

Licence Variation

Licence - 766



DELTA ELECTRICITY,
Trading as DELTA ELECTRICITY,
ABN 67 139 819 642,
LOCKED BAG 1,
PORTLAND NSW 2847

Attention: Mr. NINO DI FALCO

Notice Number 1104582
File Number LIC07/1276
Date 01-Feb-2010

NOTICE OF VARIATION OF LICENCE NO. 766

BACKGROUND

- A. DELTA ELECTRICITY t/as DELTA ELECTRICITY ("the licensee") is the holder of Environment Protection Licence No. 766 ("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 1 MAIN STREET, WALLERAWANG, NSW.
- B. By this notice, the EPA varies the frequency of monitoring for several pollutants under licensed air discharge points 13 and 14 from "yearly" to "quarterly" and attaches turbidity limits for licence discharge points 4 following completion of works required under licence condition U1.2, and also removes condition U1.2 from the licence.
- C. In addition, this variation notice also incorporates changes to your licence resulting from the commencement of the Protection of the Environment Operations Amendment (Miscellaneous) Regulation 2009 (the Regulation) which commenced on 30 June 2009 and will apply to all licence fees payable on or after 1 July 2009.

The changes to the Regulation have a number of parts, which may impact on your licence in the following ways:

- a 5% increase on both administrative and pollutant fees for all environment protection licenses in NSW for 2009/2010; and an annual increase of 2.5% thereafter;
- changes to Fee Rate Threshold (FRT) factors for one or more pollutants for some activities in the Load Based Licensing (LBL) scheme;
- removal of the requirement to report on the burning of bio-material for electricity generation; and
- the addition of assessable pollutants (arsenic, lead, and mercury) to certain LBL activities (see Table 1 below).

Licence Variation

Licence - 766



Table 1. Assessable pollutants to be added to existing fee-based activities under the LBL scheme

Fee-based activity	Arsenic	Lead	Mercury
Aluminium production (alumina)		✓	
Cement or lime production		✓	✓
Coke production	✓	✓	✓
Electricity generation from coal	✓	✓	✓
Glass production – container	✓	✓	
Iron and steel production (iron ore)	✓	✓	✓
Iron and steel production (scrap metal)	✓	✓	✓
Petroleum and fuel production	✓	✓	✓

As the holder of an environment protection licence, the Regulation will result in an increase to your annual licence fee. The new fees will be reflected in the Licence Anniversary package that will be sent on your next licence anniversary date.

As your premises is licensed for electricity generation, you will no longer be required to report on the burning of bio-material for power generation from 1 July 2009 onwards. However, it should be noted that it will continue to be an offence to generate electricity using native forest biomaterial defined in clause 96 of the Regulation.

If new pollutants apply to your activity monitoring will need to commence at the start of your next reporting period. If new FRT factors apply they will be reflected in your next annual return form.

VARIATION OF LICENCE NO. 766

- By this notice the EPA varies licence No. 766 as set out in the attached document. This document contains a copy of the provisions of the licence marked with the variations that are made to it by this notice.
- 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
 - if a 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.

.....
Mr Darryl Clift

Head Regional Operations Unit

North West - Bathurst

(by Delegation)

Licence Variation

Licence - 766



INFORMATION ABOUT THIS NOTICE

- This notice is issued under section 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).

Environment Protection Licence

Licence - 766



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 The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.

Note: An assessable pollutant is a pollutant which affects the licence fee payable for the licence.

- L2.2 The actual load of an assessable pollutant must be calculated in accordance with the relevant load calculation protocol.

Assessable Pollutant	Load limit (kg)
Arsenic (Air)	
Benzo(a)pyrene (equivalent) (Air)	
Coarse Particulates (Air)	
Fine Particulates (Air)	
Fluoride (Air)	
Lead (Air)	
Mercury (Air)	
Nitrogen Oxides (Air)	
Salt (Enclosed Waters)	
Selenium (Enclosed Waters)	
Sulfur Oxides (Air)	
Total suspended solids (Enclosed Waters)	

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.

Environment Protection Licence



Licence - 766

- L3.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L3.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.

Air

POINT 13

Pollutant	Units of measure	100 percentile concentration limit
Cadmium	milligrams per cubic metre	1.0
Chlorine	milligrams per cubic metre	200
Mercury	milligrams per cubic metre	1.0
Nitrogen Oxides	grams per cubic metre	2.5
Hydrogen chloride	milligrams per cubic metre	100
Solid Particles	milligrams per cubic metre	250
Total Fluoride	milligrams per cubic metre	50
Sulfuric acid mist and sulfur trioxide (as SO ₃)	milligrams per cubic metre	100
Type 1 and Type 2 substances in aggregate	milligrams per cubic metre	5.0

POINT 14

Pollutant	Units of measure	100 percentile concentration limit
Cadmium	milligrams per cubic metre	1.0
Chlorine	milligrams per cubic metre	200
Mercury	milligrams per cubic metre	1.0
Nitrogen Oxides	grams per cubic metre	2.5
Hydrogen chloride	milligrams per cubic metre	100
Solid Particles	milligrams per cubic metre	250
Total Fluoride	milligrams per cubic metre	50
Sulfuric acid mist and sulfur trioxide (as SO ₃)	milligrams per cubic metre	100
Type 1 and Type 2 substances in aggregate	milligrams per cubic metre	5.0

Water and Land

POINTS 1,4

POINT 1

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
pH	pH				6.5-8.5
Sulfate	milligrams per litre	1000	1200		1600

Environment Protection Licence

Licence - 766



POINT 3

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
pH	pH				6.5-8.5
Sulfate	milligrams per litre				1200
Total suspended solids	milligrams per litre				30

POINT 4

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
pH	pH				6.5-8.5
Sulfate	milligrams per litre	1000	1200		1600
Turbidity	nephelometric turbidity units	10			25

POINT 5

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

POINT 18

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				30

POINT 20

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

POINT 21

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile Concentration Limit
pH	pH				6.5-8.5
Sulfate	milligrams per litre	1000	1200		1600

Environment Protection Licence

Licence - 766

Department of Environment & Climate Change NSW



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:

POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Weekly	Representative sample
Selenium	milligrams per litre	Monthly	Representative sample
Sulfate	milligrams per litre	Weekly	Representative sample
Total suspended solids	milligrams per litre	Weekly	Representative sample
pH	pH	Weekly	Representative sample

POINT 3

Pollutant	Units of measure	Frequency	Sampling Method
Boron	milligrams per litre	Monthly during discharge	Representative sample
Conductivity	microsiemens per centimetre	Weekly during any discharge	Representative sample
Filterable iron	milligrams per litre	Monthly during discharge	Representative sample
Filterable manganese	milligrams per litre	Monthly during discharge	Representative sample
Fluoride	milligrams per litre	Weekly during any discharge	Representative sample
Selenium	milligrams per litre	Monthly during discharge	Representative sample
Sulfate	milligrams per litre	Weekly during any discharge	Representative sample
Total suspended solids	milligrams per litre	Weekly during any discharge	Representative sample
pH	pH	Weekly during any discharge	Representative sample

POINT 4

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium	milligrams per litre	Monthly	Representative sample
Arsenic	milligrams per litre	Monthly	Representative sample
Boron	milligrams per litre	Monthly	Representative sample
Conductivity	microsiemens per centimetre	Weekly	Representative sample
Copper	milligrams per litre	Monthly	Representative sample
Fluoride	milligrams per litre	Monthly	Representative sample
Nickel	milligrams per litre	Monthly	Representative sample
Selenium	milligrams per litre	Monthly	Representative sample
Sulfate	milligrams per litre	Weekly	Representative sample
Total suspended solids	milligrams per litre	Weekly	Representative sample
Turbidity	nephelometric turbidity units	Weekly	Representative sample
Zinc	milligrams per litre	Monthly	Representative sample
pH	pH	Weekly	Representative sample

Environment Protection Licence

Licence - 766



POINT 5

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Monthly during discharge	Representative sample
Total suspended solids	milligrams per litre	Monthly during discharge	Representative sample
pH	pH	Monthly during discharge	Representative sample

POINTS 7,8

Pollutant	Units of measure	Frequency	Sampling Method
Boron	milligrams per litre	Monthly	Representative sample
Conductivity	microsiemens per centimetre	Weekly	Representative sample
Filterable iron	milligrams per litre	Monthly	Representative sample
Filterable manganese	milligrams per litre	Monthly	Representative sample
Fluoride	milligrams per litre	Monthly	Representative sample
Selenium	milligrams per litre	Monthly	Representative sample
Sulfate	milligrams per litre	Weekly	Representative sample
pH	pH	Monthly	Representative sample

POINTS 13,14

Pollutant	Units of measure	Frequency	Sampling Method
Carbon dioxide	percent	Yearly	TM-24
Chlorine	milligrams per cubic metre	Yearly	TM-7 & TM-8
Copper	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14
Dry gas density	kilograms per cubic metre	Yearly Quarterly	TM-23
Hydrogen chloride	milligrams per cubic metre	Yearly	TM-7 & TM-8
Moisture content	percent	Yearly Quarterly	TM-22
Molecular weight of stack gases	grams per gram mole	Yearly Quarterly	TM-23
Nitrogen Oxides	grams per cubic metre	Quarterly	Special Method 2
Oxygen (O2)	percent	Yearly Quarterly	CEM-3
Solid Particles	milligrams per cubic metre	Yearly Quarterly	TM-15
Sulfuric acid mist and sulfur trioxide (as SO3)	milligrams per cubic metre	Yearly	TM-3
Sulphur dioxide	milligrams per cubic metre	Quarterly	TM-4
Temperature	degrees Celsius	Yearly Quarterly	TM-2
Total Fluoride	milligrams per cubic metre	Yearly	TM-9
Type 1 and Type 2 substances in aggregate	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14
Velocity	metres per second	Yearly Quarterly	TM-2
Volumetric flowrate	cubic metres per second	Yearly Quarterly	TM-2

Pollution studies and reduction programs

U1.2 — ~~Undertake the program of works as identified in the design and program for the treatment of Springvale mine water prepared by Delta Electricity dated 18 March 2008 and including recent amendment to the works program developed in collaboration with Centennial Coal as outlined to~~

Environment Protection Licence

Licence - 766

Department of Environment & Climate Change NSW



the EPA on 10 December 2008, to achieve the following discharge concentration limits at licensed discharge point 4 by 30 September 2009. **Not applicable.**

Pollutant	Unit of Measure	50-percentile concentration limit	100-percentile concentration limit
Total Suspended Solids	Milligrams per litre		30
Turbidity	Nephelometric turbidity units	10	25

Completion date: 30 September 2009