

Environment Protection Licence

Licence - 12870



Licence Details

Number:	12870
Anniversary Date:	31-July

Licensee

WHITEHAVEN COAL MINING LIMITED

PO BOX 600

GUNNEDAH NSW 2380

Premises

ROCGLEN COAL MINE

WEAN ROAD

GUNNEDAH NSW 2380

Scheduled Activity

Coal Works

Mining for Coal

Fee Based Activity

Scale

Coal works	0-2000000 T handled
Mining for coal	> 500000-2000000 T produced

Region

North West - Armidale

Level 1, NSW Govt Offices, 85 Faulkner Street

ARMIDALE NSW 2350

Phone: (02) 6773 7000

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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); 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).

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

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1 Administrative Conditions

A1 What the licence authorises and regulates

- A1.1 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.

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

A2 Premises or plant to which this licence applies

- A2.1 The licence applies to the following premises:

Premises Details
ROCGLLEN COAL MINE
WEAN ROAD
GUNNEDAH
NSW 2380
LOT 1 DP 787417, LOT 1 DP 1120601, LOT 4 DP 1120601

A3 Information supplied to the EPA

- A3.1 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:

- 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
- 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

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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.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
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.
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.

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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.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
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 Monitoring 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 unamed 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

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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 No.	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 Concentration limits

L2.1 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.

L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.

L2.4 Water and/or Land Concentration Limits

POINT 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

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L2.5 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.

L3 Noise limits

L3.1 Noise from the premises must not exceed:

(a) an LAeq (15 minute) noise emission criterion of 35 dB(A) at all times (day, evening and night time periods); and

(b) an LA1(1 minute) noise emission criterion of 45 dB(A) at night

L3.2 Definitions

LAeq (15 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).

LA1(1 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.

Note: 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 LA1(1 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

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the measured noise levels where applicable.

- L3.3 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.

- L3.4 The noise limits set by this 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.

L4 Blasting

- L4.1 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations 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.
- L4.2 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. 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.
- L4.3 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations 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.
- L4.4 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. 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

O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.

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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.

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.

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:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and
 - d) the name of the person who collected the sample.

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:

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M2.2 Air Monitoring Requirements

POINT 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

POINT 9,10

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

M2.3 Water and/ or Land Monitoring Requirements

POINT 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
pH	pH	Special Frequency 1	In situ
Total organic carbon	milligrams per litre	Special Frequency 1	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample

POINT 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
pH	pH	Special Frequency 2	In situ
Total organic carbon	milligrams per litre	Special Frequency 2	Grab sample
Total suspended solids	milligrams per litre	Special Frequency 2	Grab sample

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

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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
pH	pH	Quarterly	In situ
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

M2.4 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.

M2.5 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).

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 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

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

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writing before any tests are conducted.

M4 Weather monitoring

M4.1 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	millimetres	Continuous	1 hour	AM-4
Wind speed @10 metres	metres per second	Continuous	15 minute	AM-2 & AM-4
Wind direction @10 metres	degrees clockwise from true north	Continuous	15 minute	AM-2 & AM-4
Temperature @2 metres	degrees celsius	Continuous	15 minute	AM-4
Temperature @10 metres	degrees celsius	Continuous	15 minute	AM-4
Sigma theta @10 metres	degrees clockwise from true north	Continuous	15 minute	AM-2 & AM-4
Solar radiation	watts per square metre	Continuous	15 minute	AM-4
Additional Requirements: - Siting	-	-	-	AM-1 & AM-4
Additional Requirements: - Measurement	-	-	-	AM-2 & AM-4

M5 Recording of pollution complaints

M5.1 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.

M5.2 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.

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M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 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.

M6.2 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.

M6.3 The preceding two conditions 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.

M7 Blasting

M7.1 To determine compliance with condition(s) L4.1, L4.2, L4.3 and L4.4:

a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out in or on the premises;
- and electronically recorded at points N1, N2

b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in the conditions of this licence at any "noise sensitive locations" other than the locations identified in the above condition.

M7.2 For the purpose of conditions M7.1 and M8.1, the noise monitoring locations are described as:

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

M7.3 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.

M8 Other monitoring and recording conditions

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M8.1 NOISE MONITORING

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

Parameter	Units of Measure	Frequency	Sampling Method
Ambient Noise	LAeq (15 minute) LAmax LA1 (1 minute) LA10 LA90 LAmin	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"

6 Reporting Conditions

R1 Annual return documents

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.

At 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.

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

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surrender is given; or

b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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').

R1.6 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.

R1.7 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.

R1.8 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 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;

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- 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.

R4 Other reporting conditions

R4.1 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.

7 General Conditions

G1 Copy of licence kept at the premises or plant

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.

8 Pollution Studies and Reduction Programs

U1 PRP 1: Coal Mine Particulate Matter Control Best Practice

U1.1 The Licensee must conduct a site specific Best Management Practice (BMP) determination to identify the most practicable means to reduce particle emissions.

U1.2 The Licensee must prepare a report which includes, but is not necessarily limited to, the following:

- identification, quantification and justification of existing measures that are being used to minimise particle emissions;
- identification, quantification and justification of best practice measures that could be used to minimise particle emissions;
- evaluation of the practicability of implementing these best practice measures; and
- a proposed timeframe for implementing all practicable best practice measures.

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In preparing the report, the Licensee must utilise the document entitled Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline - November 2011.

- U1.3 All cost related information is to be included as Appendix 1 of the Report required by condition U1.2 above.
- U1.4 The report required by condition U1.2 must be submitted by the Licensee to the Environment Protection Authority, Manager Armidale Region, at PO Box 494 Armidale NSW 2350 by 29 June 2012.
- U1.5 The report required by condition U1.2 above, except for cost related information contained in Appendix 1 of the Report, must be made publicly available by the Licensee on the Licensee's website 6 July 2012.

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Dictionary

General Dictionary

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
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 2009
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 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
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 2009.
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

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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 (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 2009
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> .

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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

Mr Robert O'Hern

Environment Protection Authority

(By Delegation)

Date of this edition: 31-July-2008

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.
- 3 Licence varied by notice 1126963, issued on 13-Jul-2011, which came into effect on 13-Jul-2011.
- 4 Licence varied by notice 1503204 issued on 20-Dec-2011