

APPENDIX A3

EPL Conditions & Compliance

Section	Description	Implementation Evidence															
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	The Water and Wastewater Management Plan (section 7.8 of the OEMP) was prepared based on and in support of this condition.															
L2 Waste																	
L2.1	<p>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.</p> <p>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.</p> <p>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.</p> <p>This condition does not limit any other conditions in this licence.</p> <table border="1" data-bbox="340 890 1420 1281"> <thead> <tr> <th>Code</th> <th>Waste</th> <th>Description</th> <th>Activity</th> <th>Other Limits</th> </tr> </thead> <tbody> <tr> <td>NA</td> <td>General or Specific exempted waste</td> <td>Waste that meets all the conditions of a resource recovery exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014</td> <td>As specified in each particular resource recovery exemption</td> <td>NA</td> </tr> <tr> <td>NA</td> <td>Waste</td> <td>Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act.</td> <td>-</td> <td>NA</td> </tr> </tbody> </table>	Code	Waste	Description	Activity	Other Limits	NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 92 of the Protection of the Environment Operations (Waste) Regulation 2014	As specified in each particular resource recovery exemption	NA	NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act.	-	NA	The Waste Management Plan (section 7.7 of the OEMP) prepared based on and in support of this condition.
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L3.3	<p>For the purpose of Condition L3.1 and Condition L3.2: <i>Day</i> is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays. <i>Evening</i> is defined as the period from 6pm to 10pm on any day. <i>Night</i> is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.</p>	<p>The definitions of day, evening and night are included in the Noise Management Plan (section 7.3 of the OEMP).</p>																																																								

Section	Description	Implementation Evidence
L3.4	For the purposes of Conditions L3.1 and L3.2, noise from the premises must be measured or computed at the most affected point on or within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary, to determine compliance with the noise level limits in Conditions L3.1 and L3.2 unless otherwise stated.	Details of the noise monitoring requirements are included in the Noise Management Plan (section 7.3 of the OEMP).
L3.5	Noise from the premises must be measured at 1m from the dwelling façade to determine compliance with the LA1(1minute) noise limits at Condition L3.2.	Details of the noise monitoring requirements are included in the Noise Management Plan (section 7.3 of the OEMP).
L3.6	Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance (<i>see Chapter 11 of the NSW Industrial Noise Policy (INP)</i>).	Details of the noise monitoring requirements are included in the Noise Management Plan (section 7.3 of the OEMP).
L3.7	The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the contributed noise level from the premises where applicable.	SICTL submitted a proposed methodology for conducting noise measurements and modelling as an alternative to conducting environmental noise monitoring at all six noise monitoring locations on 5 June 2014. The EPA approved the use of a calibrated noise model on 11 July 2014. Details of the noise monitoring requirements are included in the Noise Management Plan (section 7.3 of the OEMP)..
L3.8	The noise limits specified at Conditions L3.1 and L3.2 apply under the following meteorological conditions: (a) wind speeds up to 3 m/s at 10 metres above ground level; and (b) temperature inversion conditions of up to 1.5 C/100m.	Details of the noise monitoring requirements are included in the Noise Management Plan (section 7.3 of the OEMP).
OPERATING CONDITIONS		
O1 Operating Conditions		
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.	All personnel related to operations undergo defined continuous training. Section 3.6 of the OEMP addresses the requirements.

Section	Description	Implementation Evidence
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.	All plant and equipment undergo scheduled preventive maintenance and are maintained in good condition. The procedures given in the O & M manuals are followed.
O3 Emergency Response		
O3.1	The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.	The HSEQ 10.1.3 Emergency Response Plan addresses the requirements
O3.2	In relation to 4.1 Emergency Response: A Pollution Incident Response Management Plan (PIRMP) is the relevant document required.	The HSEQ 10.1.3 Emergency Response Plan addresses the requirements
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.	Each sub-plan of the OEMP addresses the requirements
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	Section 3.5 of the OEMP addresses the requirements

Section	Description	Implementation Evidence
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.	The monitoring results are recorded containing the information listed out.
M2 Recording of Pollution Complaints		
M2.1	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.	Section 3.7 of the OEMP addresses the requirements
M2.2	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.	Section 3.7 of the OEMP addresses the requirements
M2.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Section 3.7 of the OEMP addresses the requirements
M2.4	The record must be produced to any authorised officer of the EPA who asks to see them	Section 3.7 of the OEMP addresses the requirements
M3 Telephone Complaints Line		
M3.1	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.	Section 3.10 of the OEMP addresses the requirements
M3.2	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.	Section 3.10 of the OEMP addresses the requirements

Section	Description	Implementation Evidence
M3.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Section 3.10 of the OEMP addresses the requirements
REPORTING CONDITIONS		
R1 Annual Return Documents		
R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> 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. <p>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.</p>	Section 3.5 of the OEMP addresses the requirements
R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>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.</p>	Section 3.5 of the OEMP addresses the requirements
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>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.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Not applicable in the current status

Section	Description	Implementation Evidence
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: <ul style="list-style-type: none"> 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. 	Not applicable in the current status
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').	Not applicable in the current status
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.	Section 3.5 of OEMP and HSEQ 9.1 Document Control and Records Management Policy fulfil the requirements for Reporting and Records.
R1.7	Within the Annual Return, the Statements of Compliance must be certified, and the Monitoring and Complaints Summary must be signed by: <ul style="list-style-type: none"> a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder 	Section 3.5 of the OEMP addresses the requirements
R 2 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.	Section 3.7 of the OEMP addresses the requirements

Section	Description	Implementation Evidence
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.	Section 3.7 of the OEMP addresses the requirements
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.	Section 3.5 of the OEMP addresses the requirements
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.	Section 3.5 of the OEMP addresses the requirements
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.	Section 3.5 of the OEMP addresses the requirements
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.	Section 3.5 of the OEMP addresses the requirements

Section	Description	Implementation Evidence
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.	Copy of licence is available at the site
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Copy of licence is available at the site
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Copy of licence is available at the site
SPECIAL CONDITIONS		
E1 Noise Monitoring and Compliance Reporting		
E1.1	The Licensee must undertake noise monitoring: (a) the noise monitoring must be undertaken within the first 6 months of commencement of operations; (b) the noise monitoring must verify the assumptions and noise limits as outlined in the Port Botany Container Terminal Expansion Noise Assessment (2003), part of the Environmental Impact Statement submitted to the Department of Planning and Infrastructure in accordance with the Environmental Planning and Assessment Act 1979 for the approved container terminal development, and Conditions L3.1 and L3.2 of this licence	Noise monitoring was conducted as required
E1.2	Every 6 months, the Licensee must undertake a periodic noise monitoring program consisting of attended and unattended monitoring and provide a report within one month after completion of monitoring to the EPA's Manager, Sydney Industry at PO Box 668 Parramatta NSW 2124 containing the following information: (a) unattended monitoring data for a continuous period of no less than 2 weeks; (b) attended monitoring data during the period outlined in subsection (a); (b) monitoring data from a minimum of 3 locations; (c) an assessment of the noise levels against Condition L3 including a trend analysis; (d) details of any feasible and reasonable noise mitigation measures that have been, or are proposed to be implemented to further reduce noise levels below the limits prescribed in this licence	Details of the noise monitoring requirements are included in the Noise Management Plan (section 7.3 of the OEMP).