

Licence Variation



Licence - 10801

Head Regional Operations Unit
DE BORTOLI WINES PTY LIMITED,
ABN 77 000 146 672,
PO BOX 21,
BILBUL NSW 2680

Attention: Mr. ROB GLASTONBURY

Notice Number 1065345
File Number 235550
Date 12-Oct-2006

NOTICE OF VARIATION OF LICENCE NO. 10801

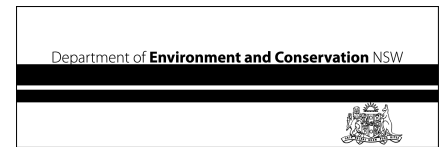
BACKGROUND

- A. DE BORTOLI WINES PTY LIMITED ("the licensee") is the holder of Environment Protection Licence No. 10801 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of Scheduled Activity - Premises Based at 153 DE BORTOLI ROAD, BILBUL, NSW.
- B. On 29-Aug-2006 the EPA received an application for the variation of the licence as a result of a proposed expansion of De Bortoli Wines.
- C. The Environment Protection Authority (EPA) has agreed to vary the licence in accordance with the general terms of approval issued on 16 December 2005 for the expansion.

VARIATION OF LICENCE NO. 10801

1. By this notice the EPA varies licence No. 10801 as set out in the Appendix. The Appendix contains a copy of the provisions of the licence marked with the variations that are made to it by this notice.
2. The variations to the licence are indicated in the following way:
 - if a strike through mark appears through any word or other text (eg. ~~Solids or~~) this indicates that the word or other text is deleted from the licence by this notice; and

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- if a double underline appears under any word or other text (eg. must be treated) this indicates that the word or other text is added to the licence by this notice.

.....
Craig Bretherton
Head, Griffith Unit
Environment Protection and Regulation Division

South - Griffith
(by Delegation)

INFORMATION ABOUT THIS NOTICE

- This notice is issued under 58(5) of the Act.
- Details provided in this notice, along with an updated version of the licence, will be available on the EPA's Public Register (<http://www.environment.nsw.gov.au/prpoeo/index.htm>) in accordance with section 308 of the Act.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

When this notice begins to operate

- The variations to the licence specified in this notice begin to operate immediately from the date of this notice, unless another date is specified in this notice.
- If an appeal is made against this decision to vary the licence and the Land and Environment Court directs that the decision is stayed the decision does not operate until the stay ceases to have effect or the Land and Environment Court confirms the decision or the appeal is withdrawn (whichever occurs first).

Licence

Section 55 Protection of the Environment Operations Act 1997

Environment Protection Licence

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Environment Protection Authority

→ Licence number: 10801

→ File number: 235550

Environment Protection Licence

→ Licence Anniversary Date: 12-May

Section 55 Protection of the Environment Operations Act 1997

→ Review date not later than 31-Mar-2009

Licence Type Details**Premises**

Number	10801
Anniversary Date	12-May
Review Due Date	31-Mar-2009

Licensee

DE BORTOLI WINES PTY LIMITED
PO BOX 21
BILBUL NSW 2680

Licensed Premises Licence Type**Premises**

Premises
DE BORTOLI BILBUL WINERY
153 DE BORTOLI ROAD
BILBUL NSW 2680

DE BORTOLI FARM
LOWE ROAD
BILBUL NSW 2680

Scheduled Activity**Agricultural Produce Industries****Fee Based Activity**

Wine or Spirit Processing (2)

Scale

> 30000 - 100000 T processed

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EPA Region

South - Griffith

Suites 7-8, Level 1 Griffith City Plaza, 130-140 Banna Avenue

GRIFFITH NSW 2680

Phone: 02 6969 0700

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PO Box 397 GRIFFITH

NSW 2680

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Information about this licence

Dictionary

The ~~A definition of terms used in the~~ licence ~~contains a can be found in the~~ dictionary, ~~which defines terms used in the licence. It is found~~ at the end of ~~the 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.

Transfer of licence

~~Transfer of the licence to another person may be requested by the licensee using the form for this purpose available from the EPA.~~

Variation of licence conditions

~~Variations~~ ~~The licence holder can apply~~ to ~~vary~~ the conditions of this licence ~~may be requested by the licensee using the~~ ~~An application~~ form for this purpose ~~is~~ available from the EPA.

The EPA may also vary ~~a 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.

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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

The licence requires you to forward to the EPA an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints).

The Annual Return must be submitted within 60 days after the end of each reporting period. Where a licence is transferred, surrendered or revoked, a special reporting period applies.

For each licence fee period you must pay:

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

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

See condition R1 and the accompanying form regarding the Annual Return requirements.

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
- load reduction agreements

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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.

Licence anniversary date

12-May

This licence is issued to:

DE BORTOLI WINES PTY LIMITED
PO BOX 21
BILBUL NSW 2680

subject to the conditions which follow:

1 Administrative conditions

A1 What the licence authorises and regulates

A1.1 Not applicable.

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

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

Agricultural Produce Industries

Licence

Section 55 Protection of the Environment Operations Act 1997

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Fee Based Activity	Scale
Wine or Spirit Processing (2)	> 30000 - 100000 T processed

A1.3 Not applicable.

A2 Premises to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
DE BORTOLI BILBUL WINERY
153 DE BORTOLI ROAD
BILBUL
NSW
2680
PART LOT 1 DP1024102
PART LOT 1 DP 1024102 APPLYING TO THIS PREMISES IS DEFINED BY THE SHADED AREA ON THE MAP TITLED 'DE BORTOLI WINES PREMISES PROPERTY TITLES' RECEIVED BY THE DEC ON 4 MARCH 2004 AND ON DEC FILE 235550A1
DE BORTOLI FARM
LOWE ROAD
BILBUL
NSW
2680
LOTS 165, 166, 167 & 168
DP 751728

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

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Breweries or distilleries

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 Not applicable.

- P1.2 ~~Not applicable~~ 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 Not applicable.~~ 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	Volume monitoring		Farm pumping station labelled point 281 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
2	Volume monitoring		Management sump labelled point 286 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
3	Groundwater quality monitoring		Downstream pond piezometer labelled 200 on the map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
4	Groundwater quality monitoring		Downstream pond piezometer labelled 205 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
5	Groundwater quality monitoring		Upstream pond piezometer labelled 207 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
6	Groundwater quality monitoring		Upstream pond piezometer labelled 208 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
7	Groundwater quality monitoring		Utilisation area piezometer labelled 218 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
8	Groundwater quality monitoring		Utilisation area piezometer labelled 219 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
9	Groundwater quality monitoring		Utilisation area piezometer labelled 220 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
10	Groundwater quality monitoring		Utilisation area piezometer labelled 221 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
11	Soil quality monitoring		Utilisation area point labelled 291 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
12	Soil quality monitoring		Utilisation area point labelled 293 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
13	Soil quality monitoring		Utilisation area point labelled 295 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
14	Soil quality monitoring		Utilisation area point labelled 297 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
15	Soil quality monitoring		Utilisation area point labelled 301 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
16	Soil quality monitoring		Utilisation area point labelled 303 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06
17	Soil quality monitoring		Utilisation area point labelled 305 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06

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EPA identification number	Type of monitoring point	Type of discharge point	Description of location
18	Soil quality monitoring		Utilisation area point labelled 307 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06.
19	Soil quality monitoring		Background point labelled 310 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06.
20	Waste water quality monitoring		Utilisation area wastewater ditch at points labelled 239 & 282 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06.
21	Waste water quality monitoring		Utilisation area wastewater ditch at points labelled 239 & 281 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06.
22	Waste water quality monitoring		Tailwater dam at point labelled 241 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06.

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
23	Weather analysis	Weather station at point labelled 309 on map titled 'environmental monitoring points' dated 21/9/06 on DEC file 235550A1/06.

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

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L3.1 Not applicable.

L3.2 Not applicable.

L3.3 Not applicable.

L4 Volume and mass limits

L4.1 Not applicable.

L5 Waste

L5.1 Not applicable.

L6 Noise Limits

~~L6.1 Not applicable.~~

~~L6.2 Construction may only occur~~ **L6.1 Noise from the premises must not exceed 45dB(A) $L_{Aeq}(15 \text{ minute})$ during the following times:**

~~Monday to Friday, day~~ 7am to 6pm

(a) ~~) Monday to Saturday and~~ 8am to ~~5pm~~ **5pm Sundays and Public Holidays, and Sunday, 8am to 5pm**

(b) **42dB(A) $L_{Aeq}(15 \text{ minute})$ during the evening (6pm to 10pm) Monday to Friday; and**

(c) **at all other times 45dB(A) $L_{Aeq}(15 \text{ minute})$ except as expressly provided by this licence.**

Where L_{Aeq} means the equivalent continuous noise level – the level of noise equivalent to the energy-average of noise levels occurring over a measurement period.

L6.2 Noise from the premises is to be measured at Bilbul Village to determine compliance with this condition.

L7 Potentially offensive odour

L7.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee

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must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

L8 Processing limit

L8.1 The premises must not process more than 100 000 tonnes of agricultural product per annum.

L9 Pond permeability

L9.1 All new and re-constructed wastewater treatment and storage ponds must have a minimum pond base and wall permeability of 1×10^{-9} metres per second or be artificially lined with an impermeable high density polyethylene liner.

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
- (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 Control

O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

O4 Management of utilisation area

O4.1 The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.

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For the purposes of this condition, 'effectively utilise' includes the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.

O5 Environmental systems

O5.1 All liquid chemicals, fuels, oils and above ground tanks on the premises containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.

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 ~~Not applicable.~~

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 M3—Testing methods – concentration limits

M3 of each pollutant specified in Column 1—Not applicable. 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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M3.2 Not applicable. Water and Land**POINTS 3,4,5,6,7,8,9,10**

Pollutant	Units of measure	Frequency	Sampling Method
Calcium	mg/L	Yearly	Representative sample
Conductivity	mS/cm	Quarterly	Representative sample
Magnesium	mg/L	Yearly	Representative sample
Nitrate	mg/L	Yearly	Representative sample
Nitrogen (total)	mg/L	Yearly	Representative sample
Phosphorus (total)	mg/L	Yearly	Representative sample
Potassium	mg/L	Yearly	Representative sample
Reactive Phosphorus	mg/L	Yearly	Representative sample
Sodium	mg/L	Yearly	Representative sample
Standing Water Level	m	Monthly	Inspector
pH	pH	Quarterly	Representative sample

POINTS 11,12,13,14,15,16,17,18,19

Pollutant	Units of measure	Frequency	Sampling Method
Available phosphorus	mg/kg	Yearly	Representative sample
Conductivity	ds/m	Yearly	Representative sample
Exchangeable calcium	cmol(+)/kg	Yearly	Representative sample
Exchangeable magnesium	cmol(+)/kg	Yearly	Representative sample
Exchangeable potassium	cmol(+)/kg	Yearly	Representative sample
Exchangeable sodium	cmol(+)/kg	Yearly	Representative sample
Nitrate	mg/kg	Yearly	Representative sample
Nitrogen (total)	mg/kg	Yearly	Representative sample
Phosphorus (total)	mg/kg	3 years	Representative sample
Phosphorus Sorption Capacity	mg/kg	Special Frequency 1	Representative sample
pH	pH	Yearly	Representative sample

POINTS 20,21,22

Pollutant	Units of measure	Frequency	Sampling Method
Ammonia	mg/L	Every 6 months	Representative sample
BOD	mg/L	Every 6 months	Representative sample
Conductivity	ds/m	Every 6 months	Representative sample
Nitrate	mg/L	Every 6 months	Representative sample
Nitrogen (total)	mg/L	Every 6 months	Representative sample
Phosphorus (total)	mg/L	Every 6 months	Representative sample
Reactive Phosphorus	mg/L	Every 6 months	Representative sample
pH	pH	Every 6 months	Representative sample

For the purposes of the table(s) above Special Frequency 1 means the collection of samples after 3 years of waste water application.

For the purposes of the table(s) above Special Method 1 means representative composite samples must be taken of the topsoils, subsoils, and below the plant root zone.

M2.2 The licensee must undertake soil analysis for heavy metals and pesticides after 10 years of waste water application. Samples must be collected from the surface soils of the utilisation areas. Prior

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approval must be obtained from the EPA in regards to the proposed sample locations and testing methods

M3 Testing methods - concentration limits

M3.1 Not applicable

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

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- (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.**M6.1** For each discharge point or utilisation area specified below, the licensee must monitor

- (a) the volume of liquids discharged to water or applied to the area;
- (b) the mass of solids applied to the area;
- (c) the mass of pollutants emitted to the air;

at the frequency and using the method and units of measure, specified below.

POINTS 1.2

Frequency	Unit Of Measure	Sampling Method
Daily	KL	Flow meter and continuous logger

M6.2 Not applicable.**M7 Requirement to monitor weather**

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

Point 23

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	24 hour	AM-4

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.

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

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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;
- (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 Monitoring report with Annual Return

R4.1 The applicant must supply with the annual return submitted to the EPA a report, which provides:

- a) an analysis and interpretation of all the monitoring results committed to in the Environmental Assessment for groundwaters, surface waters and soils;
- b) an analysis and interpretation of all the monitoring results required by the Environment Protection Licence for groundwaters, surface waters and soils; and
- c) actions to correct identified adverse trends

General conditions

G1 Copy of licence kept at the premises

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

Pollution studies and reduction programs

- U1.1 Not applicable.

Special conditions

E1.1 When submitting the annual return required by condition R1.1 of this licence the licensee must also provide the DEC with a report that provides:

- (a) an analysis and interpretation of the groundwater monitoring results, based on the piezometers installed and parameters identified for monitoring in the document *Pollution Reduction Program Report Groundwater Monitoring program – De Bortoli Winery Bilbul NSW* (Report Number 20950.4633) prepared by EA Systems Pty Limited.
- (b) actions to correct identified adverse trends.

Dictionary

General Dictionary

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

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
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> .

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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
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

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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
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 Craig Bretherton

Environment Protection Authority

(By Delegation)

Date of this edition - 25-Feb-2006

Licence Variation

Section 58(5) Protection of the Environment Operations Act 1997

End Notes

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|---|---|
| 1 | Licence varied by notice 1033635, issued on 31-Mar-2004, which came into effect on 25-Apr-2004. |
| 2 | Licence varied by notice 1043738, issued on 07-Feb-2005, which came into effect on 04-Mar-2005. |
| 3 | Licence varied by notice 1045548, issued on 24-Mar-2005, which came into effect on 24-Mar-2005. |
| 4 | Licence varied by notice 1048771, issued on 01-Jul-2005, which came into effect on 26-Jul-2005. |
| 5 | Licence varied by notice 1050554, issued on 08-Aug-2005, which came into effect on 02-Sep-2005. |
| 6 | Licence varied by notice 1055556, issued on 31-Jan-2006, which came into effect on 25-Feb-2006. |