



DOC20/406379-6

Department of Planning, Industry and Environment
Returned via the Major Projects Portal

Attention: Joe Fittel

10 June 2020

Dear Mr Fittel

**Advice on Response to Submissions
Glendell Continued Operations Project (SSD 9349 and 5850)**

I refer to the email from the Department of Planning, Industry and Environment (DPIE) to the Environment Protection Authority (EPA) dated 27 May 2020 seeking the EPA's advice in relation to the proponent's Response to Submissions (RtS) for the Glendell Continued Operations Project (SSD 9349 and 5850).

The Proponent submitted SSD-9349 to expand the Glendell mine to the north of the existing mine, increase the annual throughput from 4.5 to 10 Mtpa, and extend the life of the mine from 2024 to 2044. The proposed expansion also requires a modification to the development consent for the Mt Owen operations (SSD-5850).

The EPA requested additional information in relation to the project in its letter dated 24 January 2020 (DOC19/1060742-17). The EPA's comments related to air quality assessment criteria exceedances and the appropriate management of waste.

The RtS provided additional information on the matters raised in the letter of 24 January 2020, and the EPA is now able to recommend conditions of approval for the proposed development.

Air Quality

The EPA asked for additional information related to predicted exceedances of the 24-hour PM₁₀ criterion. The RtS has addressed these issues by considering reasonable and feasible mitigation and control measures and providing further investigation into background and annual PM₁₀ source apportionment. Exceedances of NSW EPA's 24-hour PM₁₀ criteria are still predicted to occur at private residences that do not currently have acquisition rights. These impacts will need to be addressed through appropriate approval conditions in addition to those recommended by the EPA in this letter.

The EPA asked the proponent to consider additional mitigation measures to reduce PM_{2.5} emissions due to the high predicted levels. The EPA has recommended a condition that requires use of reasonable and feasible diesel emission controls to reduce PM_{2.5} impacts.

Waste

The RtS clarified that the proponent will not dispose of concrete waste in mine voids. The EPA has recommended conditions prohibiting the disposal of waste other than that which is authorised under a scheduled activity of mining for coal and coal works or approved under an Environment Protection Licence.

Noise

The predicted noise levels comply with the project noise trigger levels at all receivers, so existing noise limits are adequate.

Construction noise criteria should not have been used to assess the noise for the project. Section 1.2 of the Interim Construction Noise Guidelines (ICNG) states that it does not apply to construction associated with quarrying and mining. However, the predicted construction noise levels are unlikely to increase the predicted operational noise levels, so no change to the operational noise limits are required for the construction phase.

Water Quality

The proposed pit modification will remove up to 20 existing monitoring bores. The proponent has stated that *“Glencore will determine appropriate replacement monitoring sites in liaison with DPIE Water post approval when updating the WMP to account for the Project”*. The EPA has recommended a condition to ensure that a new groundwater monitoring network is established because it will be critical for detecting any impacts on Bowmans and Swamp Creeks.

The EPA’s Recommended Conditions are provided at Attachment A to this letter.

If you have any questions about this matter, please contact Jenny Rushton on 02 6883 5301 or by email to hunter.region@epa.nsw.gov.au

Yours sincerely

MITCHELL BENNETT
Unit Head – Regulatory Operations
Environment Protection Authority

Attachment 1: Recommended Conditions of Approval

Administrative Conditions

General administrative overview condition of documentation:

A1) Except as expressly provided in the conditions below, works and activities at the premises, being Hebden Road Ravensworth NSW 2330, must be carried out in accordance with the information contained in:

- a) the Development Application SSD-9349 submitted to Department of Planning, Industry and Environment (DPIE) in August 2019;
- b) the Environmental Assessment titled "titled "Glendell Continued Operations Project Environmental Impact Statement" dated November 2019 by Umwelt Environmental and Social Consultants relating to the Development Application SSD-9349, and
- c) all additional documents supplied in relation to the development SSD-9349.

What the Development Approval authorises and regulates:

A2) This Development Approval and any in-force environment protection licence authorises the carrying out of the following activities at the premises, being Hebden Road Ravensworth NSW 2330. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation (as per the *Protection of the Environment Operations Act 1997*). Unless otherwise further restricted by a condition of this Development Approval or an environment protection 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
Mining for coal	Mining for coal	>50000000 T annual production capacity
Coal works	Coal works	>50000000 T annual capacity

A3) Notwithstanding the condition above, extractive activity production rates at the premises must not exceed:

- a) 10 million tonnes per annum.

Other activities:

A4) This Development Approval and an environment protection licence applies to all other activities carried on at the premises, including:

- a) sewage treatment systems
- b) crushing, grinding and separating

Discharges to Air and Water and Applications to Land

Location of discharge/monitoring points and areas:

Weather

P1) The following points referred to in the table below are identified in this Development Approval and any in-force environment protection licence for the purposes of weather monitoring, or as otherwise stipulated in an environment protection licence.

EPA identification no.	Type of monitoring point	Location description
1	Meteorological monitoring	Sx13M1
2	Meteorological monitoring	Sx13M2

Noise:

P2) The following points referred to in the table below are identified in this Development Approval and any in-force environment protection licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise and/or vibration from the premises, or as otherwise stipulated in an environment protection licence.

EPA identification no.	Type of monitoring point	Location description
3	Air blast overpressure & ground vibration peak particle velocity monitoring	MOC3
4	Air blast overpressure & ground vibration peak particle velocity monitoring	MOC2
X Number of monitoring locations to be determined by the proponent in consultation with the EPA	Attended noise monitoring	To be determined by the proponent in consultation with the EPA

Air

P3) The following points referred to in the table below are identified in this Development Approval and any in-force environment protection licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point, or as otherwise stipulated in an environment protection licence.

EPA identification no.	Type of monitoring point	Type of discharge point	Location description
6	Particulate monitoring	Ambient air	PM10 EBAM upwind
7	Particulate monitoring	Ambient air	PM10 EBAM downwind

Note: The EPA are reviewing the equipment used for particulate matter monitoring, and where power sources are available are recommending upgrade to monitors that comply with the EPA's approved methods.

Water/Land:

P4) The following utilisation areas referred to in the table below are identified in this Development Approval and any in-force environment protection licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area, or as otherwise stipulated in an environment protection licence.

P5) The following points referred to in the table are identified in this Development Approval or any in-force environment protection licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point, or as otherwise stipulated in an environment protection licence.

EPA identification no.	Type of monitoring point	Type of discharge point	Location description
Onsite STP (s) (various)	Effluent quality monitoring	Discharge to utilisation area	To be determined by the proponent in consultation with the EPA

Saline mine water transfer to other mines (various)		Discharge to pipe	To be determined by the proponent in consultation with the EPA
Ambient water quality monitoring (various)	Ambient water quality monitoring		To be determined by the proponent in consultation with the EPA

Limit Conditions

Noise limits:

L1) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, operational noise generated at the premises must not exceed the project specific noise goals defined in Table D.1 in Appendix D of the Noise Impact Assessment titled “*Glendell Continued Operations Project Noise Impact Assessment*” dated November 2019 by Umwelt Environmental and Social Consultants, excluding the construction noise goals.

L2) For the purpose of the condition above:

- a) day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays;
- b) evening is defined as the period 6pm to 10pm; and
- c) night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L3) The above condition does not apply to the delivery of material outside the hours of the permitted timeframes if that delivery is required by police or other authorities for safety reasons and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within 24 hours in the case of emergency.

L4) Noise-enhancing meteorological conditions

- a) The noise limits set out in condition L1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L5(a), the noise limits that apply are the noise limits in condition L2 plus 5dB.

L5) For the purposes of condition L4:

- a) The meteorological conditions are to be determined from meteorological data obtained from the most representative meteorological weather station identified as **EPA monitoring point 1 or 2**;
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):

i. Use of sigma-theta data (section D1.4).

L6) The Proponent must implement all reasonable and feasible noise mitigation measures to minimise operational noise in accordance with “Fact Sheet F: Feasible and reasonable mitigation” contained within the “NSW Noise Policy for Industry” (EPA, 2017).

Blasting:

L7) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, the airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at EPA monitoring points 3 and 4. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L8) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, the airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at EPA monitoring points 3 & 4 for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L9) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at EPA monitoring points 3 & 4. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L10) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at EPA monitoring points 3 & 4 for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L11) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, blasting at the premises may only take place between 9:00am-5:00pm Monday to Friday and 9:00am-1:00pm on Saturdays. Blasting is not permitted on Sundays or public holidays.

L12) Blasting outside of the hours specified in condition L11 can only take place with the written approval of the Secretary of Planning.

L13) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, blasting at the premises is limited to 2 blasts on each day on which blasting is permitted and up to 8 blasts per week averaged over a year.

L47) Offensive blast fume must not be emitted from the premises.

L15) Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

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

Pollution of waters:

L16) The Proponent must comply with section 120 of the *Protection of the Environment Operations Act 1997*, except as expressly permitted by any in-force environment protection licence.

Waste limits:

L17) The Proponent 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 any in-force environment protection licence.

Potentially offensive odour:

L18) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, no condition of this Development Approval 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 Proponent 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 an environment protection licence directed at minimising odour.

Operating Conditions

Activities must be carried out in a competent manner:

O1) 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:

O2) All plant and equipment installed at the premises or used in connection with the Proposal:

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

Dust:

O3) The premises must be maintained in a condition which prevents or minimises the emission of air impurities, including dust, from the premises.

O4) All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of air impurities, including dust, from the premises.

O5) All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

Note: Air impurity is defined in the dictionary of the *Protection of the Environment Operations Act 1997*.

Effluent:

- O6)** Spray from effluent application must not drift beyond the boundary of the premises.
- O7)** Effluent application must not occur in a manner that causes ponding or surface runoff.
- O8)** The quantity of effluent and solids applied to the utilisation area must not exceed the capacity of the utilisation area to effectively utilise the effluent and solids where for the purpose of this condition, “effectively utilise” includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.
- O9)** Public access to any effluent utilisation area must be denied during effluent application and until the effluent application area has dried.

Emergency response:

Note: The Proponent must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises in accordance with Part 5.7A of the *Protection of the Environment Operations Act 1997* and Part 3A of the *Protection of the Environment Operations (General) Regulation 2009*.

Processes and management:Onsite Sewage Treatment Plant

- O10)** The wastewater management system(s) operated/utilised at the premises must be inspected by a suitably qualified and experienced wastewater technician at least once in each quarterly period of the reporting period and a minimum of four times per reporting period and serviced as required.
- O11)** The Proponent must record each inspection and any actions required or recommended by the technician including all results of tests performed on the sewage treatment system by the technician required by condition O10.
- O12)** The proponent must prepare a sewage treatment system maintenance program. The program must include:
- a) Certification from the system provider that the sewage treatment system is operating within its capacity;
 - b) Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and
 - c) Provide written records of each quarterly inspection.

Waste management:

- O13)** The Proponent must, as far as possible, follow the waste hierarchy principles contained within the *Waste Avoidance and Resource Recovery Act 2001* when dealing with any waste generated at the premises.
- O14)** The Proponent must assess and classify any waste generated at the premises in accordance with the “Waste Classification Guidelines – Part 1: Classifying waste”, as in force from time to time, and manage this waste in a lawful manner.
- O15)** The Proponent must maintain a waste register that tracks any waste received at or transported from the premises that clearly identifies each entity and vehicle involved in the waste transaction and the premises from which or to which the waste originated or was transported to.

O16) The Proponent must retain all waste related records in a legible form, or in a form that can readily be reduced to a legible form, for at least 4 years after the record was made.

Air quality:

O17) Notwithstanding the impact assessment criteria in any other condition of this approval, the Proponent must:

- (a) take all reasonable steps to:
 - (i) minimise odour, fume and particulate matter emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;
 - (ii) eliminate or minimise the risk of spontaneous combustion;
 - (iii) minimise any visible off-site air pollution generated by the development; and
 - (iv) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;
- (b) operate a comprehensive air quality management system that uses real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;
- (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Tables 8 - 10 above);
- (d) use all reasonable efforts to co-ordinate air quality management on the site with the air quality management at nearby mines to minimise cumulative air quality impacts;
- (e) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and
- (f) regularly assess meteorological and air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent

Non-Road Mobile Diesel

O18) The Proponent must ensure that any item of non-road mobile diesel equipment commissioned into service and operating at the premises after 30 June 2020:

- i) complies with the US EPA Tier 4 final or equivalent exhaust emission standard; or
- ii) is otherwise approved, in writing, by the NSW EPA for use on the premises.

Note 1: 'commissioned into service' is defined as the act of using the item of non-road mobile diesel equipment for commercial or industrial activities for the first time in Australia.

Note 2: US EPA Tier 4 final is defined by USEPA (2016), Non-road Compression-Ignition Engines: Exhaust Emission Standards, EPA-420-B-16-022, March 2016, U.S. Environmental Protection Agency, Office of Transportation and Air Quality (6401A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460, United States. <https://www.epa.gov/emission-standards-reference-guide/nonroad-engines-and-vehicles-emission-standards>. Acceptable equivalent standards include EU stage V and any other international non-road emission standard with emission limits equal to or lower than the applicable US EPA Tier 4 standard.

Note 3: For the purpose of this condition, *non-road mobile diesel equipment* means:

- i) equipment fitted with a diesel (compression ignition) engine, that is either self-propelled or portable and transportable as indicated by the presence of wheels, skids, lifting handles/points, dolly, trailer or platform mounted; and
- ii) which is primarily designed for off-road use; and
- iii) is not an eligible vehicle under the NSW Road Transport (Vehicle Registration) Regulation 2007, but may be conditionally registered for the purpose of moving from one off-road work site to another; but does not include:
 - a. equipment primarily designed to be operated on public roads for the transportation of freight or passengers; and
 - b. diesel locomotives
 - c. diesel generators.

Other operating conditions:

O20) All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternate spill containment system in place.

O21) For the purpose of this condition, any tanks or other storage vessels that are interconnected and may distribute their contents either by gravity or automated pumps must be considered a single vessel.

O22) Prior to the commencement of any surface disturbance and/or construction activities, the Proponent must install and maintain appropriate erosion and sediment control measures at the premises in accordance with the publication Managing Urban Stormwater: Soils and construction – Volume 1 (Landcom, 2004) and Managing Urban Stormwater: Soils and construction – Volume 2A, Installation of Services (DECC, 2008).

Monitoring and Recording Conditions

Monitoring records:

M1) The results of any monitoring required to be conducted by this Development Approval or any in-force environment protection or a load calculation protocol must be recorded and retained as set out in these conditions.

M2) All records required to be kept by this Development Approval or any in-force environment protection 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.

M3) The following records must be kept in respect of any samples required to be collected for the purposes of this Development Approval or any in-force environment protection 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.

Weather monitoring:

M4) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, at the point(s) identified below, the Proponent must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

Point(s) 1 & 2

Parameter	Sampling method	Unit of measure	Averaging period	Frequency
Wind direction at 10m	AM2 & AM4	Degrees	15 min	continuous
Wind speed at 10m	AM2 & AM4	m/s	15 min	continuous
Sigma theta at 10m	AM2 & AM4	Degrees	15 min	continuous
Rainfall	AM4	millimetre	15 min	continuous
Air temperature	AM4	Degrees celsius	15 min	continuous
Relative humidity	AM4	Percent	15 min	continuous

Air monitoring:

M5) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, air monitoring requirements are.

Point(s) 5 & 6

Pollutant	Unit of measure	Frequency	Sampling method
PM10	Micrograms per cubic metre	Continuous	Special method 1

M5.1) Special Method 1 requires the proponent to undertake the monitoring of PM10 concentration in strict accordance with the manufacturer's operating manual supplied with the continuous monitoring equipment and titled "EBAM Particulate Monitor Operation Manual E-BAM-9800 Rev M", or any updated version supplied by the manufacturer.

Water/land monitoring:

M6) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, water and/or land monitoring requirements are.

Point(s) Effluent quality monitoring

Pollutant	Unit of measure	Frequency	Sampling method
Faecal coliforms	Col units per 100mLs	quarterly	grab
pH	pH	quarterly	grab

Point(s) Ambient water quality monitoring

Pollutant	Unit of measure	Frequency	Sampling method
Total suspended solids		monthly	grab
pH	pH	monthly	grab
Turbidity		monthly	grab
Electrical conductivity		monthly	grab

M7) The proponent must establish a network of groundwater monitoring bores capable of detecting any potential impacts on Bowmans and Swamp Creeks prior to removal of any existing groundwater monitoring bores.

Noise monitoring:

M8) Unless otherwise further restricted or otherwise stipulated by a condition of this Development Approval or any in-force environment protection licence, to assess compliance with the noise limits specified within this Development Approval or any in-force environment protection licence, the Proponent must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

Point(s) Noise Monitoring Points

Assessment Period	Minimum frequency in a reporting period	Minimum duration within an assessment period	Minimum number of assessment period
Night	Monthly	15 minutes	1 Operation Day

M9) For the purposes of compliance monitoring and determining the noise generated at the premises, the modification factors in "Fact Sheet C: Corrections for annoying noise characteristics" contained within the "NSW Noise Policy for Industry" (EPA, 2017) must be applied, as appropriate, to the noise levels measured by noise monitoring equipment.

M10) The Proponent, following the receipt of a noise related complaint and if required by the EPA, must undertake noise monitoring as required in writing by the EPA.

M11) To assess compliance with Condition L1, attended noise monitoring must be undertaken in accordance with Conditions M7 to M9 and:

- a) At the EPA monitoring points identified in condition P2;
- b) Occur every calendar month in a reporting period; and
- c) Occur during one night time period as defined in the Noise Policy for Industry 2017 for a minimum of 15 minutes at each location from a), and when relevant b) during the night.

Blast monitoring:

M12) To determine compliance with conditions L7 to L10:

- a) airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 3 & 4 for the parameters specified in Column 1 of the table below; and
- b) the Proponent must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.

Parameter	Unit of measure	Frequency	Sampling method
Airblast overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006
Ground vibration peak particle velocity	Millimetres/second	All blasts	Australian Standard AS 2187.2-2006

M13) To determine compliance with conditions L7 to L10:

- a) airblast overpressure and ground vibration levels must be measured and electronically recorded in accordance with the ANZECC guidelines for all production blasts carried out in or on the premises; and
- b) the written record must include:
 - i. the time and date of each blast;
 - ii. the station(s) at which the noise was measured;
 - iii. the ground vibration for each blast;
 - iv. the airblast overpressure for each blast;
 - v. evidence that during the past 12-month period, a calibration check had been carried out on each blast monitor to ensure accuracy of the reported data; and
 - vi. the waveform for the ground vibration and overpressure for each blast that exceeds a ground vibration of 5mm/sec (peak particle velocity) or an airblast overpressure of 115dB(L).
- c) instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard 2187.2 of 2006.

Testing methods – concentration limits:

M14) Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this Development Approval or any in-force environment protection licence must be done in accordance with:

- a) any methodology which is required by or under the *Protection of the Environment Operations Act 1997* to be used for the testing of the concentration of the pollutant; or
- b) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997*, any methodology which a condition of this Development Approval or any in-force environment protection licence requires to be used for that testing; or
- c) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997* or by a condition of this Development Approval any in-force environment protection licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

M15) Subject to any express provision to the contrary in this Development Approval or any in-force environment protection licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

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

Recording of pollution complaints:

M16) The Proponent must keep a legible record of all complaints made to the Proponent or any employee or agent of the Proponent in relation to pollution arising from any activity to which this Development Approval or any in-force environment protection licence applies.

M17) 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 Proponent in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Proponent, the reasons why no action was taken.

M18) The record of a complaint must be kept for at least 4 years after the complaint was made.

M19) The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line:

M20) The Proponent 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 Development Approval or any in-force environment protection licence.

M21) The Proponent 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.

Other notifications:

M22) The Proponent must notify the EPA of any exceedance of any noise limits by telephoning the EPA's environment line service on 131 555 as soon as practicable after the exceedance becomes known to the Proponent or to one of the Proponent's employees or agents.

M23) The Proponent must notify the EPA of any exceedance of any blast limits by telephoning the EPA's environment line service on 131 555 as practicable after the exceedance becomes known to the Proponent or to one of the Proponent's employees or agents.

M24) The licensee must notify the EPA by telephoning the EPA's environment line service on 131 555 immediately after the Proponent becomes aware of any contravention or potential contravention of s120 of the *Protection of the Environment Operations Act 1997*.

Reporting Conditions

EPA Annual return documents

R1) The Proponent 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 Proponent a copy of the form that must be completed and returned to the EPA.

R2) 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 an environment protection licence. Do not complete the Annual Return until after the end of the reporting period.

R3) Where this environment protection licence is transferred from the Proponent to a new Proponent:

- a) the transferring Proponent 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 Proponent is granted; and
- b) the new Proponent 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 an environment protection licence must be made in the approved form for this purpose.

R4) Where this environment protection licence is surrendered by the Proponent or revoked by the EPA or Minister, the Proponent 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 the 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.

R5) 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 environment protection licence not later than 60 days after the date the transfer was granted (the 'due date').

R6) The Proponent 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.

R7) Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and

Complaints Summary must be signed by:

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

R8) Where the Proponent is unable to complete a part of the Annual Return by the due date because the Proponent was unable to calculate the actual load of a pollutant due to circumstances beyond the Proponent's control, the Proponent 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 Proponent.

Notification of environmental harm:

Note: The Proponent 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 *Protection of the Environment Operations Act 1997*.

R9) Notifications must be made by telephoning the Environment Line service on 131 555.

R10) The Proponent must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report:

R11) Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this environment protection 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.

R12) The Proponent 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.

R13) 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 Proponent, 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 Proponent is aware) who witnessed the event, unless the Proponent has been unable to obtain that information after making reasonable effort;
- e) action taken by the Proponent 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.

R14) 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 Proponent. The Proponent must provide such further details to the EPA within the time specified in the request.

Other reporting Conditions:

R15) The Proponent must provide an annual noise compliance assessment report prepared by an appropriately qualified acoustic consultant with each corresponding Annual Return. The report must include an assessment of compliance with all noise limits and monitoring stipulated by this Development Approval and where any non-compliances are present, provide an assessment of the non-compliance(s) and recommendations to prevent future non-compliances.

R16) The Proponent must provide an annual blast compliance assessment report prepared by an appropriately qualified consultant with each corresponding Annual Return. The report must include an assessment of compliance with all blast limits and monitoring stipulated by this Development Approval and where any non-compliances are present, provide an assessment of the non-compliance(s) and recommendations to prevent future non-compliances.

R17) The Proponent must provide the sewage treatment system maintenance program reports required by Condition O10 to O12 to the EPA with the Annual Return.

R18) The Proponent must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following:

- a) For the monitoring required by the Licence during the reporting period to which the Annual Return relates:
 - i. A summary of results of all ambient water quality monitoring required by the Licence in table form and graphical form;
 - ii. Total daily rainfall records from the premises meteorological monitoring required by the Licence on the day that the sample was undertaken in table form;
 - iii. Total daily continuous rainfall records in graphical form; and
 - iv. A plan with the monitoring locations
- b) A graphical presentation of the trends of monitoring results required by the Licence for the reporting period to which the Annual Return relates and the historical data for the period of record the Licensee has monitoring results for the Licensed location.

General Conditions

Copy of environment protection licence kept at the premises or plant

G1) A copy of the environment protection licence must be kept at the premises to which the licence applies.

G2) The environment protection licence must be produced to any authorised officer of the EPA who asks to see it.

G3) The environment protection licence must be available for inspection by any employee or agent of the Proponent working at the premises.

Contact number for incidents and responsible employees

G4) The Proponent must operate 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the Proponent who can:

- a) respond at all times to incidents relating to the premises; and
- b) contact the Proponent's senior employees or agents authorised at all times to:
 - i) speak on behalf of the Proponent; and
 - ii) provide any information or document required under this Proponent.

G5) The Proponent is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

Signage

G6) Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.