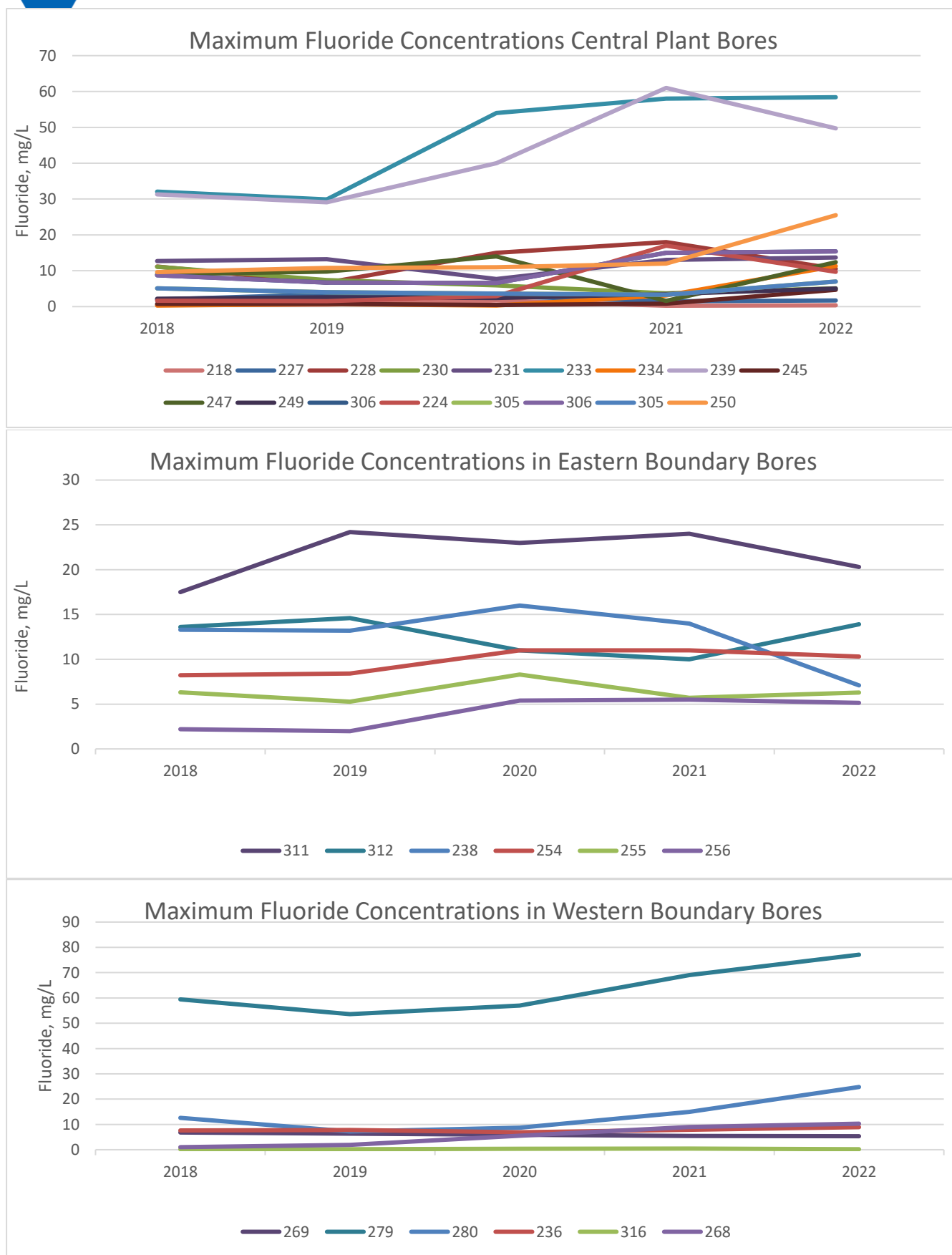


Figure 7.6 : Maximum fluoride concentrations measured 2018-2022

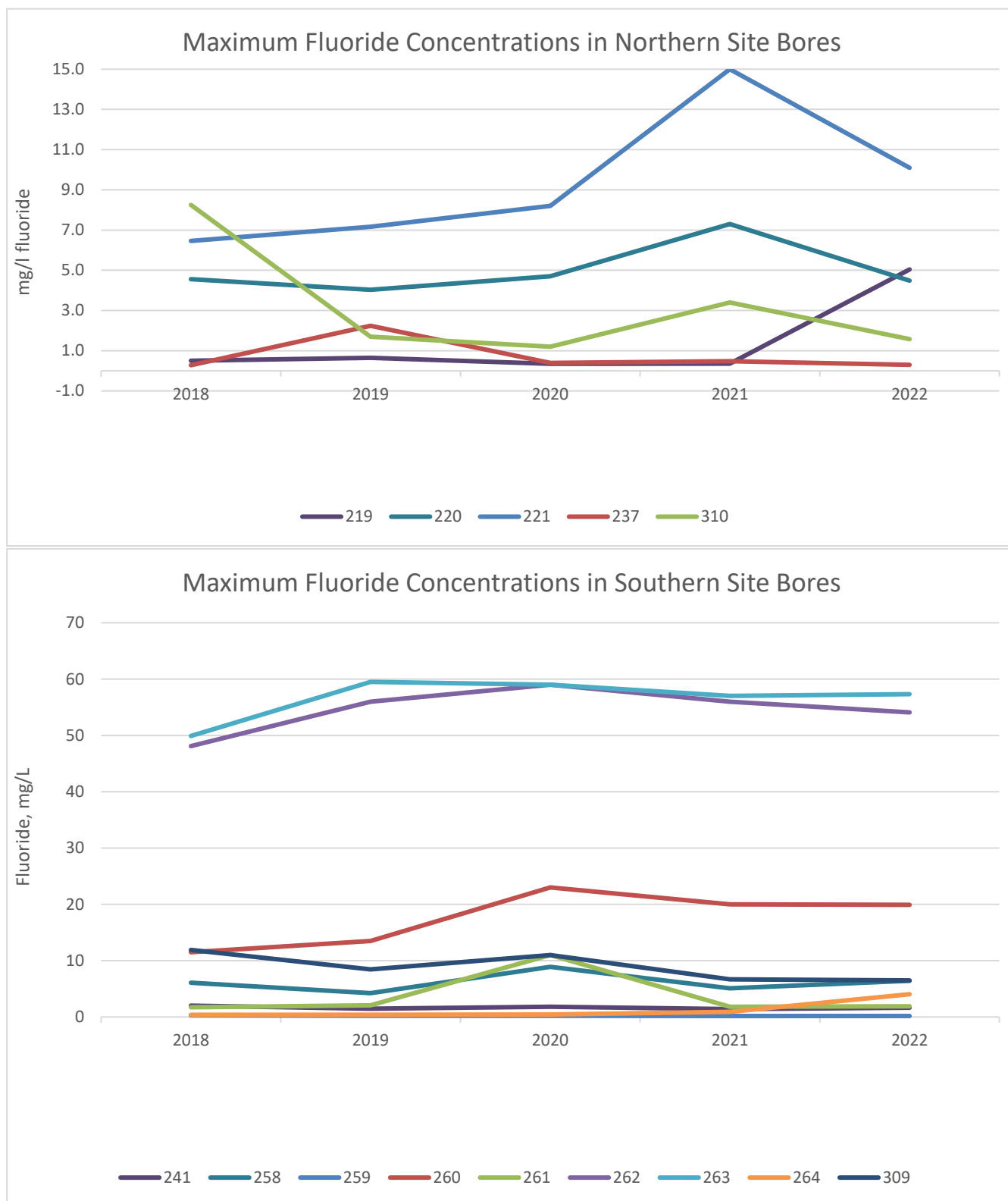


Figure 7.6 : Maximum fluoride concentrations measured 2018-2022

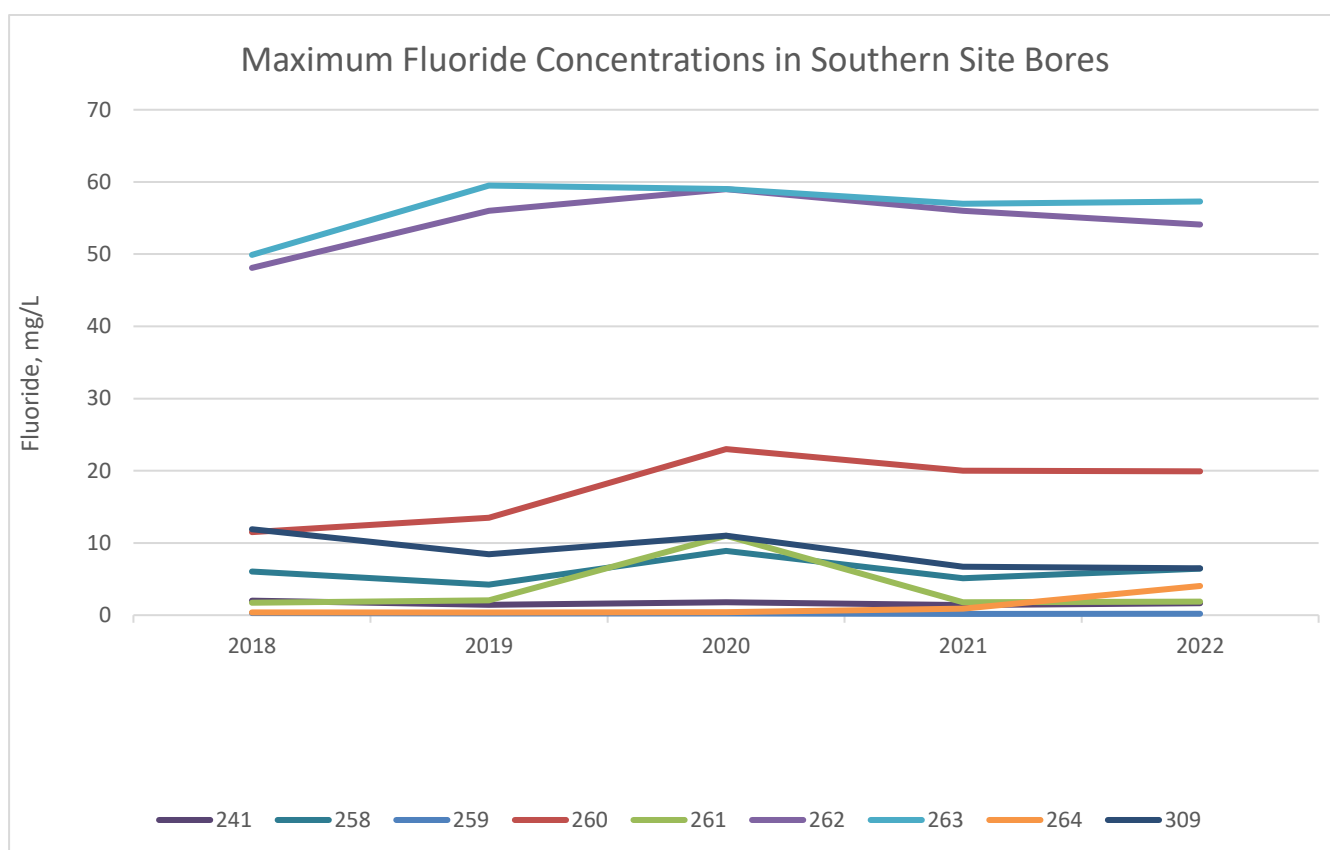
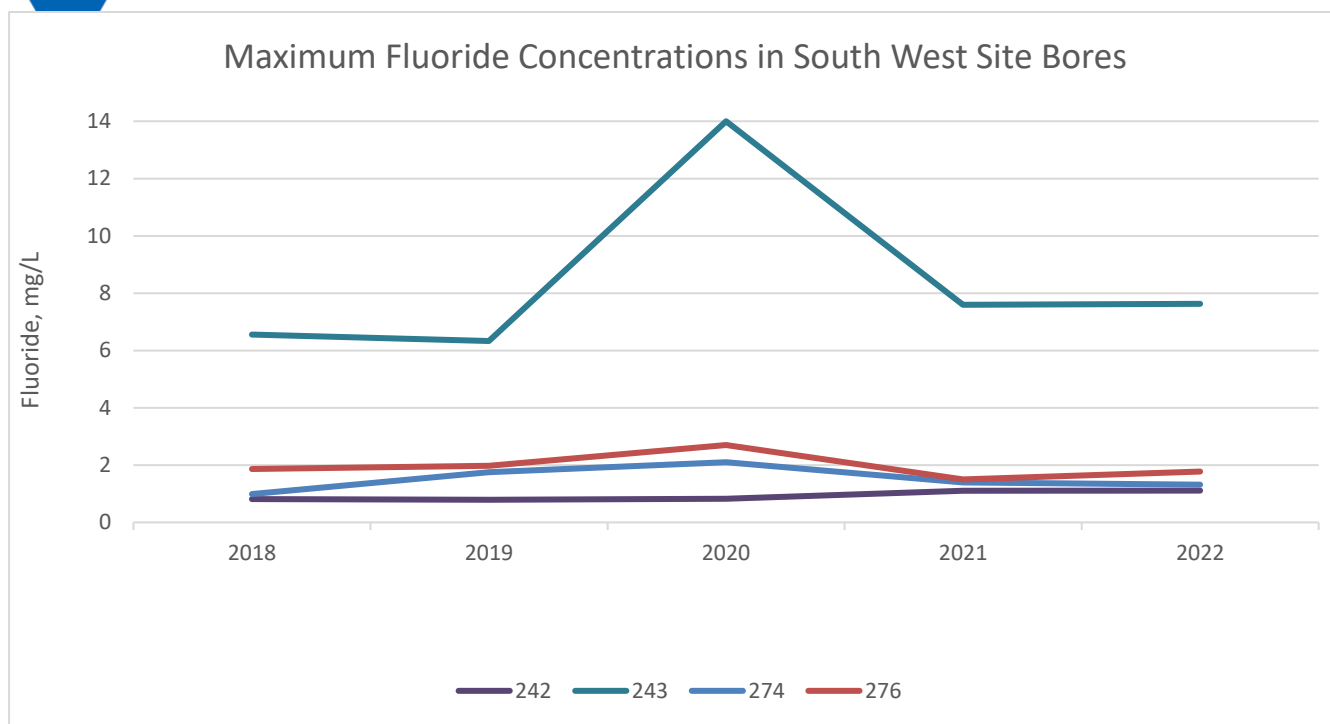


Figure 7.6 : Maximum fluoride concentrations measured 2018-2022

7.2.3 Piezometry and Groundwater Flow

Contours of the groundwater table beneath the smelter site are shown in Figure 7.7. It can be seen that the local flow of groundwater is to the south-south-east, away from the catchment of the main Tomago Sandbeds. Water levels are an average of 0.3 m higher than 2021 levels.



Figure 7.7: Groundwater Levels relative to AHD– 2022

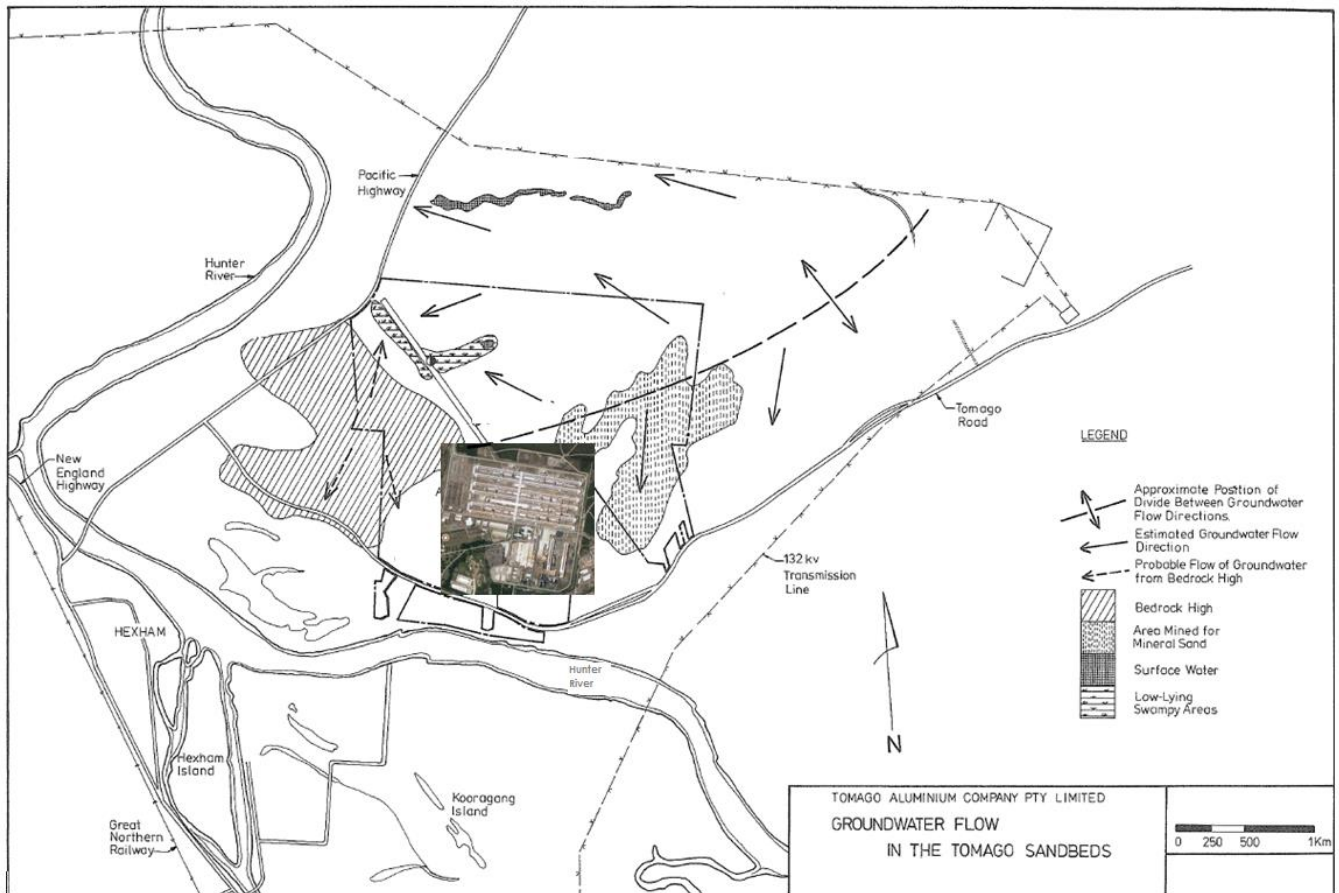


Figure 7.8 Groundwater Flow in the Tomago Sandbeds

7.3 Stormwater

Stormwater from the site is collected in a stormwater pond after passing through a sedimentation basin. The stormwater pond is designed to be managed so that the pond has the capacity to retain the “first flush”. During rain events, and after the pond fills with the “first flush”, water then discharges to the Hunter River via a weir in the sedimentation basin.

Water quality monitoring is conducted at the weir of the sedimentation basin (EPA Monitoring Point 35). The water quality results at the weir for 2022 are displayed in Tables 7.6 and Table 7.7. Results for the last 5 years are displayed in Tables 7.8 and 7.9.

To allow for the collection of ‘first flush’ stormwater originating from the site, stormwater pond capacity is designed to be maintained by discharging water from the stormwater pond to the Hunter River under controlled conditions during dry weather. Water samples are taken daily during the discharge. A summary of sample results for 2022 are presented in Table 7.5.

Lawson and Treloar conducted modelling of stormwater discharged from the site, concluding that the fluoride concentrations in the Hunter River are not adversely influenced by stormwater discharge. As a result of the study, the EPA placed controlled stormwater **controlled discharge** limits of:

Soluble fluoride	40 mg/L
Total Suspended Solids	50 mg/L
Kilolitres per day	4320
pH	6.5 – 8.5

TAC conducted additional investigations in 2012 in order to validate this conclusion in accordance with the Pollution Reduction Program included in POEO Licence 6163. This involved an extensive ecological study of the Hunter River in the vicinity of the stormwater discharge point.

Efforts are ongoing at the site to improve stormwater quality. In late 2021 diversion blocks were placed in the sedimentation basin in order to obtain better mixing of the incoming water throughout the pond. The sedimentation basin was also dredged in late 2021. There will be a stormwater treatment plant installed at the stormwater first flush pond in Q1 2024. The plant design is based on an innovative process successfully demonstrated in a pilot plant trialled during 2021. Other stormwater contamination mitigation projects will also be implemented during 2023/2024.

The controlled discharge limits contained in EPL 6163 were complied with during 2022.

Table 7.5: Stormwater controlled discharge results – 2022

Month	Total Discharge (ML)	Ave pH	Ave Fluoride (mg/L)	Ave Conductivity (uS/cm)	Ave Suspended Solids (mg/L)	Ave PAH (mg/L)	Ave TRH (mg/L)
JAN	NMR	NMR	NMR	NMR	NMR	NMR	NMR
FEB	NMR	NMR	NMR	NMR	NMR	NMR	NMR
MAR	1.3	6.7	37	145	18	<0.001	<0.1
APR	3.0	6.6	36	184	15	<0.001	0.11
MAY	2.8	6.7	37	163	17	<0.001	1.0
JUN	NMR	NMR	NMR	NMR	NMR	NMR	NMR
JUL	2.4	6.8	29	194	11	<0.001	0.14
AUG	0.9	6.9	33	300	8	NMR	NMR
SEP	NMR	NMR	NMR	NMR	NMR	NMR	NMR
OCT	1.5	6.7	38	190	15	<0.001	<0.1
NOV	NMR	NMR	NMR	NMR	NMR	NMR	NMR
DEC	NMR	NMR	NMR	NMR	NMR	NMR	NMR

NMR= No Monitoring Requirement due to no discharge

Table 7.6: Average fluoride, pH and conductivity monitoring data for stormwater during days of weir overflow at the Tomago Aluminium Smelter for 2022

Weir V-notch To Hunter River (EPA Point 35)						
Month	Total Overflow (ML)	Ave pH	Ave* Fluoride (mg/L)	Ave Conductivity (uS/cm)	Ave PAH (mg/L)	Ave TRH (mg/L)
JAN	41	5.9	55	263	<0.001	0.2
FEB	1.2	5.9	49	217	<0.001	0.2
MAR	247	5.7	39	212	<0.001	0.3
APR	91	5.9	37	205	<0.002	0.2
MAY	82	5.9	40	240	<0.001	<0.1
JUN	19	6.5	55	280	<0.001	<0.1
JUL	357	6.3	26	230	<0.001	0.2
AUG	30	6.1	51	280	<0.001	<0.1
SEP	67	6.2	50	262	<0.001	0.2
OCT	98	6.1	46	246	<0.001	<0.1
NOV	22	6.0	65	244	<0.001	<0.1
DEC	4.7	6.1	78	340	<0.001	0.1

NMR= No Monitoring Requirement

*Volume weighted average

Table 7.7: Dissolved metal monitoring data for stormwater – 2022

	Fe	Ag	Al	As	Be	Cd	Co	Cr	Cu	Mn	Ni	Pb	Sb	Se	Tl	Zn	Hg	Free CN
	Results expressed in mg/L																	
10/01/2022	<0.05	<0.005	15	0.002	0.003	0.0008	<0.001	<0.001	0.003	0.10	0.17	<0.001	<0.005	<0.001	<0.005	1.1	<0.0001	<0.005
17/01/2022	0.26	<0.005	17	0.003	0.003	0.0009	0.001	0.001	0.018	0.11	0.20	<0.001	0.005	<0.001	<0.005	1.1	<0.0001	<0.005
3/02/2022	0.58	<0.005	16	0.004	0.002	0.0008	0.001	<0.001	0.009	0.10	0.17	0.001	0.007	<0.001	<0.005	1.2	<0.0001	<0.005
14/02/2022	<0.05	<0.005	11	0.001	0.002	0.0007	<0.001	<0.001	0.002	0.061	0.13	<0.001	<0.005	<0.001	<0.005	0.81	<0.0001	<0.005
21/02/2022	0.52	<0.005	14	0.003	0.002	0.0009	<0.001	<0.001	0.009	0.083	0.15	<0.001	0.005	<0.001	<0.005	1.1	<0.0001	<0.005
25/02/2022	<0.05	<0.005	15	0.001	0.002	0.0009	<0.001	<0.001	0.004	0.081	0.16	<0.001	<0.005	<0.001	<0.005	1.2	<0.0001	<0.005
28/02/2022	<0.05	<0.005	15	0.001	0.003	0.0010	0.001	<0.001	0.003	0.079	0.16	<0.001	<0.005	<0.001	<0.005	1.2	<0.0001	<0.005
7/03/2022	<0.05	<0.005	9.3	<0.001	0.001	0.0007	<0.001	<0.001	0.003	0.057	0.094	<0.001	<0.005	<0.001	<0.005	0.69	<0.0001	<0.005
14/03/2022	<0.05	<0.005	12	0.004	0.005	0.0008	0.003	0.004	0.087	0.10	0.14	0.003	0.006	0.003	<0.005	0.76	<0.0001	<0.005
25/03/2022	<0.05	<0.005	9.4	0.001	0.001	0.0007	<0.001	<0.001	0.003	0.065	0.098	<0.001	<0.005	<0.001	<0.005	0.80	<0.0001	<0.005
28/03/2022	<0.05	<0.005	11	0.001	0.001	0.0007	<0.001	<0.001	0.004	0.071	0.11	<0.001	<0.005	<0.001	<0.005	0.74	<0.0001	0.008
4/04/2022	<0.05	<0.005	9.4	0.001	0.002	0.0005	<0.001	<0.001	0.002	0.063	0.10	<0.001	<0.005	<0.001	<0.005	0.59	<0.0001	<0.005
11/04/2022	<0.05	<0.005	9.2	0.001	0.002	0.0006	<0.001	<0.001	0.004	0.084	0.094	<0.001	<0.005	<0.001	<0.005	0.74	<0.0001	<0.005
26/04/2022	<0.05	<0.0001	11	0.001	0.002	0.0007	0.001	0.001	0.004	0.081	0.12	<0.002	<0.005	<0.001	<0.005	0.79	<0.0001	<0.005
5/05/2022	<0.05	<0.005	13	0.001	0.003	0.0006	<0.001	<0.001	0.009	0.12	0.16	<0.001	<0.005	<0.001	<0.005	0.95	<0.0001	<0.005
12/05/2022	<0.05	<0.005	18	0.001	0.003	0.0010	0.001	<0.001	0.007	0.10	0.21	<0.001	<0.005	0.001	<0.005	1.1	<0.0001	<0.005
20/05/2022	<0.05	<0.005	15	0.001	0.003	0.0008	<0.001	<0.001	0.008	0.13	0.17	<0.001	<0.005	<0.001	<0.005	1.1	<0.0001	<0.005
20/06/2022	<0.05	<0.005	14	<0.001	0.002	0.0009	0.001	<0.001	0.006	0.081	0.18	<0.001	0.006	<0.001	<0.005	1.1	<0.0001	<0.005
1/07/2022	<0.05	<0.005	14	<0.001	0.002	0.0009	0.001	<0.001	0.006	0.096	0.18	<0.001	<0.005	<0.001	<0.005	1.0	<0.0001	<0.005
11/07/2022	<0.05	<0.005	5.7	<0.001	<0.001	0.0005	<0.001	<0.001	0.003	0.062	0.053	<0.001	<0.005	<0.001	<0.005	0.50	<0.0001	<0.005
21/07/2022	<0.05	<0.005	9.0	0.001	0.001	0.0006	<0.001	<0.001	0.004	0.077	0.090	<0.001	0.006	<0.001	<0.005	0.74	<0.0001	<0.005
13/08/2022	<0.05	<0.005	16	<0.001	0.003	0.0009	0.001	<0.001	0.006	0.12	0.18	<0.001	<0.005	<0.001	<0.005	1.0	<0.0001	<0.005
23/08/2022	<0.05	<0.005	12	<0.001	0.002	0.0007	0.001	<0.001	0.007	0.11	0.16	<0.001	<0.005	0.002	<0.005	0.87	<0.0001	<0.005
1/09/2022	<0.05	<0.005	13	<0.001	0.002	0.0010	0.001	<0.001	0.008	0.12	0.19	<0.001	<0.005	<0.001	<0.005	1.2	<0.0001	<0.005
5/09/2022	<0.05	<0.005	12	<0.001	0.002	0.0010	0.001	<0.001	0.005	0.10	0.18	<0.001	<0.005	<0.001	<0.005	1.2	<0.0001	<0.005
12/09/2022	<0.05	<0.005	13	<0.001	0.002	0.0007	<0.001	<0.001	0.007	0.10	0.15	<0.001	0.005	<0.001	<0.001	0.86	<0.0001	<0.005
23/09/2022	<0.05	<0.005	13	<0.001	0.003	0.0008	<0.001	<0.001	0.005	0.09	0.15	<0.001	<0.005	<0.001	<0.005	1.0	<0.0001	<0.005
4/10/2022	<0.05	<0.005	16	0.001	0.003	0.0009	0.001	<0.001	0.004	0.13	0.18	<0.001	0.005	<0.001	<0.005	1.0	<0.0001	<0.005
10/10/2022	<0.05	<0.005	11	0.001	0.001	0.0004	<0.001	<0.001	0.002	0.08	0.10	<0.001	<0.005	<0.001	<0.005	0.8	<0.0001	<0.005
17/10/2022	<0.05	<0.005	11	0.001	0.002	0.0006	<0.001	<0.001	0.006	0.10	0.13	0.001	0.008	<0.001	<0.005	0.7	<0.0001	<0.005
24/10/2022	0.05	<0.005	16	0.001	0.002	0.0007	<0.001	0.001	0.007	0.12	0.17	0.002	<0.005	<0.001	<0.005	0.9	<0.0001	<0.005
28/10/2022	<0.05	<0.005	17	0.001	0.003	0.0009	0.001	<0.001	0.006	0.13	0.20	<0.001	0.006	<0.001	<0.005	1.0	<0.0001	<0.005
31/10/2022	<0.05	<0.005	16	0.001	0.003	0.0007	<0.001	<0.001	0.005	0.11	0.19	<0.001	<0.005	<0.001	<0.005	0.9	<0.0001	<0.005
14/11/2022	<0.05	<0.005	18	<0.001	0.003	0.0009	0.001	<0.001	0.005	0.11	0.16	<0.001	<0.005	0.003	<0.005	1.2	<0.0001	<0.005
13/12/2022	<0.05	<0.005	25	0.001	0.004	0.0018	0.002	<0.001	0.004	0.14	0.27	<0.001	0.006	<0.001	<0.005	2.1	<0.0001	<0.005
16/12/2022	<0.05	<0.005	24	0.001	0.005	0.0013	0.002	0.002	0.007	0.14	0.22	<0.001	0.006	<0.001	<0.005	1.5	<0.0001	<0.005
21/12/2022	<0.05	<0.005	23	<0.001	0.005	0.0012	0.001	0.001	0.006	0.14	0.22	<0.001	0.005	<0.001	<0.005	1.4	<0.0001	<0.005
Mean	0.06	<0.005	14	0.001	0.002	0.0008	0.001	0.001	0.008	0.098	0.16	<0.001	<0.005	<0.001	<0.005	1.0	<0.0001	<0.005
Maximum	0.58	<0.005	25	0.004	0.005	0.0018	0.003	0.004	0.087	0.14	0.27	0.003	0.008	0.003	<0.005	2.1	<0.0001	0.008

Note: Heavy metals samples are collected and analysed once during each overflow event.

Analysis performed by Eurofins I mgt, NATA accreditation No. 1261

Table 7.8: Annual Average and monthly maximum fluoride, pH and conductivity monitoring data for stormwater to Hunter River via weir (EPA Point 35) at the Tomago Aluminium Smelter for 2018 - 2022

	2018		2019		2020		2021		2022	
	Avg	Max	Avg	Max	Avg	Max	Avg	Max	Avg	Max
pH	5.8	6.2	6.2	6.3	6.1	6.4	6.2	6.5	6.1	6.5
Fluoride mg/L	38	55	39	49	45	52	46	59	49	78
Conductivity uS/cm	845	1910	385	558	402	511	289	368	254	340
PAH mg/L	0.004	0.016	<0.001	<0.001	0.001	0.004	0.002	0.020	<0.001	0.0.001
TRH mg/L	0.1	0.2	<0.1	<0.1	0.1	0.4	0.2	0.9	0.1	0.3

NMR= No Monitoring Requirement

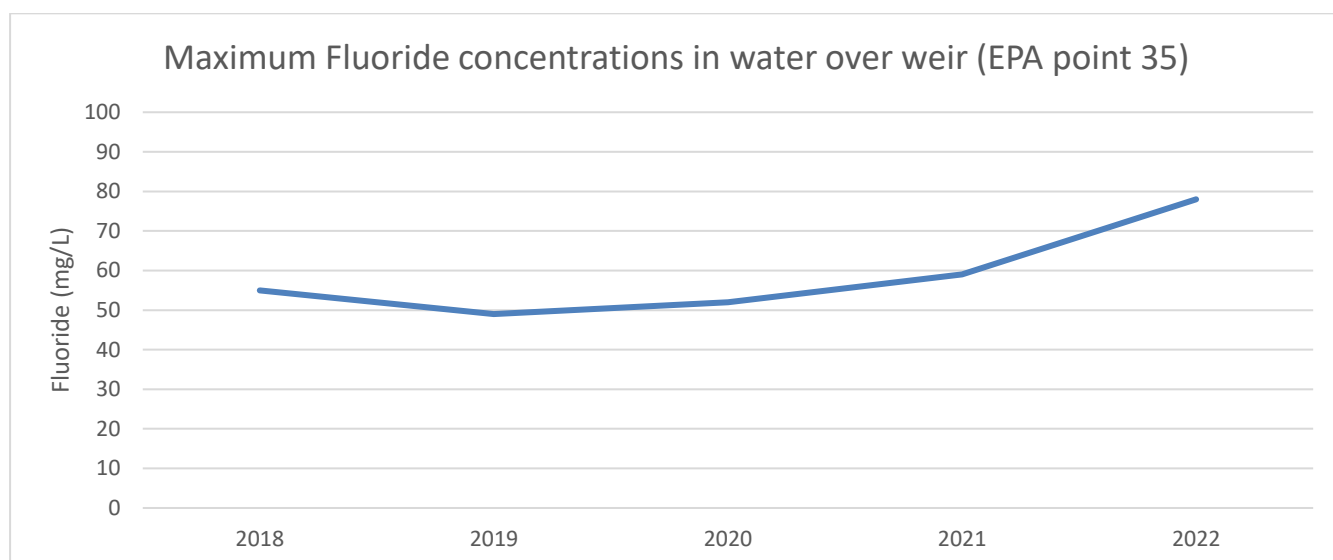


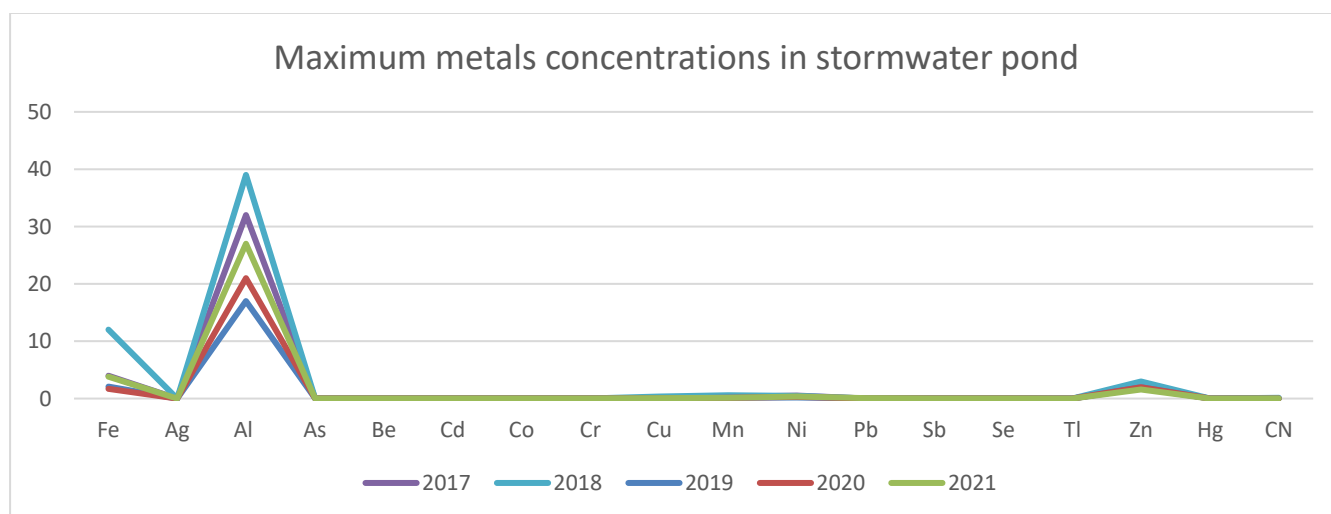
Figure 7.9: Maximum fluoride concentrations EPA Point 35 2018-2022

Table 7.9: Average and maximum metal monitoring data for stormwater 2018 – 2022

mg/L	2018		2019*		2020		2021**		2022**	
	Avg	Max	Avg	Max	Avg	Max	Avg	Max	Avg	Max
Fe	2.7	12	0.92	2.1	0.80	1.7	0.58	3.8	0.06	0.58
Ag	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
Al	22	39	14	17	16	21	15	27	14	25
As	0.008	0.027	0.004	0.008	0.008	0.014	0.004	0.008	0.001	0.004
Be	0.004	0.009	0.003	0.004	0.002	0.003	0.002	0.005	0.002	0.005
Cd	0.0035	0.041	0.0011	0.0015	0.001	0.002	0.0016	0.014	0.0008	0.0018
Co	0.002	0.006	0.001	0.002	0.001	0.002	0.001	0.002	0.001	0.003
Cr	0.006	0.015	0.003	0.006	0.002	0.004	0.001	0.007	0.001	0.004
Cu	0.062	0.35	0.011	0.016	0.012	0.041	0.012	0.05	0.008	0.087
Mn	0.15	0.56	0.087	0.11	0.091	0.15	0.085	0.14	0.098	0.14
Ni	0.24	0.46	0.16	0.21	0.18	0.31	0.18	0.36	0.16	0.27
Pb	0.007	0.044	0.003	0.006	0.002	0.005	0.003	0.052	<0.001	0.003
Sb	0.008	0.030	<0.005	0.007	0.006	0.010	0.005	0.012	<0.005	0.008
Se	0.001	0.003	<0.001	0.007	<0.001	0.002	0.001	0.002	<0.001	0.003
TI	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.05	<0.005	<0.005
Zn	1.5	3.0	1.3	2.0	1.3	2.0	1.1	1.6	1.0	2.1
Hg	<0.0001	0.0002	<0.0001	0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001
Free CN	0.017	0.14	<0.005	<0.005	<0.005	<0.005	<0.005	0.026	<0.005	0.008

*In 2019 the sampling regime was changed from continuous monitoring of metals to sampling only when there is overflow from the weir in an attempt to better quantify actual concentrations being discharged.

**From August 2021 metal samples are analysed as dissolved metals rather than total metals following a recommendation from the 2021 Independent Environment Audit


Figure 7.10: Maximum metals concentrations stormwater pond 2018-2022

7.4 Hunter River Monitoring

In 2018 TAC commenced routine (quarterly) sampling of the Hunter River for metals (500m upstream and 500m downstream). For comparison purposes, some background levels were established by sampling the river at four different tide points (low, mid tide rising, high, mid tide falling) following a 10 day period with no discharge from TAC. Results for 2022 are displayed in Table 7.10. In 2022 there were some higher concentrations for several elements (Al, Cu, Mn, Ni and Zn) over the background data set (2018). There were two Zn values from the downstream location during 2022 that were above the guideline, however only one of these was during a stormwater discharge from TAC.

A sample was taken in early 2021 at a site approximately 10 km upstream (outside of area of discharge influence) that highlights there is some variability in some elements already present in the river system.

Table 7.10: Average and maximum metal monitoring data for Hunter River – 2022

mg/L	Background results	2022 Upstream		2022 Downstream		19 Feb 2021 Raymond Terrace 10km upstream	Guideline Value*
		Avg	Max	Avg	Max		
Al	0.50	0.05	0.14	0.58	1.5	0.68	
Sb	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.50**
As	0.002	<0.001	<0.001	<0.001	<0.001	0.003	0.05**
Be	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	
Cd	<0.0002	<0.002	<0.002	0.0001	0.0001	<0.0002	0.036*
Cr	0.001	<0.001	0.001	<0.001	<0.001	0.002	0.091*
Co	<0.001	0.001	0.002	0.002	0.006	<0.001	0.15*
Cu	0.004	0.001	0.001	0.001	0.003	0.004	0.008*
Fe	0.80	0.32	0.72	0.12	0.40	1.4	
Pb	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.012*
Mn	0.067	0.086	0.15	0.045	0.074	0.10	
Hg	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	0.0014*
Ni	0.005	0.002	0.004	0.018	0.044	0.002	0.56*
Se	<0.001	0.001	0.002	0.001	0.002	<0.001	0.071**
Ag	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0026*
Tl	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.020**
Zn	0.009	0.009	0.020	0.038	0.087	0.011	0.043*

* Australian Water Quality Guidelines for Fresh and Marine Waters (2000), revised 2018 (Australian and New Zealand Environment and Conservation Council), 80% species protection value.

**Australian Water Quality Guidelines for Fresh and Marine Waters, National Water Quality Management Strategy, November 1992 (Australian and New Zealand Environment and Conservation Council), used where the above were not available.

7.5 Bio-Accumulation Program

An oyster and sediment monitoring program is conducted in the Hunter River. This program allows a database to be established on the water and sediment quality in the Hunter River.

Sediment samples are collected 500 metres upstream, 500m downstream and adjacent to the outlet of the company's stormwater discharge point. The results (on a dried basis) for 2022 and the last 5 years are displayed in Tables 7.11 and 7.12. Results are also compared to ANZECC sediment quality guidelines. It can be seen that there is considerable variation in concentrations from the same site, and the results indicate there is no statistical difference between the three sites for all analytes apart from elevated fluoride concentrations right at the outlet. The variation in regards to metals would suggest that there are other influences on the analyte levels. Past studies* suggest the lower Hunter River has a high presence of metals (including copper, zinc and nickel) from an historical industrial past. Analytes tested that were above the Default Guideline Value were nickel and zinc, with results reasonably consistent across all three sampling sites for nickel, and higher for zinc both downstream and at the outlet. Fluoride is also higher at the outlet sampling location.

*Lower Hunter River Health Monitoring Program

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/lower-hunter-river-health-monitoring-program-water-quality-monitoring-program-2014-15-report>

Oysters are no longer farmed in the Hunter River, so from 2012 wild oysters have been sampled annually along the riverbank at the same locations as the sediment samples (500 metres upstream, 500m downstream and adjacent to the outlet of TAC's stormwater discharge point). A range of metals and fluoride are determined on these samples. Results are compared to the Food Standards Australia and New Zealand Standard 1.4.1, Contaminants and Natural Toxicants, however it must be noted that because TAC's monitoring is done on a dried basis whereas the food standard is expressed "in natural form", the limits have been adjusted accordingly based on a moisture figure of 85% (Bernard, 1974). All concentrations were found to be below the Food standard in 2022. The results are displayed in Tables 7.13 and 7.14.

Table 7.11 Sediment monitoring results for 2022

All results in mg/kg (dry basis)												
		Sb*	Ag*	As*	Cd*	Cr*	Cu*	Pb*	Ni*	Zn*	Hg*	F
Sediment Quality Guidelines**	DGV	2	1	20	1.5	80	65	50	21	200	0.15	500***
	GV-high	25	4	70	10	370	270	220	52	410	1.0	
Upstream	n	4	4	4	4	4	4	4	4	4	4	4
	Mean	<5	<2	<1	<1	56	22	11	33	66	<0.1	151
	Max	<5	<2	<1	<1	76	38	15	49	92	<0.1	195
	S. Dev	0	0	0	0	13	12	3	12	22	0	49
Downstream	n	4	4	4	4	4	4	4	4	4	4	4
	Mean	<5	<2	<1	<1	60	27	12	47	128	<0.1	179
	Max	<5	<2	<1	<1	74	31	14	76	208	<0.1	255
	S. Dev	0	0	0	0	13	3	2	19	59	0	92
Stormwater Outlet	n	4	4	4	4	4	4	4	4	4	4	4
	Mean	<5	<2	6	<1	57	25	13	46	151	<0.1	853
	Max	<5	<2	9	<1	74	33	19	66	223	<0.1	1200
	S. Dev	0	0	3	0	13	15	7	23	91	0	424

DGV = Default Guideline Value

GV-high = Upper Guideline Value

*Analysis performed by ALS Environmental, NATA accreditation No. 825

** Toxicant default guideline values for sediment quality <http://www.waterquality.gov.au/anz-guidelines/guideline-values/default/sediment-quality-toxicants>

*** Sediment fluoride effects threshold identified by visual inspection of biota response relationships The National Institute of Water and Atmospheric Research, New Zealand (NIWA)

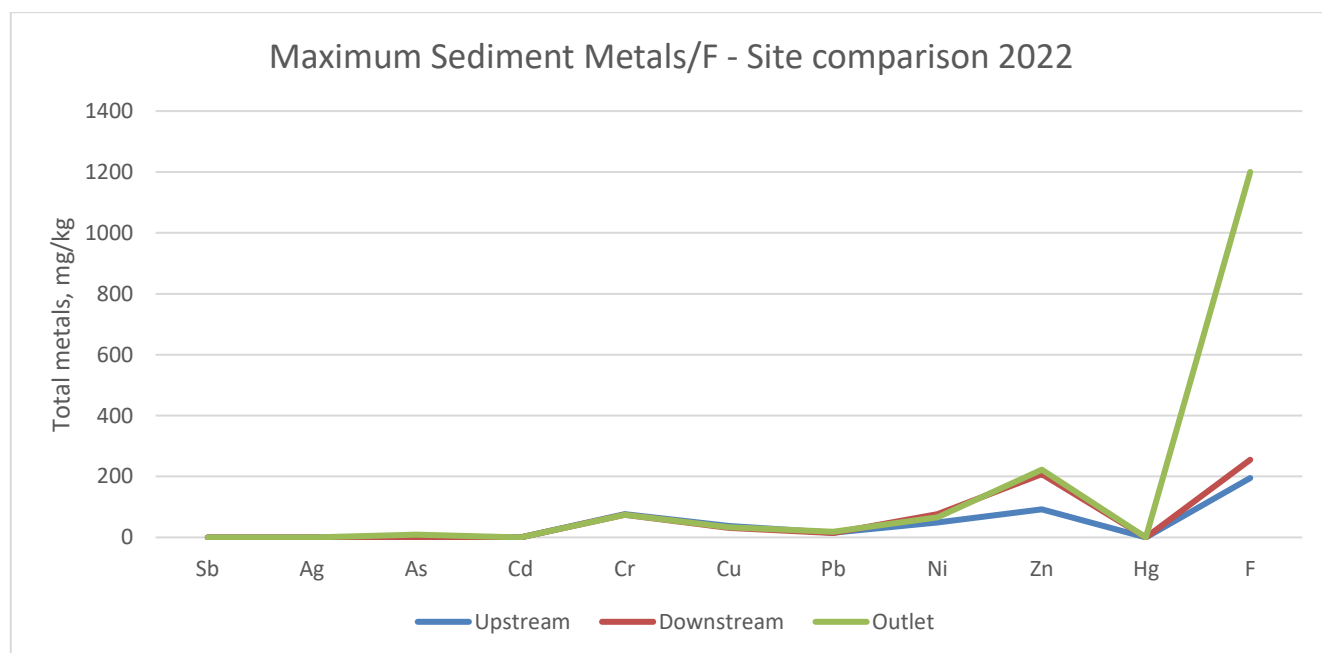

Figure 7.11: Maximum metals/F concentrations in sediment by site 2022

Table 7.12: Sediment monitoring annual average and sample maximum results for 2017 – 2021

Upstream											
Analyte	Unit	2018		2019		2020		2021		2022	
		Avg	Max	Avg	Max	Avg	Max	Avg	Max	Avg	Max
Antimony	mg/kg	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5
Silver	mg/kg	<2	<2	<2	<2	<2	<2	<2	<2	<2	<2
Arsenic	mg/kg	<5	10	<5	9	5	8	4	7	<1	<1
Cadmium	mg/kg	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Chromium	mg/kg	35	53	29	43	75	100	41	61	56	76
Copper	mg/kg	20	28	18	30	25	36	25	40	22	38
Lead	mg/kg	21	37	13	21	10	18	8	14	11	15
Nickel	mg/kg	27	41	21	36	45	55	36	62	33	49
Zinc	mg/kg	112	200	119	199	87	154	74	130	66	92
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoride	mg/kg	198	275	126	160	168	225	164	215	151	195
Downstream											
Analyte	Unit	2018		2019		2020		2021		2022	
		Avg	Max	Avg	Max	Avg	Max	Avg	Max	Avg	Max
Antimony	mg/kg	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5
Silver	mg/kg	<2	<2	<2	<2	<2	<2	<2	<2	<2	<2
Arsenic	mg/kg	8	9	9	10	6	9	3	6	<1	<1
Cadmium	mg/kg	<1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Chromium	mg/kg	48	55	49	52	57	74	45	60	60	74
Copper	mg/kg	26	29	29	33	30	38	24	35	27	31
Lead	mg/kg	20	26	22	25	15	20	11	15	12	14
Nickel	mg/kg	32	36	34	39	46	64	36	58	47	76
Zinc	mg/kg	194	215	353	769	134	168	223	541	128	208
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoride	mg/kg	239	260	208	240	215	265	180	190	179	255
Outlet											
Analyte	Unit	2018		2019		2020		2021		2022	
		Avg	Max	Avg	Max	Avg	Max	Avg	Max	Avg	Max
Antimony	mg/kg	<5	<5	<5	<5	<5	<5	<5	<5	<5	<5
Silver	mg/kg	<2	<2	<2	<2	<2	<2	<2	<2	<2	<2
Arsenic	mg/kg	7	12	11	11	8	10	6	10	6	9
Cadmium	mg/kg	1	2	<1	<1	<1	<1	<1	<1	<1	<1
Chromium	mg/kg	57	70	54	55	67	78	54	70	57	74
Copper	mg/kg	22	33	35	36	37	38	25	34	25	33
Lead	mg/kg	16	23	24	25	17	21	11	16	13	19
Nickel	mg/kg	34	48	44	46	56	71	47	71	46	66
Zinc	mg/kg	151	220	224	237	162	184	128	170	151	223
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoride	mg/kg	248	320	278	325	306	410	574	1380	853	1200

*Analysis performed by ALS Environmental, NATA accreditation No. 825

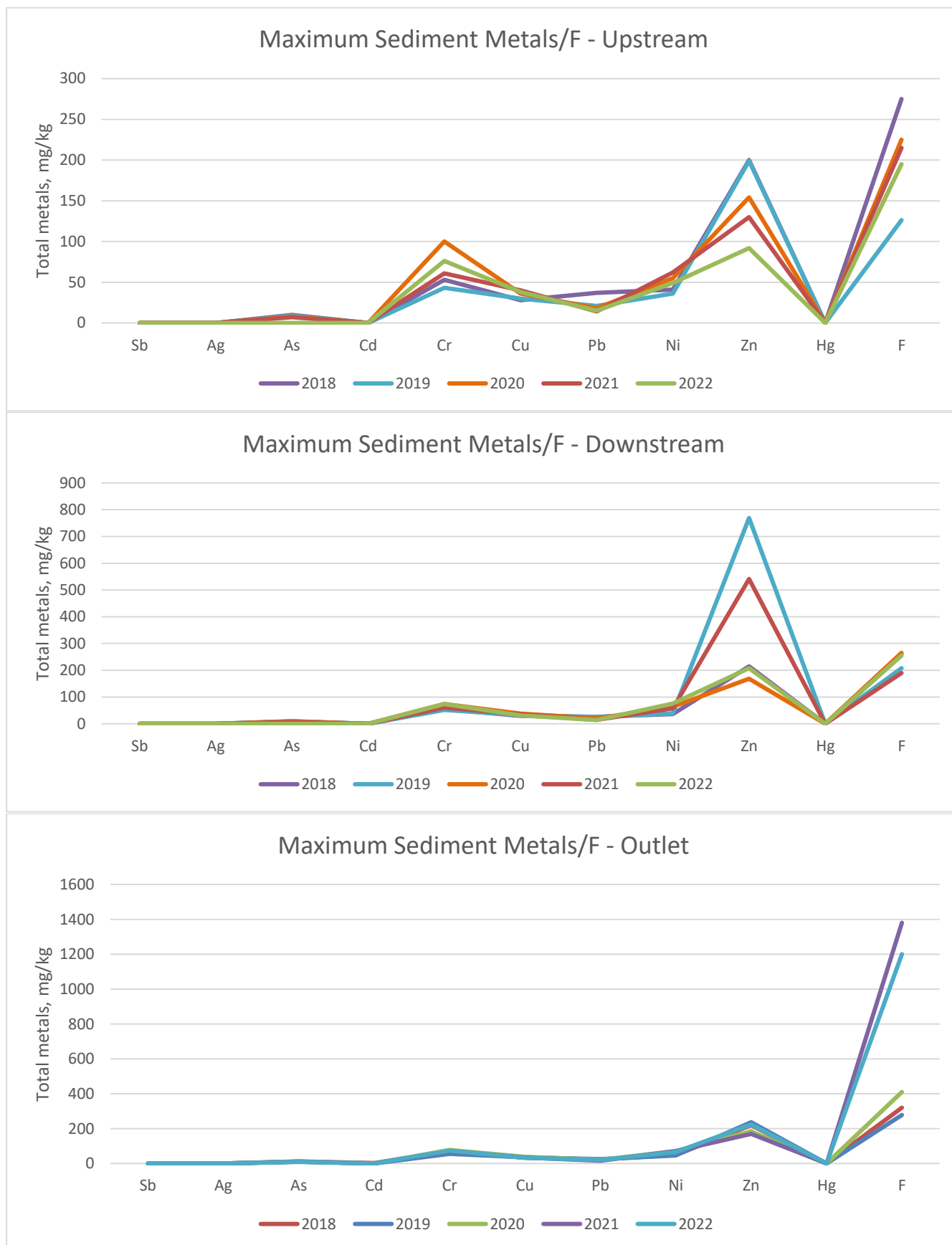


Figure 7.12: Maximum metals/F concentrations in sediment 2018 - 2022

Table 7.13: *Oyster monitoring results for 2022

Analyte	Unit	500m upstream from outlet	500m downstream from outlet	At outlet	Food Standards Code maximum levels (assuming water content of 85%)
Aluminium	mg/kg	580	270	520	
Arsenic	mg/kg	<5	<5	<5	7 (inorganic)
Beryllium	mg/kg	<1	<1	<1	
Cadmium	mg/kg	1	2	2	13
Chromium	mg/kg	<2	<2	<2	
Cobalt	mg/kg	<2	<2	<2	
Copper	mg/kg	138	104	129	
Iron	mg/kg	790	420	810	
Lead	mg/kg	<5	<5	<5	13
Manganese	mg/kg	35	39	36	
Nickel	mg/kg	2	<2	2	
Selenium	mg/kg	6	<5	<5	
Zinc	mg/kg	3330	2670	2930	
Mercury	mg/kg	<0.1	<0.1	<0.1	3.3
Fluoride	mg/kg	40	45	85	

***Analysis performed by ALS Environmental, NATA accreditation No. 825**

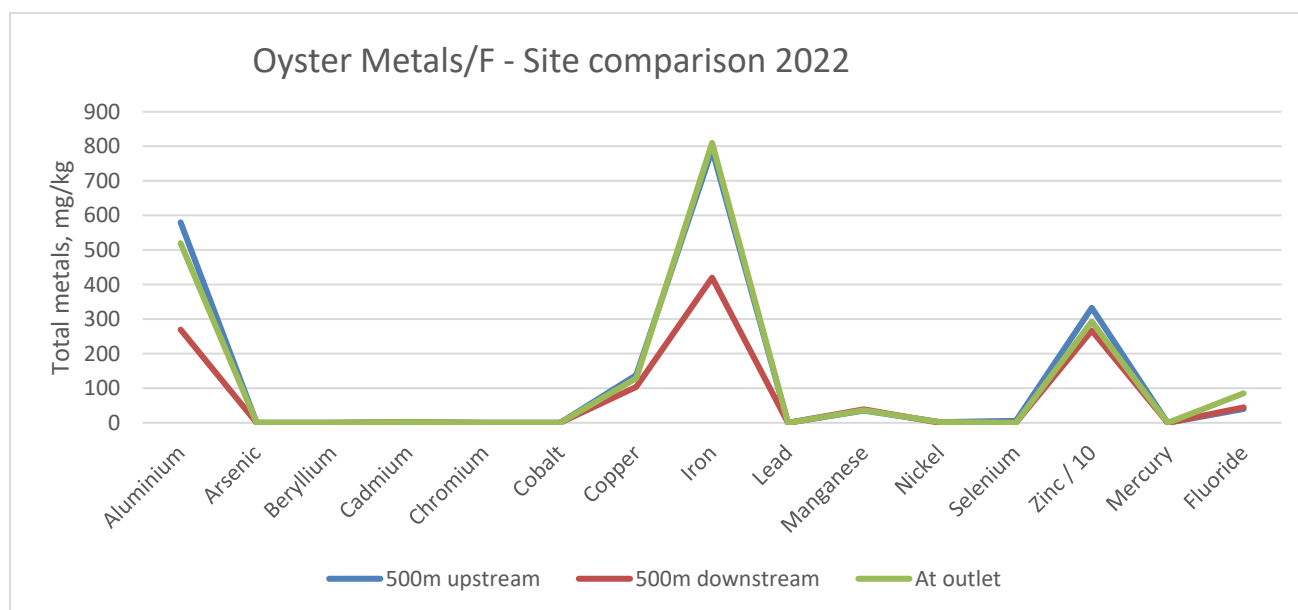


Figure 7.11: Metals/F concentrations in oysters by site 2022

(Note: Zinc results have been divided by 10 for display purposes)

Table 7.14: *Oyster monitoring results for 2018 – 2022

Analyte	Unit	2018	2019	2020	2021	2022
500m upstream						
Aluminium	mg/kg	180	160	150	240	580
Arsenic	mg/kg	<5	<5	6	6	<5
Beryllium	mg/kg	<1	<1	<1	<1	<1
Cadmium	mg/kg	1	1	2	1	1
Chromium	mg/kg	<2	<2	<2	<2	<2
Cobalt	mg/kg	<2	<2	<2	<2	<2
Copper	mg/kg	300	267	346	203	138
Iron	mg/kg	370	260	320	410	790
Lead	mg/kg	<5	<5	<5	<5	<5
Manganese	mg/kg	24	20	19	24	35
Nickel	mg/kg	14	10	<2	7	2
Selenium	mg/kg	<5	<5	5	<5	6
Zinc	mg/kg	3700	4460	4660	3620	333
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoride	mg/kg	15	15	10	20	40
500m downstream						
Aluminium	mg/kg	220	240	290	190	270
Arsenic	mg/kg	<5	<5	7	5	<5
Beryllium	mg/kg	<1	<1	<1	<1	<1
Cadmium	mg/kg	1	1	2	1	2
Chromium	mg/kg	<2	<2	<2	<2	<2
Cobalt	mg/kg	<2	<2	<2	<2	<2
Copper	mg/kg	243	263	351	209	104
Iron	mg/kg	320	400	510	340	420
Lead	mg/kg	<5	<5	<5	<5	<5
Manganese	mg/kg	24	29	27	15	39
Nickel	mg/kg	11	11	<2	4	<2
Selenium	mg/kg	<5	<5	<5	<5	<5
Zinc	mg/kg	3000	3750	3430	4010	2670
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Fluoride	mg/kg	15	10	10	30	45
At Outlet						
Aluminium	mg/kg	250	230	520	210	520
Arsenic	mg/kg	<5	<5	8	6	<5
Beryllium	mg/kg	<1	<1	<1	<1	<1
Cadmium	mg/kg	2	1	2	2	2
Chromium	mg/kg	<2	<2	<2	<2	<2
Cobalt	mg/kg	<2	<2	<2	<2	<2
Copper	mg/kg	244	259	358	234	129
Iron	mg/kg	310	450	840	330	810
Lead	mg/kg	<5	<5	<5	<5	<5
Manganese	mg/kg	15	20	40	12	36
Nickel	mg/kg	13	9	2	4	2
Selenium	mg/kg	<5	<5	5	5	<5
Zinc	mg/kg	4110	4240	5950	6010	2930
Mercury	mg/kg	<0.1	<0.1	0.1	<0.1	<0.1
Fluoride	mg/kg	25	<5	20	30	85

*Analysis performed by ALS Environmental, NATA accreditation No. 825

Note: Results reported on a dried basis

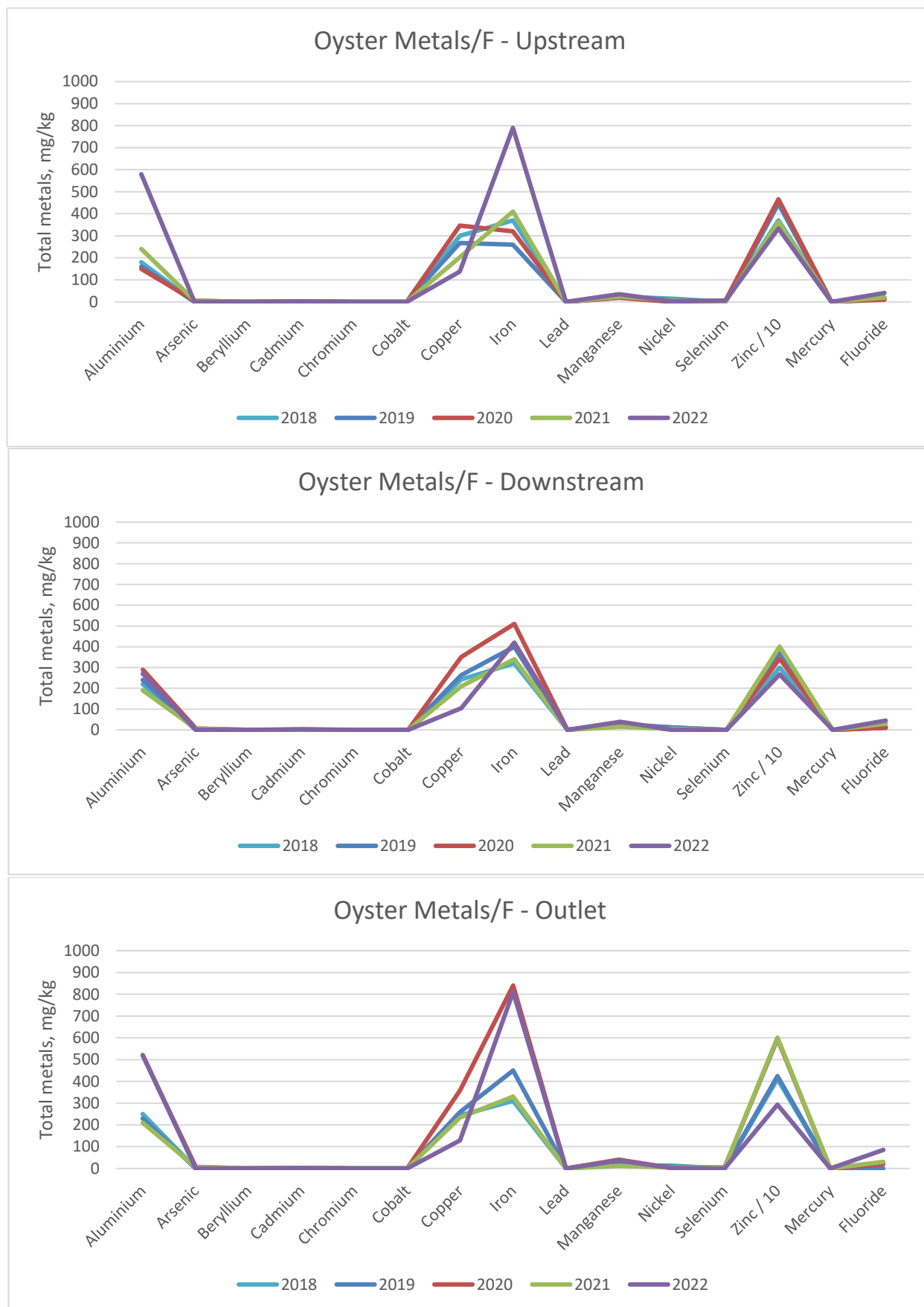


Figure 7.14: Metals/F concentrations in oysters 2018 - 2022

(Note: Zinc results have been divided by 10 for display purposes)

7.6 Waste Water Monitoring (Sewerage Treatment)

The sewage treatment system operated without down time and all treated effluent was used for site irrigation. The volume of sewage treated and the quantity and quality of effluent used for irrigation are presented in the Quarterly Environment Reports.

8. ENERGY

Tomago Aluminium is a participant in NSW Energy Saving Scheme (ESS), under which the company has a Recognised Energy Saving Activity.

The improvement in smelting electrical efficiency since 2013 in MW/ tonne of aluminium produced is displayed in Table 8.

TABLE 8: Smelter electrical efficiencies

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
MW / t Al	14.57	14.36	14.33	14.35	14.29	14.20	14.17	14.17	14.12	14.19

Smelter electrical efficiency had a slight decrease in 2022 most likely as a result of some destabilisation of the process during the autumn and winter months due to some required power interruptions, but has remained relatively stable since 2018. The PALE design pot continued to be rolled out, with 735 of the 840 pots in service now completed.

9. WASTE MANAGEMENT

9.1 Aluminium Smelter Waste

All Spent Potlining (SPL) is stored undercover on the TAC site. On-site storage of SPL as at the end of December 2022 was 6212 tonnes. 9060 tonnes of SPL was generated in 2022 and Regain processed and dispatched 11407 tonnes of SPL based product for reuse in the cement industry during 2022. Fluorinated waste generated in the Rod Shop is also recycled via Regain.

Dross material generated in the casthouse is being stored both on and off site whilst a new on-site dross processing facility can be approved and become operational (expected Q2 2024). Total dross stored as at the end of December 2022 was 7210 tonnes.

SPL and dross waste monthly generation and processing rates for 2022 are displayed in Table 9.1A below.

Other restricted waste stored on site is shown in Table 9.1B.

Other products for reintroduction to the process stored on site are shown in Table 9.1C.

TABLE 9.1A: Spent Pot Lining and Dross waste generation and processing rates, 2022

2022	SPL generated (tonnes)	SPL recycled via Regain	SPL stored (tonnes)	Dross stored (tonnes)
Jan	840	3653	5146	
Feb	480	527	5099	
Mar	840	1942	3997	1653
Apr	1080	249	4829	2339
May	720	893	4655	3150
Jun	600	761	4494	3799
Jul	780	370	4905	4439
Aug	960	1224	4641	4982
Sep	720	295	5066	5364
Oct	720	417	5369	5786
Nov	720	549	5840*	6628
Dec	600	528	6212	7210

*A stock adjustment of +300 tonnes SPL stored was made in November due to the annual volumetric survey undertaken

TABLE 9.1B: Waste stored on site 2022

Waste stream	Waste classification	Generated in 2022 (tonnes)	Removed in 2022 (tonnes)	Stored (tonnes)
Stormwater pond sediment	To Be Confirmed	NIL	NIL	400
Bake Ovens Refractory bricks	General (Tomago Aluminium Refractory Brick Exemption 2021)	4500	5067	1838

TABLE 9.1C: Other products stored for reuse on site 2018 - 2022

	End 2018	End 2019	End 2020	End 2021	End 2022
Green anodes rejects inventory (anodes)	132	1170	3007	171	1015
Bath in warehouse 3 (tonnes)	5012	5439	5078	4971	4559
Baked scraps (tonnes)	3120	4672	4546	5772	4763

9.2 Waste Generation Rates

All fluorinated waste from the Potlines (apart from SPL) is recycled back into the process. As mentioned in 9.1 spent potlining material is being processed via Regain for re-use, and dross material generated in the casthouse is currently being stored awaiting recycling. The waste generation rates / recycle rates for the last 5 years are summarised in Table 9.2 below.

TABLE 9.2: Annual waste generation / recycling rates (tonnes)

	2018	2019	2020	2021	2022
Restricted Waste – landfilled ¹	58	16	1492	63	0
Restricted Waste – recycled ²	44	77	53	57	60
General solid waste – landfilled ³	1348	1114	1419	1742	1688
General solid waste – recycled ⁴	9462	10000	7822	8284	8958
Dross generated/ recycled	6196	6430	6294	5216	
Dross stored					7210
SPL generated	9112	9656	9000	10980	9060
SPL recycled	6804	4834	6350	15708	11407
SPL stored	5137	9959	11866	7959	6212

¹Restricted waste – landfilled primarily included used filter bags, disposed of at the SUEZ facility at Kemps Creek.

²Restricted waste – recycled primarily included waste oil, oily water and oil filters by Veolia Environmental Services.

³General solid waste is usually disposed of at the SUEZ facility at Raymond Terrace.

⁴General solid waste – recycled primarily consisted of bake ovens refractory brick (under the *Tomago Aluminium refractory brick exemption 2021* to SCE), fluorinated waste ex Rod Shop (to Regain Services), ferrous and non-ferrous scrap metal including used cathode bars (to Sell & Parker), and timber and paper (to Veolia Environmental Services).

9.3 Wallaroo Waste Disposal Facility

Tomago Aluminium Company operates a secure landfill facility at Wallaroo, 20 km north of the smelter. “Approved Smelter Waste” (leachable fluoride <150 mg/L) was disposed of at this site between 1987 and 1999 on a 5,000 tonne / 2 year campaign basis. No further waste has been landfilled at the site since 1999.

The Wallaroo site operates with two licences issued by the Environment Protection Authority, under the Environmentally Hazardous Chemicals Act and the Protection of Environment Operations Act (POEO Licence 6048).

The topography of the disposal area within the site results in there being very little runoff other than from rainfall directly onto the area. The disposal pits are clay lined and capped, and vee drains are formed around the perimeter of the pits in order to divert any water away from the pits. These controls prevent any surface water from mixing with waste, and on-site surface water runoff is directed to a retention dam to prevent sediment from being carried off the landfill site. This dam is designed to overflow periodically during significant rain events.

The Environmental Impact Statement for the Wallaroo landfill was prepared with the intention that the site would be used for disposal of Spent Pot Lining (SPL) waste and that if the site dam results for fluoride and cyanide are unacceptable this water would need to be treated. The site has never received any SPL waste and only Approved Smelter Waste has been disposed of at the site. The site dam results remain at background levels for all parameters including metals, thus the dam is allowed to overflow to the natural drainage lines as required (Tables 9.3 and 9.5). The EIS predicted there would be no effect on the surrounding environment and the monitoring data supports this.

The company monitors the quality of groundwater and surface water at and adjacent to the site on a quarterly basis, (See Appendix 1, Maps 8 and 9 for monitoring locations).

Monitoring results for 2022 (Tables 9.3 to 9.5) indicate that there has been no change in water quality from background levels. Surface water fluorides remain low and stable. Groundwater fluoride levels are also low and stable.

Table 9.3A: Surface water monitoring in the vicinity of the Wallaroo Landfill Facility for 2022

SITE	TEST	Q1 2022	Q2 2022	Q3 2022	Q4 2022
801	pH	5.8	5.9	6.0	6.8
	Conductivity (uS/cm)	45	41	35	140
	Soluble Fluoride (mg/L)	0.23	0.13	0.16	0.28
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02
802	pH	5.3	5.8	5.5	nra
	Conductivity (uS/cm)	55	140	99	nra
	Soluble Fluoride (mg/L)	0.31	<0.10	<0.10	nra
	Cyanide (mg/L)	<0.02	<0.02	<0.02	nra
803	pH	6.0	6.0	5.9	6.8
	Conductivity (uS/cm)	280	110	230	320
	Soluble Fluoride (mg/L)	0.22	<0.10	<0.10	0.46
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02
804	pH	6.7	6.6	6.1	6.2
	Conductivity (uS/cm)	24000	160	7500	20000
	Soluble Fluoride (mg/L)	0.55	<0.10	0.29	0.41
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02
805	pH	6.8	6.6	6.2	6.4
	Conductivity (uS/cm)	23000	160	7600	10400
	Soluble Fluoride (mg/L)	0.56	0.11	0.26	0.23
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02
807	pH	7.0	7.0	7.8	7.7
	Conductivity (uS/cm)	48000	25400	43000	4800
	Soluble Fluoride (mg/L)	1.37	0.68	1.1	1.4
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02

Table 9.3B: Surface Water Monitoring in the Vicinity of the Wallaroo Landfill Facility for 2018 – 2022

SITE	TEST	2018 Mean	2018 Max	2019 Mean	2019 Max	2020 Mean	2020 Max	2021 Mean	2021 Max	2022 Mean	2022 Max
801	pH	5.8	6.3	6.9	8.5	7.2	7.6	5.9	6.0	6.1	6.8
	Conductivity (uS/cm)	52	70	46	52	39	50	34	36	65	140
	Soluble Fluoride (mg/L)	0.20	0.35	0.25	0.63	0.23	0.44	0.14	0.20	0.20	0.28
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02
802	pH	5.6	6.2	nra	nra	5.8	6.3	5.5	5.8	5.5	5.8
	Conductivity (uS/cm)	63	110	nra	nra	66	81	42	61	98	140
	Soluble Fluoride (mg/L)	<0.10	0.13	nra	nra	0.11	0.13	0.17	0.47	0.14	0.31
	Cyanide (mg/L)	<0.02	<0.02	nra	nra	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02
803	pH	5.9	6.2	6.6	7.0	6.0	6.4	5.6	5.9	6.2	6.8
	Conductivity (uS/cm)	243	340	167	190	225	350	193	250	235	320
	Soluble Fluoride (mg/L)	<0.10	0.20	0.33	0.52	0.12	0.17	0.12	0.27	0.20	0.46
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02
804	pH	6.8	7.1	7.2	7.4	6.7	6.8	6.2	6.4	6.4	6.7
	Conductivity (uS/cm)	32800	49000	41500	48000	12800	25000	2460	7000	12915	24000
	Soluble Fluoride (mg/L)	0.74	1.1	1.0	1.2	0.28	0.61	0.14	0.31	0.33	0.55
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02
805	pH	6.7	7.0	7.1	7.4	6.4	6.5	6.2	6.6	6.5	6.8
	Conductivity (uS/cm)	26675	49000	40750	47000	7025	17200	515	1400	10290	23000
	Soluble Fluoride (mg/L)	0.60	1.1	1.0	1.2	0.22	0.41	0.10	0.15	0.29	0.56
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02
807	pH	7.5	8.0	7.8	8.0	7.7	8.0	7.3	7.8	7.4	7.8
	Conductivity (uS/cm)	50000	53000	54750	58000	45400	49000	39250	46000	30300	48000
	Soluble Fluoride (mg/L)	1.4	1.4	1.5	1.6	1.2	1.4	0.98	1.1	1.1	1.4
	Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02

Notes: Site 802 was dry for all the site visits in 2019
 Sites 804, 805 and 807 are tidal (influenced by salt water).

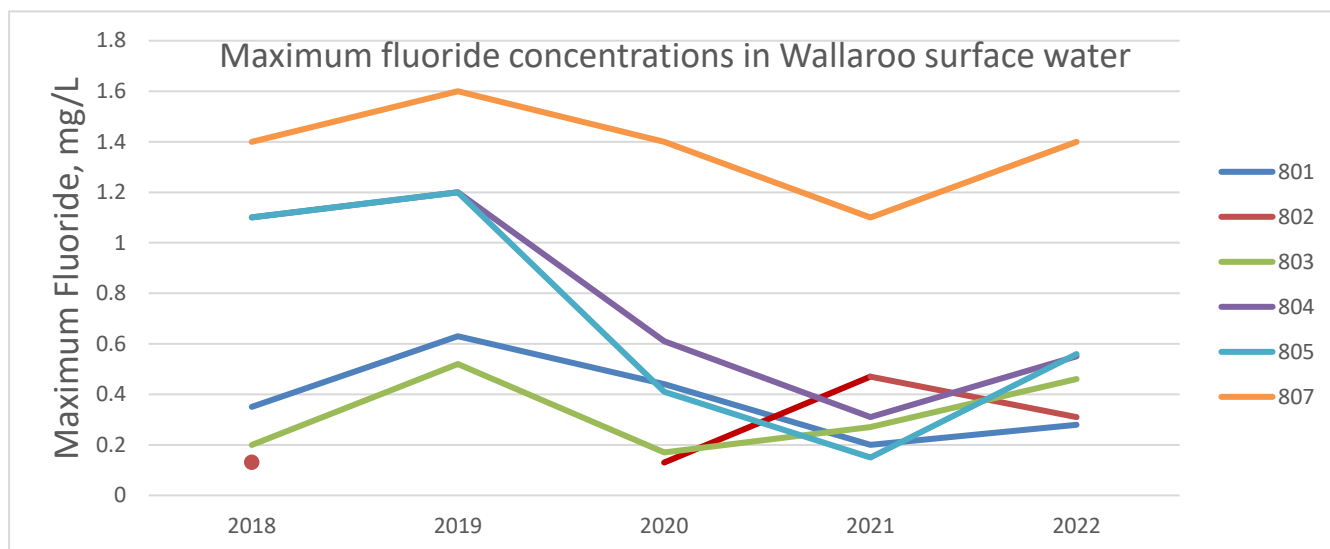


Figure 9.1 Maximum Fluoride Concentrations in Surface Water in the Vicinity of the Wallaroo Landfill facility (2018-2022)

Table 9.4A: Groundwater monitoring in the vicinity of the Wallaroo Landfill cells for 2022

SITE	TEST	Q1 2022	Q2 2022	Q3 2022	Q4 2022
901	Depth	22.9	22.0	21.2	20.6
	pH	5.1	4.9	5.0	5.1
	Conductivity (uS/cm)	200	190	200	210
	Soluble Fluoride (mg/L)	0.11	<0.10	<0.10	0.10
	Total Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02
902	Depth (m)	24.1	23.1	22.2	21.8
	pH	4.5	4.4	4.5	4.7
	Conductivity (uS/cm)	180	180	180	180
	Soluble Fluoride (mg/L)	<0.10	<0.10	<0.10	<0.10
	Total Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02
903	Depth (m)	nra	14.2	13.2	15.8
	pH	nra	5.0	4.7	4.8
	Conductivity (uS/cm)	nra	370	280	220
	Soluble Fluoride (mg/L)	nra	<0.10	<0.10	<0.10
	Total Cyanide (mg/L)	nra	<0.02	<0.02	<0.02
904	Depth (m)	nra	25.5	nra	19.3
	pH	nra	5.0	nra	4.3
	Conductivity (uS/cm)	nra	2400	nra	1600
	Soluble Fluoride (mg/L)	nra	0.21	nra	0.28
	Total Cyanide (mg/L)	nra	<0.02	nra	<0.02

nra = samples unable to be taken as the wells were dry

Table 9.4B: Groundwater monitoring in the vicinity of the Wallaroo Landfill cells for 2018-2022

SITE	TEST	2018 Mean	2018 Max	2019 Mean	2019 Max	2020 Mean	2020 Max	2021 Mean	2021 Max	2022 Mean	2022 Max
901	Depth	23.2	24.0	23.5	23.7	24.2	24.2	23.3	23.5	21.7	22.9
	pH	5.1	5.4	4.7	4.8	5.7	5.7	5.0	5.4	5.0	5.1
	Conductivity (uS/cm)	210	260	190	190	400	400	183	200	200	210
	Soluble Fluoride (mg/L)	<0.10	<0.10	0.12	0.26	0.77	0.77	0.12	0.25	<0.10	0.11
	Total Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02
902	Depth (m)	24.3	24.5	24.9	25.0	Dry	Dry	24.5	24.9	22.8	24.1
	pH	4.7	5.1	4.5	4.6	Dry	Dry	4.6	5.6	4.5	4.7
	Conductivity (uS/cm)	163	170	163	170	Dry	Dry	167	170	180	180
	Soluble Fluoride (mg/L)	<0.10	<0.10	0.10	0.19	Dry	Dry	<0.10	<0.10	<0.10	<0.10
	Total Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	Dry	Dry	<0.02	<0.02	<0.02	<0.02
903	Depth (m)	15.5	15.6	15.9	15.9	Dry	Dry	15.6	15.7	14.4	15.9
	pH	4.4	4.4	5.8	5.8	Dry	Dry	5.4	6.0	4.8	5.0
	Conductivity (uS/cm)	200	210	290	290	Dry	Dry	191	280	290	370
	Soluble Fluoride (mg/L)	<0.10	<0.10	<0.10	<0.10	Dry	Dry	0.10	0.13	<0.10	<0.10
	Total Cyanide (mg/L)	<0.02	<0.02	<0.02	<0.02	Dry	Dry	<0.02	<0.02	<0.02	<0.02
904	Depth (m)	Dry	Dry	Dry	Dry	Dry	Dry	23.8	25.3	22.4	25.5
	pH	Dry	Dry	Dry	Dry	Dry	Dry	5.1	5.9	4.7	5.0
	Conductivity (uS/cm)	Dry	Dry	Dry	Dry	Dry	Dry	410	470	2000	2400
	Soluble Fluoride (mg/L)	Dry	Dry	Dry	Dry	Dry	Dry	0.16	0.21	0.25	0.28
	Total Cyanide (mg/L)	Dry	Dry	Dry	Dry	Dry	Dry	<0.02	<0.02	<0.02	<0.02

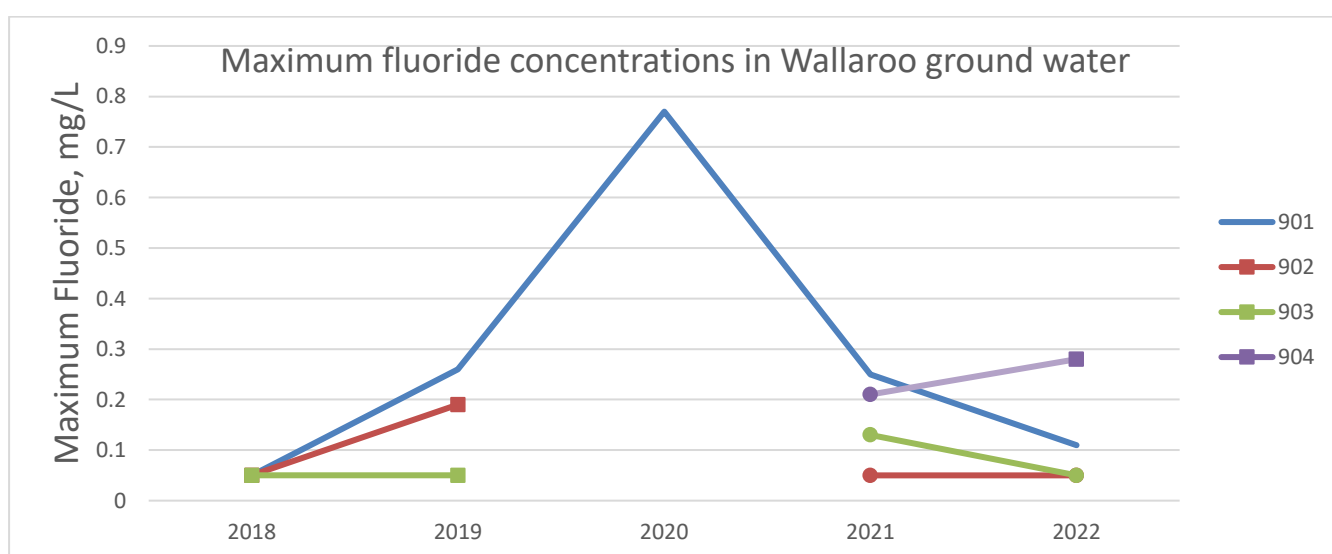


Figure 9.2 Maximum Fluoride Concentrations in Groundwater at the Wallaroo Landfill Facility (2018-2022)

Table 9.5A: *Metal monitoring data for stormwater retention dam (Site 801) at Wallaroo Waste Facility 2022

Analyte mg/L	Q1 2022	Q2 2022	Q3 2022	Q4 2022
Aluminium	0.12	1.2	nra	0.11
Antimony	<0.005	<0.005	nra	<0.005
Arsenic	<0.001	<0.001	nra	<0.001
Beryllium	<0.001	<0.001	nra	<0.00
Cadmium	<0.0002	<0.0002	nra	<0.0002
Chromium	<0.001	0.003	nra	<0.001
Copper	0.004	0.002	nra	<0.001
Iron	0.08	0.52	nra	<0.05
Lead	<0.001	<0.001	nra	<0.001
Mercury	<0.0001	<0.0001	nra	<0.0001
Nickel	0.039	0.002	nra	<0.001
Selenium	<0.001	<0.001	nra	<0.001
Thallium	<0.005	<0.005	nra	<0.005
Zinc	0.013	0.024	nra	0.010

Table 9.5B: *Metal monitoring data for stormwater retention dam (Site 801) at Wallaroo Waste Facility 2018– 2022

Analyte mg/L	2018 Avg	2018 Max	2019 Avg	2019 Max	2020 Avg	2020 Max	2021 Avg	2021 Max	2022 Avg	2022 Max
Aluminium	0.14	0.24	0.11	0.15	0.30	0.55	0.13	0.23	0.48	1.2
Antimony	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
Arsenic	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	0.001	0.002	<0.001	<0.001
Beryllium	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
Cadmium	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002	<0.0002
Chromium	<0.001	<0.001	<0.001	0.001	0.001	0.001	0.001	0.002	0.001	0.003
Copper	0.003	0.007	0.003	0.004	0.002	0.003	0.001	0.002	0.002	0.004
Iron	0.31	0.42	0.39	0.98	0.33	0.51	0.15	0.31	0.21	0.52
Lead	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
Mercury	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001	<0.0001
Nickel	0.067	0.24	0.011	0.024	0.29	0.80	0.027	0.10	0.014	0.04
Selenium	<0.001	<0.001	<0.001	0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
Thallium	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
Zinc	0.024	0.025	0.014	0.036	0.012	0.013	0.008	0.012	0.016	0.024

*Analysis performed by Eurofins I mgt, NATA accreditation No. 1261

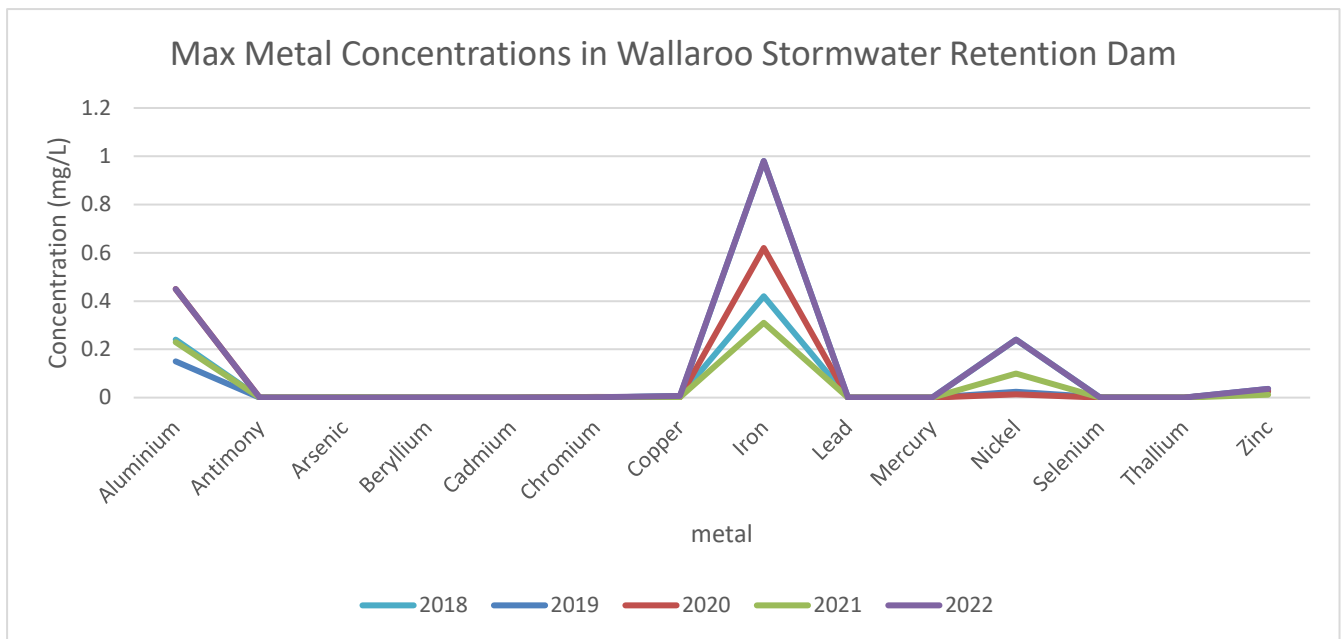


Figure 9.3 Maximum metal concentrations in Stormwater retention dam at Wallaroo Landfill Facility (2018-2022)

10 NOISE

The existing acoustic environment around the site consists mainly of industrial noise from industrial land uses which include warehousing facilities, various metal fabrication works and a gas storage facility.

TAC currently undertakes attended Noise Monitoring at three locations surrounding the site, Old Punt Road (rear of Tomago Caravan Park), Tomago Correctional Services Training Facility and 47 School Drive (unoccupied TAC owned property) on a six monthly basis. The monitoring locations are detailed in Figure 10.1, and the 2022 monitoring data is presented in Tables 10.1 and 10.2. A comparison of 2022 and previous year's data to Noise Goals is presented in Table 10.3. Figure 10.2 compares the monitoring data from April and October 2022 against the noise model prepared for the Potline No 3 EIS study (1990).

Figure 10.1: Environment Noise Monitoring Sites



Table 10.1 Measured Noise Levels April 2022

Location	Start Date And Time	L _{Amax} (dB)	L _{A1} (dB)	L _{A10} (dB)	L _{Aeq} (dB)	TAC attrib. L _{Aeq} (dB)	L _{A90} dB
Old Punt Road (L1)	04/04/2022 23:00	58	53	51	50	NM	49
Corrective Services (L2)	04/04/2022 22:32	56	54	53	51	48	49
School Drive (L3)	04/04/2022 22:00	63	54	49	46	42	43

Table 10.2 Measured Noise Levels October 2022

Location	Start Date And Time	L _{Amax} (dB)	L _{A1} (dB)	L _{A10} (dB)	L _{Aeq} (dB)	TAC attrib. L _{Aeq} (dB)	L _{A90} dB
Old Punt Road (L1)	30/10/2022 22:00	54	52	50	48	43	47
Corrective Services (L2)	30/10/2022 22:23	67	59	57	55	55	53
School Drive (L3)	30/10/2022 22:43	47	44	41	39	38	37

Table 10.3 Average Measured Noise Levels with Goal Comparison

Old Punt Road (L1)							
	Noise Goal (night)	1997 - 1999	2018	2019	2020	2021	2022
L _{A90} (dB)	45	48	48	49	50	50	48
L _{A10} (dB)		60	52	52	54	54	50
L _{Aeq} (dB)	50	58	50	50	52	52	49
L _{Aeq} (dB) TAC attrib.			IA/47	50	50/IA	IA	NM/43

Corrective Services (L2)							
	Noise Goal (night)	1997 - 1999	2018	2019	2020	2021	2022
L _{A90} (dB)	45	51	53	52	38	52	51
L _{A10} (dB)		61	55	57	50	56	55
L _{Aeq} (dB)	50	63	54	55	49	54	53
L _{Aeq} (dB) TAC attrib.			54	54	48	53	52

School Drive (L3)							
	Noise Goal (night)	1997 - 1999	2018	2019	2020	2021	2022
L _{A90} (dB)	45	44	38	39	44	36	40
L _{A10} (dB)		51	55	48	44	48	45
L _{Aeq} (dB)	50	56	52	46	42	40	42
L _{Aeq} (dB) TAC attrib.			39	30/IA	36	38/IA	40

Note: IA = Inaudible, NM = Not Measurable

The land use criteria around the Tomago Aluminium Smelter is now largely dominated by industrial facilities. Noise levels measured at the monitoring sites are conservatively compared to night time urban / industrial interface amenity criteria of 50 LAeq dB(a) detailed in Table 2.1 of the NSW Industrial Noise Policy and EPA recommended maximum acceptable background noise level (LA90) of 45dB(A) at night. The night time noise goal was exceeded at both the Old Punt Road and Corrective Services sites in 2022, however the contribution from TAC was only evident at the Corrective Services site. The Corrective Services site is a day use training facility only.

No noise complaints have been received by the Tomago Aluminium smelter in the last ten years.

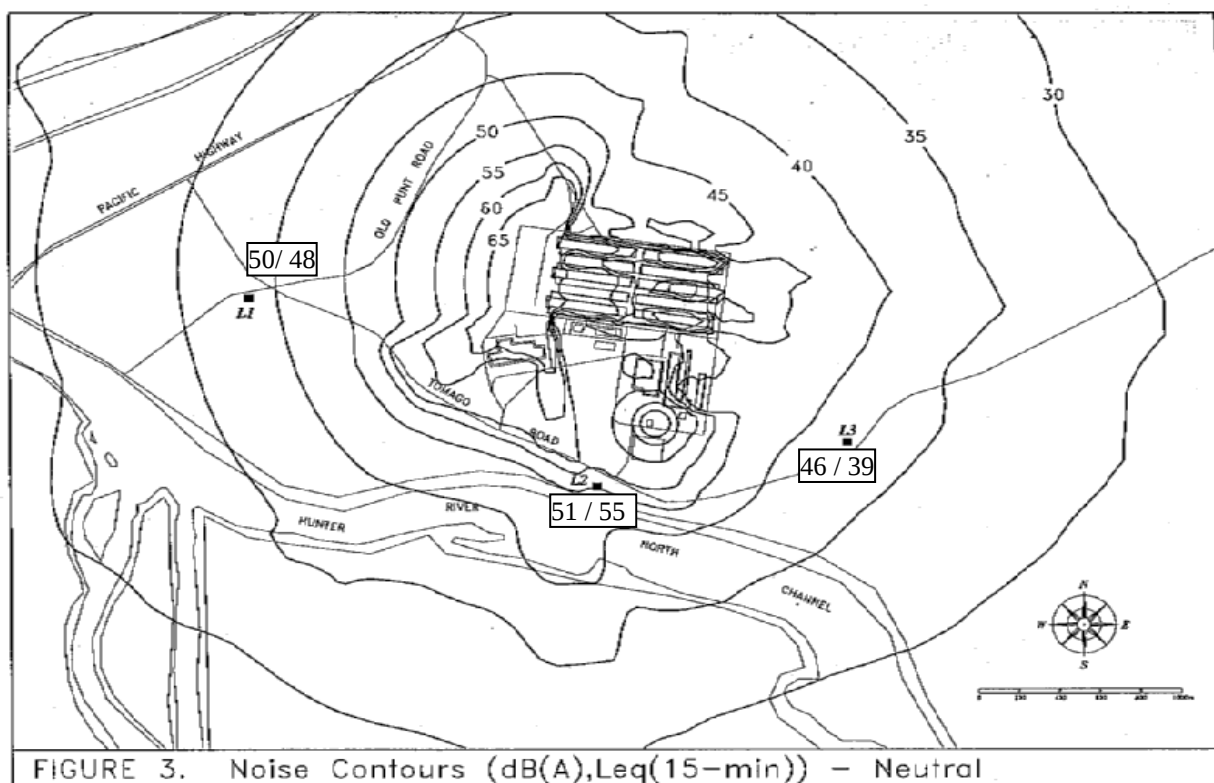


Figure 10.3: Comparison of noise measurements to predicted EIS modelled concentrations.

11 INDEPENDENT AUDITS

The 2021 Independent Environment Audit only has one open action as detailed in Table 11.

In November 2022 a surveillance audit on the Tomago Aluminium Environment Management System was conducted by Quality Control Services (Environmental) against the requirements of ISO 14001:2015. There was one action item (30 days), nine action items and three opportunities for improvement identified.

Table 11: Outstanding Actions from IEA
Corrective Actions

Condition #	Condition Requirement	Finding	Recommendations	Tomago Aluminium Company Planned Action, responsible person and target date for completion
Condition 19 of DA 4908-90	The Applicant shall, prior to the commencement of the expanded smelter operations, provide for the safe storage or disposal of all waste materials from the site, including combustible, solid and hazardous wastes, waste oils and effluent wastes, in accordance with the requirements of the Commission, the Council and the Board. Further, the applicant shall: a) ensure that all storage for spent pot linings and other hazardous wastes associated with the smelter expansion, in addition to being roofed, shall be 'hard sealed', concreted, kerbed and guttered in order to prevent ingress of rainwater, and shall comply with the requirements of the Commission;	Non-Compliant	It is recommended that the waste storage area is reviewed to – • Ensure materials are appropriately covered • Hardstand is appropriately sealed • Drains are kept clean and report to the site drainage system Ensure run-off from this area is kept onsite	There is currently an approved capital project to replace the current waste sheds with a purpose built facility to be completed by end Q2 2022. This will greatly improve TAC's ability to store waste streams under more secure cover and improve drain management. Target Completion date 30/06/2022 Action Owner Robyn Parker 2021.11 Update: DA for new sheds submitted to Council 03/11/21 2023.02 Update: Sheds under construction. Expected completion July 2023.

12 REFERENCES

Australian Water Quality Guidelines for Fresh and Marine Waters (2000), revised 2018 Australian and New Zealand Environment and Conservation Council.
<http://www.waterquality.gov.au/guidelines/anz-fresh-marine>

Environmental Impact Statement for an Aluminium Smelter at Tomago, NSW.
James B Croft & Associates, Newcastle

Environment Impact Statement. Proposed Expansion (Potline 3) of the Tomago Aluminium Smelter, NSW. Crooks Mitchell Peacock Stewart Pty Ltd 1990.

Dispersion modelling of controlled discharge of stormwater runoff from Tomago Aluminium Smelter. Lawson and Treloar Pty Ltd. September 1992.

Statement of Environmental Effects, Proposed Production Capacity Increase (AP22), HLA-Envirosciences Pty Ltd, April 2001.

National Goals for Fluoride in Ambient Air and Forage (1990) Australian and New Zealand Environment and Council.

Food Standards Australia and New Zealand, Standard 1.4.1, Contaminants and Natural Toxicants.

NHMRC / NRMCC 2004 Drinking Water Guidelines

National Environment Protection Measure for Ambient Air (NEPM) Air Quality Goals

Reports 17097_R01 (April 2017) and 17431_R01 (October 2017)
Global Acoustics Pty Ltd

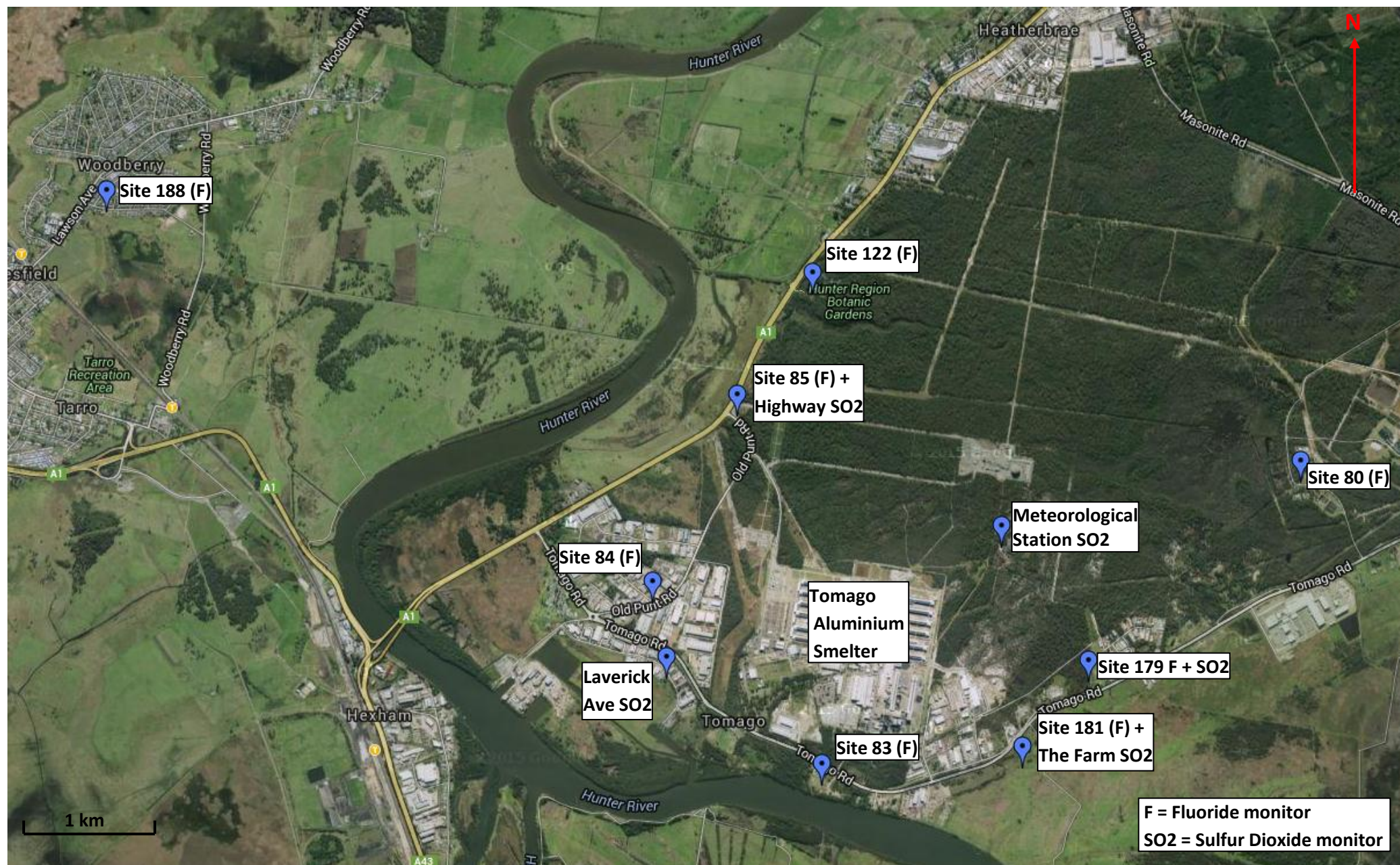
Landfill of Aluminium Smelter Waste at Wallaroo, NSW, Australia. Sullivan & Knight 1990.

Review of Fluoride toxicity in relation to Ravensbourne Discharge to Otago Harbour. C.W Hickey 2004.

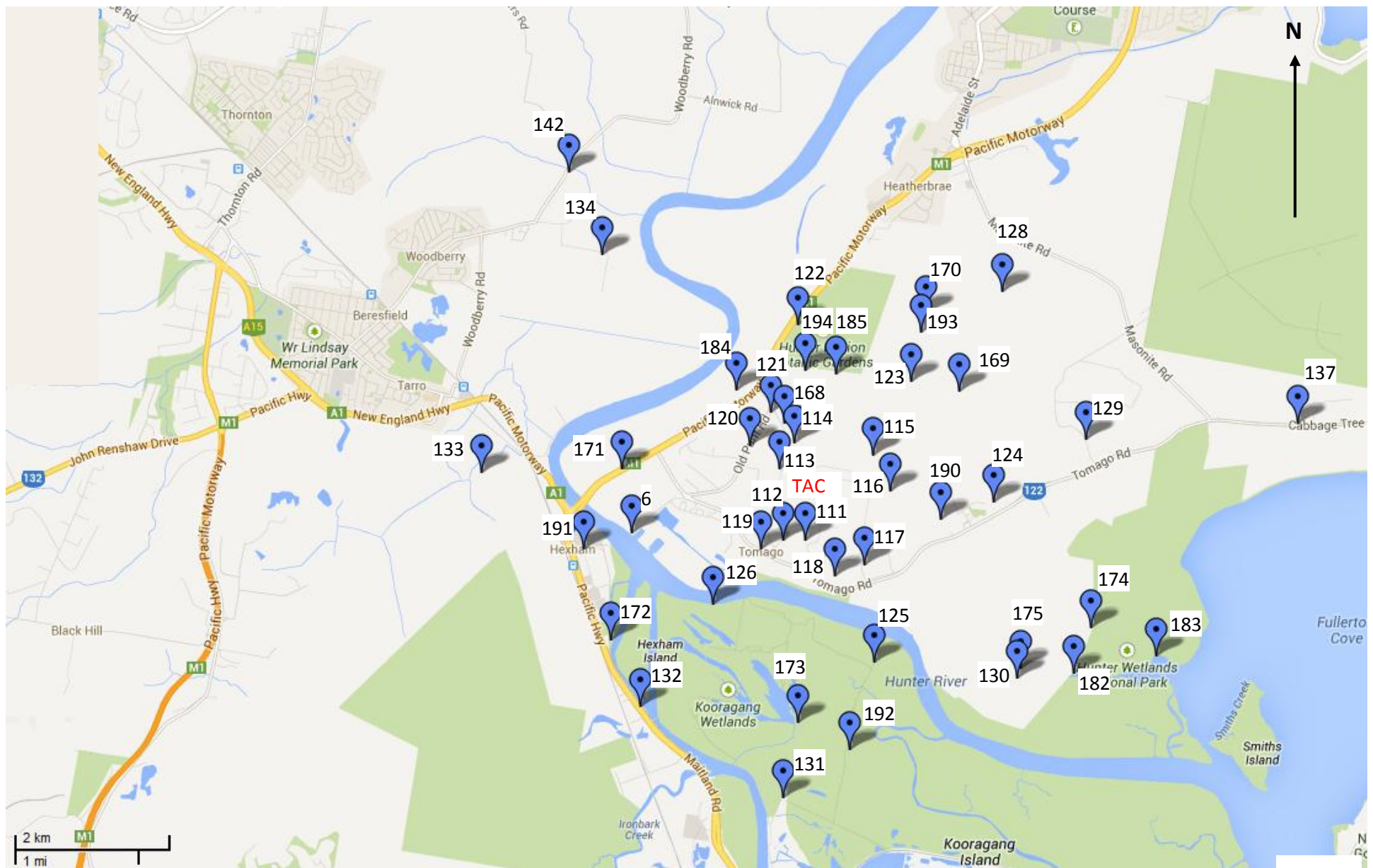
APPENDIX 1 -

SAMPLING SITE LOCATIONS

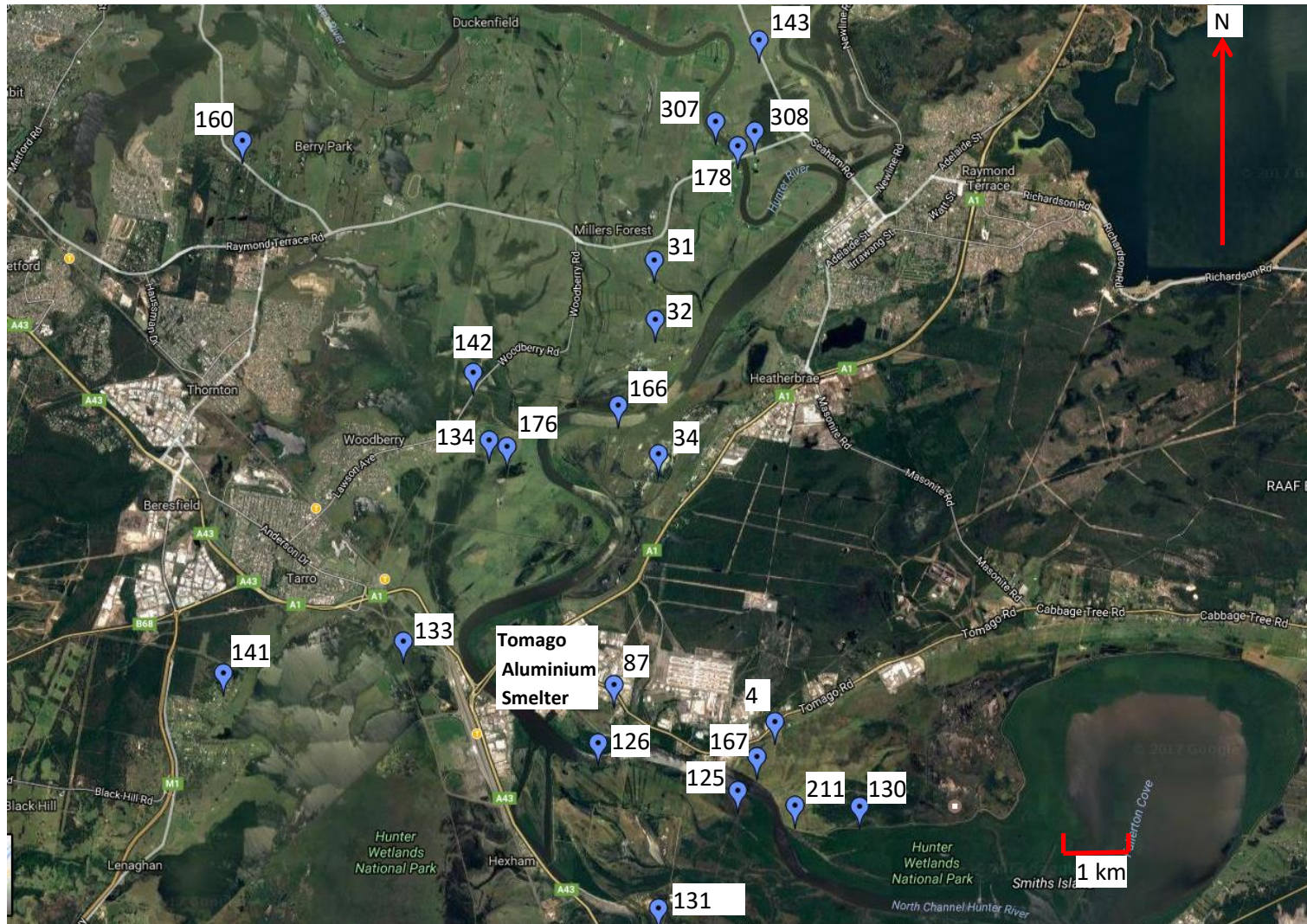
Map 1 Ambient Air Monitoring Sites



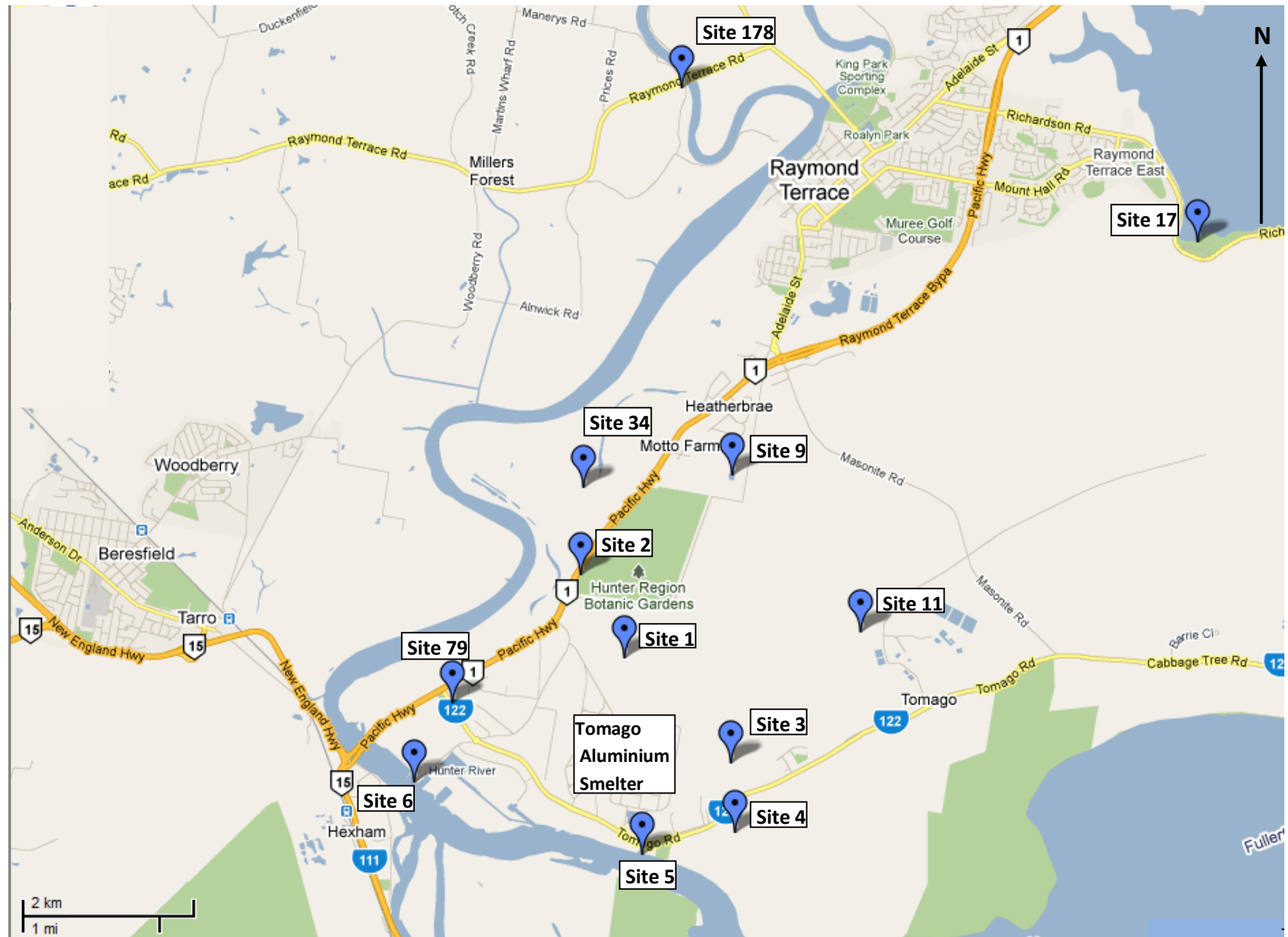
Map 2 Overstorey Sites



Map 3 Forage Sites



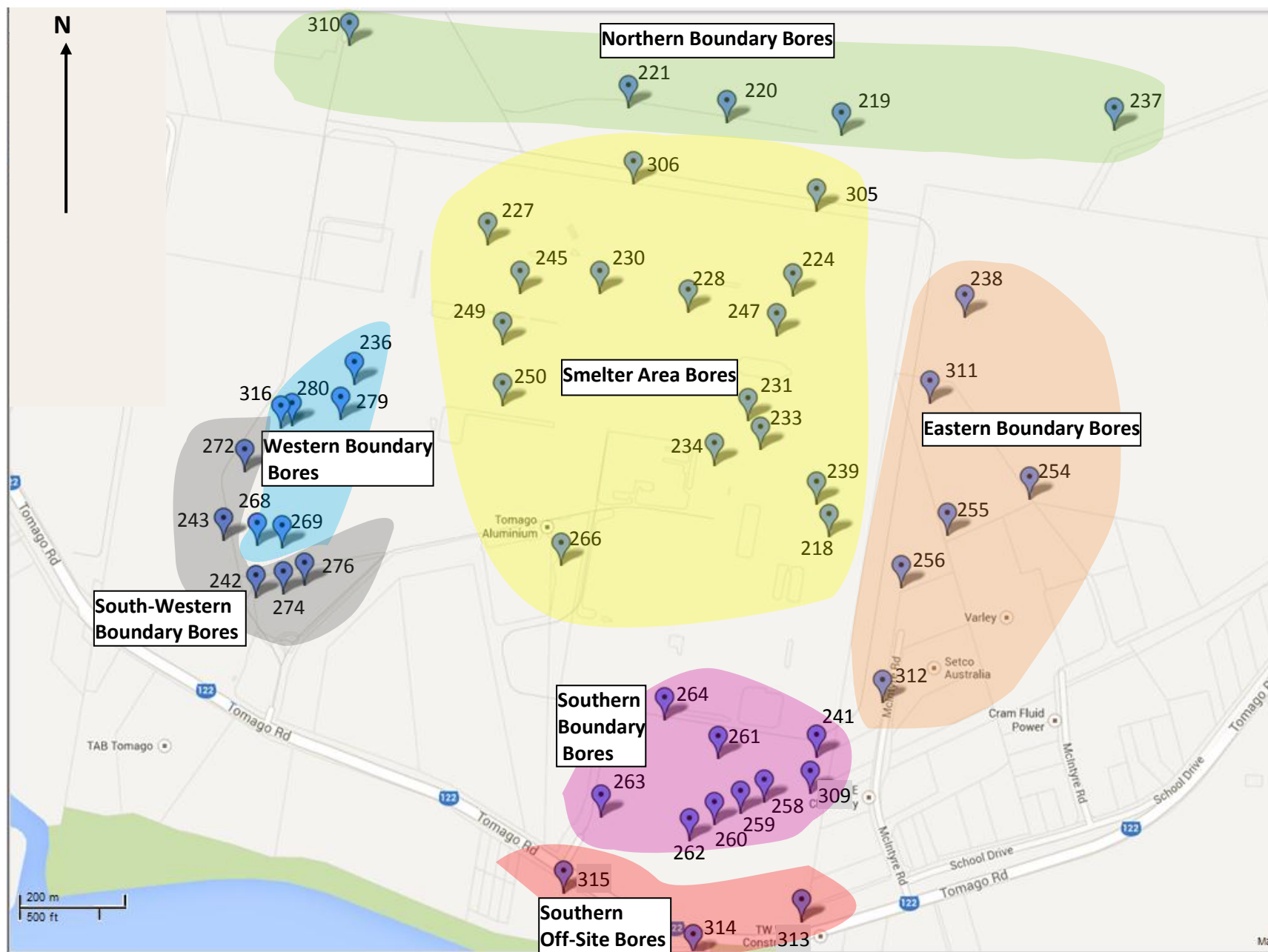
Map 4 Surface Water Sites



Map 5 Groundwater Sites Monitored by Hunter Water

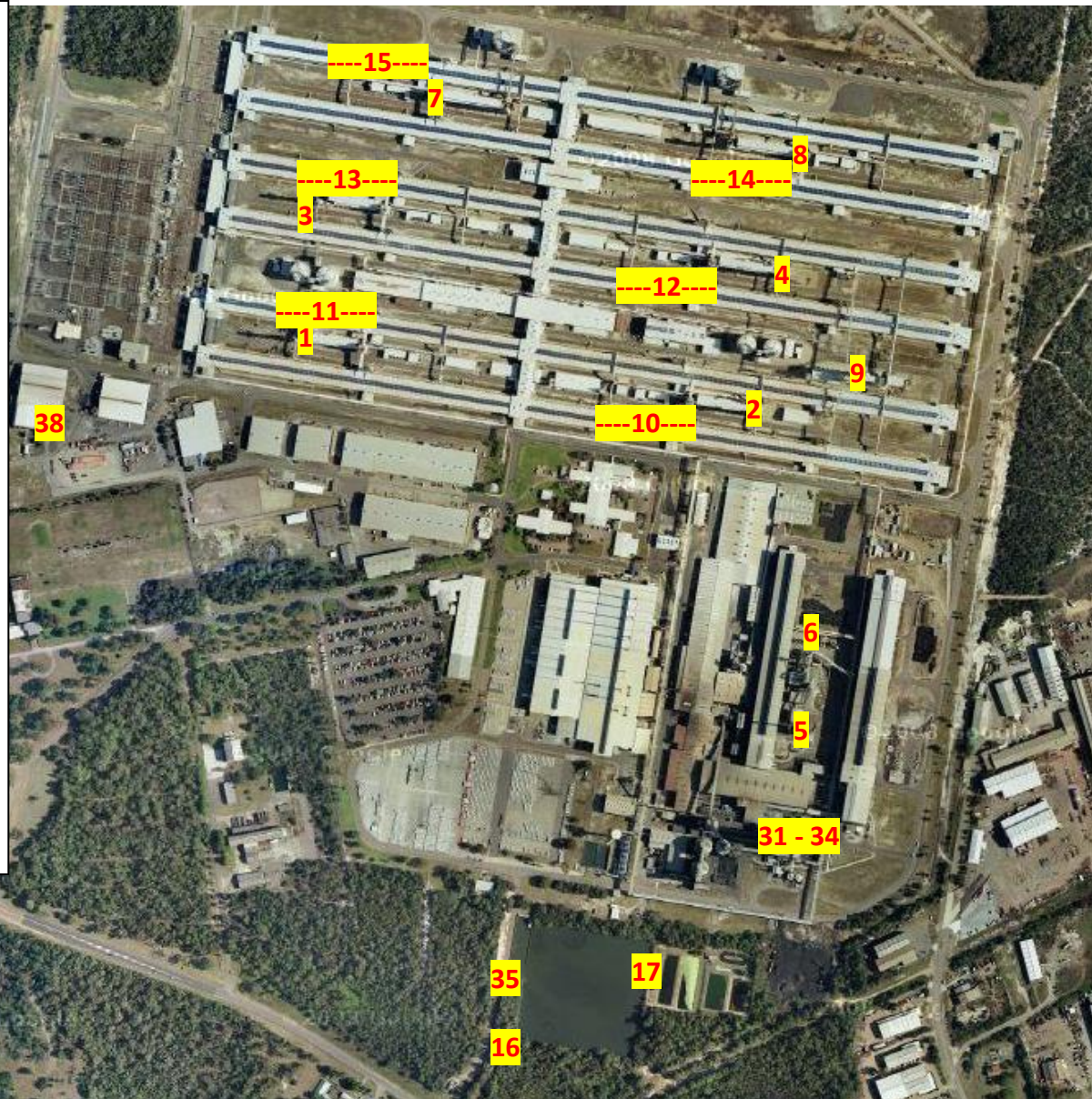


Map 6 Plant Groundwater Sites



Map 7: TAC Source Monitoring Locations

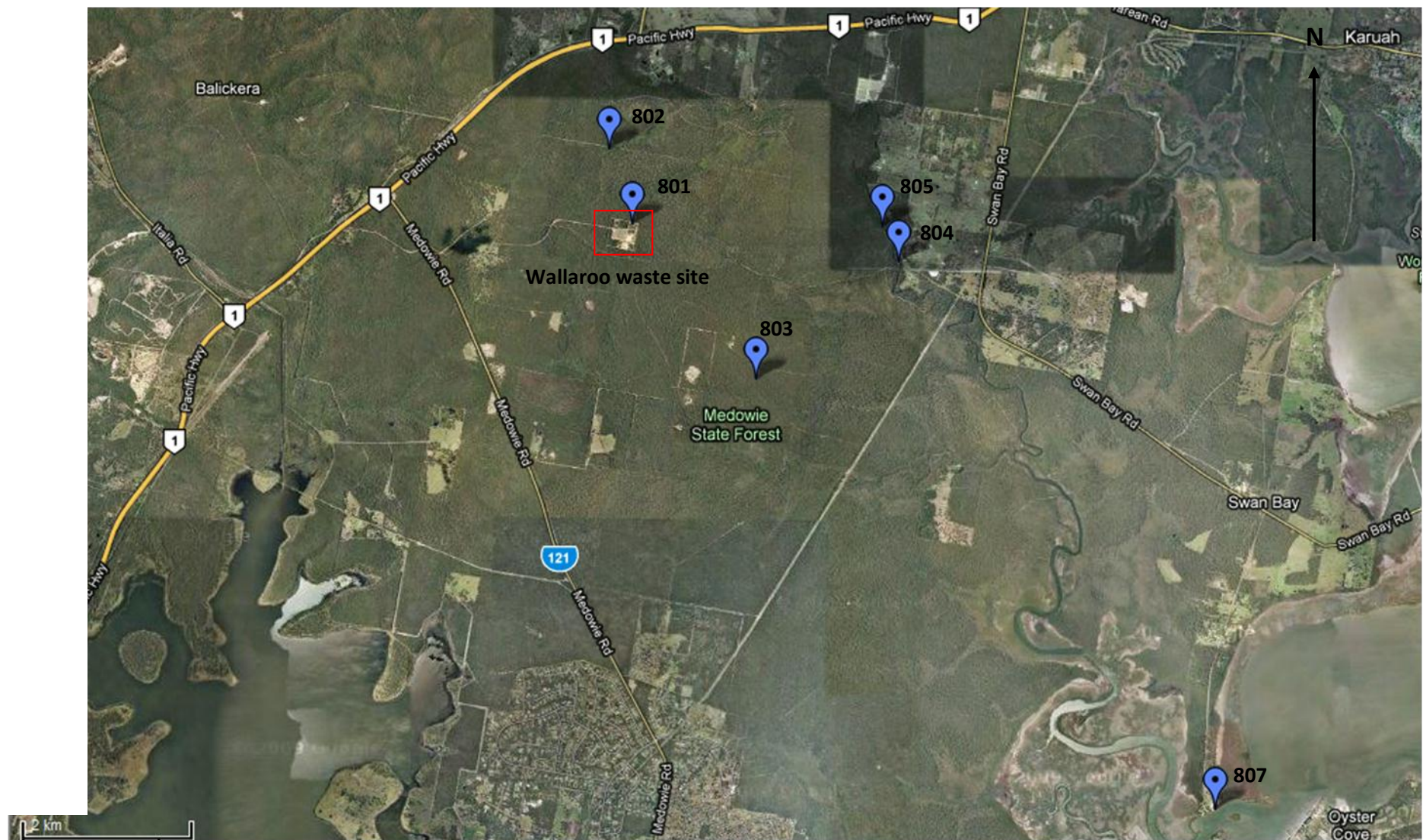
EPA Point	Location
1	Potline Stack 1 West
2	Potline Stack 1 East
3	Potline Stack 2 West
4	Potline Stack 2 East
5	Potline Stack Bake Ovens 1
6	Potline Stack Bake Ovens 2&3
7	Potline Stack Line 3 West
8	Potline Stack Line 3 East
9	Potline Stack Lines 1&2 Extension
10	Potroom A Pots A074-A080
11	Potroom B Pots B018-B024
12	Potroom C Pots C074-C080
13	Potroom D Pots D018-D024
14	Potroom E Pots E074-E080
15	Potroom F Pots F020-F026
16	Stormwater controlled discharge point
17	Effluent to on site irrigation system
31-34	Paste plants stacks
35	Overflow from 1 st flush stormwater system
38	Deline dedust filter



Map 8 Wallaroo Bore Sites



Map 9 Wallaroo Surface Water Sites



APPENDIX 2 –

SAMPLING PROCEDURES

The following procedures have been used by Tomago Aluminium for the sampling and/or analysis data contained in this report:

Stack Fluoride	ES.ESM.0001
Roof Vent fluoride	ES.ESM.0002
Stack Sulfur Dioxide	ES.ESM.0011
Continuous stack gaseous fluoride	ES.ESM.0024
Ambient Fluoride	ES.ESM.0004
Stormwater monitoring	ES.ESM.0009/ES.ESM.0019
Vegetation	ES.ESM.0010
Groundwater	ES.ESM.0014
Surface Water	ES.ESM.0008
***Meteorological monitoring	ES.ESM.0023
Ambient Sulfur Dioxide	ES.ESM.0031
Oysters and Sediments	ES.ESM.0016
Wallaroo Waste Site	ES.ESM.0006

NATA Accreditation No. 1904

*** NATA accreditation does not cover the performance of this service

APPENDIX 3 –

EPL 6163

TOMAGO ALUMINIUM SITE

Environment Protection Licence

Licence - 6163

Licence Details

Number:	6163
Anniversary Date:	29-October

Licensee

TOMAGO ALUMINIUM COMPANY PTY LTD
PO BOX 405
RAYMOND TERRACE NSW 2324

Premises

TOMAGO ALUMINIUM COMPANY
576-638 TOMAGO ROAD
TOMAGO NSW 2322

Scheduled Activity

Metallurgical activities
Waste processing (non-thermal treatment)
Waste storage

Fee Based Activity

Scale

Aluminium production (alumina)	Any capacity
Metal waste generation	> 100 T annual volume of waste generated or stored
Non-thermal treatment of hazardous and other waste	Any annual processing capacity
Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste	Any listed waste type stored

Region

Metropolitan North - Newcastle
Ground Floor, NSW Govt Offices, 117 Bull Street
NEWCASTLE WEST NSW 2302
Phone: (02) 4908 6800
Fax: (02) 4908 6810
PO Box 488G
NEWCASTLE NSW 2300

Environment Protection Licence

Licence - 6163

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Environment Protection Licence

Licence - 6163



Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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

Environment Protection Licence

Licence - 6163



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:

TOMAGO ALUMINIUM COMPANY PTY LTD
PO BOX 405
RAYMOND TERRACE NSW 2324

subject to the conditions which follow.

Environment Protection Licence

Licence - 6163

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
Metallurgical activities	Aluminium production (alumina)	Any capacity
Metallurgical activities	Metal waste generation	> 100 T annual volume of waste generated or stored
Waste processing (non-thermal treatment)	Non-thermal treatment of hazardous and other waste	Any annual processing capacity
Waste storage	Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste	Any listed waste type stored

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
TOMAGO ALUMINIUM COMPANY
576-638 TOMAGO ROAD
TOMAGO
NSW 2322
LOT 3232 DP 618103, LOT 301 DP 634536, LOT 3 DP 808004, LOT 104 DP 1125747, LOT 202 DP 1173564
EXCLUDES AREA LEASED TO REGAIN SERVICES PTY LTD SHOWN ON THE PLAN TITLED "SITE LAYOUT AND SERVICES", DRAWING NUMBER 0010M22-001 (ON EPA FILE LIC07/2263-06).

A3 Other activities

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

Ancillary Activity
Sewage Treatment Systems

Environment Protection Licence

Licence - 6163

A4 Information supplied to the EPA

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

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

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

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

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

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Dry scrubber stack - Line 1 West
2	Discharge to Air Air emissions monitoring	Discharge to Air Air emissions monitoring	Dry scrubber stack - Line 1 East
3	Discharge to Air Air emissions monitoring	Discharge to Air Air emissions monitoring	Dry scrubber stack - Line 2 West
4	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Dry scrubber stack - Line 2 East
5	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Dry scrubber stack - Anode Plant 1
6	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Dry scrubber stack - Anode Plants 2 & 3
7	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Dry scrubber stack - Line 3 West
8	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Dry scrubber stack - Line 3 East
9	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Dry scrubber stack - Line 1 & 2 Extension
10	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Roof vent - Potroom A Manifold
11	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Roof vent - Potroom B Manifold
12	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Roof vent - Potroom C Manifold

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13	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Roof vent - Potroom D Manifold
14	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Roof vent - Potroom E Manifold
15	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Roof vent - Potroom F Manifold
18	Ambient air monitoring Weather monitoring		Sulphur dioxide monitoring and meteorological monitoring station at the premises
20	Ambient air monitoring		Ambient fluoride monitor identified as Site 80 - HWC Offices
21	Ambient air monitoring		Ambient fluoride monitor identified as Site 84 - 6 Old Punt Road Tomago, 1.25km West of the smelter
22	Ambient air monitoring		Ambient fluoride and sulphur dioxide monitors identified as Site 179 - Lot D Tomago Road (374 Tomago Road, Tomago) 1.75km East of the smelter
23	Ambient air monitoring		Ambient fluoride monitor identified as Site 188 - Woodbury, 5km Northwest of the smelter
24	Ambient air monitoring		Ambient fluoride and sulphur dioxide monitors identified as Site 181 - The Farm, 1.5km Southeast of the smelter
25	Ambient air monitoring		Ambient fluoride monitor identified as Site 122 - Botanic Gardens, 2.5km North of the smelter
26	Ambient air monitoring		Ambient fluoride monitor identified as Site 83 - Detention Centre, 1km South of the smelter
27	Ambient air monitoring		Ambient fluoride and sulphur dioxide monitor identified as Site 85 - Pacific Highway Tomago, 1.5km Northwest of the smelter
30	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Total smelter emissions, sum of point sources
31	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Emission from the pitch circuit stack of No. 1 Paste Plant
32	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Emissions from the proportioning circuit stack of the No. 1 Paste Plant
33	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Emission from the pitch circuit stack of No. 2 Paste Plant
34	Discharge to air Air emissions monitoring	Discharge to air Air emissions monitoring	Emissions from the proportioning circuit stack of the No. 2 Paste Plant
36	Ambient air monitoring		Ambient sulphur dioxide monitoring at Laverick Avenue, Tomago (378600E 6467200N)
38	Discharge to air Air emission monitoring	Discharge to air Air emission monitoring	Deline/Regain Spent Potliner Dust Filter

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.

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Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
16	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	The point of discharge to the Hunter River from the stormwater pond ref Drawing 0040 0C0 500
17	Discharge to utilisation area Effluent quality and volume monitoring	Discharge to utilisation area Effluent quality and volume monitoring	Effluent Utilisation Area on the premises.
35	Discharge quality monitoring		Overflow from first flush system

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 Load limits

- L2.1 The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.

Note: An assessable pollutant is a pollutant which affects the licence fee payable for the licence.

- L2.2 The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol.

Assessable Pollutant	Load limit (kg)
Coarse Particulates (Air)	192045.00
Fine Particulates (Air)	174685.00
Fluoride (Air)	298000.00
Lead (Air)	
Nitrogen Oxides (Air)	186620.00
Sulfur Oxides (Air)	11900000.00

Note: On 7 December 2009, the Minister for Planning granted development consent to authorize a continued increase in aluminium production at the smelter from 530,000 tpa to 575,000 tpa. To protect air quality it

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was negotiated at this time that the maximum annual Fluoride load limit for the premises must not exceed 298 tpa.

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\.
- L3.4 Air Concentration Limits

POINT 1,2,3,4,5,6,7,8,9

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Total Solid Particles	milligrams per cubic metre	50	Dry, 273 K, 101.3 kPa		1 hour
Nitrogen Oxides	grams per cubic metre	2.0	Dry, 273 K, 101.3 kPa		1 hour

POINT 5,6

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Total PAHs	milligrams per cubic metre	0.005	Dry, 273 K, 101.3 kPa		1 hour

POINT 30

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Fluoride	kilograms of Fluoride per tonne of Aluminium produced	0.8	Dry, 273 K, 101.3 kPa		1 hour

POINT 31,32,33,34

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Total Solid Particles	milligrams per cubic metre	50	Dry, 273 K, 101.3 kPa		1 hour

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Total PAHs	milligrams per cubic metre	0.005	Dry, 273 K, 101.3 kPa	1 hour
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POINT 38

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Total Solid Particles	milligrams per cubic metre	20	Dry, 273 K, 101.3 kPa		1 hour
Fine Particulates	milligrams per cubic metre	10	Dry, 273 K, 101.3 kPa		1 hour

L3.5 For the purpose of the table(s) above, Total PAHs means Total PAHs as benzo[a]pyrene equivalent.

L3.6 Water and/or Land Concentration Limits

POINT 16

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Fluoride	milligrams per litre				40
pH	pH				6.5-8.5
Total suspended solids	milligrams per litre				50

L4 Volume and mass limits

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

- 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.

Point	Unit of Measure	Volume/Mass Limit
16	kilolitres per day	4320
17	millimetres per week	30

L4.2 The discharge limit for Point 16 in condition L4.1 may be exceeded under wet weather conditions provided that all practical measures are taken to minimise additional pollution caused by the wet weather.

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L4.3 Total fluoride emissions from the smelter must not exceed:

The equivalent of 0.8 kilogram of total fluoride per tonne of aluminium produced as a monthly average.

The equivalent of 0.56 kilograms of total fluoride per tonne of aluminium produced as an annual average.

and

The equivalent of 0.6 kilograms of total fluoride per tonne of aluminium produced, as an annual average, for more than one year out of every five years.

L5 Waste

L5.1 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
NA	Dross		Metallurgical Activities	NA
NA	Spent Pot Lining		Metallurgical Activities	NA
NA	Oily Water		Metallurgical Activities	NA
NA	Filter Bags		Metallurgical Activities	NA
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005	As specified in each particular resource recovery exemption	NA
NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time	-	NA
NA	Aluminium Casting Waste and By-products		Metallurgical Activities	NA
NA	Aluminium Smelter Maintenance Waste		Metallurgical Activities	NA
NA	Waste Water and Sludges		Metallurgical Activities	NA

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NA	Smelter Waste	Smelter waste generated on the premises	Metallurgical Activities	NA
NA	Smelter Waste	Smelter wastes generated on the premises of Hydro Kurri Kurri Smelter Pty Ltd.	Waste processing (non-thermal treatment)	NA
NA	Carbon Dust		Metallurgical Activities	NA
NA	Oil Absorbent Materials		Metallurgical Activities	NA
NA	Pitch Waste		Metallurgical Activities	NA
NA	Iron Contaminated Bath		Metallurgical Activities	NA
NA	Aluminium Potline Wastes and By-products		Metallurgical Activities	NA
NA	Electrode Manufacture Waste and By-products		Metallurgical Activities	NA

L5.2 Asbestos.

The licensee must comply with the conditions as specified in this licence or where no specific conditions are outlined in this licence, the licensee must comply with the Protection of the Environment Operations (Waste) Regulation 2005.

L6 Potentially offensive odour

L6.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

L7 Other limit conditions

L7.1 Polychlorinated Biphenyls (PCBs)

The licensee must comply with the conditions as specified in this licence or where no specific conditions are outlined in this licence, the licensee must comply with the "Chemical Control Order in Relation to Materials and Wastes Containing Polychlorinated Biphenyl, 1997".

L7.2 Sulphur Content of Coke

The sulphur content of the coke used in anode manufacture must not exceed 3.5 % by weight.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

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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 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

O4 Effluent application to land

O4.1 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 purposes of this condition, 'effectively utilise' includes 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.

O4.2 Effluent application to the utilisation area(s) must not occur in a manner that causes surface run-off from the utilisation area(s).

O4.3 Spray from effluent application to the utilisation area(s) must not drift beyond the boundary of the utilisation area(s) to which it has been applied.

O5 Emergency response

O5.1 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the *Protection of the Environment Operations* (POEO) Act 1997 and POEO regulations. The licensee must keep the incident response plan on the premises at all times. The incident

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response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested at least annually or following a pollution incident.

- O5.2 The licensee must nominate to the EPA a representative of the licensee that is available at all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including their telephone number, must be current at all times. The nomination and contact details must be provided to the EPA's Regional Manager- Hunter at hunter.region@epa.nsw.gov.au or to PO Box 488G, Newcastle NSW 2300.

O6 Processes and management

- O6.1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O6.2 Bunds must:
- a) have walls and floors constructed of impervious materials;
 - b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
 - c) have floors graded to a collection sump; and
 - d) not have a drain valve incorporated in the bund structure,

or be constructed and operated in a manner that achieves the same environmental outcome.

O7 Waste management

- O7.1 The licensee must ensure that any liquid and/or non liquid waste for generating, processing, storage, resource recovery or disposal at the premises is assessed and classified in accordance with EPA Waste Classification Guidelines as in force from time to time.
- O7.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.
- O7.3 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O7.4 The licensee must ensure that suitable measures (e.g. high/low alarms, control valves with interlock control, one way valves) are installed on all tanks, ponds or clarifiers and associated pipes and hoses to prevent the spillage of waste.
- O7.5
- a) Aluminium smelter waste containing fluoride and/or cyanide must be kept on the Premises in such a manner that no leachate nor wind borne material can escape from the Premises and in the manner detailed in the Licensee's Environmental Impact Statement of 21 August, 1983.
 - b) The storage site for the aluminium smelter waste must be maintained in good order and condition.

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c) The Premises must be provided with physical security to prevent unauthorised access to the aluminium smelter waste containing leachable fluoride and/or leachable cyanide.

d) No visible dust is to be generated to atmosphere from any storage of aluminium smelter waste containing fluoride or cyanide. To avoid any uncertainty this condition does not apply to waste stored within buildings but does apply to any dust generated from any storage buildings to atmosphere external to the building.

O7.6 a) Aluminium smelter waste containing fluoride and/or cyanide may be processed for the purpose of research into, and development of, environmentally acceptable methods for reducing the levels of leachable fluoride and/or leachable cyanide in such wastes.

b) Aluminium smelter waste containing fluoride and/or cyanide may be processed on the Premises, for the recovery of components, the making of other products or to reduce the leachable fluoride and/or leachable cyanide content.

c) Aluminium smelter waste containing fluoride and/or cyanide may be processed on the Premises, by treatment with any waste, with water, or, other with any material so as to facilitate handling and, except for wastes with leachable fluoride and/or leachable cyanide, to facilitate disposal.

O7.7 Fluoridated smelter wastes deposited at the Tomago Aluminium Company Pty Ltd Solid Waste Class 2 landfill at Wallaroo must be immobilised with gypsum to reduce leachable fluoride to less than 150 mg/l prior to being transported from the premises.

For determining leachable fluoride in approved smelter wastes, distilled water is the approved leachant.

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

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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 1,2,3,4,7,8,9

Pollutant	Units of measure	Frequency	Sampling Method
Gaseous fluoride	milligrams per cubic metre	Continuous	In line instrumentation
Sulfur dioxide	milligrams per cubic metre	Quarterly	TM-4
Total Fluoride	kilograms of Fluoride per tonne of Aluminium produced	Special Frequency 1	TM-9
Total Solid Particles	milligrams per cubic metre	Yearly	TM-15

POINT 5,6

Pollutant	Units of measure	Frequency	Sampling Method
Gaseous fluoride	milligrams per cubic metre	Continuous	In line instrumentation
Nitrogen Oxides	grams per cubic metre	Yearly	TM-11
Sulfur dioxide	milligrams per cubic metre	Yearly	TM-4
Total Fluoride	kilograms of Fluoride per tonne of Aluminium produced	Special Frequency 1	TM-9
Total PAHs	milligrams per cubic metre	Yearly	OM-6
Total Solid Particles	milligrams per cubic metre	Yearly	TM-15

POINT 10,11,12,13,14,15

Pollutant	Units of measure	Frequency	Sampling Method
Total Fluoride	kilograms of Fluoride per tonne of Aluminium produced	Monthly	TM-10

POINT 18,22,24,27,36

Pollutant	Units of measure	Frequency	Sampling Method
Sulfur dioxide	parts per hundred million	Continuous	AM-20

POINT 20,21,22,23,24,25,26,27

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Pollutant	Units of measure	Frequency	Sampling Method
Fluoride	micrograms per cubic metre	Weekly	AM-8

POINT 31,32,33,34

Pollutant	Units of measure	Frequency	Sampling Method
Total PAHs	milligrams per cubic metre	Yearly	OM-6
Total Solid Particles	milligrams per cubic metre	Yearly	TM-15

POINT 38

Pollutant	Units of measure	Frequency	Sampling Method
Fine Particulates	milligrams per cubic metre	Yearly	OM-5
Total Solid Particles	milligrams per cubic metre	Yearly	TM-15

M2.3 For the purpose of the table(s) above, Total PAHs means Total PAHs as benzo[a]pyrene equivalent.

M2.4 Water and/ or Land Monitoring Requirements

POINT 16

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Daily during any discharge	Grab sample
Fluoride	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample
Polycyclic aromatic hydrocarbons	milligrams per litre	Each overflow event	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
TRH	milligrams per litre	Each overflow event	Grab sample

POINT 17

Pollutant	Units of measure	Frequency	Sampling Method
Biochemical oxygen demand	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Weekly	Grab sample
pH	pH	Weekly	Grab sample

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Total suspended solids	milligrams per litre	Quarterly	Grab sample
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POINT 35

Pollutant	Units of measure	Frequency	Sampling Method
Fluoride	milligrams per litre	Each overflow event	Grab sample
pH	pH	Each overflow event	Grab sample
Polycyclic aromatic hydrocarbons	milligrams per litre	Each overflow event	Grab sample
TRH	milligrams per litre	Each overflow event	Grab sample

M2.5 For the purposes of the tables above, Special Frequency 1 mean samples are to be collected and analysed twice per quarter.

M2.6 For the purposes of sampling at Point 16, daily sampling means samples collected at a minimum of twelve hourly intervals during any discharge event.

M3 Testing methods - concentration limits

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

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

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

M4 Testing methods - load limits

M4.1

Note: Division 3 of the *Protection of the Environment Operations (General) Regulation 2009* requires that

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monitoring of actual loads of assessable pollutants listed in L2.2 must be carried out in accordance with the relevant load calculation protocol set out for the fee-based activity classification listed in the Administrative Conditions of this licence.

M5 Environmental monitoring

- M5.1 The licensee must conduct a monitoring program capable of measuring the environmental impact of emissions from the smelter on the surrounding environment.
- M5.2 The licensee must maintain a list of the monitoring sites and sampling frequency used to assess the impact of the smelter on surface water, groundwater, native vegetation and a map showing the locations of the smelter and the monitoring sites used.
- M5.3 Copies of the list(s) of monitoring sites and the map(s) showing their locations must be presented as part of the licensee's annual report.
- M5.4 Copies of the list of monitoring sites and the map showing their locations must be made available to any authorised officer of the EPA who ask to see them.
- M5.5 Data must be presented in time series that allows year to year comparison.
- M5.6 The environmental monitoring program must include the following:
- a) The licensee must monitor fluoride levels in native vegetation within 10 kilometres of the smelter. Monitoring results must be reported every two years (each odd numbered year).
 - b) The licensee must monitor fluoride and visual assessment of foliar damage during the growing season at commercial orchards, vineyards and market gardens within 10 kilometres of the smelter. Monitoring results must be reported every two years (each odd numbered year).
 - c) The licensee must monitor fluoride levels in pasture grasses and forage crops within 10 kilometres of the smelter. Monitoring results must be reported every two years (each odd numbered year).
 - d) The licensee must monitor fluoride, pH and conductivity levels of surface waters within 16.5 kilometres of the smelter. Monitoring results must be reported annually.
 - e) The licensee must monitor fluoride pH and conductivity levels of groundwaters within 16.5 kilometres of the smelter. Monitoring results must be reported annually.
- M5.7 **Ecological Monitoring**
- The licensee must undertake a program of ecosystem monitoring relevant to the discharge of atmospheric emissions. This program must include an ecological study of the major ecosystems within the influence of the smelter to the satisfaction of the EPA.

The ecological study must include an assessment of vegetation species composition and vigour.

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The monitoring and the results of the monitoring must be reported every two years (each odd numbered year).

M6 Weather monitoring

M6.1 For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point 18

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Ambient temperature at 5m	Degrees Celsius	Continuous	1 hour	AM-4
Ambient temperature at 30m	Degrees Celsius	Continuous	1 hour	AM-4
Humidity	Percentage	Continuous	1 hour	AM-4
Rainfall	Millimetres	Continuous	1 hour	AM-4
Sigma theta at 10m	Degrees	Continuous	15 minutes	AM-2 & AM-4
Solar radiation at 10m	Watts per square metre	Continuous	1 hour	AM-2 & AM-4
Wind direction at 10m	Degrees	Continuous	15 minutes	AM-2 & AM-4
Wind speed at 10m	Metres per second	Continuous	15 minutes	AM-2 & AM-4
Wind direction at 30m	Degrees	Continuous	15 minutes	AM-2 & AM-4
Wind speed at 30m	Metres per second	Continuous	15 minutes	AM-2 & AM-4
Additional requirements				
Siting				AM-1 & AM-4
Measurement				AM-2 & AM-4

M7 Recording of pollution complaints

M7.1 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.

M7.2 The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;

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- 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.

M7.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M7.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M8 Telephone complaints line

- M8.1 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.
- M8.2 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.
- M8.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M9 Requirement to monitor volume or mass

- M9.1 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 16

Frequency	Unit of Measure	Sampling Method
Daily	kilolitres per day	No method specified

POINT 17

Frequency	Unit of Measure	Sampling Method
Weekly	millimetres per week	No method specified

POINT 35

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	kilolitres per day	Weir structure and level sensor

- M9.2 For the purposes of the table/s above Special Frequency 1 and Measure 1 means:

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- a) Measuring the total flow to sewage treatment plant daily in kL/day;
- b) Measuring the available capacity in stormwater detention basin three times weekly in kilolitres; and
- c) Measuring the volume of effluent applied to the irrigation area weekly in mm/week.

M9.3 Mass emissions of fluoride are to be calculated from fluoride concentration and production data for primary and secondary emissions for each pot room group and the anode plant monthly. The relevant aluminium production figures for each pot room group based on total daily aluminium production from the smelter and the calculated aluminium equivalent corresponding to anode production used in the above calculation must be supplied to the satisfaction of the EPA.

6 Reporting Conditions

R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- 1. a Statement of Compliance,
- 2. a Monitoring and Complaints Summary,
- 3. a Statement of Compliance - Licence Conditions,
- 4. a Statement of Compliance - Load based Fee,
- 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
- 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
- 7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

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

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

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

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

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

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

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- 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 Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify:
- a) the assessable pollutants for which the actual load could not be calculated; and
 - b) the relevant circumstances that were beyond the control of the licensee.
- 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.
- R1.8 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
- a) the licence holder; or
 - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

- 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 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.

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- 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 Monthly Emission and Pollution Control Equipment Reporting

Within four weeks of the end of each month the stack and roof vent emission monitoring results for that month shall be forwarded to the EPA. This data must be presented as a time series that shows the level of emission and the trend.

- R4.2 The licensee must monitor and record the availability of pollution control equipment installed on the premises and report the results this monitoring as part of the monthly emission report.

The report must include the date, time, duration and reason for every outage of pollution control equipment, a cumulative total of outage times for each piece of equipment during the licence period and details of any action taken to prevent a recurrence of the pollution control equipment outage.

Note: The pollution control equipment specified in this requirement includes all scrubber systems installed on Points 1,2,3,4,5,6,7, 8 and 9 for the purpose of removing fluoride, solid particles and polycyclic aromatic hydrocarbons from emissions to atmosphere.

Note: For the purpose of this condition an outage means any period of time exceeding 20 minutes when the pollution control equipment is not available for its intended purpose, for any reason.

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.

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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 Other general conditions

G2.1 Completed Programs

Program	Description	Completed Date
PRP 1 - Sulphur Dioxide Investigations	Sulphur Dioxide Investigations Report. Find sources of & minimise Sulphur dioxide emissions.(*)	29-May-2013
PRP 2 - Noise Auditing and Reporting	PRP 2 - Noise Auditing and Reporting for Production Increase. Investigate noise impacts. (+)	05-December-2014
PRP 3 - Waste Management plan	PRP 3 - Waste Management plan.	30-March-2011
PRP 4 - Sulphur Dioxide Exceedances	Investigations into Exceedances of EPA Sulphur Dioxide Impact Assessment Criteria at Ambient Monitors. Implementation of measures to resolve issues	02-July-2012
PRP 5 - Fluoride in Surface and Ground Water	Investigate and resolve elevated Fluoride concentrations from discharges from points 16 and 35.	31-March-2013
PRP 6 - Install Pressure Transducers on Alumina Silos	Install pressure transducers on all alumina silos	18-March-2013
PRP 8 - Investigation into the disposal of geobags	Investigation into to long term storage/disposal of geotextile bags of dredged material from the first flush pond.	29-March-2018
PRP 9 - Investigation of pollutants in stormwater	Investigation of the sources of pollutants in stormwater runoff from the premises.	29-June-2018
PRP 10 - First flush pond investigation	Investigation of options to optimise and/or improve the operation and management of the first flush pond system to reduce the concentration of pollutants in waters discharged from the premises.	29-June-2018
PRP 11 - Investigation of stormwater treatment options	Investigation of feasible and reasonable options for the treatment of stormwater runoff from the premises to reduce pollutant concentrations in waters discharging the premises.	29-June-2018

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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 Grahame Clarke

Environment Protection Authority

(By Delegation)

Date of this edition: 20-April-2000

Environment Protection Licence

Licence - 6163

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 1014382, issued on 25-Jan-2002, which came into effect on 19-Feb-2002.
- 3 Licence varied by notice 1016532, issued on 18-Apr-2002, which came into effect on 13-May-2002.
- 4 Licence varied by notice 1018042, issued on 05-Nov-2003, which came into effect on 30-Nov-2003.
- 5 Licence varied by notice 1041989, issued on 12-Nov-2004, which came into effect on 07-Dec-2004.
- 6 Licence varied by notice 1044367, issued on 08-Mar-2005, which came into effect on 02-Apr-2005.
- 7 Licence varied by notice 1056839, issued on 17-Mar-2006, which came into effect on 11-Apr-2006.
- 8 Licence varied by notice 1061531, issued on 31-Aug-2006, which came into effect on 31-Aug-2006.
- 9 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 10 Licence varied by notice 1097536, issued on 24-Apr-2009, which came into effect on 24-Apr-2009.
- 11 Licence varied by notice 1102846, issued on 11-Aug-2009, which came into effect on 11-Aug-2009.
- 12 Licence varied by notice 1107277, issued on 01-Jul-2010, which came into effect on 01-Jul-2010.
- 13 Licence varied by notice 1119919, issued on 11-Feb-2011, which came into effect on 11-Feb-2011.
- 14 Licence varied by notice 1501708 issued on 26-Oct-2011
- 15 Licence varied by notice 1504909 issued on 15-May-2012
- 16 Licence varied by notice 1509839 issued on 05-Nov-2012
- 17 Licence varied by notice 1517795 issued on 30-Oct-2014
- 18 Licence format updated on 04-Nov-2016
- 19 Licence varied by notice 1558503 issued on 18-Dec-2017
- 20 Licence varied by notice 1562052 issued on 16-Mar-2018

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21	Licence varied by notice	1571299 issued on 24-Oct-2018
22	Licence varied by notice	1592629 issued on 29-Oct-2020

APPENDIX 4 –

EPL 6048

WALLAROO WASTE SITE

Environment Protection Licence



Licence - 6048

Licence Details	
Number:	6048
Anniversary Date:	29-October

Licensee
TOMAGO ALUMINIUM COMPANY PTY LTD
PO BOX 405
RAYMOND TERRACE NSW 2324

Premises
WALLAROO WASTE FACILITY
OLD SWAN BAY ROAD
SWAN BAY NSW 2324

Scheduled Activity
Waste disposal (application to land)

Fee Based Activity	Scale
Waste disposal by application to land	Any capacity

Region
Waste & Resource Recovery
59-61 Goulburn Street
SYDNEY NSW 2000
Phone: (02) 9995 5000
Fax: (02) 9995 5999
PO Box A290 SYDNEY SOUTH
NSW 1232

Environment Protection Licence



Licence - 6048

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Environment Protection Licence

Licence - 6048



Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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

Environment Protection Licence

Licence - 6048



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:

TOMAGO ALUMINIUM COMPANY PTY LTD
PO BOX 405
RAYMOND TERRACE NSW 2324

subject to the conditions which follow.

Environment Protection Licence

Licence - 6048



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
Waste disposal (application to land)	Waste disposal by application to land	Any capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
WALLAROO WASTE FACILITY
OLD SWAN BAY ROAD
SWAN BAY
NSW 2324
LOT 63 DP 753194, LOT 60 DP 753200

A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

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

- 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 utilisation areas referred to in the table below are identified in this licence for the purposes

Environment Protection Licence

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of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

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.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Groundwater quality monitoring		Monitoring point labelled "A7 (901)" on "Map 8" provided on 6 August 2002.
2	Groundwater quality monitoring		Monitoring point labelled "A9 (902)" on "Map 8" provided on 6 August 2002.
3	Groundwater quality monitoring		Monitoring point labelled "C7 (903)" on "Map 8" provided on 6 August 2002.
4	Groundwater quality monitoring		Monitoring point labelled "Z9 (904)" on "Map 8" provided on 6 August 2002.
5	Groundwater depth		Monitoring point labelled "A8 (851)".
6	Groundwater depth		Monitoring point labelled "A10 (852)".
7	Groundwater depth		Monitoring point labelled "B7 (853)".
8	Groundwater depth		Monitoring point labelled "Y7 (855)".
9	Groundwater depth		Monitoring point labelled "Y10 (856)".
10	Surface water quality		Monitoring point labelled "801 - site runoff dam" on "Map 8" provided on 6 August 2002.
11	Surface water quality		Monitoring point labelled "802 - boundary dam" on "Map 9" provided on 6 August 2002.
12	Surface water quality		Monitoring point labelled "803 - Pipeclay" on "Map 9" provided on 6 August 2002.
13	Surface water quality		Monitoring point labelled "804 - 12 Mile Creek below crossing" on "Map 9" provided on 6 August 2002.
14	Surface water quality		Monitoring point labelled "805 - 12 Mile Creek - 1km above crossing" on "Map 9" provided on 6 August 2002.
16	Surface water quality		Monitoring point labelled "807 - Moffats Oyster Barn" on "Map 9" provided on 6 August 2002.
17	Groundwater depth		Monitoring point labelled "B10 (854)".

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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 Waste

- L2.1 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
D110	Inorganic fluorine compounds excl calcium fluoride			Only wastes generated at the Tomago Aluminium Company Pty Ltd may be disposed of at the Wallaroo landfill facility
NA	Waste			NA

Note: For the purposes of determining leachable fluoride in approved wastes to be deposited in the landfill, distilled water is the approved leachant.

Note: The licence conditions apply only to nominated accumulations of aluminium smelter wastes which have been analysed in accordance with the procedures outlined in the State Pollution Control Commission document "Procedures for the Sampling and Analysis of Aluminium Smelter Wastes for the Determination of Leachable Fluoride and/or Leachable Cyanide", dated 19 December 1986 and which, on consideration of the analytical results and any other relevant information, the DECC has endorsed as approved for disposal. Such wastes are hereafter referred to as approved smelter wastes.

L3 Noise limits

- L3.1 Noise from the premises must not exceed:
- a) an LA10 (15 minute) noise emission criterion of 45 dB(A) (7am to 6pm) Monday to Friday and 7am to 1pm Saturday ; and

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- b) an LA10 (15 minute) noise emission criterion of 35 dB(A) during the evening (6pm to 10pm) Monday to Friday; and
- c) at all other times, an LA10 (15 minutes) noise emission criterion of 35 dB(A), except as expressly provided by this licence.

L3.2 Noise from the premises is to be measured at the boundary to determine compliance with this condition.

L4 Potentially offensive odour

L4.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

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.

O1.2 The licensee must ensure that all staff are aware of the manner in which the waste facility is to be managed in order to comply with the conditions of its licence and that appropriate staff are available that can competently carry out all duties required to meet the specified activities and outcomes identified in the waste facility's LEMP.

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 licensee must control generation of dust from the facility.

Without limiting the above condition, the following measures must be followed:

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a) Sealed or gravel roads must be constructed from the public roadway to the gateshouse / waste reception section of the landfill.

b) Dust suppression methods must be used as frequently as necessary for any unsealed or unvegetated areas of the landfill including the use of water sprays or water carts.

O4 Emergency response

O4.1 The licensee must extinguish fires at the waste facility as soon as possible.

O4.2 The licensee must have adequate fire prevention measures in place, and ensure that facility personnel are able to access fire fighting equipment and are able to manage fire outbreaks at any part of the facility.

O5 Processes and management

O5.1 The LEMP must address all areas of the waste facility where waste will be disposed of.

O6 Waste management

O6.1 The landfill surface must be contoured to minimise the run - on of surface waters onto areas where waste has been landfilled except during a storm event of not less than 1 in 10 year recurrence interval of one day duration.

O6.2 The stormwater sedimentation basin must be operated and maintained so as to collect and impound without discharge to surface waters all surface water runoff from or generated by a storm event of not less than a 1 in 10 year recurrence interval of one day duration.

O6.3 There must be no incineration or burning of any waste at the facility.

O6.4 The licensee must have in place and implement procedures to screen and remove any waste not permitted to be disposed of at the waste facility

O6.5 The licensee must operate the facility in accordance with the progressive filling plan detailed in the LEMP.

O6.6 The licensee must maintain a filling plan that identifies areas to be used in the future for the disposal of waste. The filling plan must be updated at intervals of no greater than 24 months determining the remaining volume of the landfill.

O6.7 The licensee must ensure that the landfill cells are capped progressively and effectively during operations and specifically at times when the level of waste reaches final heights as detailed in the LEMP.

O6.8 Final capping must comprise two layers in the order of installation: sealing layer and the revegetation layer as specified in the LEMP

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- O6.9 The licensee must take all practicable steps to prevent unauthorised access to the waste facility.
- O6.10 The licensee must ensure that the landfill cells are capped progressively and effectively during operations and specifically at times when the level of waste reaches final heights as detailed in the LEMP.
- O6.11 The licensee must control pests, vermin and weeds at the waste facility.
- O6.12 The Company shall supervise the waste disposal operations to ensure that procedures to prevent any spillage of wastes and any environmental damage outside the disposal area are effective.
- O6.13 The approved smelter wastes shall not be kept, sold, distributed, conveyed or used on these premises except as provided in this licence.
- O6.14 The licensee is permitted to keep approved smelter wastes subject to the conditions of this licence.
- O6.15 The approved smelter wastes must be kept on site in a secure manner such that all leachate from the waste is collected and no wind borne material can escape from the site.
- O6.16 The site storage for the approved smelter wastes must be maintained in good order and good condition.
- O6.17 The Premises must be provided with physical security to prevent unauthorised access to the approved smelter wastes.
- O6.18 The licensee is permitted to dispose of approved smelter wastes at the Premises subject to the conditions of this licence.

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.

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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 Water and/ or Land Monitoring Requirements

POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 3

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 4

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 5

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Pollutant	Units of measure	Frequency	Sampling Method
Depth	metres	Quarterly	Grab sample

POINT 6

Pollutant	Units of measure	Frequency	Sampling Method
Depth	metres	Quarterly	Grab sample

POINT 7

Pollutant	Units of measure	Frequency	Sampling Method
Depth	metres	Quarterly	Grab sample

POINT 8

Pollutant	Units of measure	Frequency	Sampling Method
Depth	metres	Quarterly	Grab sample

POINT 9

Pollutant	Units of measure	Frequency	Sampling Method
Depth	metres	Quarterly	Grab sample

POINT 10

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 11

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 12

Pollutant	Units of measure	Frequency	Sampling Method
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Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 13

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 14

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 16

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Quarterly	Grab sample
Cyanide	milligrams per litre	Quarterly	Grab sample
Fluoride	milligrams per litre	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 17

Pollutant	Units of measure	Frequency	Sampling Method
Depth	metres	Quarterly	Grab sample

M2.3 The licensee must install and maintain all monitoring bores in a manner that ensures that samples taken from the bores are representative of the groundwater at the screened depths as defined in the LEMP at that location.

M2.4 The licensee must report to the EPA if the results for any parameter monitored in the groundwater detection monitoring program indicates a significant change to the concentration of any contaminants or any indication of actual or incipient environmental harm at any of the sampling locations.

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- M2.5 The licensee must report to the EPA if the results for surface water monitoring indicate that a significant change to the concentrations of any contaminants or any indication of actual or incipient environmental harm at any of the sampling locations.

M3 Testing methods - concentration limits

- M3.1 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.

M3.2

M4 Recording of pollution complaints

- M4.1 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M4.2 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.
- M4.3 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.
- M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

- M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M5.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

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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 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.

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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 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.

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.

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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.

8 Special Conditions

E1 Groundwater and Surface Water Assessment Report

E1.1 The Licensee is required to engage a suitably qualified expert to :

1. Assess and interpret data from all groundwater and surface water monitoring which has been undertaken from 2012 to 2016 (inclusive), in accordance with this Licence; and
2. Undertake 1. (above) in the context of the receiving environment and background water quality levels.

E1.2 The Licensee is required to provide the EPA with a "Groundwater and Surface Water Assessment Report" on data from E1.1 (above), by no later than 1 March 2017.

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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 Bernie Weir

Environment Protection Authority

(By Delegation)

Date of this edition: 06-July-2000

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End Notes

- 1 Licence varied by notice 1015242, issued on 20-Feb-2002, which came into effect on 17-Mar-2002.
- 2 Licence varied by notice 1032931, issued on 19-Dec-2003, which came into effect on 13-Jan-2004.
- 3 Licence varied by notice 1044388, issued on 08-Mar-2005, which came into effect on 02-Apr-2005.
- 4 Licence varied by correction to DEC Region, issued on 18-Jan-2007, which came into effect on 18-Jan-2007.
- 5 Licence varied by notice 1077026, issued on 08-Oct-2007, which came into effect on 08-Oct-2007.
- 6 Licence varied by notice 1081354, issued on 17-Jan-2008, which came into effect on 17-Jan-2008.
- 7 Licence varied by notice 1093226, issued on 11-Nov-2008, which came into effect on 11-Nov-2008.
- 8 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 9 Licence varied by notice 1095613, issued on 04-Dec-2008, which came into effect on 04-Dec-2008.
- 10 Licence varied by Correction to EPA Region data record., issued on 28-Jun-2010, which came into effect on 28-Jun-2010.
- 11 Licence varied by notice 1546531 issued on 13-Dec-2016

APPENDIX 5 –

DEVELOPMENT CONSENT CONDITIONS

Red type represents 3 January 1991 modification
Green type represents 14 February 1995 modification
Blue type represents 23 August 2001 modification
Orange type represents 7 December 2009 modification
Purple type represents 12 October 2015 modification
Grey type represents 9 November 2016 modification
Pink type represents 23 October 2020 modification

THE ANNEXURE

ANNEXURE TO LETTER FROM THE MINISTER FOR ENVIRONMENT AND PLANNING IN CONNECTION WITH THE INSTRUMENT OF APPROVAL FOR THE PROPOSED TOMAGO SMELTER DATED 6TH MARCH, 1981

- | | |
|--|---|
| <u>Nature reserves</u> | (a) Company at its own cost shall comply with the reasonable requirements of the Director of National Parks and Wildlife for making good damage to the existing or proposed nature reserves at Fullerton Cove, Kooragang Island and Hexham Swamp where the damage is found to be attributable to emissions from the smelter and comply with the reasonable requirements of the State Pollution Control Commission to mitigate or eliminate the cause of damage. |
| <u>Financial assistance to Council</u> | (b) Provide financial assistance to the Port Stephens Shire Council for sports and recreational facilities the amount to be agreed between the developer and Council. |
| <u>Council inquiry costs</u> | (c) Reimburse the Council for all costs incurred in association with appearing before the Commission of Inquiry. |
| | (d) [DELETED] |

DEPARTMENT OF ENVIRONMENT AND PLANNING
OF NEW SOUTH WALES

PROPOSED ALUMINIUM SMELTER AT TOMAGO

CONSENT TO A DEVELOPMENT APPLICATION REFERRED FOR
DETERMINATION PURSUANT TO SECTION 101 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

APPLICANT'S NAME AND ADDRESS: Tomago Aluminium Company
Pty. Limited,
3rd Floor,
4 O'Connell Street,
SYDNEY N.S.W. 2000.

WHEREAS:

- (a) The Minister for Planning and Environment (hereinafter called the "Minister") gave a direction (hereinafter called the "direction") in writing in accordance with Section 101(1) of the Environmental Planning and Assessment Act, 1979, (hereinafter called the "Act") dated the 5th November, 1980, to the Council of the Shire of Port Stephens (hereinafter called the "Council") to refer to the Secretary of the Department of Environment and Planning (hereinafter called the "Department") for determination by the Minister of all development applications specified in the direction in relation to certain lands in the Schedule to the direction;
- (b) a development application (hereinafter called the "application") for the development of an aluminium smelter (hereinafter called the "proposed development") on lands described as ALL THOSE pieces or parcels of land situate at Tomago, Shire of Port Stephens, Parish of Stockton and County of Gloucester being Lot 100, Deposited Plan 604166 in Certificate of Title Volume 13997 Folio 58, Lots 12, 13, 14, 15 and 16, Deposited Plan 258020 in Certificates of Title Volume 13767 Folios 91, 92, 93, 94 and 95, respectively, Lot 3, Deposited Plan 38904 in Certificate of Title Volume 13811 Folio 196, the whole of the land in Certificate of Title Volume 6353 Folio 184, And the whole of the land secondly described in Conveyance No. 269 Book 2018 but excepting thereout Lots 1, 2, 3, 4, 5 and 6 in Deposited Plan 38904 (hereinafter called the "land"), and being an application to which the direction applies, was received by the Council from Tomago Aluminium Company Pty. Limited (hereinafter called the "applicant") and referred to the Secretary of the Department in accordance with the Act;
- (c) persons referred to in Section 101(3) of the Act in accordance with Section 101(4) of the Act, required to be afforded the opportunity of a hearing before the Minister determined the application;
- (d) the Minister directed that an inquiry be held in accordance with Section 119 of the Act, by a Commission of Inquiry appointed in

accordance with Section 119(2) of the Act (hereinafter called the "Commission of Inquiry");

(e) the Director of Environment and Planning has concurred in the proposed development;

(f) and whereas the Commission of Inquiry was held accordingly;

Now, I, the Minister for Planning and Environment, after consideration of the findings and recommendations of the Commission of Inquiry, do hereby determine the application by granting consent to the application for the proposed development, generally in accordance with the Environmental Impact Statement for an Aluminium Smelter at Tomago, N.S.W., Volume 1 & 2, prepared by James B. Croft & Associates, Newcastle, and marked "Submission 36", and Environmental Impact Statement for an Aluminium Smelter at Tomago, N.S.W., Volume 3 Figures, prepared by James B. Croft & Associates, Newcastle, and marked "Submission 36A", **as modified by the environmental impact statement for the proposed expansion of the Tomago Aluminium Smelter, Tomago, NSW, dated July, 1990, prepared by Crooks Michell Peacock and Stewart Pty Limited and the Appendices to that EIS (the 1990 Smelter Expansion EIS), and as modified by the Statement of Environmental Effects (SEE) titled "Modification of Development Consent for the Proposed Production Capacity Increase at Tomago Aluminium Smelter", prepared by HLA-Envirosciences, and certified by Gary Freeland on 3 April 2001, and the Statement of Environmental Effects entitled "Production Capacity Increase Statement of Environmental Effects Tomago Aluminium Smelter", prepared by ENSR Australia Pty Ltd, dated May 2009; as modified by the project proposal titled *Tomago Aluminium Company Pty Ltd Production Capacity Increase 575,000 to 585,000 Tonnes Saleable Metal* and accompanied by a letter dated 5 August 2015 from the Tomago Aluminium Company Pty Limited; and as modified by the project proposal titled *Tomago Aluminium Company Pty Ltd Production Capacity Increase 585,000 to 600,000 Tonnes Saleable Metal* (which Environmental Impact Statements are hereinafter called the "Statement")**, the development application for aluminium smelter at Tomago, N.S.W. dated the 20th August, 1980 and marked "Submission 36C", the Statement entitled "National Economic Impact of the Proposed Tomago Aluminium Smelter dated February, 1981 and marked "Submission 36E", And the Plan entitled Tomago Aluminium Company Pty. Limited Aluminium Smelter Project, Tomago, N.S.W., Extent of Property Controlled as at September, 1980 endorsed K41568 and marked "Submission 36G" all of which are deposited in the office of the Department, subject to the following conditions:–

- | | |
|------------------------|---|
| Statutory requirements | 1. that the applicant shall meet the requirements of all public authorities having statutory responsibilities in respect of the proposed development and shall negotiate with all relevant authorities with a view to meeting their reasonable requirements; |
| S.P.C.C. licences | 2. that the applicant shall obtain from the State Pollution Control Commission all statutory approvals required under the Clean Air, Clean Waters, Environmentally Hazardous Chemicals and Noise Control Acts. In the event of emissions exceeding the approved levels, or in the event that there are adverse effects on the environment beyond those anticipated at the time of approval and which can be reasonably attributed to emissions from the smelter, the developer |

shall comply with the conditions, directions or notice issued under the foregoing Acts aimed at achieving the approved levels of emissions or at mitigating or eliminating the adverse effects;

- | | | |
|--------------------------------------|----|--|
| Operating/
monitoring
controls | 3. | that the applicant shall carry out all those operating and monitoring measures as described and specified in the Statement to prevent, minimise or ameliorate adverse environmental, social and economic impact <u>except</u> where there is inconsistency with the conditions of this development consent, the consent for the smelter expansion the subject of DA 4908/90 dated 2 August, 1990, submitted to Port Stephens Shire Council , or the requirements of authorities referred to, the conditions of approval or the authorities' requirements shall prevail; |
| Monitoring
programme | 4. | that the applicant shall, subject as hereinafter provided, establish monitoring stations to collect relevant information on air and water quality and noise pollution. Further, that the applicant shall prepare a programme for the purposes of air and water quality and noise pollution and shall submit such a programme and details of the location of the installations to the State Pollution Control Commission (hereinafter called the "Commission") for approval prior to the commencement of the programme. Further, the information collected and recorded at the monitoring stations shall be forwarded to the Commission at such intervals as required by the Commission and to any monitoring committee which may be established for the purposes indicated above; |
| Monitoring
surface
water | 5. | that the applicant shall enter into licence agreements with the owners of land within 4 kilometres of the potlines for the purposes of conducting monthly analysis of surface water sites for fluoride levels. Further, the applicant shall obtain the prior consent of the Commission and the Hunter District Water Board (hereinafter called the "Board") to enter upon the Board's lands situate within the Board's catchment area for the purposes of conducting monthly analysis of surface water sites for fluoride levels. Further, the results shall be made available on the first day of each month to the Commission and to the Board and to any monitoring committee which may be established for the purposes of monitoring fluoride emission from the proposed development; |
| Monitoring
water supply | 6. | <p>that the applicant shall establish and operate monitoring systems as may be required by the Board (including those referred to in Condition 5 above):—</p> <p>(a) on the land the subject of the application and the Board's land at Grahamstown, Nelson Bay-Anna Bay and Tomago which lands constitute part of the Board's Catchment Area for the purposes of providing information on the changes in fluoride concentration and determining, from time to time, the level of fluoride concentration therein in groundwater, surface water, rainwater, and on fauna and flora in those catchment areas; and</p> <p>(b) at or adjacent to the liquid effluent disposal area on the land for the purposes of checking the level of chemical or bacteriological contamination reaching groundwater and on the movement of the infiltrated effluent relative to local groundwater flow;</p> |

Water
Management
Plan

7. The Applicant shall prepare and implement, an updated Water Management Plan for the development to the satisfaction of the Director-General. This plan must:
- a) be prepared in consultation with DECCW and Hunter Water;
 - b) be submitted to the Director-General for approval within 12 months of the approval of DA 391-80 MOD 4;
 - c) include a detailed water balance for the development;
 - d) describe the developments water management system in detail, including:
 - i. the measures that would be implemented to improve water efficiency on site, and reduce the use of potable water;
 - ii. the stormwater management system on site;
 - iii. the treatment and control of wastewater; and
 - iv. the irrigation of effluent to the irrigation area and the management of soil and groundwater in this area.
 - e) include a description of:
 - i. the relevant statutory requirements; and
 - ii. the measures that would be used to judge the performance of the water management system, and trigger the implementation of any contingency plans.
 - f) include a comprehensive program to monitor and report:
 - i. the water efficiency of the development;
 - ii. the effectiveness of the stormwater management system;
 - iii. the volume of effluent discharged and irrigated on site;
 - iv. the quality of the effluent discharged from the site;
 - v. the effects of the effluent discharges on the ecology of the Hunter River;
 - vi. the effects of the irrigation scheme on the irrigation areas; and
 - vii. on groundwater quality, including the Tomago Sandbeds Water Supply Works.
 - g) identify the contingency measures that would be implemented should the impacts of the development approach or exceed the relevant standards or performance measures referred to in f) above;
 - h) include a protocol for managing and reporting incidents and complaints; and
 - i) include a protocol for periodic review of the plan.

Spillage

8. that the applicant shall, prior to commencement of the smelter operations:–
- (a) ensure, to the satisfaction of the Board, that any spillage and/or dust from material handling operations does not pollute the Tomago sandbeds; and
 - (b) prepare a programme, in accordance with the requirements of the Board, to ensure that spillages are removed forthwith from roadways, surfaces, parking areas and other areas on the land the subject of the proposed development and to provide for the regular cleaning and sweeping of same;

Acts
affecting

9. that the applicant shall immediately inform the Board of any action or occurrence on the site which may affect the Board's water supply.

water supply	Further, the applicant shall, in order to remedy any defect arising out of the action or occurrence, comply forthwith with the requirements of the Board;
	10. that the applicant shall, in the event of any deleterious effect to the Board's water supply which effect can be attributed to the smelter operations, re-examine the water management scheme and shall make such adjustments to that scheme as may be required by the Commission and the Board. Further, that the applicant shall bear any costs incurred by the Board to remedy the defect in the water supply;
	11. that the applicant shall, prior to the commencement of the smelter operations, enter into a Deed of Indemnity with the Board, whereby the applicant shall indemnify and keep indemnified the Board for all costs and expenses which the Board may incur in the event of the proposed development requiring the Board to provide, operate and maintain a treatment system for defluoridation of water drawn from the Tomago sandbeds and the Lake Grahamstown Catchment Area;
Drainage and effluent disposal	12. that the applicant shall, prior to the commencement of the smelter operations, complete all drainage, paving, materials handling and storage systems and effluent treatment plant with ancillary liquid effluent disposal systems, in accordance with the requirements of the Commission and the Board;
Start up	13. that the applicant shall, prior to the commencement of the smelter operations, complete the integration of both the construction and the start-up phases to ensure that all pollution control measures meet the requirements of the Commission and the Board;
Waste Management Plan	14. The Applicant shall prepare and implement, a Waste Management Plan for the site in consultation with DECCW and to the satisfaction of the Director-General. This plan must: a) be submitted to the Director-General for approval within 12 months of the approval of DA 391-80 MOD 4; b) characterise all waste imported, exported and re-used on site according to the current waste classification guidelines, and include procedures for classifying each of the waste materials; c) include details of the quantities and destinations of all waste materials; d) describe the measures in place to minimise and manage waste; e) describe the system for the treatment of spent pot linings and provide an approximate timeline for the treatment of stockpiled material; f) describe the options available to further reduce and reuse waste; g) ensure that all waste materials are sent to sites that can lawfully accept waste; and h) describe the waste monitoring program, detail the results of this monitoring and prepare a monitoring and reporting program.
Water to farms and residences	15. that the applicant shall, in accordance with the requirements of the Commission, provide filtering and purifying systems or such other alternatives, such as reticulated water, as approved by the Commission, to existing farm and residential properties which depend on tank or dam water for domestic and stock purposes provided that

such farms and residential properties are within 2 kilometres of the site of the proposed development or at such other distance as determined by the Commission, to prevent the concentration of fluoride in these water supplies exceeding:–

- (a) in the case of water for human consumption 1.0 mg/litre;
- (b) in the case of water for stock, crop and other domestic uses, a level prescribed by the New South Wales Department of Agriculture;

Stand-by measures	16.	that the applicant shall, in accordance with the requirements of the Commission:– (a) install adequate stand-by emission collection and treatment facilities to meet possible machine or plant failure; (b) ensure that the facilities are in good working order and condition at all times; and (c) ensure that the bakehouse and potline dry scrubbing systems have adequate stand-by equipment for all rotating and mechanised devices, such as fans, pumps and feeders; (d) install an additional bakehouse emission scrubber, generally in accordance with the 1990 smelter expansion EIS.
Stacks	17.	that the applicant shall comply with the requirements of the Commission and the Department regarding stacks associated with the plant and the height of stacks;
Flora and Fauna Monitoring Plan	18.	The Applicant shall prepare and implement, a revised Flora and Fauna Monitoring Plan for the site in consultation with the DECCW to the satisfaction of the Director-General. This Plan must: a) be submitted to the Director-General for approval within 12 months of the approval of DA 391-80 MOD 4; b) include an ecosystem monitoring program to measure the impacts of fluoride and other contaminants on flora and fauna including farm animals and livestock (if any) within the vicinity of the smelter; and c) include a monitoring program for the effects of fluoride on vegetative communities, with provision to be made for compensatory mechanisms for replanting if mangroves or wetlands are adversely affected.
Fauna	19.	that the applicant shall, within 12 months of the date of this Consent, report to the Director of the National Parks and Wildlife Service on the applicant's programmes designed to protect and preserve koalas and other native fauna inhabiting the area in and around the land the subject of this Consent and shall comply with all requirements of the Director of the National Parks and Wildlife Service for their preservation, protection and relocation;
Nature reserves	20.	that the applicant shall at its own cost comply with the requirements of the Director of National Parks and Wildlife for making good damage to

the existing or proposed nature reserves at Fullerton Cove, Kooragang Island and Hexham Swamp where the damage is found to be attributable to emissions from the smelter and comply with the reasonable requirements of the Commission to mitigate or eliminate the cause of damage;

- | | | |
|---------------------------------|-----|--|
| Financial assistance to Council | 21. | that the applicant shall contribute to the Council towards the costs of the provision of sports and recreational facilities, such amount to be agreed to between the applicant and the Council; |
| Council enquiry costs | 22. | that the applicant shall reimburse the Council for all costs incurred by the Council arising out of the Council's appearing before the Commission of Inquiry; |
| On site car parking | 23. | that the applicant shall, prior to the commencement of the smelter construction, prepare a plan showing the design and layout of the car parking area on the land and shall submit a plan for approval by the Council. All car parking spaces shall be separately accessible, clearly marked, adequately paved and drained and shall comply with the requirements of the Council; |
| On site council facilities | 24. | that the applicant shall provide a satisfactory on-site office for the sole use of Council employees, such office to be supplied with telephone, plan filing facilities, and catalogue sets of approved plans and details. Adequate safety equipment shall be provided for use by Council's employees; |
| Inform council | 25. | that the applicant shall forward to the Council copies of all approvals and requirements of authorities related to the development; |
| Monitoring health | 26. | that the applicant shall prepare and operate a programme designed for monitoring of employee health and medical examination, to the satisfaction of the Health Commission of New South Wales and of the Division of Inspection Services of the Department of Industrial Relations; |
| Energy conservation | 27. | that the applicant shall minimise energy usage and conserve heat and energy such as by the use of thermal energy recovery from the gases evolved during the smelting operation, heat recovery measures in anode baking and, minimisation of heat loss from electrolytic cells where technically and economically practicable in the design and construction of the smelter; |
| Fire | 28. | that the applicant shall comply with all requirements of the Board of Fire Commissioners before construction commences, in relation to on-site and off-site fire fighting facilities. |
| Roads and traffic | 29. | that the applicant shall, prior to commencement of construction of the proposed development, meet the reasonable requirements of: <ul style="list-style-type: none"> (a) the Department of Main Roads and the New South Wales Traffic Authority relating to traffic likely to be generated by construction work; (b) the Council relating to on-site parking and access to the site during |

construction;

- (c) the Council and the Commission regarding construction working hours, noise control, and night work illumination during construction;

Roads and traffic	30.	that the applicant shall bear all the direct costs of upgrading roads and roadworks directly required as a result of the development in accordance with the requirements of the Department of Main Roads and the Council, namely: (a) at the intersection of the Pacific Highway, Old Punt Road, and a new on-site road to be constructed along a disused airfield; (b) at access to the site on Tomago Road.
"Airfield" road	31.	that the applicant shall, prior to commencement of construction of the proposed development, construct an on-site road along the site of the disused airfield from the plant to the intersection of the site with Pacific Highway;
Internal roads	32.	that the applicant shall submit to and obtain the Council's approval to design plans and specifications for all internal roads. Further, the applicant shall before he submits the design plans and specifications obtain the concurrence of the Hunter District Water Board and the Commission to those plans and specifications. The roads related to each stage of the proposed development shall be constructed before commencement of that stage of proposed development commences operations. The road along the disused airfield is to be constructed prior to commencement of construction work on the proposed development (but not including work related to preparation of the site.)
Restriction on trucks – Tomago Road	33.	The Applicant shall ensure that trucks carrying raw and unfinished materials to and from the expanded smelter only use Tomago Road in the event of a road closure or accident on the approved regular transport route (i.e. via Hexham Bridge).
Workforce	34.	Within six months of the date of this consent, submit a programme of workforce development to the satisfaction of the Minister for Industrial Relations for approval. This programme shall include: (a) a training scheme for apprentices per intake, including the number from each trade, starting and completion times, and allocation of apprentices to employers in both the short and long term; (b) training schemes for construction staff, process operators, foremen and supervisors and other employees.
	35.	Employ: (a) persons to provide counselling and other support services to women and to disadvantaged groups employed by the applicant and to assist in fostering community relations between the developer, its staff and the community; and

		(b) a senior environmental officer and sufficient staff to the satisfaction of the Council who will be responsible for environmental monitoring and analysis, pollution control, and environmental studies and research.
Dep. landscaping	36.	Within six months of the date of this consent, cause to be prepared detailed landscaping plans by a qualified landscape architect to the satisfaction of the Department.
Monitoring costs	37.	Bear the costs associated with the establishment and operation of all monitoring programmes referred to in these conditions, the analysis of data, recording results and providing information required to all relevant authorities including any monitoring committee that may be established and in the event of a monitoring committee being established, make a final contribution towards the cost of establishing and operating that committee, the amount to be agreed with the Department.
	38.	[DELETED]
Landholder's information service	39.	Establish an information and advice service for landholders within 4 km of the proposed development to advise them of any precautions necessary to preserve the health of their plants and stock, together with an educational programme to keep landowners informed of likely problems in growing and using sensitive crops, or grazing susceptible animals.
	40.	[DELETED]
Shift times	41.	Negotiate with the relevant trade unions on shift starting and ending times, with the object of minimising: (a) noise generated during nightshift changeover in the late night/early morning; (b) road traffic congestion during morning and afternoon peaks; (c) the conflict of shift change time with other major industry in Newcastle and Port Stephens Local Government areas, if feasible.
Housing construction workforce	42.	Ensure that adequate accommodation is available for the construction workforce during the course of construction of the proposed development. In this regard, the developer shall: (a) liaise with caravan park owners, mobile home-site owners and others concerned with the provision of housing, both temporary and permanent, in the sub-region; (b) negotiate with owners of local caravan parks and assist with provision of additional caravan sites; (c) negotiate with developers and assist in providing mobile homes in the Fern Bay area; (d) negotiate with property and housing developers to provide

additional housing stock;

- (e) on the 1st day of June and December each year until the completion of the proposed development, report to the Department of Environment and Planning and Port Stephens Shire Council on availability of accommodation;
- (f) comply with the reasonable requirements of the Council and the Department relating to construction of workforce accommodation.

43. Obtain any necessary approval of the Height of Buildings Committee.

44. Any disputes arising between any of the parties in respect of the above conditions, including a conflict arising between the conditions of this consent and the conditions attached to the consent for the smelter expansion, shall be referred to the Minister for Planning for resolution.

45. This approval does not relieve the applicant of the obligation to obtain any other approval required under the Local Government Act, 1919, (as amended) the Ordinances (including approval of building plans) or any other Act.

(File: 80/10069)

46. The Applicant upon receipt of a request from an owner of land within the buffer area described in this condition to purchase that land shall:

- (a) take all reasonable steps to acquire the property; and
- (b) subject to agreement on the purchase price, acquire such property,

for the purpose of establishing an expanded buffer area around the smelter within the boundaries as shown on Map "1" attached to these conditions, except for

- (c) land zoned "general industrial" under the Port Stephens Local Environmental Plan - Shire of Port Stephens, unless the lands are subject to non-conforming uses;
- (cc) land zoned "general industrial" under the Port Stephens Local Environmental Plan - Shire of Port Stephens, subject to non-conforming uses where the Applicant was the registered proprietor at any time since 1 January 1980;
- (d) lands zoned "Special Uses";
- (e) land which is in ownership of the State Government, a State authority or instrumentality at the date of this consent, land which subsequently comes into such ownership and the Hunter River; and
- (f) the Caravan Park situated on the southern side of Tomago Road.

If agreement cannot be reached regarding the acquisition price, then

the land owner may refer the matter to the Secretary of the Department of Planning for determination by an independent panel.

Upon receipt of the matter, the Secretary shall arrange for the constitution of a panel to determine the acquisition price. The panel shall consist of:

- (g) The Director of Planning or her nominee;
- (h) The President of the Law Society of New South Wales or his nominee;
- (i) The President of the NSW Division of the Australian Institute of Valuers and Land Managers (Inc), or his nominee.

In determining the acquisition price, the panel shall have regard to –

- (j) The current market value of the property at the date on which the matter is referred to the panel but on the basis that the more valuable of either the use of the property as conducted at 6 March, 1981, or the use as at the date of this amendment, had continued.
- (k) The cost to the land owner of disturbance and relocation if the land owner elects to relocate his existing activity, PROVIDED THAT for the purpose of assessing this cost, the land owner will be deemed to be relocating within the sub-region known as the Lower Hunter.
- (l) Following the determination by the Panel the Applicant shall offer to purchase the relevant property at a price not less than that determined by a majority of the panel.
- (m) The Applicant shall meet the costs of providing the panel and any costs associated therewith unless otherwise determined by the panel.
- (n) In the event that the landowner does not accept within 12 months the offer of the Applicant, then the Applicant's obligations under this clause shall lapse. Non-acceptance or refusal by the landowner shall not prejudice any rights under condition number 47.

Nothing in this clause shall remove, limit or prejudice the rights of any owner of land within the buffer zone existing prior to the date of this amendment.

Pending acquisition of all properties included in the proposed expanded buffer area the Applicant shall provide on January each year until 1994 a report to the Department of Planning indicating the progress of acquisition, and upon request thereafter.

47. The Applicant shall expeditiously seek to reach agreement, in the event of claims for compensation or requests for acquisition of property being received by the Applicant from land owners or

occupiers of land within 4 kilometres of the site, claiming that their property is affected by emissions from the development. If agreement cannot be reached, the claim or request may be referred to the Secretary of the Department of Planning for determination by an independent panel.

Upon receipt of the matter, the Secretary shall arrange for the constitution of a panel to determine the claim or request. The panel shall consist of:

- (a) The Director of Planning or her nominee;
- (b) The President of the Law Society of New South Wales or his nominee;
- (c) The President of the NSW Division of the Australian Institute of Valuers and Land Managers (Inc), or his nominee.

The panel shall determine:—

- (d) Whether the claimant has a claim resulting from emissions from the proposed development;
- (e) If so, whether the claim can be settled by payment of compensation without acquisition of the claimant's property;
- (f) If so, the amount of such compensation; or
- (g) If the claim cannot be settled by compensation, the acquisition price for the property; and
- (h) The costs, if any, to be awarded to the claimant in respect of expenses for legal advice and representation and expert witnesses.
- (i) In the case of any publicly owned lands within 4 kilometres of the site the panel shall consider whether a claim can be settled by the provision of an equivalent replacement habitat which is not environmentally affected by the smelter operation.

In determining the price for acquisition referred to above, if the panel decides that acquisition is warranted, the panel shall have regard to:—

- (j) The market value of the claimant's land unaffected by the Tomago Aluminium Smelter and having regard to the existing use of the land;
- (k) The length of time which has elapsed since the granting of development approval and completion of the development, if relevant; and
- (l) The cost to the claimant of disturbance and relocation if the claimant elects to relocate his existing activity, PROVIDED THAT for the purpose of assessing this cost, the claimant will be deemed to be relocating within the sub-region known as the Lower Hunter.

The decision of the panel shall be binding on the Applicant.

The Applicant will meet the costs of providing the panel and any costs

associated therewith.

48. Until the proposed modification is fully implemented, the Applicant shall submit an Annual Progress Report on the proposed expansion program to the Director and the EPA. This report must:
 - (a) Describe the status of the implementation of the expansion program;
 - (b) Assess the environmental impacts of the expansion against the goals identified in the SEE for the proposed expansion; and
 - (c) Outline the proposed program for the implementation of the remainder of the expansion.
49. The Applicant shall:
 - (a) Install continuous real time monitoring of gaseous fluoride emissions from the roof vents in each potline; and
 - (b) Maintain and operate an ambient air quality monitoring network, including sulphur dioxide monitoring in the vicinity of the smelter, to the satisfaction of the EPA.
50. The Applicant shall prepare and implement, an Air Quality Monitoring Program for the development to the satisfaction of the Director-General. This program must:
 - a) be prepared in consultation with DECCW;
 - b) be submitted to the Director-General for approval by 1 May 2010;
 - c) include:
 - i. three additional SO₂ monitoring sites; ensuring sufficient monitoring points around “the Farm” precinct;
 - ii. mapping of all monitoring points;
 - iii. a description of the monitoring to be undertaken including pollutants, units of measure, frequency and sampling method;
 - iv. a program to monitor and report on the ongoing performance of the development; and
 - v. a description of the contingency measures that would be implemented should the monitoring identify any non-compliances/exceedances.
- 50A. The Applicant shall prepare and submit an Air Quality Verification Report to the satisfaction of the Director-General and the DECCW by 30 May 2013 or once the facility is operational at full capacity, whichever comes sooner. The Air Quality Verification Report shall include:
 - a) a validation of the predictions made in the SEE titled “Production Capacity Increase Statement of Environmental Effects Tomago Aluminium Smelter”, prepared by ENSR Australia Pty Ltd, dated May 2009;
 - b) monitoring data required by the EPL;
 - c) comparison of monitoring results with any limits or conditions in the EPL; and if necessary
 - d) additional measures that would be implemented to comply with the requirements of the EPL.
- Noise 51. The Applicant shall ensure that the noise from the operation of the development does not exceed any noise limits specified in the EPL for the facility.

Noise
Auditing and
Reporting

52. The Applicant must undertake pre and post modification noise audits to ensure the expansion does not increase noise emissions from the transformers. The auditing must be undertaken by a suitably qualified and experienced person whose appointment has been endorsed by the Director-General, and include:
- a) a pre modification noise audit and report which must:
 - i. be provided to DECCW and the Department and approved by the Director-General prior to the commencement of the expansion;
 - ii. be undertaken during a period when the facility is operating under normal operating conditions;
 - iii. identify the existing noise levels produced by the transformers; and
 - iv. report any noise complaints received in the last 12 months.
 - b) a post modification noise audit and report which must:
 - i. be provided to DECCW and the Department and approved by the Director-General;
 - ii. be undertaken within 5 years of the date of this modification approval or once the facility is operational at full capacity, whichever comes sooner;
 - iii. identify the noise levels produced by the transformer;
 - iv. compare the transformer noise levels with the levels identified in the pre modification noise audit in a) above;
 - v. report any noise complaints received since undertaking the previous noise audit;
 - vi. assess whether any noise management or mitigation measures are required;
 - vii. describe any measures proposed to be implemented, including a timetable for the implementation; and
 - viii. detail how the effectiveness of these measures would be assessed and reported.
53. In consultation with the NPWS, the Applicant shall assist in the development of, and participate in, a periodic monitoring program targeting specific areas/species within Kooragang Island Nature Reserve.
54. The Applicant shall obtain a Section 50 certificate under the *Hunter Water Act 1991* for any increases in potable water demand associated with the proposed expansion.
55. At least 1 month before commencing the construction of any component of the modification, or within such further period as the Director may agree, the Applicant shall submit the following studies to the Director for approval:
- a) A Fire Safety Study covering all aspects detailed in the Department's *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The Study shall focus on the alterations to the existing development, which are the subject of this modification. The Applicant shall also submit the Study for the approval of the NSW Fire Brigades.
 - b) A Construction Safety Study prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 -*

Construction Safety Study Guidelines. The Study shall detail specific measures to address hazards associated with construction activities on an operating development. The Applicant may seek the Director's approval to stage submission of the Study, consistent with staging of construction.

Construction shall not commence until the Director has approved both studies, and the Commissioner of the NSW Fire Brigades has approved the Fire Safety Study.

56. Within 12 months of commencing the construction of any component of the modification, or within such further period as the Director may agree, the Applicant shall submit the following studies to the Director for approval:
 - a) An Updated Emergency Plan and detailed emergency procedures for the site, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. The Plan shall be an update of the existing emergency plan for the site.
 - b) A Safety Management System, covering all operations on-site and associated transport activities involving hazardous materials. The System shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for adherence to procedures and managing change. Records shall be kept on site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be an update of the existing system for the site and be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.
57. Within 24 hours of any incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Director outlining the basic facts. A further detailed report shall be prepared and submitted following investigations into the causes and identification of additional preventative measures. That report must be submitted to the Director no later than 14 days after the incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the Director.
58. Within 12 months of the approval of DA 391-80 MOD 4, and then as directed by the Director-General, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
 - b) include a Hazard Audit in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines*. The audit shall include a review of the Safety Management System and of all incidents recorded and be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, justification must be included;
 - c) assess the environmental performance of the development, and its

- effects on the surrounding environment and sensitive receivers;
 - d) assess whether the development is complying with the conditions, relevant standards, performance measures, and statutory requirements;
 - e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
 - f) recommend measures or actions to improve the environmental performance of the development, and/or any strategy/plan/program required under this approval.
59. Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.
60. Within 3 months of submitting an audit report to the Director-General, the Applicant shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Director-General.

Signed at Sydney this sixth
day of March, 1981.

ERIC BEDFORD
Minister for Planning
and Environment

Red type represents 14 February 1995 modification
Blue type represents 23 August 2001 modification
Orange type represents 7 December 2009 modification
Purple type represents 12 October 2015 modification
Gray type represents 9 November 2016 modification
Green type represents 23 October 2020 modification

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION PURSUANT TO SECTION 101

I, the Minister for Planning, pursuant to Section 101 of the Environmental Planning and Assessment Act 1979 ("the Act"), determine the development application for the expansion of the Tomago Aluminium Smelter ("the smelter expansion") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in the attached Schedule 2.

The reasons for the imposition of the conditions are:

- i) to protect the environment and minimise the adverse impact the development may cause through noise, traffic generation, and air and water pollution;
- ii) to provide for environmental monitoring and reporting;
- iii) to provide for an expanded buffer zone, and
- iv) to provide consistency between the instruments of approval covering the existing aluminium smelter and the smelter expansion, the subject of this application.

DAVID HAY
Minister for Local Government and
Minister for Planning

Sydney, 11th January, 1991

Schedule 1

APPLICATION MADE BY:	Mr W Brooks on behalf of Tomago Aluminium Company Pty Limited.
TO:	Port Stephens Shire Council.
IN RESPECT OF:	Expansion of the Tomago Aluminium Smelter on land described below.

FOR THE CARRYING OUT OF: Construction and operation of a third potline containing 280 pots, an additional anode baking furnace and paste plant, extension of the two existing potlines each from 240 to 280 pots and all necessary support facilities and buildings on the properties listed below on the schedule of properties and being described in the Environmental Impact Statement, and the Appendices to the Environmental Impact Statement dated July, 1990 prepared by Crooks Michell Peacock Stewart Pty Limited accompanying the Development Application.

SCHEDULE OF
PROPERTIES

35 Tomago Road, TOMAGO.
Lot 16 DP 258020

45 Tomago Road, TOMAGO.
Lot 15 DP 258020

Land to the north of numbers 35 and 45 Tomago Road being part of portion 6, Parish of Stockton and being the remainder of the land in Certificate of Title Volume 6352 Folio 184 after the excision of land for the Old Punt Road deviation.

36 Tomago Road, TOMAGO
Lot 100 DP 604166
and located on the south side of Tomago Road.

50, 52 and 76 Tomago Road, TOMAGO, located on the south side of Tomago Road.

Lots in DP 258020 and more particularly:
Lot 12, Lot 13 and Lot 14.

35 School Drive, TOMAGO
Lot 70 DP 634535

13 McIntyre Road, TOMAGO
Lot 3232 DP 618103

21a Tomago Road, TOMAGO
Lot 301 DP 634536

43 School Drive, TOMAGO
Lot 3 DP 38904

NOTES:

- (1) To ascertain the date on which this consent becomes effective refer to section 101(9) of the Act.
- (2) To ascertain the date upon which this consent is liable to lapse, refer to section 99 of the Act.

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT TOMAGO ALUMINIUM SMELTER EXPANSION DA 4908/90 DATED 2 AUGUST 1990 SUBMITTED TO PORT STEPHENS SHIRE COUNCIL

Section 91(3)(b)

1. The Applicant (Tomago Aluminium Company Pty Limited) shall arrange, prior to submitting a Building Application for the smelter expansion to Port Stephens Shire Council, for the completion and lodgement of the attached Form 5 of the Environmental Planning and Assessment Regulation, 1980, in respect of the modifications set out in Schedule 3 to this consent.

General

2. The Applicant shall carry out the expansion of the Tomago Aluminium Smelter generally in accordance with the Environmental Impact Statement (EIS) and Appendices, dated July 1990, prepared by Crooks Mitchell Peacock Stewart Pty Limited and certified by James J. Varjavandi on 27 July 1990; as modified by the Statement of Environmental Effects (SEE) titled Modification of Development Consent for the proposed Production Capacity Increase at Tomago Aluminium Smelter, dated April 2001; as modified by the Statement of Environmental Effects entitled "Production Capacity Increase Statement of Environmental Effects Tomago Aluminium Smelter", prepared by ENSR Australia Pty Ltd, dated May 2009; as modified by the project proposal titled *Tomago Aluminium Company Pty Ltd Production Capacity Increase 575,000 to 585,000 Tonnes Saleable Production*, and as may be modified by the project proposal titled *Tomago Aluminium Company Pty Ltd Production Capacity Increase 585,000 to 600,000 Tonnes Saleable Production*, and as may be modified by the following conditions.

Statutory Requirements

3. The Applicant shall meet the requirements of all public authorities having statutory responsibilities in respect of the proposed development and shall negotiate with all relevant authorities with a view to meeting their reasonable requirements.

Requirements of the State Pollution Control Commission

4. The Applicant shall obtain from the State Pollution Control Commission ("the Commission") all statutory approvals required under the Clean Air, Clean Waters, Noise Control, and Environmentally Hazardous Chemicals Acts.

In the event of emissions exceeding the approved levels, or in the event that there are adverse effects on the environment beyond those anticipated at the time of approval and which can be reasonably attributed to emissions from the smelter expansion, the Applicant shall comply with the conditions, directions or notice issued under the foregoing Acts aimed at achieving the approved levels of emissions or at mitigating or eliminating the adverse effects.

5. The Applicant at its own expense shall expand, including, if so required, the establishment of additional monitoring stations, and operate the existing monitoring programs for ambient air and water quality and noise pollution in accordance with any

reasonable requirements of the Commission, whether these monitoring programs are carried out by the Applicant, the Commission or an agent of the Commission. Further, the information collected and recorded at the monitoring stations shall be forwarded to the Commission at such intervals as required by the Commission.

Water Management Plan

6. The Applicant shall prepare and implement, an updated Water Management Plan for the development to the satisfaction of the Director-General. This plan must:
 - a) be prepared in consultation with DECCW and Hunter Water;
 - b) be submitted to the Director-General for approval within 12 months of the approval of DA 4908-90 MOD 3;
 - c) include a detailed water balance for the development;
 - d) describe the developments water management system in detail, including:
 - i. the measures that would be implemented to improve water efficiency on site, and reduce the use of potable water;
 - ii. the stormwater management system on site;
 - iii. the treatment and control of wastewater; and
 - iv. the irrigation of effluent to the irrigation area and the management of soil and groundwater in this area.
 - e) include a description of:
 - i. the relevant statutory requirements; and
 - ii. the measures that would be used to judge the performance of the water management system, and trigger the implementation of any contingency plans.
 - f) include a comprehensive program to monitor and report:
 - i. the water efficiency of the development;
 - ii. the effectiveness of the stormwater management system;
 - iii. the volume of effluent discharged and irrigated on site;
 - iv. the quality of the effluent discharged from the site;
 - v. the effects of the effluent discharges on the ecology of the Hunter River;
 - vi. the effects of the irrigation scheme on the irrigation areas; and
 - vii. on groundwater quality, including the Tomago Sandbeds Water Supply Works.
 - g) identify the contingency measures that would be implemented should the impacts of the development approach or exceed the relevant standards or performance measures referred to in f) above;
 - h) include a protocol for managing and reporting incidents and complaints; and
 - i) include a protocol for periodic review of the plan.
7. The Applicant at its own expense shall complete, prior to the commencement of the expanded smelter operations forming part of the development, all drainage, paving, materials handling and storage systems and the effluent treatment plant with ancillary liquid effluent disposal systems, in accordance with the requirements of the Commission and the Hunter Water Board ("the Board").

Waste Management Plan

8. The Applicant shall prepare and implement, a Waste Management Plan for the site in consultation with DECCW and to the satisfaction of the Director-General. This plan must:
 - a) be submitted to the Director-General for approval within 12 months of the approval of DA 4908-90 MOD 3;

- b) characterise all waste imported, exported and re-used on site according to the current waste classification guidelines, and include procedures for classifying each of the waste materials;
 - c) include details of the quantities and destinations of all waste materials;
 - d) describe the measures in place to minimise and manage waste;
 - e) describe a system for the treatment of spent pot linings and provide an approximate timeline for the treatment of stockpiled material;
 - f) describe the options available to further reduce and reuse waste;
 - g) ensure that all waste materials are sent to sites that can lawfully accept waste; and
 - h) describe the waste monitoring program, detail the results of this monitoring and prepare a monitoring and reporting program.
9. The Applicant at its own expense shall install, and maintain in good working order, in accordance with the requirements of the Commission, adequate stand-by emission collection and treatment facilities to meet possible machine or plant failure for the expansion, including failure involving potlines and carbon bake furnaces.

Requirements of the Hunter Water Board

10. The Applicant at its own expense shall establish and operate revised monitoring systems as may be required by the Board.
- (a) On the land the subject of the application and on any of the Board's lands, at Grahamstown, ~~Nelson Bay Anna Bay~~ and Tomago, which constitute part of the Board's catchment areas, for the purposes of providing information on the changes in fluoride concentration and determining, from time to time, the level of fluoride concentration therein in groundwater, surface water, rainwater, and in fauna and flora in those catchment areas; and
 - (b) At or adjacent to the liquid effluent disposal area on the land for the purposes of checking the level of chemical or bacteriological contamination reaching groundwater and on the movement of the infiltration effluent relative to local groundwater flow.
11. The Applicant shall continue the monitoring and reporting program as currently agreed with the Board and the Commission, in the vicinity of the smelter expansion and shall only vary the program if agreed by these two authorities.
12. The Applicant shall immediately inform the Board of any action or occurrence on the site which may affect the Board's water supply. Further, the Applicant shall, in order to remedy any defect arising out of the action or occurrence, comply forthwith with the requirements of the Board.
13. The Applicant shall, in the event of any deleterious effect to the Board's water supply which effect can be attributed to the expanded smelter operations, re-examine the water management scheme and shall make such adjustments to that scheme as may be required by the Commission and the Board.
- Further, the Applicant shall bear any costs incurred by the Board to remedy the defect in the water supply.
14. The Applicant shall install additional monitoring bores in the vicinity of the proposed stormwater surge basin (shown on Figure 5.1 of the 1990 EIS as a stormwater retention pond to the north of the new potline and located within the gazetted

catchment area), test samples from these bores every month or as agreed, and supply the results to the Board and Commission. If the results are not satisfactory to the Board, the Applicant shall take remedial action as agreed by the Board.

15. The Applicant shall ensure that the storage areas for spent pot linings are secure and do not allow contaminants to reach groundwater. If such contamination is detected, the Applicant shall immediately remove the spent pot linings to a secure location and satisfactorily remove the contamination.
16. The Applicant shall install additional monitoring points, as required by the Board, if contamination becomes evident within the catchment area.
17. The Applicant shall, as required by the Board, replace any existing sampling points affected by the smelter expansion to an agreed location nearby, and establish an adequate correlation of results by taking samples from the original and the relocated sampling points.
18. The Applicant shall, prior to the commencement of the expanded smelter operations, complete the integration of both the construction and the start-up phases to ensure that all pollution control measures meet the requirements of the Commission and the Board.
19. The Applicant shall, prior to the commencement of the expanded smelter operations, provide for the safe storage or disposal of all waste materials from the site, including combustible, solid and hazardous wastes, waste oils and effluent wastes, in accordance with the requirements of the Commission, the Council and the Board. Further, the applicant shall:
 - a) ensure that all storage for spent pot linings and other hazardous wastes associated with the smelter expansion, in addition to being roofed, shall be 'hard sealed', concreted, kerbed and guttered in order to prevent ingress of rainwater, and shall comply with the requirements of the Commission; and
 - b) ensure, in accordance with the requirements of the Commission, the Board and the Council, that there is control of pollution from human wastes, oils and other waste materials produced during construction of the proposed smelter expansion.
20. [DELETED]
21. The Applicant shall excavate and revegetate the proposed borrow areas for construction fill material in accordance with the Board's requirements, and shall enter into an agreement with the Board before commencing clearing and excavation on the borrow areas.
22. The Applicant shall restrict excavation to a depth which is at least 1 metre above the highest groundwater level. This minimum distance of 1 metre is not to be reduced unless agreed by the Board.
23. The Applicant shall remove and store the topsoil and vegetation for use in restoration of borrow areas.
24. The Applicant shall restore the cleared and excavated areas with local endemic species to a standard nominated by the Board, which shall be not less than that adopted by the Board for mineral sands mining activities. Respreading of topsoil and revegetation shall as far as possible be completed progressively after excavation.

25. The Applicant shall take all reasonable steps to ensure there is no spillage of contaminated material within the Grahamstown and Tomago catchment areas. The Applicant shall adopt all practical means, including the use of sealed trucks to avoid spillage. Any spillage must be immediately cleaned up to the satisfaction of the Board.
26. The Applicant shall extend the Deed of Indemnity with the Board to include the plant extension.
27. The Applicant shall meet the normal water supply amplification charges imposed by the Board for additional demand placed on the water supply system.
28. The Applicant shall protect the Board's trunk watermain where they are crossed by the proposed construction access road, by means of a bridge or other structure agreed by the Board.

Affected Lands and Residences

29. The Applicant shall, in accordance with the requirements of the Commission, provide filtering and purifying systems or such other alternatives, such as reticulated water, as approved by the Commission, to existing farm and residential properties which depend on tank or dam water for domestic and stock purposes, provided that such farms and residential properties are within 2 kilometres of the site of the development or at such other distance as determined by the Commission, to prevent the concentration of fluoride in these water supplies exceeding:
 - (a) In the case of water for human consumption, 1.0 mg/litre; and
 - (b) In the case of water for stock, crop and other domestic uses, a level prescribed by New South Wales Agriculture and Fisheries.
30. The Applicant upon receipt of a request from an owner of land within the buffer area described in this condition to purchase that land shall:
 - (a) take all reasonable steps to acquire the property; and
 - (b) subject to agreement on the purchase price, acquire such property,for the purpose of establishing an expanded buffer areas around the proposed expanded smelter within the boundaries as shown on Map "1" attached to these conditions, except for
 - (c) land zoned "general industrial" under the Port Stephens Local Environmental Plan - Shire of Port Stephens, unless the lands are subject to non-conforming uses;
 - (cc) land zoned "general industrial" under the Port Stephens Local Environmental Plan - Shire of Port Stephens, subject to non-conforming uses where the Applicant was the registered proprietor at any time since 1 January 1980;
 - (d) lands zoned "Special Uses";
 - (e) land which is in ownership of the State Government, a State authority or instrumentality at the date of this consent, land which subsequently comes into such ownership and the Hunter River; and

- (f) the Caravan Park situated on the southern side of Tomago Road.

If agreement cannot be reached regarding the acquisition price, then the land owner may refer the matter to the Secretary of the Department of Planning for determination by an independent panel.

Upon receipt of the matter, the Secretary shall arrange for the constitution of a panel to determine the acquisition price. The panel shall consist of:

- (g) The Director of Planning or her nominee;
- (h) The President of the Law Society of New South Wales or his nominee;
- (i) The President of the NSW Division of the Australian Institute of Valuers and Land Managers (Inc), or his nominee.

In determining the acquisition price, the panel shall have regard to –

- (j) The current market value of the property at the date on which the matter is referred to the panel but on the basis that the more valuable of either the use of the property as conducted at 6 March, 1981, or the use as at the date of this consent, had continued.
- (k) The cost to the land owner of disturbance and relocation if the land owner elects to relocate his existing activity, PROVIDED THAT for the purpose of assessing this cost, the land owner will be deemed to be relocating within the sub-region known as the Lower Hunter.
- (l) Following the determination by the Panel the Applicant shall offer to purchase the relevant property at a price not less than that determined by a majority of the panel.
- (m) The Applicant shall meet the costs of providing the panel and any costs associated therewith unless otherwise determined by the panel.
- (n) In the event that the landowner does not accept within 12 months the offer of the Applicant, then the Applicant's obligations under this clause shall lapse. Non-acceptance or refusal by the landowner shall not prejudice any rights under condition number 31.

Nothing in this clause shall remove, limit or prejudice the rights of any owner of land within the buffer zone existing prior to the date of this consent.

Pending acquisition of all properties included in the proposed expanded buffer area the Applicant shall provide on January each year until 1994 a report to the Department of Planning indicating the progress of acquisition, and upon request thereafter.

31. The Applicant shall expeditiously seek to reach agreement, in the event of claims for compensation or requests for acquisition of property being received by the Applicant from land owners or occupiers of land within 4 kilometres of the site, claiming that their property is affected by emissions from the development. If agreement cannot be reached, the claim or request may be referred to the Secretary of the Department of Planning for determination by an independent panel.

Upon receipt of the matter, the Secretary shall arrange for the constitution of a panel to determine the claim or request. The panel shall consist of:

- (a) The Director of Planning or her nominee;
- (b) The President of the Law Society of New South Wales or his nominee;
- (c) The President of the NSW Division of the Australian Institute of Valuers and Land Managers (Inc), or his nominee.

The panel shall determine:–

- (d) Whether the claimant has a claim resulting from emissions from the proposed development;
- (e) If so, whether the claim can be settled by payment of compensation without acquisition of the claimant's property;
- (f) If so, the amount of such compensation; or
- (g) If the claim cannot be settled by compensation, the acquisition price for the property; and
- (h) The costs, if any, to be awarded to the claimant in respect of expenses for legal advice and representation and expert witnesses.
- (i) In the case of any publicly owned lands within 4 kilometres of the site the panel shall consider whether a claim can be settled by the provision of an equivalent replacement habitat which is not environmentally affected by the smelter operation.

In determining the price for acquisition referred to above, if the panel decides that acquisition is warranted, the panel shall have regard to:–

- (j) The market value of the claimant's land unaffected by the Tomago Aluminium Smelter and having regard to the existing use of the land;
- (k) The length of time which has elapsed since the granting of development approval and completion of the development, if relevant; and
- (l) The cost to the claimant of disturbance and relocation if the claimant elects to relocate his existing activity, PROVIDED THAT for the purpose of assessing this cost, the claimant will be deemed to be relocating within the sub-region known as the Lower Hunter.

The decision of the panel shall be binding on the Applicant.

The Applicant will meet the costs of providing the panel and any costs associated therewith.

Upgrading Roads and Provision of Facilities

32. The Applicant shall comply with its undertaking to the Port Stephens Shire Council regarding:

- (a) the upgrading of approximately 1.7 kilometres of Tomago Road from the Smelter to the Pacific Highway; and
 - (b) the costs of providing sports, recreational community facilities,
- in accordance with the exchange of correspondence between the Applicant and the Council dated 27 November, 1990 and 5 December, 1990, respectively.
33. The Applicant shall meet the costs of those improvements made necessary by the proposed development to the following intersections, as agreed with the Roads and Traffic Authority:
- (i) SH10 and Old Punt Road,
 - (ii) Old Punt Road and Airstrip Road; and
 - (iii) Tomago Road and McIntyre Road.
34. All designs and specifications associated with improvement work shall be submitted to Council's Local Traffic Committee for its concurrence prior to the commencement of work.

Transport

35. Construction traffic at the eastern boundary of the development shall only use the existing service road from the Industrial Estate. Access is denied directly to MR302, even on a temporary basis.
36. The Applicant shall ensure that trucks carrying raw and unfinished materials to and from the expanded smelter only use Tomago Road in the event of a road closure or accident on the approved regular transport route (i.e. via Hexham Bridge).

Safety Studies and Hazard Management

37. Not less than one month prior to the commencement of construction of the proposed development, except for preliminary works that will not be affected by study results, or within such further period as the Director of Planning or her nominee ("the Director") may agree, the Applicant shall prepare and submit for the approval of the Director the following studies:

(Construction Safety Study)

- (i) Comprehensive organisational and operational safety procedures proposed to be implemented on the development site during the construction period for the proposed development. This report should cover, inter alia, any demolition and the commissioning of plant. Further, the Applicant shall comply with the reasonable requirements of the Director in respect of the implementation of any measures, arising from the subject approval, during the construction period.

(Hazard and Operability Study)

- (ii) A Hazard and Operability Study (HAZOP) for the proposed development to be carried out at the Applicant's expense and conducted by an independent qualified person approved by the Director.

(Final Hazard Analysis)

- (iii) A hazard analysis and risk assessment of the detailed design layout of the proposed development as well as the existing development to be prepared at the Applicant's expense. Measures to reduce the quantities of chlorine used and stored shall be considered. Alternatives to air tempered LPG shall be considered for backup fuel.

(Fire Safety Study)

- (iv) A fire safety study for the proposed development as well as the existing development. This study shall cover all aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No. 2 Fire Safety Study Guidelines. This study shall also be submitted for the approval of the New South Wales Fire Brigades.

Emergency Plan

- 38. Not less than two months prior to the commencement of operation of the proposed development, or within such further period as the Director may agree, the Applicant shall prepare and submit for the approval of the Director a comprehensive emergency plan and detailed emergency procedures for the proposed development as well as the Applicant's existing currently approved development.

This plan should include detailed procedures for the safety of people in areas outside the development and potentially affected by the development. The plan should be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1 Industry Emergency Planning Guidelines.

Hazard Audit

- 39. Within 12 months of the approval of DA 4908-90 MOD 3, and then as directed by the Director-General, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:
 - a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
 - b) include a Hazard Audit in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines. The audit shall include a review of the Safety Management System and of all incidents recorded and be accompanied by a program for the implementation of all recommendations made in the audit report. If the Applicant intends to defer the implementation of a recommendation, justification must be included;
 - c) assess the environmental performance of the development, and its effects on the surrounding environment and sensitive receivers;
 - d) assess whether the development is complying with the conditions, relevant standards, performance measures, and statutory requirements;
 - e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
 - f) recommend measures or actions to improve the environmental performance of the development, and/or any strategy/plan/program required under this approval.
- 39A. Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.

- 39B. Within 3 months of submitting an audit report to the Director-General, the Applicant shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Director-General.

Compliance with Safety Studies and Hazard Management Requirements

40. The Applicant at its own expense shall comply with all the reasonable requirements of the Director in respect of the implementation of any measures arising from the approvals given in respect of conditions 37 to 39 above, within such time as the Director may agree. Such compliance, where applicable, shall be prior to the commencement of operations of the proposed development and shall bring to the Director's notice those matters which the Applicant considers may require further investigation. Further, that upon the receipt of the Director's reasonable instructions, the Applicant shall proceed to implement those instructions to the satisfaction of the Director within such time as the Director may approve.

Landscaping and Carparking

41. Prior to lodging a building application, the Applicant shall cause to be prepared detailed landscaping plans by a qualified landscape architect to the satisfaction of Council. The landscaping shall provide as far as reasonably practicable, a barrier of suitable fast growing, fluoride resistant trees, with a view to minimising impact, particularly from airborne fluoride emissions, on the Botanic Gardens.
42. The Applicant shall, prior to the commencement of the development prepare a plan showing the design and layout of the car parking area on the land and shall submit a plan for approval by the Council. All car parking spaces shall be separately accessible, clearly marked, adequately paved and drained and shall comply with the requirements of the Council.

Requirements of the National Parks and Wildlife Service

43. Should evidence of Aboriginal occupation be uncovered during excavation and construction, the Applicant shall cease work in the area concerned and inform the National Parks and Wildlife Service (NPWS) immediately and take action in accordance with the requirements of the NPWS.
44. The Applicant at its own expense shall comply with the requirements of the Director of National Parks and Wildlife for making good damage to the Kooragang Nature Reserve and Hexham Swamp Nature Reserve where the damage is found to be attributable to emissions from the expanded smelter and comply with the reasonable requirements of the Commission to mitigate or eliminate the cause of damage.
45. [DELETED]

Hunter Region Botanic Gardens Ltd

46. The Applicant shall establish a fluoride monitoring system within the Gardens and the results obtained shall be made available to the Chairman of the Gardens or his representative.

Energy Conservation

47. The applicant in respect of the development shall minimise energy usage and conserve heat and energy, such as by the use of thermal energy recovery from the

gases evolved during the smelting operation, heat recovery measures in anode baking, and minimisation of heat loss from electrolytic cells, where technically and economically practicable, in the design and construction of the smelter expansion.

Environmental Monitoring and Reporting

48. The Applicant shall ensure that, unless already included in the environmental monitoring program required under condition number 5, the following requirements are met to the satisfaction of NSW Agriculture and Fisheries, the Commission, the Board, NPWS, and the Director:
- (a) Monitoring of stormwater discharge from the Applicant's property to establish levels of possible pollutants, including fluoride, heavy metals and cyanide, discharged to the Hunter River, to be undertaken at a point or points to be selected and agreed upon by the Applicant and the authorities referred to above.
 - (b) A bio-accumulation and sediment monitoring program for fluoride and other relevant substances be established at the nearest feasible location or locations downstream from the point where the stormwater discharge enters the Hunter River with the experimental design being developed in consultation with NSW Agriculture and Fisheries.

Flora and Fauna Monitoring Plan

- c) The Applicant shall prepare and implement, a revised Flora and Fauna Monitoring Plan for the site in consultation with the DECCW to the satisfaction of the Director-General. This Plan must:
 - i. be submitted to the Director-General for approval within 12 months of the approval of DA 4908-90 MOD 3;
 - ii. include an ecosystem monitoring program to measure the impacts of fluoride and other contaminants on flora and fauna including farm animals and livestock (If any) within the vicinity of the smelter; and
 - iii. include a monitoring program for the effects of fluoride on vegetative communities, with provision to be made for compensatory mechanisms for replanting if mangroves or wetlands are adversely affected.
49. The Applicant shall expand and operate the existing programme designed for monitoring of employee health and medical examination, to include the additional employees in positions created by the smelter expansion, to the satisfaction of the Health Department of New South Wales.
50. The Applicant shall provide to the Department of Planning, NSW Agriculture and Fisheries, the Commission, the Board, NPWS, and the Council the results and analyses of environmental monitoring undertaken in pursuance of the provisions of conditions number 5 and 48. Such results and analyses shall be provided on a quarterly basis, for review by the responsible government bodies in order to identify any areas of non-compliance so that the necessary remedial action can be instituted. The Applicant shall agree to Council making the reports available on request for public inspection.
51. The Applicant shall bear the costs associated with the establishment and operation of all monitoring programmes referred to in these conditions, the analysis of data, recording results and providing information required to all relevant authorities.

Annual Report

52. The Applicant shall, within six (6) months of the commencement of construction of the proposed development, ascertain the requirements of the Director in relation to an annual report to be submitted at the Applicant's expense to the Director, the Commission and the Council in respect of the performance of the development. Each report shall be in respect of the calendar year ending 31 December and the first such report shall be submitted by 31 March in the following year. The Applicant shall agree to Council making the reports available on request for public inspection.
53. The annual report shall provide the following information:
- (a) the performance of the development;
 - (b) the stage of implementation reached and the effectiveness of the environmental controls and conditions relating to the development;
 - (c) results of environmental monitoring in respect of air, water and noise pollution and the effects on flora and fauna;
 - (d) production levels for operations undertaken during the preceding 12 months;
 - (e) modifications made or intended to be made to operations, if any, to mitigate any adverse environmental impacts; and to meet the reasonable requirements of the Director, the Commission or the Council.

Informing Council

54. The applicant shall forward to the Council copies of all approvals and requirements of authorities related to the development.

Dispute resolution

55. Any dispute arising between any of the parties in respect of the above conditions, including a conflict between the above conditions and conditions attached to the consent for the original smelter, shall be referred to the Minister for Planning for resolution.
56. Until the proposed modification is fully implemented, the Applicant shall include an Annual Progress Report on the proposed expansion program in the Annual Report (see Condition 52). The Annual Progress Report must:
- (a) Describe the status of the implementation of the expansion program;
 - (b) Assess the environmental impacts of the expansion program against the goals identified in the SEE for the proposed expansion; and
 - (c) Outline the proposed program for the implementation of the remainder of the expansion.
57. The Applicant shall:
- (a) Install continuous real time monitoring of gaseous fluoride emissions from the roof vents in each potline; and
 - (b) Maintain and operate an ambient air quality monitoring network, including sulphur dioxide monitoring in the vicinity of the smelter to the satisfaction of the EPA.
58. The Applicant shall prepare and implement, an Air Quality Monitoring Program for the development to the satisfaction of the Director-General. This program must:

- a) be prepared in consultation with DECCW;
- b) be submitted to the Director-General for approval by 1 May 2010;
- c) include:
 - i. three additional SO₂ monitoring sites; ensuring sufficient monitoring points around “the Farm” precinct;
 - ii. mapping of all monitoring points;
 - iii. a description of the monitoring to be undertaken including pollutants, units of measure, frequency and sampling method;
 - iv. a program to monitor the ongoing performance of the development; and
 - v. a description of the contingency measures that would be implemented should the monitoring identify any non-compliances/exceedances.

58A. The Applicant shall prepare and submit an Air Quality Verification Report to the satisfaction of the Director-General and the DECCW by 30 May 2013 or once the facility is operational at full capacity, whichever comes sooner. The Air Quality Verification Report shall include:

- a) a validation of the predictions made in the SEE titled “Production Capacity Increase Statement of Environmental Effects Tomago Aluminium Smelter”, prepared by ENSR Australia Pty Ltd, dated May 2009;
- b) monitoring data required by the EPL;
- c) comparison of monitoring results with any limits or conditions in the EPL; and if necessary
- d) additional measures that would be implemented to comply with the requirements of the EPL.

Noise

59. The Applicant shall ensure that the noise from the operation of the development does not exceed any noise limits specified in the EPL for the facility.

Noise Auditing and Reporting

60. The Applicant must undertake pre and post modification noise audits to ensure the expansion does not increase noise emissions from the transformers. The auditing must be undertaken by a suitably qualified and experienced person whose appointment has been endorsed by the Director-General, and include:

- a) a pre modification noise audit and report which must:
 - i. be provided to DECCW and the Department and approved by the Director-General prior to the commencement of the expansion;
 - ii. be undertaken during a period when the facility is operating under normal operating conditions;
 - iii. identify the existing noise levels produced by the transformers; and
 - iv. report any noise complaints received in the last 12 months.
- b) a post modification noise audit and report which must:
 - i. be provided to DECCW and the Department and approved by the Director-General;
 - ii. be undertaken within 5 years of the date of this modification approval or once the facility is operational at full capacity, whichever comes sooner;
 - iii. identify the noise levels produced by the transformers;
 - iv. compare the transformer noise levels with the levels identified in the pre modification noise audit in a) above;
 - v. report any noise complaints received since undertaking the previous noise audit;
 - vi. assess whether any noise management or mitigation measures are required;

- vii. describe any measures proposed to be implemented, including a timetable for the implementation; and
- viii. detail how the effectiveness of these measures would be assessed and reported.

61. In consultation with the NPWS, the Applicant shall assist in the development of, and participate in, a periodic monitoring program targeting specific areas/species within Kooragang Island Nature Reserve.
62. The Applicant shall obtain a Section 50 certificate under the *Hunter Water Act 1991* for any increases in potable water demand associated with the proposed expansion.
63. At least 1 month before commencing the construction of any component of the modification, or within such further period as the Director may agree, the Applicant shall submit the following studies to the Director for approval:
 - a) A Fire Safety Study covering all aspects detailed in the Department's *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The Study shall focus on the alterations to the existing development, which are the subject of this modification. The Applicant shall also submit the Study for the approval of the NSW Fire Brigades.
 - b) A Construction Safety Study prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. The Study shall detail specific measures to address hazards associated with construction activities on an operating development. The Applicant may seek the Director's approval to stage submission of the Study, consistent with staging of construction.Construction shall not commence until the Director has approved both studies, and the Commissioner of the NSW Fire Brigades has approved the Fire Safety Study.
64. Within 12 months of commencing the construction of any component of the modification, or within such further period as the Director may agree, the Applicant shall submit the following studies to the Director for approval:
 - a) An Updated Emergency Plan and detailed emergency procedures for the site, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. The Plan shall be an update of the existing emergency plan for the site.
 - b) A Safety Management System, covering all operations on-site and associated transport activities involving hazardous materials. The System shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for adherence to procedures and managing change. Records shall be kept on site and shall be available for inspection by the Director-General upon request. The Safety Management System shall be an update of the existing system for the site and be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.
65. Within 24 hours of any incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Director outlining the basic facts. A further detailed report shall be prepared and submitted following investigations into the causes and identification of additional preventative measures. That report must be submitted to the Director no later than 14 days after the incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the Director.

66. [DELETED]

NOTE:

This approval does not relieve the applicant of the obligation to obtain any other approval under the Local Government Act, 1919, as amended, the ordinances made thereunder (including approval of building plans), or any other Act.

MAP 1

Referred to in:
Schedule 2, Condition No. 30
Schedule 3, Condition No. 46

DEPARTMENT OF PLANNING

TOMAGO ALUMINIUM SMELTER PLANT
DESIGNATED BUFFER AREA

— Designated buffer area



FORM 5

Referred to in:

Schedule 2, Condition No. 1.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 1980

FORM 5.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

**MODIFICATION OF A CONSENT GRANTED UNDER THE ACT OR A RIGHT
CONFERRED BY DIVISION 2 OF PART IV OF THE ACT.**

I,, of
being the owner of the land described in Column A of the following Table do, by this memorandum, modify *the consent/the right (having effect in relation to that land) specified in Column B of the Table in the manner and to the extent indicated in Column C of the Table.

TABLE

Column A	Column B	Column C
Description of land	Particulars of *the consent/the right that is modified	Manner and extent of the modification of *the consent/the right
ALL THOSE pieces or parcels of land situate at Tomago, Shire of Port Stephens, Parish of Stockton and County of Gloucester being Lot 100, Deposited Plan 604166 in Certificate of Title Volume 13997 Folio 58, Lots 12, 13, 14, 15 and 16, Deposited Plan 258020 in Certificates of Title Volume 13767 Folios 91, 92, 93, 94 and 95, respectively, Lot 3, Deposited Plan 38904 in Certificate of Title Volume 13811 Folio 196, the whole of the land in Certificate of Title Volume 6353 Folio 184, And the whole of the land secondly described in Conveyance No. 269 Book 2018 but excepting Lots 1, 2, 3, 4, 5 and 6 in Deposited Plan 38904.	Consent to a Development Application for the development of an aluminium smelter made by Tomago Aluminium Company Pty Limited to Port Stephens Shire Council, determined pursuant to section 101 of the Environmental Planning and Assessment Act, 1979 by Eric Bedford, as Minister for Planning and Environment, dated 6 March, 1981 with Annexure, as modified by the Minister's letter of 16 August, 1983 (File 80/10069).	As set out on the attached Schedule 3.