

# Environment Protection Licence

Licence - 20771

## Licence Details

Number:	20771
Anniversary Date:	25-May

## Licensee

BENEDICT RECYCLING PTY LIMITED

PO BOX 431

FRENCHS FOREST NSW 1640

## Premises

BENEDICT RECYCLING MAYFIELD WEST

1A MCINTOSH DRIVE

MAYFIELD WEST NSW 2304

## Scheduled Activity

Resource recovery

Waste storage

## Fee Based Activity

## Scale

Recovery of general waste	Any general waste recovered
Waste storage - other types of waste	Any other types of waste stored

## Region

Waste &amp; Resource Recovery

59-61 Goulburn Street

SYDNEY NSW 2000

Phone: (02) 9995 5000

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PO Box A290

SYDNEY SOUTH NSW 1232

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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:

<b>BENEDICT RECYCLING PTY LIMITED</b>
<b>PO BOX 431</b>
<b>FRENCHS FOREST NSW 1640</b>

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
Resource recovery	Recovery of general waste	Any general waste recovered
Waste storage	Waste storage - other types of waste	Any other types of waste stored

### A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
BENEDICT RECYCLING MAYFIELD WEST
1A MCINTOSH DRIVE
MAYFIELD WEST
NSW 2304
LOT 1 DP 874109

### A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

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

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## 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
1	Final Sediment Basin	Final Sediment Basin	Final sediment basin in north-western corner of the site. (See DOC18/798710)

P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

#### *Noise/Weather*

EPA identification no.	Type of monitoring point	Location description
2	Noise monitoring	R1 - Kerr Street
3	Noise monitoring	R2 - Woodstock Street - north/east
4	Noise monitoring	R3 - Woodstock Street - north/west
5	Noise monitoring	R4 - Simpson Court
6	Noise monitoring	R5 - Shelley Close
7	Noise monitoring	R6 - Groongal Street - East
8	Noise monitoring	R7 - Groongal Street
9	Noise monitoring	R8 - Groongal Street
10	Noise monitoring	R9 - Gregson Avenue
11	Noise monitoring	R10 - Gregson Avenue
12	Noise monitoring	R11 - 80 Gregson Avenue
13	Noise monitoring	R12 - Terry Street
14	Noise monitoring	R13 - Olearia Crescent

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15	Noise monitoring	Mayfield West Primary School
16	Noise monitoring	Church of Christ
17	Noise monitoring	Scout Hall
18	Meteorological Station – to determine meteorological conditions for noise monitoring	

Note: Locations referred to in the table above are consistent with the Noise Impact Assessment - Recycling Facility, 80 Tourle Street, Mayfield West by EMM Consulting (Report J14152RP1) dated 15 September 2016.

## 3 Limit Conditions

### L1 Pollution of waters

L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

### L2 Concentration limits

L2.1 For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.

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

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

L2.4 Water and/or Land Concentration Limits

#### POINT 1

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



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Total suspended solids	milligrams per litre	50
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## L3 Waste

L3.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General solid waste (non-putrescible)	Basic Oxygen Slag Electric Arc Furnace Slag Electric Arc Ladle Slag Granulated Blast Furnace Slag Rail Ballast	Resource recovery Waste storage	These waste types can only be received at the premises if the waste does not contain any contaminant levels exceeding the limits for General Solid Waste stated in the EPA's Waste Classification Guidelines Part 1: Classifying Waste.
NA	General solid waste (non-putrescible)	Excavated Natural Material	Resource recovery Waste storage	These waste types can only be received at the premises if the waste does not contain any contaminant levels exceeding the limits for General Solid Waste stated in the EPA's Waste Classification Guidelines Part 1: Classifying Waste.

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NA	General solid waste (non-putrescible)	Soils that meet the CT1 thresholds for General Solid Waste in Table 1 of the Waste Classification Guidelines as in force from time to time with the exception of the maximum threshold values for contaminants specified in the 'Other Limits' column	Resource recovery Waste storage	Arsenic: 40mg/kg Cadmium: 2mg/kg Copper: 200mg/kg Mercury 1.5mg/kg Zinc: 600mg/kg Petroleum Hydrocarbons C6-C9: 150mg/kg Petroleum Hydrocarbons C10-C36: 1600mg/kg Polycyclic aromatic hydrocarbons: 80mg/kg Polychlorinated biphenyls (individual): 1mg/kg No acid sulphate soil is to be received at the premises.
NA	General solid waste (non-putrescible)	Grit, sediment, litter and gross pollutants collected in, and removed from, stormwater treatment devices and/or stormwater management systems, that has been dewatered so that they do not contain free liquids.	Resource recovery Waste storage	
NA	General solid waste (non-putrescible)	Biosolids categorised as unrestricted use, or restricted use 1,2 or 3.	Resource recovery Waste storage	
NA	General solid waste (non-putrescible)	Household waste from municipal clean-up that does not contain putrescible waste.	Resource recovery Waste storage	
NA	General solid waste (non-putrescible)	Cement Fibre Board	Resource recovery Waste storage	
NA	General solid waste (non-putrescible)	Concrete Batch Plant Waste	Resource recovery Waste storage	
NA	General solid waste (non-putrescible)	Paper or cardboard	Resource recovery Waste storage	
NA	General solid waste	Glass, plastics, rubber,	Resource recovery	

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	(non-putrescible)	plasterboard, ceramics, brick, concrete or metal	Waste storage
NA	General solid waste (non-putrescible)	Wood waste	Resource recovery Waste storage
NA	General solid waste (non-putrescible)	Garden waste	Resource recovery Waste storage
NA	General solid waste (non-putrescible)	Asphalt Waste	Resource recovery Waste storage
NA	General solid waste (non-putrescible)	Virgin Excavated Natural Material	Resource recovery Waste storage
NA	General solid waste (non-putrescible)	Building and demolition waste	Resource recovery Waste storage

L3.2 The premises may accept up to 315,000 tonnes of general solid waste (non-putrescible) per annum

## Authorised Amount

L3.3 Notwithstanding any limit specified in the above table, the licensee shall not exceed the authorised amount specified in this licence. Where the authorised amount is less than the total of all wastes listed above, the authorised amount will take precedent.

L3.4 The authorised amount of waste permitted on the premises cannot exceed 53,733 tonnes at any one time.

L3.5 All waste stockpiles occurring as part of the operation at the premises must be no greater than 7.0 metres in height.

L3.6 All waste activities, including unloading, loading, processing and stockpiling of wastes, is only permitted within the area as identified as the Development Area in the State Significant Development 7698 - Appendix A Plans - Development Layout Plan.

## L4 Noise limits

L4.1 Noise limits

LOCALITY	DAY LAeq (15 minutes)	Evening LAeq (15 minutes)	Night LAeq (15 minutes)	Night Amax
R1	48	40	40	51
R2	49	41	41	52
R3	47	39	39	51
R4	47	39	39	50
R5	50	42	42	53
R6	48	41	41	51
R7	48	41	41	52

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R8	48	40	40	52
R9	49	42	42	52
R10	49	41	41	51
R11	49	42	42	52
R12	42	41	41	48
R13	40	36	36	47
Mayfield West Primary School	Internal 35 dB(A) - Noisiest 1 hour period (when in use)			
Church of Christ	Internal 40 dB(A) - Noisiest 1 hour period (when in use)			
Scout Hall	External 55 dB(A) - (when in use)			

L4.2 For the purpose of condition L4.1:

- Day is defined as the period from 7 a.m. to 6 p.m. Monday to Saturday and 8 a.m. to 6 p.m. Sunday and Public Holidays.
- Evening is defined as the period 6 p.m. to 10 p.m.
- Night is defined from 10 p.m. to 7 a.m. Monday to Saturday and 10 p.m. to 8 a.m. Sunday and Public Holidays.

L4.3 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

L4.4 To determine compliance:

- a) the Leq(15 minute) noise limits in condition L4.1, the noise measurement equipment must be located:
  - approximately on the property, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - within 30 metres of a dwelling façade, but not closer than 3 metres, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or where applicable
  - within approximately 50 metres of the boundary of a National Park or Nature Reserve.
- b) with any L<sub>Amax</sub> in condition L4.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) with the noise limits in condition L4.1, the noise measurement equipment must be located:
  - at the most affected point at a location where there is no dwelling at the location; or
  - at the most affected point within an area at a location prescribed by conditions L4.4(a) or L4.4(b).

L4.5 A non-compliance of conditions L4.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions L4.4(a) and L4.4(b); and/or
- at a point other than the most affected point at a location.

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Note: For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L4.6 The crusher and shredder are only permitted to be operated in the segregated heavy waste processing and stockpiling area, no further south than 130 m from the northern site boundary in accordance with the State Significant Development 7698 - Appendix A Plans - Location of Crusher, Shredder and Screens.

L4.7 The mobile screens in the segregated heavy waste processing area and stockpiling area must not be operated simultaneously with the crusher or shredder.

## L5 Hours of operation

### L5.1 Hours of operation

ACTIVITY	DAY	TIME
Construction	Monday to Friday	7 a.m. to 6 p.m.
	Saturday	8 a.m. to 1 p.m.
	Sundays and Public Holidays	Not Permitted
Waste Receival	Monday to Friday	6 a.m. to 6 p.m.
	Saturday	6 a.m. to 5 p.m.
	Sundays and Public Holidays	7 a.m. to 3 p.m.
Waste Processing	Monday to Friday	6 a.m. to 6 p.m.
	Saturday	6 a.m. to 5 p.m.
	Sundays and Public Holidays	Not Permitted
Waste Despatch	Monday to Friday	6 a.m. to 6 p.m.
	Saturday	6 a.m. to 5 p.m.
	Sundays and Public Holidays	Not Permitted

L5.2 Works outside the hours identified in condition L5.1 may be undertaken in the following circumstances:

- the works are inaudible at the nearest sensitive receivers; or
- for the delivery or dispatch of materials as requested by the NSW Police Force or other public authorities for safety reasons; or
- where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

L5.3 Waste receival is permitted on a 24-hour per day basis on limited occasions to facilitate major infrastructure projects. Limited occasions is defined as:

- no greater than six times per year; and
- only for a period of less than two weeks in length for each occasion.

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- L5.4 The EPA must be notified no later than 48 hours prior to each of the 24-hour waste receipt periods referred to in condition L5.3 along with a description of the major infrastructure projects which necessitate the 24-hour operations.

## 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 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.

- O3.2 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.

- O3.3 No material including sediment is permitted to be tracked from the premises.

### O4 Emergency response

- O4.1 A copy of the current version of the Pollution Incident Response Management Plan (PIRMP) for the premises must be kept at the premises.

Note: A PRIMP is required under Part 5.7A of the *Protection of the Environment Operations Act 1997* and its regulations. The PIRMP 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. The PIRMP must be tested at least annually or following a pollution incident.

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## O5 Processes and management

- O5.1 A litter management program must be implemented, which includes litter patrol to ensure that the local amenity is not degraded.

### Bunding

- O5.2 All above ground tanks containing material capable of causing harm to the environment must be stored within a bund or within an alternative spill containment system that achieves the same outcome.

- O5.3 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.

### Surface Water Management

- O5.4 A surface water management system must be operated and maintained at the premises at all times.
- O5.5 The surface water management system must be maintained to minimise the infiltration of surface water to groundwater. This includes inspecting the surface water infrastructure monthly for cracking and vegetation breakthrough, removing the vegetation and sealing the surface water infrastructure.
- O5.6 The final sediment basin must be maintained with a minimum capacity to contain the 90th percentile rainfall over any consecutive 5-day period in accordance with *Managing Urban Stormwater - Soils and Construction Vol. 2B: Waste landfills*.
- O5.7 A visible marker must be installed and maintained in the final sediment basin in a position that shows freeboard in the basin that equates to the volume required to contain all rainfall and runoff in the catchment from a 90th percentile rainfall event over any consecutive 5-day period.

## O6 Waste management

- O6.1 All putrescible waste received at the premises must be:
- a) stored in an enclosed vessel; and
  - b) disposed of, to a place that can lawfully receive that waste, within 24 hours of receipt.
- O6.2 Waste collected at the premises that is unable to be recycled, must not be stored at the premises and must be taken to a lawful waste facility at least once a week.
- O6.3 All co-mingled waste (to include but not limited to metals, shredded wood products, glass and non-recyclable residues) received at the Premises must be unloaded, processed and stockpiled within an enclosed processing shed.

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

### M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:
- M2.2 Water and/ or Land Monitoring Requirements

#### POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Oil and Grease	milligrams per litre	Daily during any discharge	Grab sample
pH	pH	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample

### M3 Testing methods - concentration limits

- M3.1 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a



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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 Weather monitoring

M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

### POINT 18

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Temperature at 2 metres	AM-4	degrees Celsius	1 hour	Continuous
Temperature at 10 metres	AM-4	degrees Celsius	1 hour	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous
Wind Speed	AM-2 & AM-4	metres per second	15 minutes	Continuous
Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous
Rainfall	AM-4	millimetres	15 minutes	Continuous
Relative humidity	AM-4	percent	1 hour	Continuous

## M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

- 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.

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

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

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## M6 Telephone complaints line

- M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M6.3 The preceding two conditions do not apply until one month after the date of the issue of this licence.

## M7 Noise monitoring

- M7.1 To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

### POINT 5,9,12

Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Day	Quarterly	15 minutes	1 operation day
Evening	Quarterly	15 minutes	1 operation day
Night	Quarterly	15 minutes	1 operation day

## 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:
1. a Statement of Compliance,
  2. a Monitoring and Complaints Summary,
  3. a Statement of Compliance - Licence Conditions,
  4. a Statement of Compliance - Load based Fee,
  5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
  6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
  7. a Statement of Compliance - Environmental Management Systems and Practices.

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At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

a) in relation to the surrender of a licence - the date when notice in writing of approval of the 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 via eConnect *EPA* or 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 Statements 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.

## R2 Notification of environmental harm

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

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.

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.

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## 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 satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## R4 Other reporting conditions

### Noise Monitoring Report

- R4.1 A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the quarterly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:
- a) as assessment of compliance with noise limits for R5,R9 and R12; and
  - b) an outline of any management actions taken within the monitoring period to address any exceedences of the noise limits for R5, R9 and R12.

## 7 General Conditions

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## G1 Copy of licence kept at the premises or plant

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

## 8 Special Conditions

### E1 Financial Assurance

- E1.1 A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as “Authorised Deposit-taking Institutions” under the *Banking Act 1959* of the Commonwealth of Australia and supervised by the Australian Prudential regulatory Authority (APRA) must be provided to the EPA prior to the issue of the licence. The financial assurance must be in favour of the EPA in the amount of three hundred and thousand dollars (\$300,000). The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence.

The licensee must provide to the EPA an initial financial assurance in favour of the EPA the amount of one hundred thousand dollars (\$100,000) within one (1) month of the issue of this licence.

An additional one hundred thousand dollars (\$100,000) must be provided in favour of the EPA to the EPA within 12 months from the licence issue dates.

A final one hundred thousand dollars (\$100,000) must be provided in favour of the EPA to the EPA within 24 months from the licence issue date.

- E1.2 The licensee must provide to the EPA, along with the original counterpart guarantee, confirmation in writing that the financial institution providing the guarantee is subject to supervision by the Australian Prudential Regulatory Authority (APRA).
- E1.3 The financial assurance must contain a term that provides that any money claimed can be paid to the EPA or, at the direction of the EPA, to any other person.
- E1.4 The financial assurance must be maintained during the operation of the facility, and thereafter, until such time as the EPA is satisfied the premises is environmentally secure.
- E1.5 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.
- E1.6 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.
- E1.7 The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of:

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- a) the financial assurance required by condition E1.1, and
- b) the adjusted financial assurance, also required by condition E1.1.

E1.8 The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

## E2 Environmental Obligations of Licensee

E2.1 While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
- b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

E2.2 In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:

- a) make all efforts to contain all firewater on the licensee's premises,
- b) make all efforts to control air pollution from the licensee's premises,
- c) make all efforts to contain any discharge, spill or run-off from the licensee's premises,
- d) make all efforts to prevent flood water entering the licensee's premises,
- e) remediate and rehabilitate any exposed areas of soil and/or waste,
- f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
- g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises,
- h) at the request of the EPA monitor surface water leaving the licensee's premises; and
- i) ensure the licensee's premises is secure.

E2.3 After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

- a) remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
- b) rehabilitate the site so that its contamination status is no worse than that described in the Site Audit Report - Former EMD Facility Mayfield West, prepared for Delta EMD, prepared by ENVIRON Australia Pty Ltd, November 2009, Audit Number: GN 397.

## E3 EPA may claim on financial assurance

E3.1 The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out

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any work or program required to comply with the conditions of this licence or clean up notice issued under section 91 of the POEO Act.

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## Dictionary

### General Dictionary

<b>3DGM [in relation to a concentration limit]</b>	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
<b>Act</b>	Means the Protection of the Environment Operations Act 1997
<b>activity</b>	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
<b>actual load</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>AM</b>	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> .
<b>AMG</b>	Australian Map Grid
<b>anniversary date</b>	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.
<b>annual return</b>	Is defined in R1.1
<b>Approved Methods Publication</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>assessable pollutants</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>BOD</b>	Means biochemical oxygen demand
<b>CEM</b>	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> .
<b>COD</b>	Means chemical oxygen demand
<b>composite sample</b>	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.
<b>cond.</b>	Means conductivity
<b>environment</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>environment protection legislation</b>	Has the same meaning as in the Protection of the Environment Administration Act 1991
<b>EPA</b>	Means Environment Protection Authority of New South Wales.
<b>fee-based activity classification</b>	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
<b>general solid waste (non-putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997



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<b>flow weighted composite sample</b>	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
<b>general solid waste (putrescible)</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>grab sample</b>	Means a single sample taken at a point at a single time
<b>hazardous waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>licensee</b>	Means the licence holder described at the front of this licence
<b>load calculation protocol</b>	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
<b>local authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>material harm</b>	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
<b>MBAS</b>	Means methylene blue active substances
<b>Minister</b>	Means the Minister administering the Protection of the Environment Operations Act 1997
<b>mobile plant</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>motor vehicle</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>O&amp;G</b>	Means oil and grease
<b>percentile [in relation to a concentration limit of a sample]</b>	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.
<b>plant</b>	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
<b>pollution of waters [or water pollution]</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>premises</b>	Means the premises described in condition A2.1
<b>public authority</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>regional office</b>	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
<b>reporting period</b>	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.
<b>restricted solid waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>scheduled activity</b>	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
<b>special waste</b>	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
<b>TM</b>	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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<b>TSP</b>	Means total suspended particles
<b>TSS</b>	Means total suspended solids
<b>Type 1 substance</b>	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
<b>Type 2 substance</b>	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
<b>utilisation area</b>	Means any area shown as a utilisation area on a map submitted with the application for this licence
<b>waste</b>	Has the same meaning as in the Protection of the Environment Operations Act 1997
<b>waste type</b>	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Ms Jenny Lange

Environment Protection Authority

(By Delegation)

Date of this edition: 25-May-2016

## End Notes

2 Licence varied by notice 1544732 issued on 11-Oct-2016

3 Licence varied by notice 1563285 issued on 08-Nov-2018