

Environment Protection Licence



Licence - 12365

Licence Details

Number:	12365
Anniversary Date:	09-January
Review Due Date:	09-Jan-2009

Licensee

EAST BOGGABRI COAL PTY LTD
P O Box 600
GUNNEDAH NSW 2380

Licence Type

Premises

Premises

East Boggabri Open Cut Coal Mine
469 Goonbri Road
BOGGABRI NSW 2382

Scheduled Activity

Coal Mines
Coal Works

Fee Based Activity

Coal Mining (26)

Scale

> 500000 - 2000000 T produced

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

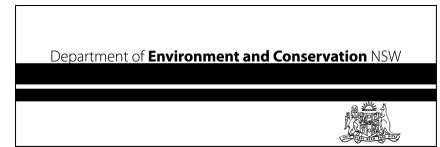
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Information about this licence

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).
- 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.

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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
- 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:

EAST BOGGABRI COAL PTY LTD
P O Box 600
GUNNEDAH NSW 2380

subject to the conditions which follow:

1 Administrative conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2.

Construction of mine infrastructure prior to commencement of mining.

A1.2 This licence authorises the carrying out of the scheduled activities listed below at the premises



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specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

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
Coal Mines
Coal Works

Fee Based Activity	Scale
Coal Mining (26)	> 500000 - 2000000 T produced

A1.3 The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.

A2 Premises to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
East Boggabri Open Cut Coal Mine
469 Goonbri Road
BOGGABRI
NSW
2382
LOTS 10, 15, 16, 29 & 31 DP 754940; PART LOTS
11, 24 & 25 DP754940; PART LOT 83 DP 754953;



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Premises Details

PART LOT 1 DP 970060; Private haul road between Goonbri and Rangari Rd on properties "Thuin" and "Tarrawonga"; Private haul road between Rangari Rd and Hoad Lane on properties "Kyalla" and "Bungalow"; Private Haul Road between Hoad Lane and the boundary of Whitehaven Coal Mine premises.

A3 Other activities

A3.1 Not applicable.

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.



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Air

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
15	Ambient air quality monitoring		Within 100m of the residence on the property "Merriown" labelled EBA-1(D7) in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.
16	Ambient air monitoring		Within 100m of the residence on the property "Nagero" labelled EBA-2(D2) in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.
17	Ambient Air Monitoring		Within 100m of the residence on the property "Jeralong" labelled EBA-3 in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.
18	Ambient Air Monitoring		Within 100m of the residence on the property "Templemore" labelled EBA-4 in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.
19	Ambient Air Monitoring		Within 100m of the residence on the property "Bollol Creek Station" labelled EBA-5 in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.

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EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Description of Location
20	Ambient Air Monitoring		Within 100m of the residence on the property "Forest View" labelled D3 in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.
21	Ambient Air Monitoring		Within 100m of the residence on the property "Greenhills" labelled D4 in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.
22	Ambient Air Monitoring		Within 100m of the residence on the property "Ambardo" identified in Figure 4.1, Air Quality Monitoring Locations identified in report "Air Quality Monitoring Program, East Boggabri Coal Pty. Ltd, Report No. 643/11, Dec 2005.

- 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.



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Water and land

EPA identification no.	Type of monitoring point	Type of discharge point	Description of location
1	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Spillway on Storage Dam 2 located on western boundary of premises labelled "SD2" on map C Discharge Points submitted with licence application dated 17 November 2005
2	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Spillway on Storage Dam 9 located on western boundary of premises labelled "SD9" on map C Discharge Points submitted with licence application dated 17 November 2005
3	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Spillway on Storage Dam 16 located on western boundary of premises labelled "SD16" on map C Discharge Points submitted with licence application dated 17 November 2005
4	Wet weather discharge Discharge water quality monitoring	Wet weather discharge Discharge water quality monitoring	Spillway on Storage Dam 20 located on western boundary of premises labelled "SD20" on map C Discharge Points submitted with licence application dated 17 November 2005
5	Ambient water quality monitoring		Bollol Creek upstream of discharge from premises labelled point BC-U on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
6	Ambient water quality monitoring		Bollol Creek downstream of discharge from premises labelled point BC-D on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
7	Ambient water quality monitoring		Nagero Creek upstream of discharge from premises labelled point NC-U on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
8	Ambient water quality monitoring		Nagero Creek downstream of discharge from premises labelled point NC-D on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
9	Groundwater monitoring		Groundwater monitoring bore located on property "Thuin" labelled MW-1 on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
10	Groundwater monitoring		Groundwater monitoring bore located on property "Bollol Ck Station" labelled MW-2 on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
11	Groundwater monitoring		Groundwater monitoring bore located on property "Nagero" labelled MW-3 on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
12	Groundwater monitoring		Groundwater monitoring bore located on property "Tarrawonga" labelled MW-4 on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005

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EPA identification no.	Type of monitoring point	Type of discharge point	Description of location
13	Surface water quality monitoring		Mining void (variable location) labelled MV1 on Figure 5 Water Monitoring Locations in the Site Water Management Plan submitted with licence application 17 November 2005
14		Utilisation Area	Discharge to wastewater effluent utilisation area located on property "Thuin"

P2 Weather monitoring

P2.1 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 property "Nagero" operated by Idemitsu Boggabri Coal Pty. Ltd.

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.



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- 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\.

*Water and Land***POINT 1**

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
Oil and Grease	mg/L				10
pH	pH				6.5 - 8.5
Total suspended solids	mg/L	20	35		50

POINT 2

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
Oil and Grease	mg/L				10
pH	pH				6.5-8.5
Total suspended solids	mg/L	20	35		50

POINT 3

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
Oil and Grease	mg/L				10
pH	pH				6.5-8.5
Total suspended solids	mg/L	20	35		50

POINT 4

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
Oil and Grease	mg/L				10
pH	pH				6.5-8.5
Total suspended solids	mg/L	20	35		50

L4 Volume and mass limits

- L4.1 Not applicable.

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L5 Waste

- L5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.
- L5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.
- L5.3 Reject material from the Whitehaven CHPP can be disposed of at the premises in accordance with the disposal method outlined in the Environmental Impact Statement titled "East Boggabri Joint Venture, Environmental Impact Statement for the Proposed East Boggabri Coal Mine, May 2005" prepared by R.W. Corkery & Co. Pty. Limited dated May 2005, or as otherwise approved by the DEC"

L6 Noise Limits

- L6.1 Noise from the premises must not exceed:
- (a) an $L_{Aeq(15\text{ minute})}$ noise emission criterion of 40 dB(A) during initial construction period;
 - (b) an $L_{Aeq(15\text{ minute})}$ noise emission criterion of 35 dB(A) during the operational stages of the mine; and
 - (c) an $L_{A1(1\text{ minute})}$ noise emission criterion of 45 dB(A) at night
- L6.2 Noise from the premises is to be measured at any residence not on the premises to determine compliance with this condition.

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).

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

Night is the period between midnight to 7am and 10pm to midnight Monday to Saturday and midnight to 8am and 10pm to midnight Sundays and Public Holidays.

Construction period is defined in the EIS for the mine and is limited in any case to a maximum of the initial 6 months of activities on the premises.

Note: Noise Management

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For the purpose of noise measures required for this condition, the L_{Aeq} noise level must be measured or computed at any point within 30 metres of any residence not on the premises over a period of 15 minutes using "FAST" response on the sound level meter.

- 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 Noise impacts where wind speed exceeds 3 metres per second at 10 metres above the ground must be addressed by:

- documenting noise complaints received to identify any higher level of impacts or wind patterns;

where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts where wind speed exceeds 3 metres per second at 10 metres above the ground should be developed and implemented.

- L6.5 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.

- L6.6 The noise limits set by condition L6.1 of this licence apply to noise generated solely from the premises. Where the limits are exceeded solely due to cumulative noise impacts from the premises and off premise operations (not under control of the licensee), the licensee must:

- Identify significant contributing noise sources and/or meteorological conditions on the premises contributing to the cumulative noise impacts;
- Liaise with the occupier(s) of all off premise operations contributing to the cumulative noise impact to identify the source(s) and/or cause(s) of cumulative noise impacts causing the exceedance;
- Develop a joint noise reduction strategy in conjunction with all off site contributors to the cumulative noise impacts; and
- Implement all noise mitigation measures that relate solely to the premises identified in the joint noise reduction strategy.

A copy of the joint noise reduction strategy must be provided to the DEC's Armidale office within 30 days of any cumulative noise impacts exceeding the limits set by conditions L6.1 of this licence.



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L7 Blasting limits

- L7.1 The airblast overpressure level from blasting operations in or on the premises must not exceed:
- (a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and
 - (b) 120 dB (Lin Peak) at any time.
- At any point within 30 metres of any non-project related residential building or other noise sensitive location .
- L7.2 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:
- (a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and
 - (b) 10 mm/s at any time.
- At any point within 3.5 metres of any non-project related residential building or other noise sensitive location .
- L7.3 Blasting operations on the premises must only be carried out between the hours 9am to 5pm, Monday to Friday.
- L7.4 The hours of operation for blasting operations specified in condition L7.3 may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.
- L7.5 Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

Note: Additional blasts are permitted where it is demonstrated to be necessary for safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

4 Operating conditions

O1 Activities must be carried out in a competent manner

- O1.1 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



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- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
 - (a) must be maintained in a proper and efficient condition; and
 - (b) must be operated in a proper and efficient manner.

O3 Dust

- O3.1 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.
- O3.2 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.

O4 Effluent application to land

- O4.1 Effluent must only be applied to the following areas: Point 14 defined in condition P1.3 of this licence.

Note: Monitoring of land and receiving waters to determine the impact of wastewater application may be required by the EPA.

- O4.2 The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent.

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.

- O4.3 Effluent application to the utilisation area(s) must not occur in a manner that causes surface run-off from the utilisation area(s).

- O4.4 Spray from effluent application to the utilisation area(s) must not drift beyond the boundary of the utilisation area(s) to which it has been applied.

5 Monitoring and recording conditions

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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 1,2,3,4

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	uS/cm	Special Frequency 1	Representative sample
Oil and Grease	mg/L	Special Frequency 1	Representative sample
Total suspended solids	mg/L	Special Frequency 1	Representative sample
pH	pH	Special Frequency 1	Representative sample

POINTS 5,6,7,8

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	uS/cm	Special Frequency 1	Representative sample
Oil and Grease	mg/L	Special Frequency 1	Representative sample
Total suspended solids	mg/L	Special Frequency 1	Representative sample
pH	pH	Special Frequency 1	Representative sample

POINTS 9,10,11,12

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	uS/cm	Special Frequency 2	Representative sample
Lead	mg/L	Special Frequency 2	Representative sample
Standing Water Level	m	Special Frequency 2	In situ
pH	pH	Special Frequency 2	Representative sample

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POINT 13

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	uS/cm	Quarterly	Representative sample
Oil and Grease	mg/L	Quarterly	Representative sample
Total suspended solids	mg/L	Quarterly	Representative sample
pH	pH	Quarterly	Representative sample

POINTS 15,18

Pollutant	Units of measure	Frequency	Sampling Method
PM10	ug/m3	Every 6 days	AM-18

POINTS 15,16,17,19,20,21,22

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - Deposited Matter	g/m2/month	Continuous	AM-19

For the purposes of the table(s) above Special Frequency 1 means the collection of samples as soon as practicable after a discharge from points 1,2,3 or 4 and in any case not more than 12 hours after a discharge occurring from points 1,2,3 or 4 .

For the purposes of the table(s) above Special Frequency 2 means the collection of samples initially to establish background levels and then every 6 months.

For the purposes of condition M2.1, this licence acknowledges that points 15, 16, 20 and 21 are established, maintained and monitored by Idemitsu Boggabri Coal P/L who holds Environment Protection Licence number 12407. The licensee (East Boggabri Coal P/L) obtains monitoring data from Idemitsu Boggabri Coal P/L for these points to meet their obligations under this licence. The licensee is deemed to have not breached condition M2.1 of this licence where the licensee is unable to obtain the monitoring data to meet this condition.

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".



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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.

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:

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

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.

M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after:

- (a) the date of the issue of this licence or
- (b) 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.



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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) or obtain 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/h	continuous	1 hour	AM-4
Wind speed @ 10 metres	m/sec	continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	⁰	continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	⁰ C	continuous	15 minute	AM-4
Temperature @ 10 metres	⁰ C	continuous	15 minute	AM-4
Sigma theta @ 10 metres	⁰	continuous	15 minute	AM-2 & AM-4
Solar radiation	W/m ²	continuous	15 minute	AM-4
Additional requirements -Siting				AM-1 & AM-4 &
- Measurement				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.

POINTS: N1, N2, N3, N4

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Parameter	Units of measure	Frequency	Sampling Method
Ambient Noise	L _{Aeq} (15 minute) L _{Amax} L _{A1} L _{A10} L _{A90} L _{Amin}	Frequency of monitoring as detailed in the documents "Noise Management Plan Program for the East Boggabri Coal Mine, Report No. 643/05, Spectrum Acoustics Pty. Ltd., Dec 05" and "Road Noise Management Plan Program for the East Boggabri Coal Mine, Report No. 643/15, Spectrum Acoustics Pty. Ltd. Dec 05"	Type 1 Noise Meter – Unattended and/or Attended Monitoring as detailed in the documents "Noise Management Plan Program for the East Boggabri Coal Mine, Report No. 643/05, Spectrum Acoustics Pty. Ltd., Dec 05" and "Road Noise Management Plan Program for the East Boggabri Coal Mine, Report No. 643/15, Spectrum Acoustics Pty. Ltd. Dec 05"

POINTS: N1, N2, N3

Parameter	Units of measure	Frequency	Sampling Method
Blast Noise	DB(Lin Peak)	Every Blast	Type 1 Noise Blast Logger
Blast Vibration	mm/s	Every Blast	Geophone Logger or Similar

For the purpose of this condition, the noise monitoring locations are described as:

EPA No.	Identification	Description of Location
N1		Within 30m of the residence on property "Templemore"
N2		Within 30m of the residence on property "Bolloi Creek Station"
N3		Within 30m of the residence on property "Tarrawonga"
N4		Within 30m of the residence on property "Ambardo"

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.
- 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.



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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 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 EPA's Pollution 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; and
 - (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;



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- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- (g) any other relevant matters.

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.

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

Special conditions

E1 Stormwater/ Sediment Control – Construction Phase

- E1.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of housing).

E2 Stormwater/ Sediment Control – Operation Phase

- E2.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater management Plan for the catchment(s). Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).



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E3 Noise Management Protocol

E3.1 Prior to the construction and operational activities on the premises commencing, the proponent must prepare, and subsequently implement, a Noise Management protocol. The protocol must include, but need not be limited to, the following matters:

- a) compliance standards;
- b) community consultation;
- c) complaint handling monitoring/ system;
- d) site contact person to follow up complaints;
- e) mitigation measures;
- f) the design/ orientation of the proposed mitigation methods demonstrating best practice;
- g) operating time;
- h) contingency measures where noise complaints are received;
- i) monitoring methods and program.

E4 Blasting/ Vibration Protocol

E4.1 A Blasting/ Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- a) compliance standards;
- b) mitigation measures;
- c) remedial action;
- d) monitoring methods and program;
- e) monitoring program for flyrock distribution;
- f) measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electrical cables) and livestock nearby;
- g) notification procedures for neighbouring prior to detonation of each blast; and
- h) measures to ensure no damage by flyrock to people, property, livestock and powerlines.

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

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Act	Means the Protection of the Environment Operations Act 1997
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.
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
industrial waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
inert 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

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load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 1998
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.
reprocessing of 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
solid 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> .
treatment of waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
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

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waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste code	Means the waste codes listed in Appendix 5 of the EPA document A Guide to Licensing Part B.
waste type	Means Group A, Group B, Group C, inert, solid, industrial or hazardous waste

Mr Robert O'Hern

Environment Protection Authority

(By Delegation)

09-Jan-2006

End Notes