

Department of Environment and Heritage Protection

Permit¹

Environmental Protection Act 1994

Environmental authority EPML00533513

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: EPML00533513

Environmental authority takes effect 27 May 2015.

The anniversary date of this environmental authority is 19 May. An annual return and the payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
Bio-Recycle Australia Proprietary Limited	48 Industry Road VINEYARD NSW 2765

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Schedule 2A of the <i>Environmental Protection Regulations 2008</i> : ERA 13 mining black coal	ML4560 ML4579

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation



It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

Ingrid Fomiatti Minnesma
Delegate of the administering authority
Environmental Protection Act 1994

27/5/15

Date

Enquiries:
PO Box 7230
CAIRNS QLD 4870
Phone: (07) 4222 5334
Fax: (07) 4222 5070

Obligations under the *Environmental Protection Act 1994*

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

Location: Lot 1, Lot 2, Lot 4 and Lot 5 SP225229; Lot 3 SP155286.
Mining Leases ML4560 and ML4579.

Relevant activity/ies:

ERA 13 'mining black coal'.

The environmentally relevant activity(ies) conducted at the location as described above must be conducted in accordance with the following site specific conditions of approval.

Agency interest: Schedule A - General	
Condition number	Condition
(A1-1)	Financial assurance Provide a financial assurance in the amount and form required by the administering authority prior to the commencement of activities proposed under this environmental authority. NOTE: The calculation of financial assurance for condition (A1-1) must be in accordance with Guideline 17 and may include a performance discount. The calculation of financial assurance for must be in accordance with Guideline 17. The amount is defined as the maximum total rehabilitation cost for complete rehabilitation of all disturbed areas, which may vary on an annual basis due to progressive rehabilitation. The amount required for the financial assurance must be the highest Total Rehabilitation Cost calculated for any year of the Plan of Operations and calculated using the formula: (Financial Assurance = Highest Total Annual Rehabilitation Cost x Percentage Required).
(A1-2)	The financial assurance is to remain in force until the administering authority is satisfied that no claim on the assurance is likely. NOTE: Where progressive rehabilitation is completed and acceptable to the administering authority, progressive reductions to the amount of financial assurance will be applicable where rehabilitation has been completed in accordance with the acceptance criteria defined within this environmental authority.

(A2-1)	Maintenance of measures, plant and equipment The holder must: a) install all measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority; and b) maintain such measures, plant and equipment in a proper condition; and c) operate such measures, plant and equipment in a proper manner.
(A3-1)	Monitoring Record, compile and keep for a minimum of five years all monitoring results required by this environmental authority and make available for inspection all or any of these records upon request by the administering authority.
(A3-2)	Where monitoring is a requirement of this environmental authority, ensure that an appropriately qualified person conducts all monitoring.
(A4-1)	Storage and handling of flammable and combustible liquids Spillage of all flammable and combustible liquids must be contained within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS 1940 - <i>Storage and Handling of Flammable and Combustible Liquids of 1993</i> .
Agency interest: Schedule B - Air	
Condition number	Condition
(B1-1)	Dust nuisance Subject to conditions (B1-2) and (B1-3) the release of dust or particulate matter or both resulting from the mining activity must not cause an environmental nuisance, at any sensitive place.
(B1-2)	When requested by the Administering Authority, dust and particulate monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.

(B1-3)	If the environmental authority holder can provide evidence through monitoring that the following limits are not being exceeded then the holder is not in breach of (B1-1): a) Dust deposition of 120 milligrams per square metre per day, averaged over one month, when monitored in accordance with <i>AS 3580.10.1 Methods for sampling and analysis of ambient air - Determination of particulates - Deposited matter - Gravimetric method of 1991</i>; and b) A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24 hour averaging time, at a sensitive place downwind of the operational land, when monitored in accordance with: - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective inlet - Gravimetric method, when monitored in accordance with <i>AS 3580.9.6 Methods for sampling and analysis of ambient air - Determination of suspended particulate matter - PM (sub) 10 high volume sampler with size-selective inlet - Gravimetric method of 1990</i>; or - Any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority. NOTE: You must propose which monitoring method is appropriate in accordance with condition (B1-3) (a) or (b) or both.
(B1-4)	If monitoring indicates exceedance of the relevant limits in condition (B1-3), then the environmental authority holder must: a) address the complaint including the use of appropriate dispute resolution if required; or b) immediately implement dust abatement measures so that emissions of dust from the activity do not result in further environmental nuisance.
(B2-1)	Odour nuisance Subject to condition (B2-2), the release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the mining activity must not cause an environmental nuisance at any sensitive place.
(B2-2)	When requested by the Administering Authority, odour monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.
(B2-3)	If monitoring indicates condition (B2-1) is not being met then the environmental authority holder must: a) address the complaint including the use of appropriate dispute resolution if required; or b) immediately implement odour abatement measures so that emissions of odour from the activity do not result in further environmental nuisance.

Agency interest: Schedule C - Water	
Condition number	Condition
(C1-2)	Discharge point release limits for process water and storm water contaminated by mining activities must be monitored at the locations and frequencies defined in Schedule C - Table 1 and Schedule H - Figure 1 – Water Management Plan and comply with the contaminant limits defined in Schedule C - Table 2 .

Schedule C - Table 1 (Discharge point monitoring locations and frequency)

Monitoring point	Latitude	Longitude	Monitoring frequency/trigger
BG1 - Upstream background site	-27.67107	152.81727	First flush then once daily during discharge events
DIS1 - Off-site discharge to power station	-27.66552	152.81558	First flush then once daily during discharge events

Schedule C - Table 2 (Discharge point contaminant release limits)

Parameter	Units	Minimum	Maximum
pH	-	6.0	8.0
Electrical Conductivity (EC)	µS/cm	-	4000
Total Dissolved Solids (TDS)	mg/L	-	2500
Suspended Solids	mg/L	-	10% above upstream values at monitoring point
Total Nitrogen	mg/L	-	0.5

Agency interest: Schedule D - Noise	
Condition number	Condition
(D1-1)	Noise nuisance Subject to conditions (D1-2) and (D1-3) noise from the mining activity must not cause an environmental nuisance, at any sensitive place.

(D1-2)	When requested by the Administering Authority, noise monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.
(D1-3)	If the environmental authority holder can provide evidence through monitoring that the limits defined in the table in Schedule D - Table 1, 2 and 3 inclusive are not being exceeded then the holder is not in breach of Condition (D1-1) . Monitoring must include: a) LA, max adj, T; b) the level and frequency of occurrence of impulsive or tonal noise; c) atmospheric conditions including wind speed and direction; and d) location, date and time of recording.
(D1-4)	If monitoring indicates exceedence of the limits in Schedule D - Table 1 , then the environmental authority holder must: a) address the complaint including the use of appropriate dispute resolution if required; or b) immediately implement noise abatement measures so that emissions of noise from the activity do not result in further environmental nuisance.
(D1-5)	The method of measurement and reporting of noise levels must comply with the latest edition of the <i>Environmental Protection Agency's Noise Measurement Manual</i> .

Schedule D - Table 1 (Noise limits)

Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
	7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
Noise measured at a 'Noise sensitive place'						
L _{A10} , adj, 10 mins	b/g + 5	b/g + 5	b/g + 0	b/g + 5	b/g + 5	b/g + 0
L _{A1} , adj, 10 mins	b/g + 10	b/g + 10	b/g + 5	b/g + 10	b/g + 10	b/g + 5
Noise measured at a 'Commercial place'						
L _{A10} , adj, 10 mins	b/g + 10	b/g + 10	b/g + 5	b/g + 10	b/g + 10	b/g + 5
L _{A1} , adj, 10 mins	b/g + 15	b/g + 15	b/g + 10	b/g + 15	b/g + 15	b/g + 10

NOTE: The method of measurement and reporting of noise levels must comply with the latest editions of the Environmental Protection Agency's Noise Manual. [b/g' means background noise levels]

Schedule D - Table 3 (Airblast overpressure level - 'Sensitive place')

Noise parameter	Monday to Friday 9am - 3pm Saturday 9am - 1pm	Other times and public holidays
Air blast overpressure level (dB linear peak)	115dB (80th percentile)	Nil
Air blast overpressure level (dB linear peak)	120dB (maximum)	

NOTE: The method of measurement and reporting of noise levels must comply with the latest editions of the Environmental Protection Agency's Noise Manual.

(D2-1)	Vibration nuisance Subject to Conditions (D2-2) and (D2-3) vibration from the mining activity must not cause an environmental nuisance, at any sensitive place.
(D2-2)	When requested by the Administering Authority, vibration monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within 14 days to the administering authority following completion of monitoring.
(D2-3)	If the environmental authority holder can provide evidence through monitoring that the limits defined in Schedule D - Table 4 are not being exceeded then the holder is not in breach of (D2-1) . Monitoring must include: a) location of the blast/s within the mining area (including which bench level); and b) atmospheric conditions including temperature, relative humidity and wind speed and direction; and c) location, date and time of recording.
(D2-4)	If monitoring indicates exceedance of the relevant limits in Schedule D - Table 4 , then the environmental authority holder must: a) address the complaint including the use of appropriate dispute resolution if required; or b) immediately implement vibration abatement measures so that vibration from the activity does not result in further environmental nuisance.

Schedule D - Table 4 (Vibration limits - 'Sensitive place')

Vibration parameter	Monday to Friday 9am - 3pm Saturday 9am - 1pm	Other times and public holidays
Houses and low rise residential buildings and commercial buildings not included below	10mm/s peak particle velocity	Nil
Commercial and industrial buildings or structures of reinforced concrete or steel construction	25mm/s peak particle velocity	

NOTE: The method of measurement and reporting of noise levels must comply with the latest editions of the Environmental Protection Agency's Noise Manual.

Agency interest: Schedule E - Waste	
Condition number	Condition
(E1-1)	This schedule only permits storage and disposal of tyres sourced from the mining operation referred to in this environmental authority.
(E2-1)	Storage of tyres Tyres stored awaiting disposal or transport for take-back and, recycling, or waste-to-energy options - should be stockpiled in volumes less than 3m in height and 200 m ² in area and at least 10m from any other tyre storage area.
(E2-2)	All reasonable and practicable fire prevention measures must be implemented, including removal of grass and other materials within a 10m radius of the scrap tyre storage area.
(E3-1)	Disposal of tyres Where practicable, scrap tyres can be disposed of in underground stopes provided this practice does not cause an unacceptable fire risk or compromise mine safety.
(E3-2)	Disposing of scrap tyres in spoil emplacements is acceptable, provided tyres are placed as deep in the spoil as possible but not directly on the pit floor.
(E3-3)	Scrap tyres disposed within the operational land must not impede saturated aquifers and compromise the stability of the consolidated landform.

Agency interest: Schedule F - Land	
Condition number	Condition
(F1-1)	Spontaneous combustion Management measures must be implemented to prevent combustion of all surface areas identified as being prone to spontaneous combustion. Such management measures may include capping identified areas with at least one metre of fine-grained inert fill.
(F2-1)	Rehabilitation landform criteria All areas significantly disturbed by mining activities must be rehabilitated in accordance with Schedule F – Table 1 .

Schedule F - Table 1 (Final land use and rehabilitation approval schedule)

Tenure ID	Lot # Cross Reference	Disturbance type	Disturbance area (ha)	Rehabilitation outcome
ML4560	Lot 1 & 5	Dam	0.5	Industrial Land
		Main void segment	2.0	
		Spoil heap	4.0	
ML4579	Lot 2 (Southern section) Lot 3, Lot 4, Lot 5 (most)	Pozzo's Pit	2.5	
		Bergin Seam Pit	2.3	
		Roads	0.5	
		Dam	1.7	
		Composting Pads	9.2	
		Coal fines extraction area	5.8	

(F3-1)	Rehabilitation Outcome – Industrial Subject to conditions (F3-2), (F3-3) and F3-4 , disturbed land nominated for an industrial rehabilitation outcome will be considered rehabilitated when the land is stabilised and does not, or will not have potential to cause environmental harm to the environmental values.
(F3-2)	Disturbed land and/or mine voids remaining at the end of mine life, will only be considered suitable for surrender when a development approval and environmental authority (with development approval) application (or applicable local government and environmental approvals (or lawful use) relevant at the time) has been approved for the proposed activities.

(F3-3)	In the event of being unable to gain a development application (or other requirement at the time) for proposed industrial activities, an application must be made by the holder of this environmental authority to nominate an alternative rehabilitation outcome and amend this environmental authority to incorporate the new outcome.
(F3-4)	To remove any doubt, the nomination of the final land use of industrial in Schedule F Table 1 , does not negate any local or state government planning or approval requirements for the development of that land.
(F4-1)	Infrastructure All infrastructure, constructed by or for the environmental authority holder during the mining activities including water storage structures, must be removed from the site prior to mining lease surrender, except where agreed in writing by the post mining land owner / holder.
Agency interest: Schedule G - Community	
Condition number	Condition
(G1-1)	Complaint response All complaints received must be recorded including details of complainant, reasons for the complaint investigations undertaken, conclusions formed and actions taken. This information must be made available for inspection by the administering authority on request.

Definitions

Key terms and/or phrases used in this document are defined in this **section** and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

"acceptance criteria" means the measures by which the actions implemented to rehabilitate the land are deemed to be complete (same as completion criteria).

"airblast overpressure" means energy transmitted from the blast site within the atmosphere in the form of pressure waves. The maximum excess pressure in this wave, above ambient pressure is the peak airblast overpressure measured in decibels linear (dB).

"ambient (or total) noise" at a place, means the level of noise at the place from all sources (near and far), measured as the L_{eq} for an appropriate time interval.

"appropriately qualified person" means any person who conforms to the EPA operational policy for an 'appropriately qualified person (analyst)' in accordance with Section 490(7) of the Environmental Protection Act 1994.

"authority" means environmental authority (mining activities) under the Environmental Protection Act 1994.

"blasting" means the use of explosive materials to fracture-

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

"commercial place" means a place used as an office or for business or commercial purposes, other than a place within the boundaries of the operational land.

"environmental authority holder" means the holder of this environmental authority.

" $L_{A 10, \text{adj}, 10 \text{ mins}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

" $L_{A 1, \text{adj}, 10 \text{ mins}}$ " means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response

" $L_{A, \text{max adj}, T}$ " means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

"land" in the 'land schedule' of this document means land excluding waters and the atmosphere.

"land use" term to describe the selected post mining use of the land, which is planned to occur after the cessation of mining operations.

"noxious" means harmful or injurious to health or physical wellbeing, other than trivial harm.

"offensive" means causing reasonable offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive, other than trivial harm.

"peak particle velocity (ppv)" means a measure of ground vibration magnitude which is the maximum rate of change of ground displacement with time, usually measured in millimetres/second (mms)

"protected area" means:

- a protected area under the Nature Conservation Act 1992; or

- a marine park under the Marine Parks Act 1992; or
- a World Heritage Area.

"progressive rehabilitation" means rehabilitation (defined below) undertaken progressively OR a staged approach to rehabilitation as mining operations are ongoing.

"rehabilitation" the process of reshaping and revegetating land to restore it to a stable landform and in accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes remediation of contaminated land.

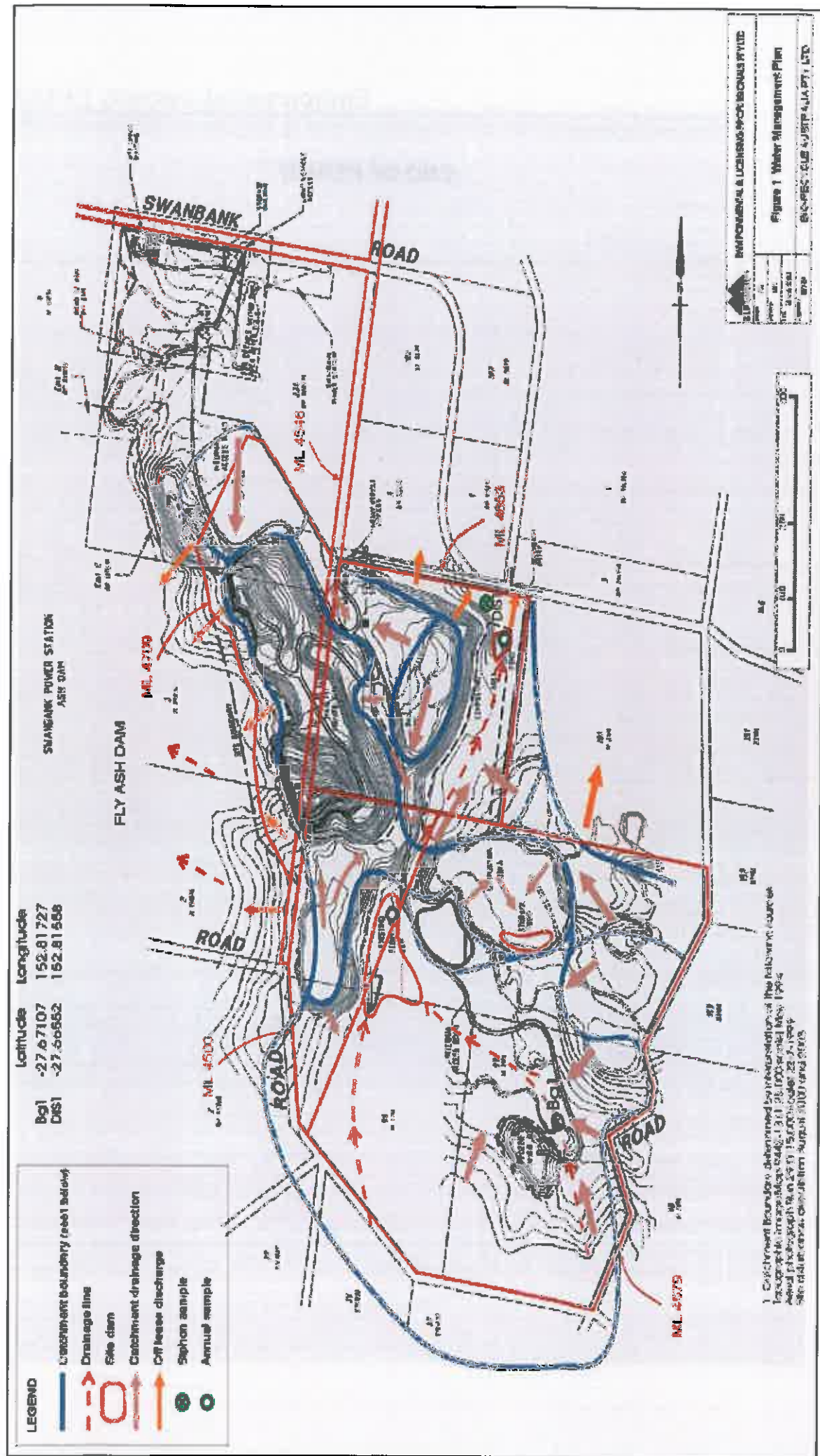
"sensitive place" means:

- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- an educational institution; or
- a medical centre or hospital; or
- a protected area under the Nature Conservation Act 1992, the Marine Parks Act 1992 or a World Heritage Area; or
- a public park or gardens; or
- a place used as a workplace, an office or for business or commercial purposes which is not part of the mining activity and does not include employees accommodation or public roads.

"stable" means geotechnical stability of the rehabilitated landform where instability related to the excessive settlement and subsidence caused by consolidation / settlement of the wastes deposited, and sliding / slumping instability has ceased.

Schedules H – Maps and Plans

Schedule C - Figure 1 – Water Management Plan



END OF PERMIT