

Licence Variation

Licence - 601



PORT WARATAH COAL SERVICES LTD
ABN 99 001 363 828
PO BOX 57
CARRINGTON NSW 2294

Attention: Ms Eden Simic

Notice Number 1537421
File Number EF13/3455
Date 01-Feb-2016

NOTICE OF VARIATION OF LICENCE NO. 601

BACKGROUND

- A. PORT WARATAH COAL SERVICES LTD ("the licensee") is the holder of Environment Protection Licence No. 601 ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at PORT WARATAH DRIVE, CARRINGTON, NSW, 2294 ("the premises").
- B. On 22-Jan-2016 the Environment Protection Authority (EPA) received two applications for the variation of the licence ("the Application").
- C. The first Application requested the removal of Points 1, 2, and 5 to 10 (and associated monitoring) following the Office of Environment and Heritage establishing the Newcastle Ambient Air Quality Monitoring Network in 2014, and the commencement of the Protection of the Environment Operations (General) Amendment (Newcastle Air Monitoring) Regulation 2015 on 6 February 2015.
- D. The licensee has installed a new sewage treatment plant (STP) under Pollution Reduction Program (PRP) 4 and is in the process of commissioning the new STP. The second Application has requested an extension to PRP 4 to provide additional time for the commissioning of the new STP that is taking longer than expected due to the need to fine tune the chemical dosing set point. The EPA considers the extension in time as reasonable.
- E. This Notice varies the licence as requested.
- F. The Notice does not authorise a significant increase in the environmental impact of the activities authorised or controlled by the licence.

Licence Variation



VARIATION OF LICENCE NO. 601

1. By this notice the EPA varies licence No. 601. The attached licence document contains all variations that are made to the licence by this notice.
2. The following variations have been made to the licence:
 - Condition P1.1 - Points 1, 2, and 5 to 10 removed.
 - Conditions M2.2 and M2.4 - monitoring requirements in respect of Points 1, 2, and 5 to 10 removed.
 - Conditions U1.1 and U1.2 - extension provided to PRP as requested.

.....
Mark Hartwell
Unit Head
North - Hunter
(by Delegation)

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.epa.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).

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Licence Details	
Number:	601
Anniversary Date:	01-June

Licensee
PORT WARATAH COAL SERVICES LTD
PO BOX 57
CARRINGTON NSW 2294

Premises
PWCS CARRINGTON COAL TERMINAL
PORT WARATAH DRIVE
CARRINGTON NSW 2294

Scheduled Activity
Coal Works
Shipping in Bulk

Fee Based Activity	Scale
Coal works	> 5000000 T handled
Shipping in bulk	> 500000 T loaded and unloaded

Region
North - Hunter
Ground Floor, NSW Govt Offices, 117 Bull Street
NEWCASTLE WEST NSW 2302
Phone: (02) 4908 6800
Fax: (02) 4908 6810
PO Box 488G NEWCASTLE
NSW 2300

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Information about this licence

Dictionary

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

Responsibilities of licensee

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

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

Variation of licence conditions

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

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

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

Duration of licence

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

Licence review

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

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

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

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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:

PORT WARATAH COAL SERVICES LTD
PO BOX 57
CARRINGTON NSW 2294

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	> 5000000 T handled
Shipping in Bulk	Shipping in bulk	> 500000 T loaded and unloaded

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
PWCS CARRINGTON COAL TERMINAL
PORT WARATAH DRIVE
CARRINGTON
NSW 2294
THE PREMISES SHOWN AS "PWCS CARRINGTON LEASE" ON THE PLAN TITLED "EPA LICENCE NO. 601, PORT WARATAH COAL SERVICES, CARRINGTON", SHEET 2/2, PREPARED BY MONTEATH & POWYS PTY LTD, REVISION 2 DATED 19/08/14 (EPA REFERENCE DOC14/173402).

A3 Other activities

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

Ancillary Activity
Sewage Treatment Systems

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:

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

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

- P1.1 The following 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.
- 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.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
11	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge from STP and settling pond, shown as "WW-C1 & C2" on plan titled "EPA Licence No. 601, Port Waratah Coal Services, Carrington", Sheet 1/2, prepared by Monteath & Powys Pty Ltd, Revision 2 dated 19/08/14 (EPA ref. DOC14/173402).

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.

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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/s.

L2.4 Water and/or Land Concentration Limits

POINT 11

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
Biochemical oxygen demand	milligrams per litre				20
Total suspended solids	milligrams per litre				50

L2.5 The discharge from Point 11 must not cause visible discolouration of the receiving waters.

L3 Volume and mass limits

L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
 a) liquids discharged to water; or;
 b) solids or liquids applied to the area;
 must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of Measure	Volume/Mass Limit
11	kilolitres per day	3000

L4 Waste

L4.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.

L4.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.

L5 Potentially offensive odour

L5.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the

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Protection of the Environment Operations Act 1997.

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

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

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

O3.2 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.

O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

O4 Emergency response

O4.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

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O5 Processes and management

- O5.1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O5.2 Bunds must:
- a) have walls and floors constructed of impervious materials;
 - b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
 - c) have floors graded to a collection sump; and
 - d) not have a drain valve incorporated in the bund structure,
- or be constructed and operated in a manner that achieves the same environmental outcome.

O6 Waste management

- O6.1 The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- O6.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.

O7 Other operating conditions

Overflow Controls

- O7.1 The overflow spillway located at at Discharge Point 11 must be inspected regularly by the licensee to determine if there is any discharge. When discharge occurs, the licensee must:
- 1. Record the frequency of such overflow in terms of days;
 - 2. Monitor such overflows for the pollutants and units of measure required by Condition M2.3 each day an overflow occurs; and
 - 3. Determine if the discharge is causing visible discolouration of the receiving waters.
- O7.2 When the licensee becomes aware that either a spillway overflow has occurred or the quality limits specified in Condition L2.4 and the requirements of Condition L2.5 are exceeded, the licensee must report the incident.

Tracking of materials

- O7.3 The licensee must ensure that activities are conducted in an environmentally satisfactory manner. So as to minimise and prevent the pollution of air and water the licensee must:
- (a) Ensure that vehicles or containers prior to leaving the premises are clean and sealed in a manner that will not cause materials or wastes used in conducting the activities at the premises to be tracked, thrown

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from, blown, fall, or cast from any vehicle or container onto a public road.

(b) The licensee must have in place and implement procedures to ensure that vehicles and containers exiting the premises are in a condition to ensure that materials are not tracked, thrown, blown, fall or cast onto a public road.

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:

M2.2 Water and/ or Land Monitoring Requirements

POINT 11

Pollutant	Units of measure	Frequency	Sampling Method
Biochemical oxygen demand	milligrams per litre	Monthly during discharge	Representative sample
pH	pH	Monthly during discharge	Representative sample
Total suspended solids	milligrams per litre	Monthly during discharge	Representative sample

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M3 Testing methods - concentration limits

- M3.1 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 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.
- M5.4 The licensee must nominate to the EPA a single telephone number for the purpose of the EPA contacting the licensee to provide immediate assistance or response during emergencies or any other incidents at the premises. The telephone number must be current at all times.
The nomination must be provided to the EPA's Regional Manager- Hunter at PO Box 488G, Newcastle NSW 2300.
Note: This condition does not apply until two (2) weeks after the date of issue of the Notice adding this condition to the licence.

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M6 Requirement to monitor volume or mass

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.

POINT 11

Frequency	Unit of Measure	Sampling Method
Daily	kilolitres per day	Flow meter and continuous logger

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.

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.

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.

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:

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

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.

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

R2 Notification of environmental harm

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.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R3 Written report

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

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

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

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

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

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not

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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.

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.

G2 Other general conditions

G2.1 Completed Pollution Studies and Reduction Programs (PRPs)

PRP	Description	Completed Date
PRP 1 - Stormwater system upgrade investigation	Engineering study to identify upgrade of site stormwater system. Reduce volume of stormwater discharged and increase on-site reuse of stormwater. Reduce the amount of suspended solids discharged to Hunter River from the premises.	14-June-2001
PRP 2 - Site Water Management Improvements	Feasibility report to improve on-site water management.	31-July-2013
PRP 3 - Wharf Overflow Water Management	Prepare feasibility report to increase reliability of and reduce frequency of overflows from the on-site water management system.	15-July-2013

8 Pollution Studies and Reduction Programs

U1 PRP 4 - STP Upgrade

U1.1 The licensee must design, install, commission, operate and maintain a new sewage treatment plant (STP) at the premises that is capable of meeting the concentration and volume limits detailed below. The STP must be built to allow the collection of samples for the purpose of monitoring the concentration of effluent discharged post treatment, and monitoring the volume of effluent discharged on a daily basis.

The upgraded STP must be commissioned by 18 March 2016.

Note: It is the EPA's intention to vary the licence once the STP is operational, licensing the discharge from

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the STP, formalising the concentration and volume limits specified below, and requiring the daily monitoring of volumes discharges and periodic concentration monitoring.

Parameter	Units of Measure	90 Percentile Concentration Limit	100 Percentile Concentration Limit	Volume Limit
Biochemical oxygen demand	milligrams per litre		20	
Faecal coliforms	colony forming units per 100 millilitres		100	
Nitrogen (total)	milligrams per litre		10	
Oil and grease	milligrams per litre		10	
pH	pH		6.5-8.5	
Phosphorous	milligrams per litre	1	3	
Total suspended solids	milligrams per litre		30	
Volume	kilolitres per day			48

U1.2 Upon commissioning of the new sewage treatment system (STP) required by the above condition, the licensee must prepare a report detailing the following:

- (a) An overview of the STP constructed;
- (b) An updated plan of the premises identifying the points for monitoring the concentration and volume of treated effluent discharged from the STP; and
- (c) The results of concentration and volume monitoring undertaken during the STP's commissioning phase, demonstrating operational compliance with the limits detailed in the above condition.

The commissioning report must be provided to the EPA's Regional Manager - Hunter at PO Box 488G, Newcastle NSW 2300, or by email to hunter.region@epa.nsw.gov.au, by 31 March 2016.

U2 Wagon Monitoring and Reporting Environmental Improvement Program

U2.1 Background

The licensee is to implement a program of monitoring and reporting on the condition of loaded coal wagons received at the premises. All trains entering the dump station will be assessed against criteria relating to the likelihood that coal may have been spilt within the rail corridor during the train's most recent journey. Reporting of the recorded train assessments will be undertaken on a 24 hour, weekly and monthly process. The program is to include a review and audit process to ensure assessment consistency and program effectiveness. The program will commence on 1 February 2016 with a formal review to be undertaken with the EPA on 1 September 2016 prior to closure, or otherwise agreed by the EPA in writing.

This program has been included on the Environment Protection Licences of the four main coal shipping terminals in New South Wales, which includes the following (subsequently referred to as "the Coal Terminals").

- (i) The Carrington Coal Terminal, for which Port Waratah Coal Services Ltd (PWCS) holds Environment Protection Licence 601;

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- (ii) The Kooragang Coal Terminal, for which Port Waratah Coal Services Ltd (PWCS) holds Environment Protection Licence 1552;
- (iii) The NCIG Coal Terminal, for which Newcastle Coal Infrastructure Group Pty Ltd (NCIG) holds Environment Protection Licence 12693; and
- (iv) The Port Kembla Coal Terminal, for which Port Kembla Coal Terminal Limited (PKCT) holds Environment Protection Licence 1625.

U2.2 Program

The assessment of wagon condition will be based on operator observations from the dump station control room, via a real time Closed Circuit Television System (CCTV). The operators will focus on:

- The presence of coal on a wagon sill – as the manifestation of an unbalanced or overloaded wagon and would indicate if parasitic coal is likely to be present on other external surfaces.
- The height of a load – as an indicator of increased potential risk of coal loss from a wagon during a journey.

Each train will be classified as either Satisfactory or Unsatisfactory, where an unsatisfactory classification will be based on the following criteria:

- o Coal evident on the sill of wagons – coal observed on at least 50% of the sill length of a wagon. A systemic loading issue will also likely present on multiple wagons.
- o Excessive load height – coal loaded in a wagon observed at a height greater than 150mm over the headstock of a wagon (as per Australian Rail Track Corporation Limited's (ARTC) Infrastructure Requirements EFT-00-05) over at least 50% of the length of a wagon. A systemic loading issue will also likely present on multiple wagons.

U2.3 Reporting

The recorded assessment of the conditions of all trains will be reported. The information that will be recorded against each assessed train will include:

- Date entered dump station
- Time entered dump station
- Load point
- Train identifier
- Overall assessed condition (i.e. satisfactory or unsatisfactory)
- If unsatisfactory:
 - o Unsatisfactory criteria (i.e. coal on sill and/or over height)
 - o Photo of unsatisfactory conditions identified

Reporting will be undertaken in accordance with the following criteria:

(a) Within 24 hours

- The identification of an unsatisfactory train will be reported to the load point.
- Information recorded for a train classified as unsatisfactory will be provided to the load point. This timely reporting will enable the load point to investigate the associated loading event and take appropriate remedial action.

(b) Weekly

- A report will be provided to the EPA outlining the recorded detail for all assessed trains.
- The report will incorporate data of the assessments undertaken and an overview of all unsatisfactory trains recorded, together with the recorded detail of all trains.
- This report will be provided to the EPA's Regional Manager – Illawarra, by email to

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epa.illawarra@epa.nsw.gov.au, every Wednesday for information recorded for the previous week (Sunday – Sunday).

- The information provided in relation to the unsatisfactory trains will enable the EPA to follow-up with a load point the results of their associated investigation and any remedial action undertaken.

(c) Monthly

- A statistical summary report will be provided to the EPA detailing recorded train information in total and by load point.
- This report will be provided to the EPA's Regional Manager – Illawarra, by email to epa.illawarra@epa.nsw.gov.au, by the 15th of each month for information recorded for the previous month.

U2.4 Review and Audit

The licensee will undertake a review of the program, as implemented, to ensure that the desired outcomes are being achieved.

The review and audit program will include:

- Monthly review meeting of all information collected by the licensees of the Coal Terminals (EPA optional) to consider assessments completed on all trains and any feedback received from either load points or the EPA. Any modification to the implemented program would be agreed at this meeting and undertaken through consultation with the EPA.
- Monthly audit of trains classified as unsatisfactory across the Coal Terminals to ensure consistency of assessment. The requirement for further clarification, training or modification of the assessment criteria will be defined by this audit process. The audit will be collaboratively undertaken by a member of each of the Coal Terminals.
- Upon completion of the monitoring / reporting program, a review meeting between the licensees of the Coal Terminals and the EPA will be undertaken to discuss the effectiveness of the implemented program.

U2.5 Implementation

The following milestones apply to the establishment and delivery of the wagon monitoring and reporting program:

- The licensee will establish technology and systems to enable monitoring and reporting (e.g. cameras installed, employee training, reports developed) – **31 March 2016**.
- Full implementation of program with reporting to load points and weekly reporting to the EPA – **1 April 2016**.
- Formal review and closure after six months of program implementation or otherwise as agreed – **30 September 2016**.

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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 Grahame Clarke

Environment Protection Authority

(By Delegation)

Date of this edition: 20-April-2000

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End Notes

- 1 Licence varied by notice V/M upgrade, issued on 07-Jul-2000, which came into effect on 07-Jul-2000.
- 2 Licence varied by notice 1003834, issued on 22-Jan-2001, which came into effect on 16-Feb-2001.
- 3 Licence varied by notice 1004646, issued on 18-Dec-2001, which came into effect on 12-Jan-2002.
- 4 Licence varied by notice 1024051, issued on 13-Jan-2003, which came into effect on 07-Feb-2003.
- 5 Licence fee period changed by notice 1060936 on 26-May-2006.
- 6 Licence varied by notice 1059550, issued on 04-Aug-2006, which came into effect on 04-Aug-2006.
- 7 Licence varied by notice 1079918, issued on 05-Nov-2007, which came into effect on 05-Nov-2007.
- 8 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 9 Licence varied by notice 1129421, issued on 22-Jun-2011, which came into effect on 22-Jun-2011.
- 10 Licence varied by notice 1506474 issued on 17-May-2013
- 11 Licence varied by notice 1514894 issued on 10-Jul-2013
- 12 Licence varied by notice 1522676 issued on 18-Sep-2014
- 13 Licence varied by notice 1528258 issued on 10-Feb-2015
- 14 Licence varied by notice 1536340 issued on 18-Dec-2015