

Appendix 2

ENVIRONMENT PROTECTION LICENCE 12870

Environment Protection Licence

Licence - 12870

**Licence Details**

| | |
|-------------------|-------------|
| Number: | 12870 |
| Anniversary Date: | 31-July |
| Review Due Date: | 18-Aug-2014 |

Licensee

WHITEHAVEN COAL MINING LIMITED
PO BOX 600
GUNNEDAH NSW 2380

Licence Type

Premises

Premises

Rocglen Coal Mine
Wean Road
GUNNEDAH NSW 2380

Scheduled Activity

Mining for coal
Coal works

Fee Based Activity

Mining for coal
Coal works

Scale

> 500000 - 2000000 T produced
0 - 2000000 T loaded

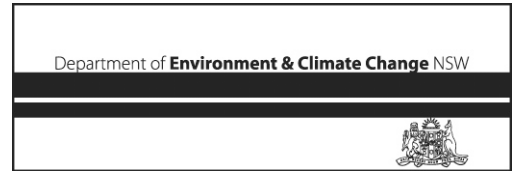
Region

North West - Armidale
Level 1, NSW Govt Offices, 85 Faulkner Street
ARMIDALE NSW 2350
Phone: 02 6773 7000
Fax: 02 6772 2336

PO Box 494 ARMIDALE
NSW 2350

Environment Protection Licence

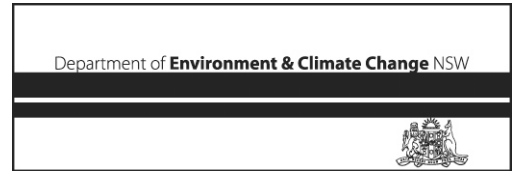
Licence - 12870



| | |
|---|-----------|
| INFORMATION ABOUT THIS LICENCE | 4 |
| Dictionary | 4 |
| Responsibilities of licensee..... | 4 |
| Variation of licence conditions | 4 |
| Duration of licence..... | 4 |
| Licence review..... | 4 |
| Fees and annual return to be sent to the EPA | 4 |
| Transfer of licence | 5 |
| Public register and access to monitoring data..... | 5 |
| 1 ADMINISTRATIVE CONDITIONS | 5 |
| A1 What the licence authorises and regulates | 5 |
| A2 Premises to which this licence applies | 6 |
| A3 Other activities | 6 |
| A4 Information supplied to the EPA | 7 |
| 2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND | 7 |
| P1 Location of monitoring/discharge points and areas..... | 7 |
| 3 LIMIT CONDITIONS | 11 |
| L1 Pollution of waters | 11 |
| L2 Load limits..... | 11 |
| L3 Concentration limits..... | 11 |
| L4 Volume and mass limits | 12 |
| L5 Waste..... | 12 |
| L6 Noise Limits | 12 |
| L7 Blasting limits | 13 |
| 4 OPERATING CONDITIONS | 14 |
| O1 Activities must be carried out in a competent manner..... | 14 |
| O2 Maintenance of plant and equipment..... | 14 |
| O3 Dust..... | 14 |
| 5 MONITORING AND RECORDING CONDITIONS | 15 |
| M1 Monitoring records..... | 15 |
| M2 Requirement to monitor concentration of pollutants discharged..... | 15 |
| M3 Testing methods - concentration limits | 16 |
| M4 Recording of pollution complaints..... | 17 |
| M5 Telephone complaints line..... | 17 |
| M6 Requirement to monitor volume or mass | 18 |
| M7 Requirement to monitor weather | 18 |
| M8 Noise and Blast Monitoring..... | 18 |
| 6 REPORTING CONDITIONS | 19 |
| R1 Annual return documents | 19 |

Environment Protection Licence

Licence - 12870



| | | |
|---|--|-----------|
| R2 | Notification of environmental harm | 21 |
| R3 | Written report | 21 |
| R4 | The licensee must report any exceedence of the licence blasting limits to the regional office of the | 22 |
| GENERAL CONDITIONS..... | | 22 |
| G1 | Copy of licence kept at the premises | 22 |
| POLLUTION STUDIES AND REDUCTION PROGRAMS | | 22 |
| SPECIAL CONDITIONS | | 22 |
| DICTIONARY | | 22 |
| | General Dictionary..... | 22 |



Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

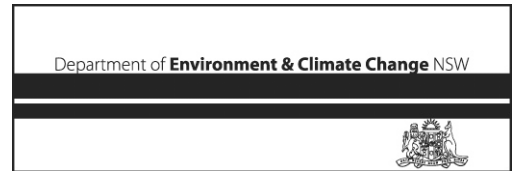
For each licence fee period you must pay:

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

The EPA publication "A Guide to Licensing" contains information about how to calculate your licence fees.

Environment Protection Licence

Licence - 12870



The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

| |
|---------------------------------------|
| WHITEHAVEN COAL MINING LIMITED |
| PO BOX 600 |
| GUNNEDAH NSW 2380 |

subject to the conditions which follow.

1 Administrative conditions

A1 What the licence authorises and regulates

A1.1 Not applicable.

A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Environment Protection Licence

Licence - 12870



Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

| Scheduled Activity |
|--------------------|
| Mining for coal |
| Coal works |

| Fee Based Activity | Scale |
|--------------------|-------------------------------|
| Mining for coal | > 500000 - 2000000 T produced |
| Coal works | 0 - 2000000 T loaded |

A1.3 Not applicable.

A2 Premises to which this licence applies

A2.1 The licence applies to the following premises:

| Premises Details |
|--|
| Rocglen Coal Mine |
| Wean Road |
| GUNNEDAH |
| NSW |
| 2380 |
| LOT 1 DP 787417; LOTS 1 & 4 DP 1120601 |
| |
| |
| |

A3 Other activities

A3.1 Not applicable.

Environment Protection Licence

Licence - 12870



A4 Information supplied to the EPA

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

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

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

2 Discharges to air and water and applications to land

P1 Location of monitoring/discharge points and areas

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

*Air*

| EPA Identification no. | Type of Monitoring Point | Type of Discharge Point | Description of Location |
|------------------------|--------------------------|-------------------------|---|
| 2 | Ambient Air Monitoring | | Location labelled BD2 (Glenroc) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |
| 3 | Ambient Air Monitoring | | Location labelled BD3 (Belah) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |
| 4 | Ambient Air Monitoring | | Location labelled BD4 (Surrey) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |
| 5 | Ambient Air Monitoring | | Location labelled BD5 (Stratford) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |
| 6 | Ambient Air Monitoring | | Location labelled BD6 (Roseberry) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |
| 7 | Ambient Air Monitoring | | Location labelled BD7 (Roseglass) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |

Environment Protection Licence



Licence - 12870

| EPA Identification no. | Type of Monitoring Point | Type of Discharge Point | Description of Location |
|------------------------|--------------------------|-------------------------|--|
| 8 | Ambient Air Monitoring | | Location labelled BD8 (Yarrowonga) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |
| 9 | Ambient Air Monitoring | | PM10 location labelled BA1 (Glenroc) identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |
| 10 | Ambient Air Monitoring | | PM10 location labelled "Roseberry" identified on Figure 3 Proposed Air Quality Monitoring Network provided with licence variation application and letter from Whitehaven Coal Mining Pty. Ltd. dated 27 February 2009. |

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

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

Licence - 12870

*Water and land*

| EPA identification no. | Type of monitoring point | Type of discharge point | Description of location |
|-------------------------------|--|--|---|
| 11 | Wet weather discharge Discharge water quality monitoring | Wet weather discharge Discharge water quality monitoring | Discharge from storage dam 3 identified as 'SD3 Wet Weather Discharge Monitor Point Southern Boundary - Site Exit' on Figure titled "Figure 1 Rocglen Site Water Monitoring for Wet Weather Discharge" submitted to DECC by email on 7 May 2009. |
| 12 | Wet weather discharge Discharge water quality monitoring | Wet weather discharge Discharge water quality monitoring | Discharge location at northern site boundary labelled "Wet Weather Discharge Monitor Point Northern Boundary - Site Exit" on Figure titled "Figure 1 Rocglen Site Water Monitoring for Wet Weather Discharge" submitted to DECC by email on 7 May 2009 |
| 13 | Ambient water quality monitoring | | Monitoring point on northern side of mining lease to assess water quality in Driggle Draggie Creek identified as "DDCK" on Figure titled "Figure 1 Rocglen Site Water Monitoring for Wet Weather Discharge" submitted to DECC by email on 7 May 2009 |
| 14 | Ambient water quality monitoring | | Monitoring point on southern side of mining lease to assess water quality in unnamed drainage channel identified as "UNDC" on on Figure titled "Fig 1 Rocglen Site Water Monitoring for Wet Weather Discharge" submitted to DECC by email on 7 May 2009 |
| 15 | Ambient water quality monitoring | | Monitoring point on eastern side of mining lease to monitor upstream water quality in unnamed creek identified as "SD7" on Figure titled "Fig 1 Rocglen Site Water Monitoring for Wet Weather Discharge" submitted to DECC by email on 7 May 2009 |
| 16 | Surface water quality monitoring | | Void Mine water dam located on premises |

Environment Protection Licence



Licence - 12870

- P1.4 The following point(s) in the table are identified in this licence for the purpose of the monitoring of weather parameters at the point.

| EPA identification number | Type of Monitoring Point | Description of Location |
|---------------------------|--------------------------|---|
| W1 | Weather analysis | Weather station located on the premises identified as 'relocated meteorological station' on figure A Indicative Mine Layout submitted with licence application dated 28 February 2008 |

3 Limit conditions

L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Load limits

- L2.1 Not applicable.
L2.2 Not applicable.

L3 Concentration limits

- L3.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L3.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L3.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.

Licence - 12870

*Water and Land*

POINTS 11,12

| Pollutant | Units of Measure | 50 percentile concentration limit | 90 percentile concentration limit | 3DGM concentration limit | 100 percentile Concentration Limit |
|------------------------|----------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil and Grease | milligrams per litre | | | | 10 |
| pH | pH | | | | 6.5-8.5 |
| Total suspended solids | milligrams per litre | | | | 50 |

L3.4 The Total Suspended Solids concentration limits specified for Points 11 and 12 may be exceeded for water discharged provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.

Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.

L4 Volume and mass limits

L4.1 Not applicable.

L5 Waste

L5.1 Not applicable.

L6 Noise Limits

L6.1 Noise from the premises must not exceed:

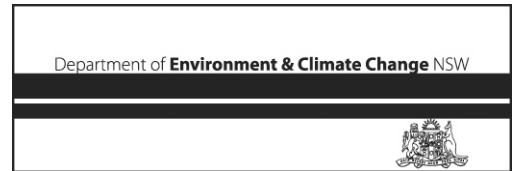
- (a) an $L_{Aeq(15\text{ minute})}$ noise emission criterion of 35 dB(A) at all times (day, evening and night time periods); and
- (b) an $L_{A1(1\text{ minute})}$ noise emission criterion of 45 dB(A) at night

L6.2 Definitions

$L_{Aeq(15\text{ minute})}$ is the equivalent continuous noise level- the level of noise equivalent to the energy-average of noise levels occurring over a measures period (i.e. 15 minutes).

Environment Protection Licence

Licence - 12870



$L_{A1(1\text{ minute})}$ is the A-weighted sound pressure level that is exceeded for 1 per cent of the time over a 1 minute measurement period.

Day time is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and public holidays.

Evening is defined as the period from 6pm to 10pm.

Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

Notes

To determine compliance with the LAeq (15 minute) noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30m of a dwelling where the dwelling is more than 30m from the boundary, over a period of 15 minutes using "FAST" response on the sound level meter.

To determine compliance with $L_{A1(1\text{ minute})}$ noise limits, noise from the project is to be measured at 1 metre from the dwelling façade.

Where it can be demonstrated that direct measurement of noise from the project is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Policy).

The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

- L6.3 The noise emission limits identified in this licence apply under all meteorological conditions except:
- during rain and wind speeds (at 10m height) greater than 3m/s; and
 - under "non-significant weather conditions".

Note: Field meteorological indicators for non-significant weather conditions are described in the NSW Industrial Noise Policy, Chapter 5 and Appendix E in relation to wind and temperature inversions.

- L6.4 The noise limits set by condition L6.1 of the licence do not apply where a current legally binding agreement exists between the licensee and the occupant of a residential property that:
- agrees to an alternative noise limit for that property; or
 - provides an alternative means of compensation to address noise impacts from the premises.

A copy of any agreement must be provided to the EPA before the licensee can take advantage of the agreement.

L7 Blasting limits

- L7.1 The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) 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.

- L7.2 The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. 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.
- L7.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec 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.
- L7.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time. 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.

4 Operating conditions

01 Activities must be carried out in a competent manner

- 01.1 Licensed activities must be carried out in a competent manner.

This includes:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

02 Maintenance of plant and equipment

- 02.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- (a) must be maintained in a proper and efficient condition; and
 - (b) must be operated in a proper and efficient manner.

03 Dust

- 03.1 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.
- 03.2 Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.



5 Monitoring and recording conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - 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 licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

POINTS 2,3,4,5,6,7,8

| Pollutant | Units of measure | Frequency | Sampling Method |
|---------------------------------|----------------------------------|------------|-----------------|
| Particulates - Deposited Matter | grams per square metre per month | Continuous | AM-19 |

POINTS 9,10

| Pollutant | Units of measure | Frequency | Sampling Method |
|-----------|----------------------------|--------------|-----------------|
| PM10 | micrograms per cubic metre | Every 6 days | AM-18 |

POINTS 11,12

| Pollutant | Units of measure | Frequency | Sampling Method |
|------------------------|-----------------------------|---------------------|-----------------|
| Conductivity | microsiemens per centimetre | Special Frequency 1 | In situ |
| Oil and Grease | milligrams per litre | Special Frequency 1 | Grab sample |
| Total organic carbon | milligrams per litre | Special Frequency 1 | Grab sample |
| Total suspended solids | milligrams per litre | Special Frequency 1 | Grab sample |
| pH | pH | Special Frequency 1 | In situ |

Environment Protection Licence

Licence - 12870



POINTS 13,14,15

| Pollutant | Units of measure | Frequency | Sampling Method |
|------------------------|-----------------------------|---------------------|-----------------|
| Conductivity | microsiemens per centimetre | Special Frequency 2 | In situ |
| Oil and Grease | milligrams per litre | Special Frequency 2 | Grab sample |
| Total organic carbon | milligrams per litre | Special Frequency 2 | Grab sample |
| Total suspended solids | milligrams per litre | Special Frequency 2 | Grab sample |
| pH | pH | Special Frequency 2 | In situ |

POINT 16

| Pollutant | Units of measure | Frequency | Sampling Method |
|------------------------|-----------------------------|-----------|-----------------|
| Aluminium | milligrams per litre | Yearly | Grab sample |
| Arsenic | milligrams per litre | Yearly | Grab sample |
| Bicarbonate | milligrams per litre | Yearly | Grab sample |
| Chloride | milligrams per litre | Yearly | Grab sample |
| Conductivity | microsiemens per centimetre | Quarterly | In situ |
| Iron | milligrams per litre | Yearly | Grab sample |
| Manganese | milligrams per litre | Yearly | Grab sample |
| Oil and Grease | milligrams per litre | Quarterly | Grab sample |
| Sodium | milligrams per litre | Yearly | Grab sample |
| Total organic carbon | milligrams per litre | Quarterly | Grab sample |
| Total suspended solids | milligrams per litre | Quarterly | Grab sample |
| pH | pH | Quarterly | In situ |

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

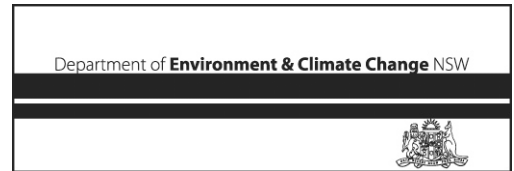
Note: The Protection of the Environment Operations (Clean Air) Regulation 2002 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

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

For the purposes of the table(s) above Special Frequency 1 means the collection of samples as soon as practicable after each discharge commences and in any case not more than 12 hours after each discharge commences.

Environment Protection Licence

Licence - 12870



For the purposes of the table(s) above Special Frequency 2 means the collection of samples quarterly (in the event of a flow during the quarter) at a time when there is flow and as soon as practicable after each wet weather discharge from points 11 and 12 commences and in any case not more than 12 hours after each discharge commences.

Note: Groundwater monitoring points have not been formally included in the licence. However, the licensee is required to undertake groundwater monitoring in accordance with a Department of Planning approved Water Management Plan required under Schedule 3, condition 2 Project Approval 06-0198 dated 15 April 2008. The licensee has submitted the document "*Site Water Management Plan for the Rocglen Coal Mine, Whitehaven Coal Mining Pty Ltd, 2008.*" This document has been approved by Planning following consultation by the licensee with the EPA. The results of this monitoring are required to be reported in the Annual Environmental Management Report (AEMR).

M4 Recording of pollution complaints

- M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M4.2 The record must include details of the following:
- the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the licensee, the reasons why no action was taken.
- M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

- M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

Environment Protection Licence

Licence - 12870



- M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after:
- the date of the issue of this licence or
 - if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

M6 Requirement to monitor volume or mass

- M6.1 Not applicable.

M7 Requirement to monitor weather

- M7.1 For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

Point W1

| Parameter | Units of Measure | Frequency | Averaging Period | Sampling Method |
|--|------------------|------------|------------------|----------------------------|
| Rainfall | mm | Continuous | 1 hour | AM-4 |
| Wind speed @ 10 metres | m/s | Continuous | 15 minute | AM-2 & AM-4 |
| Wind direction @ 10 metres | ° | Continuous | 15 minute | AM-2 & AM-4 |
| Temperature @ 2 metres | °C | Continuous | 15 minute | AM-4 |
| Temperature @ 10 metres | °C | Continuous | 15 minute | AM-4 |
| Sigma theta @ 10 metres | ° | Continuous | 15 minute | AM-2 & AM-4 |
| Solar radiation | W/m ² | Continuous | 15 minute | AM-4 |
| Additional requirements - Siting - Measurement | | | | AM-1 & AM-4 AM-2 & AM-4 |
| . | . | . | . | . |
| . | . | . | . | . |

M8 Noise and Blast Monitoring

- M8.1 For each monitoring point specified below, the Licensee must monitor the noise or vibration parameter specified in Column 1. The Licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.

Licence - 12870

**POINTS: N1, N2**

| Parameter | Units of measure | Frequency | Sampling Method |
|---------------|--|--|--|
| Ambient Noise | L _{Aeq} (15 minute) L _{Amax} L _{A1} (1 minute) L _{A10} L _{A90} L _{Amin} | Frequency of monitoring as detailed in the document "Noise Monitoring Program for the Rocglen Mine, Whitehaven Coal Mining Pty. Ltd., 24/4/2008" | Type 1 Noise Meter – unattended and attended monitoring as detailed in the document "Noise Monitoring Program for the Rocglen Mine, Whitehaven Coal Mining Pty. Ltd., 24/4/2008" |

M8.2 To determine compliance with condition(s) L7.1, L7.2, L7.3 and L7.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at points N1, N2 - for all blasts carried out in or on the premises; and
- b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

M8.3 For the purpose of conditions L8.1 and L8.2, the noise monitoring locations are described as:

| EPA No. | Identification | Description of Location |
|---------|----------------|---------------------------------|
| N1 | | Property 'Costa Vale' residence |
| N2 | | Property 'Surrey' residence |

Note: The location, frequency of monitoring and the parameters to be monitored may be varied by the EPA once the variability of the noise impact is established.

6 Reporting conditions

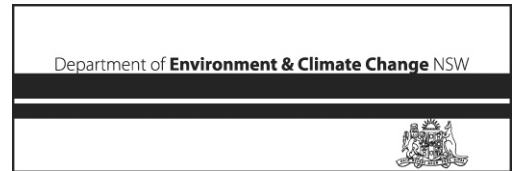
R1 Annual return documents

What documents must an Annual Return contain?

- R1.1 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.

Environment Protection Licence

Licence - 12870



A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. 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

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

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

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

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

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

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

- (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

R1.5 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

R1.6 Not applicable.

Licensee must retain copy of Annual Return

R1.7 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

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

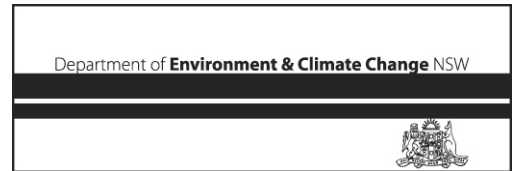
R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

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

R1.9 A person who has been given written approval to certify a certificate of compliance under a licence

Environment Protection Licence

Licence - 12870



issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.

R2 Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

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

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
 - (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
- and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- (a) the cause, time and duration of the event;
- (b) the type, volume and concentration of every pollutant discharged as a result of the event;
- (c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- (g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

Environment Protection Licence

Licence - 12870



- R4 The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.

General conditions

G1 Copy of licence kept at the premises

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

Pollution studies and reduction programs

- U1.1 Not applicable.

Special conditions

- E1.1 Not applicable.

Dictionary

General Dictionary

In this licence, unless the contrary is indicated, the terms below have the following meanings:

3DGM [in relation to a concentration limit]

Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples

Act

Means the Protection of the Environment Operations Act 1997

Environment Protection Licence



Licence - 12870

| | |
|--|---|
| activity | Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997 |
| actual load | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998 |
| AM | Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> . |
| AMG | Australian Map Grid |
| anniversary date | The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act. |
| annual return | Is defined in R1.1 |
| Approved Methods Publication | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998 |
| assessable pollutants | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998 |
| BOD | Means biochemical oxygen demand |
| CEM | Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> . |
| COD | Means chemical oxygen demand |
| composite sample | Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume. |
| cond. | Means conductivity |
| environment | Has the same meaning as in the Protection of the Environment Operations Act 1997 |
| environment protection legislation | Has the same meaning as in the Protection of the Environment Administration Act 1991 |
| EPA | Means Environment Protection Authority of New South Wales. |
| fee-based activity classification | Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 1998. |
| flow weighted composite sample | Means a sample whose composites are sized in proportion to the flow at each composites time of collection. |
| general solid waste (non-putrescible) | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997 |
| general solid waste (putrescible) | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997 |
| grab sample | Means a single sample taken at a point at a single time |
| hazardous waste | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997 |
| licensee | Means the licence holder described at the front of this licence |
| load calculation protocol | Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998 |

Environment Protection Licence



Licence - 12870

| | |
|--|--|
| local authority | Has the same meaning as in the Protection of the Environment Operations Act 1997 |
| material harm | Has the same meaning as in section 147 Protection of the Environment Operations Act 1997 |
| MBAS | Means methylene blue active substances |
| Minister | Means the Minister administering the Protection of the Environment Operations Act 1997 |
| mobile plant | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997 |
| motor vehicle | Has the same meaning as in the Protection of the Environment Operations Act 1997 |
| O&G | Means oil and grease |
| percentile [in relation to a concentration limit of a sample] | Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence. |
| plant | Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles. |
| pollution of waters [or water pollution] | Has the same meaning as in the Protection of the Environment Operations Act 1997 |
| premises | Means the premises described in condition A2.1 |
| public authority | Has the same meaning as in the Protection of the Environment Operations Act 1997 |
| regional office | Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence |
| reporting period | For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act. |
| restricted solid waste | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997 |
| scheduled activity | Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997 |
| special waste | Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997 |
| TM | Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> . |
| TSP | Means total suspended particles |
| TSS | Means total suspended solids |
| Type 1 substance | Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements |
| Type 2 substance | Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements |
| utilisation area | Means any area shown as a utilisation area on a map submitted with the application for this licence |
| waste | Has the same meaning as in the Protection of the Environment Operations Act 1997 |
| waste type | Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste |

Environment Protection Licence

Licence - 12870



Mr Robert O'Hern

Environment Protection Authority

(By Delegation)

Date of this edition - 18-Aug-2009

End Notes

- 1 Licence varied by notice 1096864, issued on 19-May-2009, which came into effect on 19-May-2009.
- 2 Licence varied by notice 1103283, issued on 18-Aug-2009, which came into effect on 18-Aug-2009.