Environment Protection Licence

Licence - 11956

Licence Details	
Number:	11956
Anniversary Date:	01-August

Licensee

NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD

PO BOX 765

MAITLAND NSW 2320

Premises

NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD

RACECOURSE ROAD

RUTHERFORD NSW 2320

Scheduled Activity

Ceramic works

Fee Based Activity	Scale
Ceramics production	> 50000-200000 T annual production capacity

Contact Us

NSW EPA

6 Parramatta Square

10 Darcy Street

PARRAMATTA NSW 2150

Phone: 131 555

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Locked Bag 5022

PARRAMATTA NSW 2124

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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:

NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD
PO BOX 765
MAITLAND NSW 2320

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
Ceramic works	Ceramics production	> 50000 - 200000 T annual production capacity

A1.2 The ultimate intended production of the licensed activity is >200 000 tonnes per annum. This licence currently only authorises activity up to 200 000 tonnes per annum. A variation application must be submitted two months prior to the commissioning of each subsequent kiln to allow for the increase in production and the addition of limit and monitoring conditions associated with the operation of each of these kilns.

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
NATIONAL CERAMIC INDUSTRIES AUSTRALIA PTY LTD
RACECOURSE ROAD
RUTHERFORD
NSW 2320
LOT 1010 DP 1109790

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:
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.

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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 points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Air

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge to Air	Discharge to Air	Dust extractor clay preparation CP1 & CP 2 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
2	Discharge to Air	Discharge to Air	Dust extractor clay preparation CP3 & CP4 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
3	Discharge to air	Discharge to air	Pressing and Drying PD1 & PD2 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
4	Discharge to air	Discharge to air	Pressing and drying PD3 & PD4 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
5	Discharge to air	Discharge to air	Drier D1 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
6	Discharge to air	Discharge to air	Drier D2 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
7	Discharge to air	Discharge to air	Drier D3 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
8	Discharge to air	Discharge to air	Drier D4 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
9	Discharge to air	Discharge to air	Glaze line as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
10	Discharge to air	Discharge to air	Selection SL 1234 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
12	Discharge to air	Discharge to air	Spray Drier SD1 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
13	Discharge to air	Discharge to air	Spray Drier SD2 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
14	Discharge to air	Discharge to air	Kiln KP1 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
15	Discharge to air	Discharge to air	Kiln KP2 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.

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16	Discharge to air	Discharge to air	Kiln KP3 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
17	Discharge to air	Discharge to air	Kiln KP4 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
18	Discharge to air	Discharge to air	Hot air cooling HAC1 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
19	Discharge to air	Discharge to air	Hot air cooling HAC2 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
20	Discharge to air	Discharge to air	Hot air cooling HAC3 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
21	Discharge to air	Discharge to air	Hot air cooling HAC4 as shown on Figure Titled: Plant Emission Locations and Air Quality Controls dated 17 July 2003.
22	Ambient Air Monitoring - PM 10		PM 10 monitoring locations as shown on diagram titled "Proposed ambient air quality monitoring sites - PM 10, HF and meteorological monitoring". Dated 20 January 2004
23	Ambient Air Monitoring - Fluoride compounds		HF monitoring locations as shown on diagram titled "Proposed ambient air quality monitoring sites - PM 10, HF and meteorological monitoring". Dated 20 January 2004.
24	Weather Monitoring		On-site meteorological station located in south east corner of premises.

3 Limit Conditions

L1 Pollution of waters

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

L2 Load limits

L2.1 The actual load of an assessable pollutant discharged from the premises during the reporting period must not exceed the load limit specified for the assessable pollutant in the table below.

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

Assessable Pollutant	Load limit (kg)
Coarse Particulates (Air)	14338.00
Fine Particulates (Air)	26629.00

Fluoride (Air)	1850.00
Nitrogen Oxides (Air)	36828.00
Sulfur Oxides (Air)	36828.00

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

L3 Concentration limits

L3.1 For each monitoring/discharge point or utilisation area specified in the table/s 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.

L3.2 Air Concentration Limits

POINT 1,2,3,4,5,6,9,10,12,13

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Solid Particles	milligrams per cubic metre	20	Dry, 273K, 101.3kPa		

POINT 7,8

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Solid Particles	milligrams per cubic metre	20	Dry, 273K, 101.3kPa		

POINT 14,15

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Cadmium	milligrams per cubic metre	0.1	Dry, 273K, 101.3kPa		
Nitrogen Oxides	milligrams per cubic metre	100	Dry, 273K, 101.3kPa	18%	
Hydrogen fluoride	milligrams per cubic metre	5	Dry, 273K, 101.3kPa		
Sulfuric acid mist and sulfur trioxide (as SO3)	milligrams per cubic metre	100	Dry, 273K, 101.3kPa		
Mercury	milligrams per cubic metre	0.1	Dry, 273K, 101.3kPa		
Hazardous substances	milligrams per cubic metre	1	Dry, 273K, 101.3kPa		

Solid Particles	milligrams per cubic metre	20	Dry, 273K, 101.3kPa	18%

POINT 16,17

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Nitrogen Oxides	milligrams per cubic metre	100	Dry, 273K, 101.3kPa	18%	
Sulfuric acid mist and sulfur trioxide (as SO3)	milligrams per cubic metre	100	Dry, 273K, 101.3kPa		
Solid Particles	milligrams per cubic metre	20	Dry, 273K, 101.3kPa	18%	
Hazardous substances	milligrams per cubic metre	1	Dry, 273K, 101.3kPa		
Cadmium	milligrams per cubic metre	0.1	Dry, 273K, 101.3kPa		
Mercury	milligrams per cubic metre	0.1	Dry, 273K, 101.3kPa		
Hydrogen fluoride	milligrams per cubic metre	5	Dry, 273K, 101.3kPa		

POINT 18,19

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Solid Particles	milligrams per cubic metre	5	Dry, 273K, 101.3kPa		

POINT 20,21

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Solid Particles	milligrams per cubic metre	5	Dry, 273K, 101.3kPa		

L3.3 For the purposes of the above table, “hazardous substances” means type 1 and type 2 substances as defined in Part 5 of the Protection of the Environment Operations (Clean Air) Regulation 2010.

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.

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L5 Noise limits

L5.1 Noise from the premises must not exceed:
a) 41dB(A) LAeq(15 minute) during the day (7am to 6pm) Monday to Saturday and (8am to 6pm) Sunday and public holidays; and
b) 39dB(A) LAeq(15 minute) during the evening (6pm to 10pm) Monday to Sunday and public holidays; and
c) at all other times 35dB(A) LAeq (15 minute), except as expressly provided by this licence.

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

L5.2 Noise from the premises is to be measured at the most affected point on or within the receptor site boundary to determine compliance with this condition.

L5.3 Noise from the premises shall not exceed the L A1(1 minute) noise level of 45 dB(A) at the nearest residential receiver most affected by noise from activities at the premises. The noise limit applies 1 metre from the dwelling façade and shall apply during the night period only.

L5.4 The noise emission limits specified above apply under all meteorological conditions except:
a) during rain and wind speeds greater than 3 m/s; and
b) from 6pm to 7am during intense inversions, which are indicated by cloud cover less than 40 per cent and wind speeds less than 1.0 m/s

Note: Wind data should be collected at 10m height.

L6 Potentially offensive odour

L6.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

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

O4 Processes and management

O4.1 Where complaints of impact upon vegetation are received, the licensee must investigate and submit a written report to the EPA identifying the magnitude of the vegetation damage and potential for fluoride emissions from the plant to have contributed to the damage.

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 Air Monitoring Requirements

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POINT 1,3,5,6,9,10,12

Pollutant	Units of measure	Frequency	Sampling Method
Dry gas density	kilograms per cubic metre	Yearly	TM-23
Moisture content	percent	Yearly	TM-22
Molecular weight of stack gases	grams per gram mole	Yearly	TM-23
Solid Particles	milligrams per cubic metre	Yearly	TM-15
Temperature	degrees Celsius	Yearly	TM-2
Velocity	metres per second	Yearly	TM-2
Volumetric flowrate	cubic metres per second	Yearly	TM-2

POINT 14,15

Pollutant	Units of measure	Frequency	Sampling Method
Cadmium	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14
Carbon dioxide	percent	Yearly	TM-24
Dry gas density	kilograms per cubic metre	Yearly	TM-23
Hazardous substances	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14
Hydrogen fluoride	milligrams per cubic metre	Yearly	TM-9
Mercury	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14
Moisture	percent	Yearly	TM-22
Molecular weight of stack gases	grams per gram mole	Yearly	TM-23
Nitrogen Oxides	milligrams per cubic metre	Yearly	TM-11
Oxygen (O2)	percent	Yearly	TM-25
Solid Particles	milligrams per cubic metre	Yearly	TM-15
Sulfuric acid mist and sulfur trioxide (as SO3)	milligrams per cubic metre	Yearly	TM-3
Velocity	metres per second	Yearly	TM-2
Volumetric flowrate	cubic metres per second	Yearly	TM-2

POINT 18,19

Pollutant	Units of measure	Frequency	Sampling Method
Dry gas density	kilograms per cubic metre	Yearly	TM-23
Moisture content	percent	Yearly	TM-22
Molecular weight of stack gases	grams per gram mole	Yearly	TM-23

Solid Particles	milligrams per cubic metre	Yearly	TM-15
Temperature	degrees Celsius	Yearly	TM-2
Velocity	metres per second	Yearly	TM-2
Volumetric flowrate	cubic metres per second	Yearly	TM-2

POINT 22

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Every 6 days	AM-18

POINT 23

Pollutant	Units of measure	Frequency	Sampling Method
Hydrogen fluoride	micrograms per cubic metre	Special Frequency 1	Australian Standard 3580.13.2-1991

M2.3 For the purposes of the table above Special Frequency 1 means: one unit at each location will operate continuously to provide 7 day concentration averages. The second unit at each location will operate continuously for 24 hours on a six day cycle.

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2022* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M4 Testing methods - load limits

Note: Division 4 of the *Protection of the Environment Operations (General) Regulation 2022* requires that monitoring of actual loads of assessable pollutants listed in L2.2 must be carried out in accordance with the relevant load calculation protocol set out for the fee-based activity classification listed in the Administrative Conditions of this licence.

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M5 Environmental monitoring

M5.1 The licensee must monitor the impact of fluoride on vegetation as follows:

a) Annual and quarterly visual assessment of vegetation in the area surrounding the premises as outlined in the document titled Proposed Ambient Air Quality Monitoring Programs – National Ceramic Industries Australia, Rutherford dated January 2004.
b) Quarterly monitoring of the fluoride content in vegetation in the area surrounding the premises as outlined in the document titled Proposed Ambient Air Quality Monitoring Programs – National Ceramic Industries Australia, Rutherford dated January 2004.

The licensee must maintain a list and a map of the monitoring sites used to assess the impact of the premises on the surrounding environment.

Part of each sample analysed must be carefully stored to the satisfaction of the EPA for a period of not less than 12 months and forwarded to the EPA on request.

M6 Weather monitoring

M6.1 For the monitoring point specified below, the licensee must monitor the parameters specified. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency specified.

Point 24

Parameter	Units of measure	Averaging period	Frequency	Sampling Method
Wind speed @10m	m/s	1 hour	Continuously	AM2 & AM-4
Wind direction @ 10m	degrees	1 hour	Continuously	AM-2 & AM-4
Sigma theta @ 10m	degrees	1 hour	Continuously	AM-2 & AM-4
Ambient temperature @ 5m	degrees celcius	1 hour	Continuously	AM-4
Rainfall	mm	daily	Continuously	AM-4
Siting				AM-1 & AM-4
Measurement				AM-2 & AM-4

M7 Recording of pollution complaints

M7.1 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.

M7.2 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.

M7.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M7.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M8 Telephone complaints line

M8.1 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.

M8.2 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.

M8.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

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.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

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 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 Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date. The notification must specify:
a) the assessable pollutants for which the actual load could not be calculated; and
b) the relevant circumstances that were beyond the control of the licensee.

R1.7 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.8 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.

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 they became aware of the incident.

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 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.

8 Pollution Studies and Reduction Programs

U1 Post Commissioning Air Emission Monitoring

U1.1 Within ninety (90) days of commissioning of each of the kilns, and when the plant is operating under design loads and normal operating conditions the applicant must conduct point source emission testing on each stack as specified in Condition M2.2. A dispersion modelling based air quality impact assessment must also be carried out strictly in accordance with the methodologies set out in “Approved Methods and Guidance for

the Modelling and assessment of Air Pollutants in New South Wales".

A validation report containing the monitoring results and the dispersion modelling must be submitted to the EPA's Regional Manager, Hunter within twenty-eight days (28) of the testing being completed.

If the point source emissions recorded or the predicted ground level concentrations of pollutants do not comply with the values specified in the Air Quality Assessment contained within the Environmental Impact Statement, the limits set in this licence and the EPA's Impact Assessment Criteria described in "Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW" an Air Quality Mitigation Study must be completed and submitted within 60 days of the submission of the validation report.

U1.2 The air quality mitigation study must address the following:
a) Using the results obtained in U1.1, a technical review of all practicable mitigation options must be carried out and the potential reduction in air quality impacts associated with each air quality mitigation option must be quantitatively evaluated;
b) The technical review referred to in U1.2 (a) must indicate whether there are air quality mitigation options available which would allow the premises to meet the appropriate impact assessment criteria detailed in U1.1 (taking into account factors such as meteorology, topography or whether the nearest sensitive receptor lies within the affected zone) and the extent of any difficulty in meeting the appropriate impact assessment criteria;
c) A cost/benefit analysis of a range of air quality mitigation options must be carried out; and
d) Using the results of U1.1 and U1.2 (a), (b) and (c), emission concentration limits (point sources only) and management practices (point and diffuse sources) must be identified for the most cost effective air quality mitigation option to ensure the appropriate impact assessment criteria detailed in U1.1 can be met;
e) It must specify a timetable to implement all recommendations of the report.

U1.3 Within ninety (90) days of commissioning of the first kiln, and when the plant is operating under design loads and normal operating conditions the licensee must conduct a noise study to assess compliance with the noise levels predicted in the EIS and specified in Condition L5.1.

The report must be submitted to the EPA's Regional Manager, Hunter within twenty-eight days (28) of the testing being completed.

If the noise levels do not comply with the specified limits the report must identify measures to be implemented and a timetable to achieve compliance.

U2 Water Management Review

U2.1 The Licensee must provide a water management plan that is prepared by an appropriately qualified and experienced person to the EPA by 27 October 2024. The plan must include and may not be limited to:

a) a water balance for the premises;
b) design and capacity of the stormwater management storages on the premises that segregate clean from dirty water areas;
c) consideration of roof water capture, storage and re-use on the premises;
d) segregation and controls for dirty water containment, storage and re-use on the premises with attention on the waste tile storage area, the gas treatment area, the raw materials receival area and any other outdoor materials storage areas.

e) an updated plan of the Premises segregating clean stormwater and dirty water recapture;
f) contingency measures and designs to prevent any discharges from process water or dirty water on the premises; and
g) a program of works to implement recommended upgrades including costing and a timeframe for implementation of the upgrades to the water management system.

(Note: dirty water areas include any areas where water comes into contact with any wastes, tiles, raw material or waste material stockpiles, gas treatment areas etc)

U3 Waste Management Review

U3.1 The Licensee must provide the EPA with an updated waste management plan prepared by an appropriately qualified and experienced person by 27 October 2024. The plan must include but may not be limited to:

a) Identifying all waste stored at the Premises, including an assessment of the generation, storage, handling, re-use and removal of waste from the Premises;
b) Creating a map of the Premises identifying the location of all waste material stored at the Premises;
c) Developing and implementing signage for all waste material stored at the Premises;
d) Develop recommendations for any upgrades to the storage, handling and removal of waste at the Premises to limit wind blown waste and rain water infiltration of waste; and
e) develop a program of works to implement the recommended upgrades and removal of any surplus waste from the Premises to a facility that can lawfully accept it, including cost and timeframe for implementation.

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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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.
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 Environmen t 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 describe d 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 mo nths. 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 *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

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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
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Mitchell Bennett

Environment Protection Authority

(By Delegation)

Date of this edition: 01-August-2003

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End Notes

1	Licence varied by notice 1034919, issued on 08-Apr-2004, which came into effect on 14-Apr-2004.
2	Licence varied by notice 1048585, issued on 15-Jul-2005, which came into effect on 09-Aug-2005.
3	Licence varied by notice 1060362, issued on 17-May-2006, which came into effect on 17-May-2006.
4	Licence varied by notice 1083550, issued on 28-Apr-2008, which came into effect on 28-Apr-2008.
5	Licence varied by notice 1091855, issued on 17-Sep-2008, which came into effect on 17-Sep-2008.
6	Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
7	Licence varied by notice 1113611, issued on 21-May-2010, which came into effect on 21-May-2010.
8	Licence varied by notice 1115102, issued on 30-Jun-2010, which came into effect on 30-Jun-2010.
9	Licence varied by notice 1501330 issued on 07-Nov-2011
10	Licence varied by notice 1638620 issued on 03-Sep-2024