

Notice of Modification

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Infrastructure, I hereby modify the development consent DA 401-11-2002-i referred to in schedule 1, subject to the conditions in schedule 2.


Richard Pearson
Deputy Director-General
Development Assessment & Systems Performance

Sydney

5 August

2012

SCHEDULE 1

Development Consent (DA 401-11-2002-i), granted by the former Minister for Planning on 12 May 2003 for the upgrade of Kiln 6 and associated works at the existing cement works at Taylor Avenue, New Berrima in the Wingecarribee local government area.

SCHEDULE 2

- 1) Delete the following references in Definitions and Schedules 2, 3 and 4:

Applicant	Blue Circle Southern Cement Limited
Department	NSW Department of Urban and Transport Planning
DLWC	Department of Land and Water Conservation

- 2) Insert the following references in Definitions and Schedules 2, 3 and 4:

Applicant	Boral Cement Limited
Department	Department of Planning & Infrastructure
Director-General	Director-General of Department of Planning & Infrastructure, or delegate
EPA	Environment Protection Authority
Minister	Minister for Planning & Infrastructure, or delegate
NOW	NSW Office of Water
RMS	NSW Roads and Maritime Service

- 3) Insert the following after Condition 1.2 n) in Schedule 2:

- o) MOD 8 to amend Boral's consent (as modified) to ensure it is consistent with the requirements of the Environment Protection Licence (EPL) for the site.
- p) the conditions of this consent.

In the event of an inconsistency between a condition of this consent and the documents listed under a) to o) above, the conditions of consent shall prevail to the extent of the inconsistency.

- 4) Replace Condition 1.3 and 1.3A in Schedule 2 with the following, thereby removing any reference to Kiln 5:

- 1.3 The Applicant shall operate the cement works upgrade to meet the following requirements:
- a) the upgraded Kiln 6 is to be utilised as the primary and principal kiln on the site; and
 - b) the production capacity of the upgraded Kiln 6 is to be limited to ensure that the maximum clinker production capacity of Kiln 6 does not exceed 1.560 million tonnes per annum (rolling annual average).

1.3A Deliveries of coal to the site may be made by road or rail transport.

Note: The development application for the cement works upgrade has been assessed and determined as a non-designated development under Part 2, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. That Part requires that the cement works upgrade will not significantly increase the environmental impacts of the cement works as posed prior to the commencement of the cement works upgrade. Condition 0 aims to limit the impacts of the cement works, as upgraded in accordance with this consent, to reflect the intent of Part 2, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

5) Replace Table 3 and 4 in Condition 3.10 in Schedule 2 with the following:

Discharge Limits

3.10

Table 3 - Maximum Allowable Discharge Concentration Limits (Air) When Kiln 6 is using only Standard Fuels

EPA Identification Point	Pollutant	Units of Measure	Concentration Limit
2 – Main Exhaust Stack on Kiln No. 6 a	Cadmium	mgm ⁻³	0.1
	Mercury	mgm ⁻³	0.1
	Hazardous substances	mgm ⁻³	1.0
	Nitrogen oxides	mgm ⁻³	1000
	Solid particles	mgm ⁻³	95

a. the location of this point is the same as that described in EPL No. 1698

Table 4 - Maximum Allowable Discharge Concentration Limits (Air) When Kiln 6 is using Non-Standard Fuels

EPA Identification Point	Pollutant	Units of Measure	Concentration Limit
2 – Main Exhaust Stack on Kiln No. 6 a	Cadmium and Thallium	mg/m ³	0.05
	Chlorine	mg/m ³	200
	Dioxins & Furans	ng/m ³	0.1
	Hazardous substances b	mg/m ³	0.5
	Hydrogen chloride	mg/m ³	10
	Hydrogen fluoride	mg/m ³	1
	Mercury	mg/m ³	0.05
	Nitrogen Oxides	mg/m ³	800
	Solid Particles	mg/m ³	30
	Sulphur Dioxide	mg/m ³	50
	Sulphuric acid mist and/or sulphur trioxide	mg/m ³	100
	Volatile Organic Compounds c	ppm c	20 c

a. The location of this point is the same as that described in EPL No. 1698.

b. Aggregate of Sb, As, Be, Cd, Cr, Co, Pb, Mn, Hg, Ni, Se, Sn and V.

c. Or Total Organic Carbon or other equivalent(s) as agreed to by EPA.

6) Replace Table 5 in Condition 3.10A in Schedule 2 with the following:

3.10A

Table 5 - Reporting Reference Conditions and Averaging Periods

EPA Identification Point	Pollutant	Units of Measure	Concentration Limit
2 – Main Exhaust Stack on Kiln No. 6 a	Solid particles	Dry, 273K, 101.3 kPA, 10%O ₂	As per test method (for campaign monitoring)
	Solid particles	Dry, 273K, 101.3 kPA, 10%O ₂	24-hour average per method agreed to by EPA (for continuous monitoring)
	Nitrogen Oxides	Dry, 273K, 101.3 kPA, 10%O ₂	1-hour average per method agreed to by EPA (for continuous monitoring)
	Dioxins and Furans	Dry, 273K, 101.3 kPA, 10%O ₂ , I-TEQ	As per test method
	All other air pollutants	Dry, 273K, 101.3 kPA, 10%O ₂	As per test method
	All other air pollutants	As agreed to by EPA (for continuous monitoring)	As agreed to by EPA (for continuous monitoring)

7) Replace Table 6 and Table 7 in Condition 3.17A in Schedule 2 with the following:

Air Quality Monitoring

4.1

Table 6 – Discharge Point and Parameter Monitoring (Air) when Kiln 6 is using only Standard Fuels.

Discharge Point	Pollutant/Parameter	Units of Measure	Frequency	Sampling Method b
Point 2 a – Main Exhaust Stack on Kiln No. 6	Cadmium	mgm-3	Annual	TM-12, 13, 14
	Mercury	mgm-3	Annual	TM-12, 13, 14
	Hazardous substances	mgm-3	Annual	TM-12, 13, 14
	Nitrogen oxides	mgm-3	Annual	TM-11
	Velocity	ms-1	Annual	TM-2
	Volumetric flow rate	m3s-1	Annual	TM-2
	Temperature	oC	Annual	TM-2
	Moisture content in stack gases	%	Annual	TM-22
	Dry gas density	kgm-3	Annual	TM-23
	Molecular weight of stack gases	g.gmole-1	Annual	TM-23
	Carbon dioxide in stack gases	%	Annual	TM-24
	Solid Particles	mgm-3	Continuous	As agreed to by EPA
	Oxygen in stack gases	%	Annual	TM-25

a. the location of this point is the same as that described in EPL No. 1698.

b. the Sampling Method shall be undertaken in accordance with the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales

Table 7 – Discharge Point and Parameter Monitoring (Air) when Kiln 6 is using Non-Standard Fuels.

Discharge Point	Pollutant/Parameter	Units of Measure	Frequency	Sampling Method b
Point 2 a – Main Exhaust Stack on Kiln No. 6	Antimony (Sb)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
	Arsenic (As)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
	Beryllium (Be)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
	Cadmium (Cd)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
	Carbon dioxide	%	Special Frequency 1 and Continuous	CEM-3
	Carbon monoxide	%	Special Frequency 1 and Continuous	CEM-4
	Chlorine	mg/m3	Special Frequency 1	TM – 7, 8
	Chromium (Cr)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
	Cobalt (Co)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
	Copper (Cu)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
	Dioxins & Furans	ng/m3	Special Frequency 1	TM - 18
	Dry gas density	kg/m3	Special Frequency 1	TM-23
	Hazardous substances c	mg/m3	Special Frequency 1	TM - 12, 13 & 14

Hexavalent chromium (Cr 6+)	mg/m3	Special Frequency 1	OM - 4
Hydrogen chloride	mg/m3	Special Frequency 1	TM - 7, 8
Hydrogen fluoride	mg/m3	Special Frequency 1	TM - 9
Lead (Pb)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Manganese (Mn)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Mercury	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Mercury (Hg)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Moisture content	%	Special Frequency 1 and Continuous	As agreed to by EPA
Molecular weight of stack gases	g/g-mole	Special Frequency 1	As agreed to by EPA
Nickel (Ni)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Nitrogen Oxides (as NO ₂)	mg/m3	Special Frequency 1 and Continuous	CEM-2
Oxygen (O ₂)	%	Special Frequency 1 and Continuous	CEM-3
Selenium (Se)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Solid Particles	mg/m3	Special Frequency 1 and Continuous	As agreed to by EPA
Sulphur Dioxide	mg/m3	Special Frequency 1 and Continuous	CEM-2
Sulphuric acid mist and/or sulphur trioxide	mg/m3	Special Frequency 1	TM - 3
Temperature	OC	Special Frequency 1 and Continuous	As agreed to by EPA
Thallium	mg/m3	Special Frequency 1	As agreed to by EPA
Tin (Sn)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Vanadium (V)	mg/m3	Special Frequency 1	TM - 12, 13 & 14
Velocity	m/s	Special Frequency 1 and Continuous	As agreed to by EPA
VOC d	ppm d	Special Frequency 1 and Continuous d	As agreed to by EPA
Volumetric flowrate	m3/s	Special Frequency 1 and Continuous	As agreed to by EPA

a. the location of this point is the same as that described in EPL No. 1698.

b. Special Frequency 1 is defined as a round of air emission monitoring (for each of the parameters nominated for a discharge point) conducted:

- every 3 months for a minimum of 12 months, and
- if no parameter exceeds its relevant limit (if any) for 4 consecutive 3-monthly tests over 12 months, thereafter bi-annually for a minimum of 12 months, and
- if no parameter exceeds its relevant limit (if any) for 2 consecutive bi-annual tests over 12 months, thereafter as agreed to by EPA.

c. aggregate of Sb, As, Be, Cd, Cr, Co, Pb, Mn, Hg, Ni, Se, Sn and V.

d. or Total Organic Carbon or other equivalent(s) as agreed to by EPA.