



Contact: Natasha Ryan 02 49086833  
Our reference: DOC13/6850 DOC13/6860 DOC13/12744 LIC08/1831

Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mr Chris Ritchie

Dear Mr Ritchie

**INDEPENDENT CEMENT AND LIME TERMINAL MAYFIELD NORTH (08\_0198)  
ENVIRONMENTAL ASSESSMENT UNDER PART 3A  
AND RECOMMENDED CONDITIONS OF APPROVAL**

Reference is made to your letter dated 26 February 2013 regarding development application 08\_0198 for Independent Cement and Lime Terminal at Mayfield North and the document titled '*Environmental Assessment Cement and Slag Reveal and Dispatch Terminal Mayfield North February 2013*' prepared by Umwelt (Australia) Pty Limited ("the EA").

The Environmental Protection Authority ("EPA") understands the development proposal involves the following activities and infrastructure:

- receipt and dispatch of up to 800,000 tonnes per annum of cement and ground blast furnace slag ("GBF slag") from Japan (600,000 of this is cement and 200,000 tonnes is GBF slag);
- two 35,000 tonne capacity storage silos;
- an enclosed drive through facility and transfer pipework from the berths to the silo.

The proposal involves discharge from Mayfield 4 Berth by self discharging ships until such time that Berth 3 has been approved and constructed and a Siwertell unloader system built. The product and waste would be imported by ships, stored in the silos and then distributed by trucks to concrete batching plants.

**Recommended Conditions of Approval**

The EPA has reviewed the information provided, and has determined that, should development consent be granted, it would be able to issue an Environment Protection Licence ("EPL") under the *Protection of the Environment Operations Act 1997* ("POEO Act") for receipt, storage, processing and dispatch of cement, however would prohibit the receipt, storage, processing and dispatch of GBF slag at the premises.

Further discussion regarding the EPA's review of the proposal is provided at Attachment 1 and Recommended Conditions of Approval are provided at Attachment 2 of this letter.

If the Department of Planning and Infrastructure ('DP&I') grant development consent for this proposal these conditions should be incorporated into the consent.

The Recommended Conditions of Approval provided at Attachment 2 relate to the development as proposed in the EA document provided to the EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of a condition proposed to be attached to the

consent, it will be necessary to consult with the EPA about the changes before consent is issued. This will enable the EPA to determine whether a recommended condition of approval needs to be modified in light of the changes.

Attachment 3 provides a list of mandatory conditions applied to all Environment Protection Licences for your information.

**Environment Protection Licence**

Should development consent be granted, the applicant must make a separate application to the EPA to obtain an EPL prior to the commencement of any scheduled development work and /or activity as required by the POEO Act. At this stage the EPA would be unable to issue an EPL for activities that are associated with the receipt and dispatch of ground blast furnace slag but are able to issue an EPL for activities that receive and dispatch cement.

If you require any further information regarding this matter please contact Natasha Ryan on (02) 49086833.

Yours sincerely

*Rebecca Scrivener* 11/4/2013

**REBECCA SCRIVENER**  
**A/Head Regional Operations Unit – Hunter**  
**Environment Protection Authority**

Encl: Attachment 1: EPA Review of EA  
Attachment 2: Recommended Conditions of Approval  
Attachment 3: Mandatory conditions for Environment Protection Licences

**ATTACHMENT 1****ENVIRONMENT PROTECTION AUTHORITY (EPA) – REVIEW OF ENVIRONMENTAL ASSESSMENT****DEVELOPMENT APPLICATION 08 0198 (PART 3A)**  
**INDEPENDENT CEMENT AND LIME TERMINAL MAYFIELD NORTH**

The EPA has undertaken a detailed assessment of the document titled '*Environmental Assessment Cement and Slag Receival and Dispatch Terminal Mayfield North February 2013*' prepared by Umwelt (Australia) Pty Limited ("the EA") as it relates to EPA regulatory responsibilities. The following comments are provided to DP&I for consideration in the determination of the project proposal.

**WASTE**

The EA does not provide adequate information to determine if an environment protection licence for the receival, storage, processing and dispatch of ground blast furnace slag ("GBF slag") at the proposed premises could be issued. The EPA raised this issue with the DP&I during the test of adequacy of the EA in its response dated 20 December 2012.

Based on the information provided to date, the EPA believes the GBF slag meets the definition of a 'waste' in respect of the *Protection of the Environment Operations Act 1997* ("POEO Act") and the *Protection of the Environment Operations (Waste) Regulation 2005* ("POEO Waste Regulation").

The following additional information is required to enable a complete assessment of the material:

- Chemical analysis in accordance with the POEO Waste Regulation;
- Chemical characteristics and information about the process of its development and/or production;
- Details of the intended fate of the material in Australia;
- Information on the proposed management, storage, transportation, processing, recovering and disposal of GBF slag at the premises;
- Details of any permits required under Commonwealth legislation and a copy of the approval, should one be required.

The EPA re-iterates that there is also a range of Resource Recovery Exemptions that may be applied once the waste has been characterised in accordance with the relevant legislation.

The proponent may choose to provide the outstanding information as part of their Response to Submissions.

Should DP&I permit the receival of this material at the premises in the issuing of consent, the proponent must provide the above information to the EPA as part of an application for an Environment Protection Licence. If the outstanding information is not provided or does not meet the requirements of the EPA's legislation, the EPA will be unable to allow the receival of waste material at the premises.

**CONTAMINATED LAND**

Section 5-7 of the EA discusses contamination issues at the premises.

The proposed project site is currently declared as a remediation site under the *Contaminated Land Management Act 1997*. Remediation is currently being undertaken in accordance with a Voluntary Management Proposal which has been agreed with the EPA (Agreement #26025). A copy of this agreement is available at the EPA website at: <http://www.environment.nsw.gov.au/prclmapp/sitedetails.aspx>

The EPA notes the commitment to engage a contaminated site auditor who will confirm all remediation actions and risk management controls implemented during the construction and operations phases of the project meet the commitments made under the Voluntary Remediation Agreement and Contaminated Management Plan for the site. The EPA recommends the site auditor provide a site audit statement for the project works at completion of the construction phase of the project to ensure objectives and commitments

of existing Voluntary Remediation Agreement(s) and Contamination Management Plan(s) have been satisfied.

The EA (Section 5.7.2) identifies the existing cap will be penetrated during the construction phase to enable establishment of footings and services such as communication, water and power cables. Any excavated material will be managed in accordance with the existing Materials Management Plan for the entire remediation site. This approach is appropriate.

Given the contamination history of the proposed project site, the risks posed by the potential ingress of volatile vapours into building(s) and confined spaces needs to be considered. The EPA recommends this risk be assessed via a Vapour Risk Assessment Report which should be reviewed by the site auditor prior to being provided to the consent authority.

The EA states that the site will be covered with a concrete hardstand that will act as a secondary cap during the operational phase of the project.

The Voluntary Management Proposal and associated documents require a cap be employed across the entire site and be constructed of materials with a permeability of  $1 \times 10^{-7}$  unless further assessment regarding capping and associated groundwater capture rates has been undertaken and alternate capping arrangements have been agreed to by the EPA in writing. Accordingly, the proponent must ensure that all areas of the site are capped and that the cap materials installed have a permeability of less than  $1 \times 10^{-7}$  in order to prevent groundwater recharge through infiltration.

The EPA notes that the Preliminary Environmental Assessment<sup>1</sup> (Umwelt, 2009) indicates that a Cap Integrity Maintenance Plan will be prepared to ensure the integrity of the capping layer is maintained. The exhibited EA document does not make any reference to this Plan. The EPA recommends a Cap Integrity Maintenance Plan be developed and implemented by the proponent in consultation with the site auditor.

Given the excavation works proposed, should the proponent decide construct an on-site containment cell to store or dispose of excavated material, the need for any containment cell should be assessed based on the volume and chemical characteristics of the excavated material and the design of any cell must be approved by the EPA prior to any material being emplaced.

Section 2.2 of the EA discusses Wharf-Side Facilities and states that two 400mm diameter pipes will be connected to the ship and compressors on board the ship to pump cement to the proposed project site. The EA states that it is 'assumed' these pipes are located 'above-ground' for the purposes of the impact assessment however the preference is to be located below ground. The impact assessment presented in the EA is based on the pipes being 'above-ground'. Should the proponent determine to locate the pipes below ground, a revised impact assessment will need to be provided, particularly with respect to potential contamination issues associated with the proposed project site and pipeline route.

The proponent must ensure access to, and protection of, existing and future groundwater monitoring wells that are being monitored by Hunter Development Corporation ("HDC") as part of the Voluntary Remediation Agreement. If existing monitoring bores are damaged during the construction activities, the proponent must seek approval for relocating a monitoring bore and construct an alternate site, with appropriate approvals.

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<sup>1</sup> Preliminary Environmental Assessment – Cement Terminal, Mayfield North prepared by Umwelt Environmental Consultants dated October 2009 (Umwelt 2009);

**NOISE**

The EPA has reviewed the Noise Assessment provided in Appendix 7 of the EA. The Noise Assessment has been carried out in general accordance with the NSW Industrial Noise Policy (EPA, 2000).

The EPA refers to previous correspondence<sup>2</sup> regarding the development and implementation of a Noise Model required as part of the Concept Approval for the Mayfield Port Concept Plan. Should DP&I issue conditions of approval for the current project, consideration should be given to the Noise Model objectives and precinct criteria in developing applicable noise conditions for the proposed project.

The EPA has included noise limits as defined in Table 4.1 of the EA. The EPA has also defined 'Outside of Recommended Hours' noise limits for the construction of the silo.

The EPA recommends a Traffic Noise Management Strategy (TNMS) be developed by the applicant for the purposes of construction and operational noise impacts prior to the commencement of construction and to improve operation transport, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied.

**AIR**

The EPA has reviewed the Air Quality Assessment provided at Appendix 8 of the EA as well as the proponent's response to adequacy review comments dated 14 February 2013.

The EPA's review has identified that it is unlikely that air emissions from the proposed project will exceed EPA assessment criteria beyond the site boundary provided the air quality management and mitigation measures listed in section 5.3.6 of the EA are implemented during both the construction and operational phases of the project.

**WATER**

Section 5.6 of the EA discusses surface-water impacts and management at the proposed project site. The EPA notes the proposed site will be divided into 'clean' and 'dirty' water catchments with surface-water generated in the 'dirty' water catchment being treated via a first flush system prior to discharge to the existing trunk drainage network. Surface water generated from the 'clean' water catchment will also be discharged to the existing trunk drainage network.

The EPA notes the proponent does not propose to seek a licensed water discharge point and therefore the EPA would expect any water discharged from the proposed project site meets the requirements of Section 120 of the POEO Act.

**End**

**EPA – April 2013**

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<sup>2</sup> EPA correspondence to DP&I dated 16 January 2013, titled 'ICL Cement Terminal Mayfield North (08\_0198) Test of Adequacy Part 2'.

**ATTACHMENT 2**

**ENVIRONMENT PROTECTION AUTHORITY (EPA) - RECOMMENDED CONDITIONS OF APPROVAL**

**DEVELOPMENT APPLICATION 08 0198 (PART 3A)**  
**INDEPENDENT CEMENT AND LIME TERMINAL MAYFIELD NORTH**

**ADMINISTRATIVE CONDITIONS**

**A1 Works to be undertaken in accordance with information supplied to the EPA**

A1.1 Except as provided by these conditions of approval, the works and activities must be undertaken in accordance with the proposal contained in:

(a) 'Cement and Slag Receiving and Dispatch Terminal – Mayfield North Environmental Assessment' Umwelt (Australia) Pty Limited February 2013;

unless otherwise specified in these conditions of approval.

A1.2 The applicant must not store more than 70,000 tonnes of cement at the premises at any one time.

A1.3 The applicant must not process more than 600,000 tonnes of cement per year.

A1.4 The applicant must not receive, store, process or discharge ground blast furnace slag at the premises.

Note: Conditions A1.2 and A1.3 do not permit the storage or processing of ground blast furnace slag on the premises.

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the *Protection of the Environment Operations Act 1997*, having regard to the matters in Section 83 of that Act.

A3.1 The conditions of any EPL issued for the project does not limit or affect the requirements of the Voluntary Remediation Agreement issued to the RLMC pursuant to section 26 of the *Contaminated Land Management Act 1997*, dated 14 September 2005.

**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 for the purposes of the monitoring and/or setting of limits for the emission of pollutants to the air from the point.

**Air**

EPA identification number	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Weather monitoring		Weather monitoring station site to be advised
2	Air emission monitoring	Discharge to air	Dust collector stack from cement silo – location to be advised
3	Air emission monitoring	Discharge to air	Dust collector stack from GBF silo – location to be advised (at the present time GBF is not permitted to be imported or processed on site)
4	Air emission monitoring	Discharge to air	Dust collector stack from truck cement loading facility – location to be advised
5	Air emission monitoring	Discharge to air	Dust collector stack from truck GBF slag loading facility (at the present time GBF is not permitted to be imported or processed on site)
6	Air emission monitoring	Discharge to air	Dust collector stack from transfer hopper (wharf side)
7	Air emission monitoring	Discharge to air	Dust collector stack at the Siwertell unloader
8	Air emission monitoring	Discharge to air	Dust collector stack at the hatch cover

P1.2 The following points referred to in the table below are identified for the purposes of monitoring and/or the setting of limits for the discharges of pollutants to water from the point.

P1.3 The following utilisation areas referred to in the table below are identified for the purposes of the monitoring and/or setting of limits for any application of solids or liquids in the utilisation area.

**Water and land**

EPA identification number	Type of Monitoring Point	Type of Discharge Point	Location Description
9	Discharge point monitoring	N/A	Surface Water monitoring point – location to be advised
9	Volume Monitoring		Location to be advised

Notes: The location of the monitoring sites must be provided to the EPA as eastings and northings with the application for an Environment Protection Licence (EPL) on a plan of the site that has been prepared by a registered surveyor.

**LIMIT CONDITIONS****L1 Pollution of Waters**

L1.1 Except as may be expressly provided by a license under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in connection with the carrying out of the development.

## L2 Concentration Limits

Points 2-8

Pollutant	Units of measure	100 percentile concentration limit	Reference Conditions
Solid particles	Milligrams per cubic metre	10	Dry, 273 K, 101.3 kPa

## L2 Waste

- L2.1 The applicant must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

## L3 Potential offensive odour

- L3.1 No condition of the approval of this development identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997*.
- L3.2 The applicant must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the applicant 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 license directed at minimising the odour.

## L4 Hours of Operation

### L4.1 Standard Construction Hours

Unless otherwise specified by any condition of the approval all construction activities are:

- restricted to between the hours of 7:00am and 6:00pm Monday to Friday;
- restricted to between the hours of 8:00am and 1:00pm Saturday; and
- not to be undertaken on Sundays or public holidays.

## L5 Noise

- L5.1 Noise operated at the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated by Table 4.1 Project Specific Monitoring Locations for Operational Noise Impact Assessment in the 'Environmental Assessment – Noise Impact Assessment for Cement and Slag Reveal and Dispatch Terminal Mayfield North' prepared by Umwelt (Australia) Pty Limited February 2013.

## Noise Limits

Locality	Location	Noise Limits dB(A)			
		Day L <sub>Aeq</sub> (15 min)	Evening L <sub>Aeq</sub> (15min)	Night L <sub>Aeq</sub> (15min)	Night L <sub>A1</sub> (1min)
N1	54 Arthur Street Mayfield	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)
N2	67 Forfur Street Stockton	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)
N3	25 Kitchener Parade Mayfield East	36 dB(A)	36 dB(A)	35 dB(A)	45 dB(A)
N4	2 Crebert Street Mayfield	36 dB(A)	36 dB(A)	35 dB(A)	45 dB(A)
N5	32 Elizabeth Street Carrington	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)
N6	186 Fullerton Street Stockton	35 dB(A)	35 dB(A)	35 dB(A)	45 dB(A)

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

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and public holidays;
- Evening is defined as the period 6pm to 10pm; and
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L5.3 Silo construction works which are termed 'Outside Recommended Standard Hours' are permitted to occur twenty-four hours a day for 7 days a week. Noise limits for these works apply in the table below;

Locality	Location	L <sub>Aeq</sub> (15 min) Outside of Recommended Standard Hours
N1	54 Arthur Street Mayfield	57 dB(A)
N2	67 Forfur Street Stockton	42 dB(A)
N3	25 Kitchener Parade Mayfield East	48 dB(A)
N4	2 Crebert Street Mayfield	54 dB(A)
N5	32 Elizabeth Street Carrington	49 dB(A)
N6	186 Fullerton Street Stockton	50 dB(A)

**NOTE:** Silo construction works are defined as those works associated with concrete pour operations, as identified in Section 5.2 and Appendix 7 of the document, 'Cement and Slag Receival and Dispatch Terminal – Mayfield North Environmental Assessment' Umwelt (Australia) Pty Limited February 2013;

L5.4 The noise limits set out in condition L5.1 and L5.3 apply under all meteorological conditions except for the following:

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

L5.5 For the purpose of condition L5.1 and L5.3:

- the meteorological date to be used for determining meteorological conditions is the data recorded by the meteorological weather station established at this site for the purposes of this approval;
- temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of the NSW Industrial Noise Policy.

- L5.6 For the purposes of determining noise generated at the premises a Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment approved by the EPA in writing, must be used.
- L5.7 To determine compliance:
- a) with the  $L_{Aeq(15min)}$  noise limits in condition L5.1 and L5.3 the noise measurement equipment must be located:
    - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
    - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
    - within approximately 50 metres of the boundary of a National Park or a Nature Reserve;
  - b) with the  $L_{A1(1min)}$  noise limits in condition L5.1 the noise monitoring equipment must be located within 1 metre of a dwelling façade;
  - c) with the noise limits in condition L5.1 and L5.3 the noise measurement equipment must be located;
    - at the most affected point at a location where there is no dwelling at the location; or
    - at the most affected point within an area at a location prescribed by conditions L5.7 (a) or L5.7 (b).
- L5.8 A non compliance will still occur where noise generated from the premises in excess of the appropriate limit specified in condition L5.1 and L5.3 is detected:
- in an area at a location other than an area prescribed by conditions L5.5 and/or
  - at a point other than the most affected point at a location.
- L5.9 For the purposes of determining noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

#### Definitions

- NSW Industrial Noise Policy – the documented titled 'New South Wales Industrial Noise Policy' published by the EPA in January 2000.

#### **OPERATING CONDITIONS**

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

- O1.1 Activities undertaken by the applicant at the premises 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 activity of the applicant at the premises:
- must be maintained in a proper and efficient condition; and
  - 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 Should visible dust emissions occur at any time, the applicant must identify and implement all practicable dust mitigation measures, including cessation of relevant activities, as appropriate, such that emissions of visible dust cease.

Note: for the purposes of conditions O3.1 and O3.2 the premises includes the ship and loading or discharging infrastructure whilst loading or discharging materials.

**O4 Stormwater/sediment control – Construction Phase**

- O4.1 Soil and water management controls must be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities in accordance with the requirements outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom 2004).
- O4.2 The construction environmental management plan and soil and water management plan for the site must include measures that will be implemented to prevent infiltration of surface waters (including clean waters) into the site cap.

**O5 Emergency Response**

- O5.1 The Proponent must maintain, and implement as necessary, a current emergency response plan for the premises. The applicant must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (eg: spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the Environment Protection Licence, the applicant must develop an emergency response plan within three months of that date.

**O6 Waste**

- O6.1 The applicant must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- O6.2 The applicant must ensure that waste identified for recycling is stored separately from other waste.

**O7 Other Operating Conditions**

- O7.1 All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have alternative spill containment system in-place.

O7.2 All tanks and storage areas for drums and containers that contain material that has the potential to cause environmental harm must be bunded or have alternative spill containment system in-place.

Note: The applicant must comply with the Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2008.

O7.3 The licensee must ensure that the pipelines are signposted in accordance with Australian Standard 1345-1995 'Identification of the contents of pipes, conduits and ducts'.

O7.4 The licensee must ensure that the pipelines are signposted with the name of the licensee and emergency contact details of the licensee.

## MONITORING AND RECORDING CONDITIONS

### M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the applicant must be recorded and retained as set out in this condition.

M1.2 All records required to be kept by the applicant 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 by the applicant in respect of any samples required to be collected for the purpose of this development:

- a) the date(s) on which the sample was taken;
- b) the time(s) on which the sample was collected;
- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

### M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant 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 2,3,4,5,6,7,8

Pollutant	Units of Measure	Frequency	Sampling Method
Solid particles	mg/m <sup>3</sup>	Post commissioning and then six monthly	TM-15

### M3 Testing methods – concentration limits

M3.1 Subject to any express condition of approval, 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 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this applicant 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 approval requires to be used for that testing; or
  - if no such requirement is imposed by or under the Act of by a condition of this approval, any methodology approved in writing by the EPA for the purpose 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"

#### M4 Weather Monitoring

- M4.1 A meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in condition M 4.2.
- M4.2 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 licence must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

##### Point 1

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Temperature at 2 metres	Degrees celcius	Continuous	1 hour	AM-4
Temperature at 10 metres	Degrees celcius	Continuous	1 hour	AM-4
Wind direction at 10 metres	Degrees	Continuous	15 minute	AM-2 & AM-4
Wind speed at 10 metres	Metres per second	Continuous	15 minute	AM-2 & AM-4
Sigma theta at 10 metres	Degrees	Continuous	15 minute	AM-2 & AM-4
Relative Humidity	Percentage	Continuous	1 hour	AM-4
Rainfall	Millimetres	Continuous	24 hour	AM-4
Additional siting requirements				AM-2 & AM-4

#### M5 Requirement to monitor noise

- M5.1 To determine compliance with Condition L5.1 attended noise monitoring must be undertaken in accordance with Conditions L5.6 and L5.7 and:
- at each one of the locations listed in Condition L5.1;
  - occur annually during the applicants reporting period as defined by an Environment Protection Licence;
  - occur during each day, evening and night as defined in the NSW Industrial Noise Policy for a minimum of ;
    - 1.5 hours during the day,

- 30 minutes during the evening, and
- 1 hour during the night,

d) occur for three consecutive days.

## **M6 Recording of pollution complaints**

M6.1 The applicant must keep a legible record of all complaints made to the applicant or any employee or agent of the applicant in relation to pollution arising from any activity to which activity applies.

M6.2 The record must include details of the following:

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

M6.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M6.4 The record must be produced to any authorised officer of the EPA who asks to see them.

## **M7 Emergency Contact**

M7.1 The applicant must provide the EPA with a nominated representative of the company that is available at all times and is capable of providing immediate assistance with a response during emergencies or any other incident at the premises. The name of the nominated representative and their contact details, including a telephone number must be current at all times.

## **M8 Requirement to monitor volume or mass**

M8.1 For each discharge point or utilisation area specified below, the applicant 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;

<b>Frequency</b>	<b>Units of Measure</b>	<b>Sampling Method</b>
Daily during discharge	Kilolitres per day	Continuously Special Method 1

Note: Special Method 1 refers to EPA 2004 'Approved methods for the sampling and analysis of water pollutants in New South Wales' dependant upon whether insitu channel or insitu pipe sampling is required.

## **REPORTING CONDITIONS**

### **R2 Notification of Environmental Harm**

R2.1 Notifications must be made by telephoning the Environment Line Service 131555.

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

Note: The applicant 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.

#### R4 Noise Monitoring Report

R4.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the yearly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant which:

- a) assesses compliance with noise limits presented in Condition L5.1; and
- b) outlines any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L5.1.

### SPECIAL CONDITIONS

#### E1 Start of Operation

E1.1 At least 6 weeks prior to receipt of the first shipment of materials the applicant must notify the EPA in writing of its intent to start operations at the site. This should be forwarded to the Manager-Hunter Region PO Box 488G Newcastle 2300.

#### E2 Water Quality Management System Effectiveness Monitoring

E2.1 The Proponent must undertake monitoring and reporting of the effectiveness of the Surface Water Quality Management System within the first year of operation of the approved activity. The monitoring and reporting must be undertaken by an appropriately qualified person. The report must be provided with the first Annual Return submitted to the EPA.

1. The monitoring must include, but not be limited to;
  - a) sampling and analysis of the pollutants identified in the Table 1 below in accordance with Special Frequency 1; and
  - b) include at least one sample collected upstream of the final discharge point from the drain into the Hunter River, and at least one sample downstream of the discharge point of the drain into the Hunter River and one sample at the point of discharge from the premises into the receiving drain.
2. The location of all sampling sites, including easting and northings, must be provided on a plan of the site prepared by a registered surveyor, and included in the report.

**TABLE 1 Surface Water Quality Monitoring Parameters**

Pollutant	Units of Measure	Frequency	Sampling Method
Oil and Grease	Milligrams per litre	Special frequency 1	Grab Sample
Total Suspended Solids	Milligrams per litre	Special frequency 1	Grab Sample
pH	pH units	Special frequency 1	Grab Sample

Note: Special Frequency 1 means in the event of a discharge, a grab sample of the water discharged must be collected at the following frequencies:

- a) Within the first 6 hours of any discharge occurring; and
- b) Every seven (7) days thereafter for the duration of the discharge.

Note: Monitoring must be undertaken such that the sample collected from the discharge point(s) at the premises is representative of the waters discharged from the premises to the environment.

3. If monitoring results do not comply with Section 120 of the Protection of the Environment Operations Act 1997, the proponent must include within the report options for upgrade of the water management system and a discussion of how the proponent will comply Section 120.

Note: The EPA will consider the outcomes of the report and Section 45 before undertaking any variations to an Environment Protection Licence which may include surface water quality limits being applied to the identified discharge point(s) at the premises.

### **E3 Contaminated Land – Groundwater Management**

E3.1 The proponent must ensure access to, and protection of, existing and future groundwater monitoring wells that are being monitored by Hunter Development Corporation (“HDC”) as part of the Voluntary Remediation Agreement applicable to the premises. If existing monitoring bores are damaged during the construction activities, the proponent must seek approval for relocating a monitoring bore and construct an alternate site, with appropriate approvals.

**Environment Protection Authority  
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**Attachment 3**

**MANDATORY CONDITIONS FOR ENVIRONMENT PROTECTION LICENCES**

If an Environment Protection Licence is granted the following mandatory conditions will apply:

**ADMINISTRATIVE CONDITIONS**

**Other activities**

This licence applies to all activities carried on at the premises.

**OPERATING CONDITIONS**

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

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.

**Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity must be:

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

**MONITORING AND RECORDING CONDITIONS**

**Results Recorded and Maintained**

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

**Results kept by this licence**

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.

**Records on samples**

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.

## **Recording of pollution complaints**

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.

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.

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

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

## **Telephone complaints line**

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.

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.

## **REPORTING CONDITIONS**

### **Annual Return documents**

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

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

- (a) a Statement of Compliance; and
- (b) a Monitoring and Complaints Summary.

Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### **Period covered by Annual Return**

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

Where the 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.

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

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

### **Deadline for Annual Return**

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

### **Notification where actual load can not be calculated**

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.

### **Licensee must retain copy of Annual Return**

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

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

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

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

### **Notification of environmental harm**

The licensee or its employees must immediately notify the EPA of incidents causing or threatening material harm to the environment in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the EPA's Environment Line service on 131 555.

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

### **Written report**

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.

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.

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; and
- (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;
- (g) any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **GENERAL CONDITIONS**

### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

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