

Your reference:  
Our reference: DOC09/44829; LIC07/628-04  
Contact: Karen Marler: (02) 49086803

Transpacific Refiners Pty Ltd  
PO Box 246  
RUTHERFORD NSW 2320  
Attention: Mr Ray Carson

3 0 SEP 2009

Dear Mr Carson

**Licence Variation Application - Request to increase solid particle emission limit at Point 19**

I refer to a letter dated 26 August 2009 and received by the Department of Environment, Climate Change and Water (DECCW) on 15 September 2009 from Mr Grahame Taylor of AECOM. This letter includes a licence variation application form for Environment Protection Licence (EPL) 12555 seeking to increase the solid particle emission limit at Point 19 from 10mg/m<sup>3</sup> to 50 mg/m<sup>3</sup>.

The Project Approval issued by the Department of Planning specifies a solid particle emission limits at Point 19 of 10 mg/m<sup>3</sup>. Section 75V of the *Environmental Planning and Assessment Act* (1979) and Section 50 of the *Protection of the Environment Operations Act 1997* prevent DECCW from varying your EPL to permit an activity which is inconsistent with a development approval. I therefore suggest that you contact the Department of Planning to resolve this issue.

If you have any questions regarding this matter, please contact Karen Marler on (02) 49086803.

Yours sincerely



**MITCHELL BENNETT**  
**Head Regional Operations Unit – Hunter Region**  
**Environment Protection and Regulation**

The Department of Environment and Climate Change is now known as the Department of Environment, Climate Change and Water

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Department of **Environment and Climate Change** NSW