

Port Kembla Coal Terminal - Independent Environmental Audit Report



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Prepared for

Port Kembla Coal Terminal

Prepared by

AECOM Australia Pty Ltd

Level 8, 17 York Street, Sydney NSW 2000, Australia
T +61 2 8023 9333 F +61 7 8023 9399 www.aecom.com
ABN 20 093 846 925

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Quality Information

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Prepared by Kelly Pearsall, Vanessa Organo

Reviewed by Sharmin Salahuddin

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Executive Summary

Background

AECOM Australia Pty Ltd (AECOM) was engaged by Port Kembla Coal Terminal (PKCT) to conduct an Independent Environmental Audit (IEA) of the terminal at Port Kembla Inner Harbour NSW on behalf of the NSW Department of Planning and Infrastructure (DP&I).

The IEA was the first to be carried out under PKCT's Part 3A Project Approval and was undertaken in general accordance with *AS/NZS ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing*. The audit included the following components:

- Assessment of compliance and environmental performance against the Minister's Conditions of Approval (MCoA);
- Assessment of compliance and environmental performance against the Environment Protection Licence (EPL);
- Review of adequacy of environmental management plans, programs and/or codes required under the MCoA and EPL; and
- Recommendations for measures to improve environmental performance and project compliance.

The audit was undertaken by an experienced team endorsed by the DP&I and AECOM specialists in each of the three focus areas for the audit (noise, air quality and traffic management), these three areas were included in the audit team. The site audit and face-to-face interviews of PKCT personnel were conducted on Tuesday 29 March 2011, and was attended by the entire audit team.

Documentary and verbal evidence was sourced from PKCT, their specialist environmental subcontractors and relevant government departments. The IEA process identified recommendations for improvement, which were developed in consultation with PKCT staff to ensure that these recommendations are appropriate and achievable.

Compliance with the MCoA and EPL

The organisation demonstrates strong environmental awareness and commitment to minimising and preventing harm to the environment throughout its operation. PKCT's management team was able to provide evidence to demonstrate that PKCT is implementing reasonable and feasible measures for sound environmental management on site, in most areas of its operations. Partial compliance, however, was recorded against a number of conditions in instances where parts of a condition have required documentation that has not been provided or has only been provided verbally.

PKCT is generally compliant with the MCoA and the EPL. Partial compliances were assigned to some issues relating to surface water quality management and its related infrastructure, and the identification of reasonable and feasible minimisation measures in the Greenhouse Gas and Energy Efficiency Management Plan. Non-compliances were recorded regarding the storage, handling and transport of dangerous goods, the inspection of emissions from external lighting, and the exceedances of EPL limits for pH and, on occasion, total suspended solids (TSS).

PKCT is in compliance with the majority of conditions within the MCoA and EPL relating to air quality and noise, specifically relating to the monitoring and management on site. A number of partial and non-compliances were recorded however, and related to documentation of visible air pollution, discussions with OEHL, unattended noise monitoring, and the continual improvement of noise mitigations measures onsite.

PKCT is in partial compliance with the MCoA with regards to traffic management, as there were a number of instances in which compliance could not be demonstrated. With regards to the Driver's Code of Conduct (DCC), PKCT is partially compliant with its obligations. Compliance with the DCC was awarded for preparation and content of the DCC; however evidence of monitoring, auditing or enforcement of a number of obligations within the DCC was unavailable.

Adequacy of Management Plans

The MCoA specifies the establishment and implementation of a number of environmental management plans, with which PKCT has complied, though some management plans are in the early stages of implementation and require revision and updating.

The Air Quality Monitoring Program was assessed as generally adequate against the relevant conditions. The Plan includes real time monitoring and protocols, but was not specific with regards to reasonable and feasible best practice mitigation measures for emissions, and could be improved by defining and implementing these measures to ensure ongoing improvement towards compliance with project specific air quality assessment criteria.

The Noise Management Plan and Monitoring Program (NMP) generally follow the requirements of the Industrial Noise Policy and relevant Australian Standards with regards to operational noise monitoring. However, where the NMP is inadequate is in relation to the identification of 'standard operations' on the site and the implementation of compliance noise monitoring procedures undertaken by Wilkinson Murray (WM). The Plan requires the inclusion of a general noise management approach for the site or a discussion regarding the identification and implementation of noise minimisation measures to enable continual improvement of the terminal in relation to offsite noise impacts.

Since project approval in 2009, the traffic management plans have had a relatively limited timeframe for evaluation, however in principle, clarifications and the addition of performance measures would make the management and reporting clearer and assist in achieving the ultimate objective of identifying and improving areas of underperformance.

The Driver's Code of Conduct (DCC) identifies the traffic management obligations PKCT expects from its staff and road transport providers, however these obligations are loosely worded and at times the wording conflicts with PKCT's MCoA. The obligations are not readily measurable to facilitate monitoring or compliance tracking, the responsibility for which is often unclear and currently performed on an ad hoc basis.

The responsibility for PKCT to coordinate and ensure that the monitoring and reporting aspects of the DCC are carried out (by PKCT or the DCC signatories) in a robust and timely manner, and that the associated documentation is comprehensive and collated to enable an assessment of compliance with the DCC, needs to be strengthened. In addition, PKCT should be responsible for ensuring that PKCT or the DCC signatories review, assessment and a response/follow-up to breaches of the DCC is undertaken.

Recommendations

A number of recommendations relating to specific conditions of the MCoA and EPL, and to the improvement of the adequacy of PKCT's management plans are provided in the audit report.

To improve the overall environmental performance of the terminal, it is generally recommended that PKCT:

- Include a commitment to implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the operation of the project in the position description for the General Manager and senior management staff of PKCT;
- Improve and formalise documentation and record keeping where indicated by the audit recommendations e.g. where the satisfaction of the Director-General is required a letter should be sent to DP&I advising of the relevant milestone/outcome/report revision;
- Seek new planning consents and conditions if proposed future developments trigger modifications outside the scope of the current approval;
- Review the EMS and all environmental management documents within its framework and make any modifications required to obligations and requirements to establish specific, measurable, achievable, realistic and time-based;
- Submit a response to the recommendations made within this report along with the IEA audit report to DP&I within six weeks of the completion of the audit;
- Implement the recommendations made by the IEA in readiness for and prior to any subsequent audits, and within 3 months of submitting the audit report to the Director-General, review and if necessary revise the strategies/plans/programs required under this approval, to the satisfaction of the Director-General; and

- Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMR, required under this approval:
 - (a) provide a copy of the relevant document/s to the relevant agencies;
 - (b) place a copy of the document/s on its website; and
 - (c) remove superseded copies of strategies/plans/programs from its website.

A number of specific recommendations relating to the audit findings are provided in **Section 6.0** of this report. PKCT is encouraged to implement these recommendations to improve compliance with the MCoA and EPL and to improve the adequacy of their environmental management plans, strategies and programs.

1.0 Introduction

AECOM Australia Pty Ltd (AECOM) was engaged by Port Kembla Coal Terminal (PKCT) to conduct an Independent Environmental Audit (IEA) on behalf of the NSW Department of Planning and Infrastructure (DP&I, formerly the NSW Department of Planning), of the terminal at Port Kembla Inner Harbour NSW.

The requirement for the IEA is detailed in the Minister's Conditions of Approval (MCoA) for the project, granted by DP&I (approval 08_0009 dated 12 June 2009) for the continued use of PKCT and extension of hours for receipt of coal by road.

Under the most recent approval, PKCT is required to comply with conditions outlined in the MCoA and Environment Protection Licence (EPL No. 1625), and have an Independent Environmental Audit undertaken by an external auditor every three years. This report outlines PKCT's compliance with these statutory documents, as well as the overall environmental management of the terminal.

1.1 Audit scope

The scope of the IEA was defined by conditions 5 and 6 of Schedule 4 of the MCoA titled Independent Environmental Audit, and are reproduced as follows:

5. By 31 March 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:

- (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;*
- (b) include consultation with the relevant agencies;*
- (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL (including any strategy, plan or program required under these approvals); and*
- (d) review the adequacy of strategies, plans and/or programs required under these approvals; and, if appropriate,*
- (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.*

Note: This audit team should be led by a suitably qualified auditor, and include experts in the field of noise, air quality and traffic management.

6. Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.

After an initial review of the MCoA and EPL, and discussions with PKCT, three focus areas for the audit were identified (noise, air quality and traffic management). AECOM specialists in each of these three areas were included in the audit team, as detailed in Section 1.3.

1.2 Audit approach

The audit was undertaken in general accordance with AS/NZS ISO 19011:2003 – *Guidelines for Quality and/or Environmental Management Systems Auditing*. The audit included the following components:

- Assessment of compliance and environmental performance against the MCoA;
- Assessment of compliance and environmental performance against the Environment Protection Licence (EPL);
- Review of adequacy of environmental management plans, programs and/or codes required under the MCoA and EPL; and
- Recommendations for measures to improve environmental performance and project compliance.

The IEA was carried out according to the following program:

- Initial meeting – AECOM met with PKCT to discuss audit program and scope, and to request specific pieces of documented evidence to establish compliance with MCoA and EPL;
- Audit preparation – collation and review of documented evidence and initial assessment of compliance with MCoA and EPL.
- Organisation of site audit and specialist personnel.
- Agency consultation – audit team consulted with relevant government agencies to gather more information regarding the project's environmental performance and PKCT's compliance with the MCoA and EPL.
- Supplier consultation - audit team consulted with a selection of PKCT's environmental sub-contractors and client mines to gather more information regarding the project's environmental performance and PKCT's compliance with the MCoA and EPL.
- Site audit - Site inspection and personnel interviews were conducted to gain further site information, review the environmental performance of the project, establish the level of compliance with the MCoA and EPL, and identify any areas for improvement.
- Preparation of the audit report - collation of all findings, assignment of compliance ratings and final consultation with relevant government agencies. Summary of recommendations for improvement.

Compliance with the MCoA and EPL was assigned as follows:

- Compliance – PKCT complies with the condition.
- Partial compliance – PKCT complies with a significant part of the condition, however evidence for part of the condition is missing or insufficient and verbal assurance may not grant full compliance. It should be noted that a rating of partial compliance does not infer partial non-compliance.
- Non-compliance – PKCT does not comply with the condition.
- Unable to verify – compliance is unable to be determined due to insufficient evidence or where compliance cannot be reasonably determined.
- Not applicable – condition is not applicable to the Project or within the scope of this IEA or the condition has not been activated at the time of the audit.

1.3 Audit team

The audit was undertaken by an experienced team endorsed by the DP&I and included the following AECOM staff members:

- **Sharmin Salahuddin (Lead Auditor)** (Bachelor of Science (Hons) (Environmental); Master of Science (Environmental Technology); Doctor of Philosophy (Environmental Economics and Corporate Social Responsibility; Environmental Management Systems Auditor ISO 14001 series (Lead Auditor)). Sharmin was the Lead Auditor responsible for planning the audits, overseeing and conducting the site audit, providing direction for the preparation of audit materials and peer review of the audit report.
- **Kelly Pearsall (Auditor)** (B. Environmental Science (Hons), Graduate Diploma Urban and Regional Planning). Kelly was a project Auditor responsible for scheduling and conducting the site audit, coordinating the specialists, preparing audit materials and the audit report.
- **Vanessa Organo (Auditor)** (International B. Science (Hons)). Vanessa was a project Auditor responsible for assisting in the preparation of the audit materials, recording the audit, assisting in the conduct of the audit and preparing the audit report.
- **Graham Taylor** (Technical Director/National Practice Leader – Air Quality) (B. Engineering (Chemical Engineering) (Hons); Environmental Auditor). Graham was responsible for reviewing documents related to air quality attending the site audit, assessing the air quality performance of the project, providing input into the audit report, and providing recommendations for the improvement of PKCT's performance in air quality management.

- **Michael Allan** (Senior Acoustic Engineer) (B. Engineering (Mechtronics) (Hons)). Michael was responsible for reviewing documents related to noise, attending the site audit, assessing the noise performance of the project, providing input into the audit report, and providing recommendations for the improvement of PKCT's performance in noise management.
- **Bev Atkinson** (Principal Traffic Engineer) (Land and Engineering Survey Drafting Certificate; Accredited Road Safety Auditor (Level 3) to IMEA/RTA Requirements; Accredited Design and Audit Traffic Control Plans for Construction to RTA Requirements). Bev was responsible for reviewing documents related to traffic, attending the site audit, assessing the traffic performance of the project, providing input into the audit report, and providing recommendations for the improvement of PKCT's performance in traffic management.

1.4 Audit timing

The initial meeting with PKCT representatives was conducted on 15 March 2011 by Sharmin Salahuddin and Kelly Pearsall. The site audit and face-to-face interviews of PKCT personnel were conducted on Tuesday 29 March 2011, and was attended by the entire audit team.

The audit report was finalised in early May 2011. As per condition 4.6 in the MCoA, PKCT is required to submit a copy of this IEA report, and PKCT's response to the recommendations made herein, to DP&I within six weeks of the completion of the audit, by Tuesday 10 May 2011.

1.5 Documents reviewed

Principal documents reviewed during the course of the audit included:

- Annual Environmental Management Report 2009/2010;
- Interim Environmental Management Report 2010/2011;
- Green and Golden Bell Frog Management Plan July 2010;
- Fire Management Plan July 2010;
- Landscape Management Plan July 2010;
- Water Management Plan;
- Recycled Water Management Plan April 2011;
- Recycled Water Environmental Monitoring document August 2009;
- Water Savings Action Plan December 2010;
- Greenhouse Gas and Energy Efficiency Management Plan July 2010;
- Energy Savings Action Plan July 2010;
- Driver's Code of Conduct February 2009;
- Air Quality Management Plan December 2009;
- Noise Management Plan and Monitoring Program (Version 6) December 2009;
- Noise Monitoring Program October 2009;
- Waste Management Plan February 2011; and
- EPL Annual Return 2009/2010.

Various emails, letters and other supporting documentation were also viewed, as detailed in **Appendix A**.

1.6 Personnel interviewed

The following PKCT personnel were interviewed during the course of the audit:

- Peter Green – General Manager;
- Mark Beale – Planning Manager;
- Aiden Beath – Main Control Room Coordinator ;

- Alex Chalk – Risk Manager;
- Roger Stewardson – Engineering Manager; and
- Patricia Oehme – Accountant

Information was also sourced from the following personnel, external to PKCT:

- Andrew Gray – BHP Billiton;
- Keith Dunbier – Sada Coal;
- Phil Perkiss – Gujarat NRE;
- Dennis Pascall – Office of Environment and Heritage (OEH) (formerly Department of Environment, Climate Change and Water – DECCW) NOTE: reference to DECCW and the former Department of Environment and Climate Change (DECC) are collectively referred to as OEH in this report; and
- Adam Bioletti – Acoustics, Wilkinson Murray.

Attempts were made to contact the RTA for interview; however telephone and email correspondence was unsuccessful.

2.0 Background Information

PKCT is located on Lot 22, DP 1128396 in the Inner Harbour of Port Kembla, south of Wollongong, NSW. PKCT leases their site from Port Kembla Port Corporation, has been operating since 1990, and the current lease period extends until 2030. The organisation is owned by six shareholders (BHP Billiton Illawarra Coal (BHPBIC), Xstrata Coal, Centennial Coal, Tahmoor Coal, Peabody and Gujarat NRE).

PKCT receives, assembles and loads coal from coalfields in southern and western NSW, for transport to international and domestic markets (93% and 7% respectively). It is the major coal intermodal facility in southern NSW for the transfer of coal from rail and road to ship. PKCT transfers to ship approximately 14 million tonnes of product per annum (as at 2009/2010), of which approximately 13.7 million tonnes was coal, and 0.3 million tonnes was bulk products, including coke and slag.

In June 2009, the DP&I conditionally approved PKCT's Existing Operations and Increased Road Receival Hours project (Major Development approval 08_0009) under Part 3A of the *Environmental Planning and Assessment Act 1979*. Approval of the project has enabled the continued use of existing and approved infrastructure at PKCT, and has allowed for an increase in receival hours by road to 24 hours a day, 7 days a week, from client mines, except Gujarat NRE's No. 1 Colliery. PKCT holds an OEHL Environment Protection Licence (EPL) (No.1625), and has held this licence since April 2010.

PKCT functions under an Environmental Management System (EMS) which is certified to AS/NZS ISO 14001. The EMS comprises an overriding Environment Management Strategy document which provides high level direction to the EMS for the PKCT operations. The Strategy directs the various PKCT management plans and provides the overall structure under which these plans operate. Many of the environmental management plans and programs were independently committed to by PKCT or were required to be prepared under the MCoA and/or EPL. PKCT utilises a number of specialist environmental consultants in the development of management measures and in undertaking environmental monitoring onsite, including Wilkinson Murray, SGS Australia, Katestone and Cardno Forbes Rigby.

This is the first IEA of PKCT to be carried out under their Part 3A Project Approval.

3.0 Compliance with the Minister's Conditions of Approval

The MCoA were issued to PKCT on 12 June 2009 and are comprised of a number of schedules. The IEA assessed compliance with each condition of all schedules, with the focus areas of air quality, noise and traffic being dealt with separately, as summarised in **Sections 3.2 to 3.4**.

PKCT is generally compliant with the MCoA. The organisation demonstrates strong environmental awareness and commitment to minimising and preventing harm to the environment throughout its operation. PKCT's management team was able to provide evidence to demonstrate that PKCT is implementing reasonable and feasible measures for sound environmental management on site, in most areas of its operations. Partial compliance was recorded against a number of conditions in instances where parts of a condition have required documentation that has not been provided or has only been provided verbally.

The detailed assessment of the compliance of PKCT against the MCoA is provided in the audit protocol in **Appendix A**. A summary of PKCT's levels of compliance with the MCoA is provided in the following sections.

3.1 General

Overall, the operation of the PKCT project complies with the majority of conditions and commitments specified in the MCoA, EA, Response to Submissions and Statement of Commitments.

In 2010, 4.595 million tonnes of coal was received by road at the coal terminal, in accordance with the limits set in condition 2.6. In relation to Gujarat NRE's No. 1 Colliery, records show that coal is dispatched to PKCT within the hours specified in conditions 2.7 and 2.8.

PKCT is in compliance with the conditions relating to the administration of the project, including maintaining a valid and complete website with access to monitoring results and management plans. Where required, PKCT has provided public access to company information.

Within the scope of this IEA, PKCT also complies with the conditions regarding the maintenance and operation of plant and equipment. The work order and maintenance system provides the organisation with a thorough record of inspection regimes and the condition of plant and equipment, to ensure supply needs are tracked and met.

Environmental management documents such as the Annual Environmental Management Report 2009/2010 and the Interim Environmental Management Report 2010/2011 provide a summary of PKCT's assessment of compliance against the MCoA. These documents contain monitoring records which are generally complete, though some data is missing (e.g. waste volume data for some waste streams).

The MCoA specifies the establishment and implementation of a number of environmental management plans, with which PKCT has complied, though some management plans are in the early stages of implementation and require revision and updating. The Fire Management Plan and Landscape Management Plan are two of the more complete plans; however an Implementation Plan is required to be developed and included in the Landscape Management Plan.

Partial compliance was assigned to some issues relating to water quality management. Evidence could not be provided of consultation undertaken with OEHL where required, except for statements in the Water Management Plan (WMP). Though the WMP has been revised since its original release, evidence could not be provided that it has been approved by DP&I. Further, the WMP does not comprehensively cover the details required by the MCoA. Though PKCT has produced other documents which encompass these requirements to different extents, the WMP does not reference these documents correctly. Water monitoring is outlined in a separate Environmental Monitoring document, though this does not include discharge criteria nor reasonable and feasible mitigation measures to ensure the criteria are met. PKCT has drafted a revised EPL condition, though compliance with this draft condition is outside the scope of this IEA.

With respect to the Greenhouse Gas and Energy Efficiency Management Plan (GGEEMP), reasonable and feasible minimisation measures are to be identified and included in the Energy Savings Action Plan (ESAP) and GGEEMP. Further recommendations regarding the adequacy of management plans against the MCoA and EPL are discussed in **Section 5.0**.

PKCT could not supply evidence showing compliance with the storage, handling and transport of dangerous goods in accordance with Australian Standards and the Dangerous Goods Code. An audit conducted by LRQA (December, 2010) concluded that PKCT has 'ongoing poor housekeeping, hazardous materials storage and

general waste handling problems'. Though the quality of the underground petroleum storage systems on the PKCT site have not led to serious contamination in the surrounding area, compliance with this condition is yet to be demonstrated.

Non-compliance was recorded in relation to condition 3.15 with regards to lighting emissions as PKCT have not undertaken an inspection of external lighting to determine compliance against the Australian Standard or if mitigation measures are required, and as such compliance with this condition is yet to be demonstrated.

Partial compliance was recorded for a number of conditions relating to a lack of evidence demonstrating that consultation between PKCT and the OEH had occurred during the formulation of management plans. Records of verbal consultation with OEH have not been kept, and could be taken only as verbal assurance for the purposes of this IEA. This led to the awarding of partial compliance against several conditions relating to the development of management plans.

3.2 Air Quality

PKCT is in compliance with the majority of conditions within the MCoA, specifically relating to the monitoring and management of air quality on site.

PKCT complies with the condition requiring the preparation and implementation of an Air Quality Monitoring Program. Evidence was provided showing consultation with OEH was undertaken and that the Director-General approved the program within the required timeframe. Compliance was also awarded with regards to truck washing.

PKCT was unable to produce recorded information regarding visible air pollution and as such non-compliance was recorded against this condition. It was noted anecdotally in the visit to the control tower and subsequent interviews with PKCT personnel, that visible pollution is observed and managed, with modifications to operations undertaken dependent upon scale of dust emissions.

Whether PKCT complies with the long term impact assessment criteria for particulate matter, it is unable to be verified. This is difficult to assess as PKCT is located within a complex industrial area with many contributing industries. Monitoring results are therefore a collection of air pollutants from many sources which contribute to air pollution at the nearest sensitive receivers. AECOM understands that PKCT has undertaken reasonable steps to attempt to determine their contribution to the local air quality through monitoring both on and off-site, through the use of wind direction, wind strength and particle size to evaluate their contribution to the recorded result, and as such recorded exceedances are unlikely to be sole-sourced from PKCT's operations.

3.3 Noise

PKCT is in compliance with the majority of conditions within the MCoA, specifically relating to the monitoring and management of noise emissions on site. A number of partial and non-compliances related to documentation of discussions with OEH, unattended noise monitoring, and the continual improvement of noise mitigations measures onsite.

The noise criteria identified in the noise impact assessment section of the *Environmental Assessment – Existing Operations and Increased Road Receptival Hours, Port Kembla Coal Terminal* (EA) is not consistent with the criteria identified in the MCoA. The EA identified the appropriate noise criteria during the night-time period at the corner of Keira Street and Fox Street as 43 dB(A), while the MCoA has identified the appropriate noise criteria as 45 dB(A).

With regard to the NMP, PKCT could not provide evidence to show that the program was developed in consultation with the OEH. It is understood that the OEH informed PKCT in a letter dated 19/11/10 that it does not review or approve Environmental Management Plans (EMPs), and advised PKCT to have all EMPs audited. It could not be confirmed that PKCT arranged for an audit of the NMP as per OEH's advice. The noise consultant, Wilkinson Murray (WM), commented that they relied on PKCT to contact OEH for a review of the EMP.

The Compliance Noise Monitoring reports undertaken by WM were not prepared in strict accordance with the Noise Monitoring Program (NMP). The noise assessment report prepared by WM entitled *Port Kembla Coal Terminal September 2010 Compliance Noise Monitoring* (Compliance Noise Monitoring report) is the latest noise assessment report assessing compliance with the MCoA. This report indicated that the PKCT facility complied with the appropriate noise criteria during the attended noise measurements. Due to the length of monitoring during planned night deliveries, it is likely that PKCT complies with the appropriate criteria during normal

operations. However, a lack of information provided in the report, as required by the NMP, regarding the type of operational plant onsite prevented confirmation that the facility would comply with the appropriate noise criteria at all times.

Further, it was not possible to determine from the Compliance Noise Monitoring reports if the noise measurements were undertaken at a time that is representative of the operations of the facility. Details are not provided on the number of truck movements within the facility, and what plant was operational during the 15-minute period. The details would not be required if noise logging was undertaken at the facility and used to illustrate that the attended noise measurements were representative. It can only be surmised that the facility was complying with the appropriate criterion when the measurements were undertaken. Assumptions cannot be made with regard to compliance during normal operations. Further information is provided in **Appendix A**.

Partial compliance was assigned against the condition relating to the requirement that PKCT undertake both attended and unattended noise monitoring during noise compliance monitoring. Wilkinson Murray (WM) has identified use of the "Barn Owl" as an unattended noise monitoring device. For PKCT, this device has been used to measure single 15-minute measurement periods. In this case the equipment has been used in the manner of an attended noise measurement device, such as a sound level meter. Unattended noise monitoring is generally stipulated for an industrial facility such as the PKCT to confirm that the attended noise monitoring was undertaken at a time that was representative of the facility in full operation. The NSW Industrial Noise Policy (INP) states that 'noise monitoring should cover the full cycle of operational activity at each of the identified stages'. This is typically between a few days to an entire week. Due to local roads and other ancillary noise sources, unattended noise monitoring would typically be undertaken on the site boundary to provide an indication of site dependant noise sources. The INP provides further information to determine the noise levels from the facility at the sensitive receiver.

WM noted, however, that the use of noise logging for this project may be of limited benefit due to the expansive nature of the site and location of noise sources, as well as significant background noise from other sources outside PKCT. It would prove difficult for noise logging to provide an accurate assessment of PKCT-generated noise levels. Although not undertaking unattended noise monitoring would result in a non-compliance with the MCoA, on the basis that more information is provided detailing the onsite activities at the time of measurements and to what extent this is consistent with 'normal operations' AECOM would support undertaking attended noise measurements only in the future.

Additionally, the EA indicates that the noise loggers were located 1 m from the facade, measuring facade reflection. The "Barn Owl" has been used to ignore facade reflections, hence the noise levels from the facility are effectively 2.5 dB(A) lower than if facade reflection was included. For the noise measurements to be consistent with the derived criteria, the measurements should include facade reflections.

Although reasonable and feasible best practice noise mitigation has not been considered in the NMP or Compliance Noise Monitoring reports, monitoring indicates compliance with the noise criteria. Assuming that the facility complies with the criteria, consideration of noise mitigation is not required, however it is recommended in future to include discussion to explain the absence of additional mitigation measures in consideration of PKCT's compliance with the MCoA.

It is inferred from the Compliance Noise Monitoring reports that further noise mitigation is not required. However the MCoA requires that noise associated with the facility is continuously investigated and, where appropriate, noise mitigation implemented. The extent of the consideration of Continuous Improvement in the Annual Environmental Management Report 2009/2010 is provided below:

"Noise criteria is considered when undertaking site operations and considered when planning new work and opportunities for reducing noise sought."

This information does not adequately detail the opportunities for reducing noise that were considered by PKCT. To be in compliance with the MCoA in the future, further details should be provided to define what opportunities were considered and implemented, and an explanation of why those that were not included were not considered reasonable and/or feasible.

3.4 Traffic

PKCT is in partial compliance with the MCoA with regards to traffic management, as there were a number of instances in which compliance could not be demonstrated.

PKCT complies with the restricted dispatch hours for the NRE No. 1 Colliery, as evidenced only by records of truck arrivals and departures at the NRE weighbridge. Records of inbound (Tare weight) and outbound (net weight or loaded) trucks at the NRE weighbridge for four days (all weekdays, 3/12/2010, 10/2/2011, 17/3/2011 and 31/03/2011) were provided as evidence of monitoring. No loaded trucks left NRE before 7.00am with the latest loaded truck leaving at 6.20pm, which is within the restricted hours specified (7.00am-10.00pm Mon-Fri) in the MCoA. No data was provided for a weekend or public holiday when hours are limited to 8.00am-6.00pm.

With regards to the Driver's Code of Conduct (DCC), PKCT is partially compliant with its obligations. Compliance with the DCC was awarded for preparation and content of the DCC; however evidence of monitoring, auditing or enforcement of a number of obligations within the DCC was unavailable. For example, documentary evidence was lacking in relation to the monitoring of compliance with a number of specific obligations, including the use of designated heavy vehicle transport routes, the use of compression brakes along certain roads or the adherence to speed limits en route to PKCT, as well as documentary evidence of the '3 Strikes' process for breaches with the obligations..

Partial compliance of the operation of the truck wash was noted during the site audit. The northern truck wash has operational limitations, which appear to prevent the removal of all coal residue from trucks, particularly from the drawbar or horizontal elements of the truck/trailer(s). Trucks observed on Springhill Road (unconfirmed as exiting PKCT) had coal residue on drawbars and evidence of minor spillage in centre of traffic lane. It was also observed at the site audit, that drivers were required to dismount and manually wash/hose coal from the drawbar. Some disparity was observed between truck arrival and activation of the sprays, due to delays in drivers cleaning the drawbar, i.e. the sprays are activated and subside while truck is being hosed. The sprays often do not reactivate until the front section of the truck has passed the spray zone. This primarily affects the lead truck tipping at the grate closest to the spray zone. Interviews with PKCT personnel indicated that the northern truck wash is currently under review. PKCT commissioned an assessment of the northern truck wash (Northern Truck Wash Effectiveness Review, Renewed Water Solutions, August 2010) which identified a number of deficiencies.

Reviews of compliance with the DCC are undertaken, as required through the road user meetings, as outlined in Attachment "D" of the AEMR (Road Transport Report). A Truck Driver Observations Summary Report (14/10/09), for the period between 28/9/09 to 12/10/09, which reported on both good driving and a range of deficiencies/failure to comply with provisions of the DCC, was provided by PKCT. The actions taken to resolve the Top 3 issues identified, following the observations, is not clear however, and this monitoring period has not been repeated. Critical Task Observation (CTO) check-sheets are undertaken by PKCT staff, which monitor whether a number of aspects of the DCC are being carried out in a 'safe' or 'at risk' manner. Not all aspects of the DCC are covered by the CTOs, while compliance with some aspects of the check-sheet was not observed during their completion. Annual audits of a number of aspects of the DCC, as required by the MCoA, have not been undertaken or repeated since the Truck Driver Observations Summary Report period.

Section 3.2 of the AMER 2009/2010 relates to the DCC and includes measures to see that the DCC is being implemented. The Interim Environmental Management Report 2010/2011, 1 July 2010 to 31 December 2010 Appendix C/D, reports on a broader range of issues relevant to the DCC. Although the monthly and annual reports identify breaches of the code, responding to the documented breaches and details of the action taken is not evident.

In terms of documentation from road transport providers, the monthly report for Bulktrans (February 2011), Brindles, ME Transport Services, and Trazblend (March 2011) were provided by PKCT. Reliance on receiving adequate compliance documentation from the 11 committed road transport providers may be an efficient way in tracking compliance with PKCT's traffic conditions if it can be shown that appropriate, comprehensive and regular information is sought and received by PKCT, and in this regard greater coordination is required by PKCT.

4.0 Compliance with the Environment Protection Licence

PKCT's EPL was issued on 1 April 2010 and contains a number of conditions covering administration, discharges to air and water, pollution limits, operating, monitoring and recording conditions and specifications for a number of Pollution Reduction Programs (PRPs). The IEA assessed compliance with each condition detailed in the EPL. The focus areas of air quality, noise and traffic were dealt with separately, as summarised in **Sections 4.2 to 4.4**.

PKCT is in general compliance with the conditions of the EPL, though partial and non-compliances were noted with regard to water quality in particular. Overall, PKCT carries out their licensed activities proficiently and generally in accordance with the requirements of the licence.

The detailed assessment of the compliance of PKCT against the EPL is provided in the audit protocol in **Appendix A**. A summary of PKCT's levels of compliance with the EPL is provided in the following sections.

4.1 General

Overall, the operation of the PKCT project complies with the majority of conditions and commitments specified in the EPL.

All administrative conditions have been carried out in compliance with the EPL. There is no evidence that activities outside those detailed in the licence have been undertaken. Licensed activities are carried out in a competent manner, while plant and equipment at the site are operated and maintained in a proper and efficient manner, as per condition O2.1. Compliance was achieved for the management of electronic files and sampling records. In addition, the complaints hotline is in operation and advertised on the PKCT website, and a stakeholder complaints and enquiry database consolidates responses from the community members and other stakeholders.

PKCT was in compliance with EPL conditions relating to monitoring records. Rain gauges and rainfall records are kept as specified in the conditions and PKCT also generally complied with the submission of the latest Annual Return (2009/2010), though the document was received slightly over 60 days after the end of the reporting period.

PKCT was largely in compliance with the EPL conditions relating to the Pollution Studies and Reduction Programs. The Green and Golden Bell Frog Management Plan (GGBFMP) included all elements stipulated by the EPL, though it was not prepared entirely in accordance with Appendix 3 of the Draft Recovery Plan: Green and Golden Bell Frog (Lesson 1829) Recovery Plan (DECC 2005), Best Practice Guidelines: Green and Golden Bell Frog Habitat (DECC 2008) and the associated actions in the NSW Priorities Action Statement. Thus partial compliance was granted in this area. Evidence of consultation with OEH was only evident since submission of the plan though ongoing communication between the two parties has been demonstrated since.

PKCT generally complied with the requirements for identifying options to improve the performance of the stormwater pollution control system. The review undertaken by Cardno entitled 'PKCT Surface Water Systems Review' included all necessary information as per the EPL. AECOM was unable to verify compliance with the condition requiring the cleaning of related infrastructure, though it is noted that dialogue with OEH has been undertaken.

Partial compliance was achieved for condition O4 – Sedimentation Ponds. Evidence was not cited to indicate that the holding ponds are maintained to ensure sedimentation does not reduce their design capacity by more than 20 per cent. Evidence was cited of discussions between PKCT and OEH regarding the performance of the settlement lagoon on site and the results of a lagoon sediment survey undertaken by Aquarius Surveys. The OEH was concerned about the GGBF habitat being a source of siltation in the sediment lagoon, though advice sought from Cardno concluded that this is not a major contributor. The Cardno 'PKCT Surface Water Systems Review' also outlined the difficulty of cleaning ponds of accumulated sediment, and the consequent increase in overflow risk during storm events. No documented evidence could be cited with regards to maintenance records, though PKCT staff discussed investigations currently underway regarding technology to assist in pond maintenance. AECOM were unable to determine compliance with Condition O4.2 relating to overflows during extreme rainfall events, due to a lack of documentation.

With regards to Section 120 of the *Protection of the Environment Operations Act 1997*, PKCT partially complies, within the limits of its operation. Non-compliances due to exceedances of limits occurred on occasion for pH and TSS. As of March 2011 however, OEH have agreed to increase the pH limit to 9.5, which will allow PKCT to comply with the set pH limits. PKCT could not be assessed against the proposed limit for this IEA, as it did not form part of the EPL at the time of the audit. TSS was recorded above the recommended limit during the

2009/2010 reporting period, though no exceedances were recorded in the first half 2010/2011. PKCT is currently investigating measures to improve their compliance against these conditions. No exceedances of oil and grease limits were recorded. Outside of the EPL conditions, offsite dust emissions from stockpiling areas occur though are limited by the north stockpile spray monitoring control system, which is triggered by visual observations at the tower.

4.2 Air Quality

PKCT was in compliance with all conditions of the EPL relating to air quality management. Compliance was achieved against EPL M3 – Testing Methods – Concentration Limits. PKCT also complied with the PRP Dust Management Improvement, with dust improvement measures outlined in several PKCT documents (Dust Improvement Plan and PKCT Business Plan: Dust Improvement Plan), however these improvement plans have not been cited.

Compliance with condition M4.2 was also achieved as it was shown that PKCT's Stakeholder Complaints and Enquiries Register provides links to actions that were taken in response to a complaint and the reporting and follow-up measures required.

The site audit verified that, on that day, the premises was being maintained in a condition which minimises emission of dust, though it is noted that rainfalls had been recorded at the terminal the day of and preceding the site audit. No dust was observed from road or rail receipt, stockpiles, coal receipt to stockpiles, internal roads, or from ship loading conveyors. Trucks were raising a small amount of dust, and the truck wash station was generating a fine mist which was blowing 50-70 metres away from the station. Discussions with OEHL verified that dust is known to be generated by truck wash water, the No. 1 loader stockpile area and by dry coal receipt. However, while the potential for dust generation exists at these areas of the site, it was observed that PKCT carries out activities in a manner that minimises windblown and traffic-generated dust.

OEHL are aware of the assessment difficulties associated with identifying PKCT's contribution to the local particulate matter levels and have not included criteria in PKCT's EPL. They do not review on-site levels but rely on off-site results with evaluated contribution evidence.

4.3 Noise

Licence condition L6 of EPL 1625 provides the appropriate noise criteria for PKCT. The conditions are identical with the MCoA, and as such, PKCT's compliance with the MCoA (**Section 3.0**) is an indication of compliance with the EPL.

4.4 Traffic

The EPL does not specify requirements for traffic management by PKCT.

5.0 Adequacy of Environmental Management Plans, Strategies and Programs

The MCoA stipulates that the IEA:

'review the adequacy of strategies, plans and/or programs required under these approvals; and recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.'

Under the MCoA and EPL, PKCT has been directed to prepare four management plans, an efficiency plan, an Energy Savings Action Plan, two monitoring programs, two PRPs and one code, being the Driver's Code of Conduct. Beyond an assessment of the compliance of these plans with the MCoA and EPL, the adequacy of each plan/program has been evaluated and recommendations have been identified to improve the environmental performance where appropriate, in the following sections.

As directed by the MCoA and scope of this IEA, review of the adequacy of management plans, strategies and programs relating to air quality, noise and traffic management and the making of recommendations have been undertaken by specialists in these respective fields. Review of all other management plans, strategies and programs have been undertaken by the audit team and as such comment primarily on improving compliance with the MCoA and EPL, where required, rather than commenting on the technical performance of the specialist field.

5.1 General

To improve the overall environmental performance of the terminal, it is recommended that PKCT:

- Include a commitment to implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the operation of the project in the position description for the General Manager and senior management staff of PKCT;
- Improve and formalise documentation and record keeping where indicated by the audit recommendations e.g. where the satisfaction of the Director-General is required a letter should be sent to DP&I advising of the relevant milestone/outcome/report revision;
- Seek new planning consents and conditions if proposed future developments trigger modifications outside the scope of the current approval;
- Review the EMS and all environmental management documents within its framework and make any modifications required to obligations and requirements to establish specific, measureable, achievable, realistic and time-based;
- Submit a response to the recommendations made within this report along with the IEA audit report to DP&I within six weeks of the completion of the audit;
- Implement the recommendations made by the IEA in readiness for and prior to any subsequent audits, and within 3 months of submitting the audit report to the Director-General, review and if necessary revise the strategies/plans/programs required under this approval, to the satisfaction of the Director-General; and
- Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMR, required under this approval:
 - (a) provide a copy of the relevant document/s to the relevant agencies;
 - (b) place a copy of the document/s on its website; and
 - (c) remove superseded copies of strategies/plans/programs from its website.

5.1.1 Water Management Plan (WMP)

Assessment

The revised WMP (July 2010) adequately covers the majority of the MCoA conditions, though there is no evidence that the plan has been approved by DP&I. Water monitoring is outlined in the Environmental Monitoring document, though this does not form part of the WMP and does not include discharge criteria nor reasonable and feasible mitigation measures to ensure the criteria are met. Though PKCT has produced other documents which encompass the requirements of the MCoA as they relate to water management, the WMP does not adequately consolidate this information into one plan.

Recommendations

It is recommended that PKCT:

- Consolidate all documents related to water management into one revised Water Management Plan, including recommendations outlined in Section 5 of the Surface Water Systems Review by Cardno, and discharge criteria;
- Maintain records of the progress of the development, submission and review of the WMP to DP&I, to ensure that water management measures are physically implemented and remain a priority for PKCT;
- Complete the WMP to encompass reasonable and feasible mitigation measures to improve compliance against Section 120 of the POEO Act, with specific regard to the reduction of pH and mitigation of algae growth in the central settlement pond; and
- Consult with the OEH during the re-development of the WMP, and record this contact with the agency to improve compliance against MCoA 3.13 (a).

5.1.2 Green and Golden Bell Frog Management Plan (GGBFMP)

Assessment

Against the MCoA, the GGBFMP is adequate with regard to consultation undertaken with OEH following submission rather than during development of the plan, and ongoing liaison has been undertaken with OEH since this time. However, no evidence of submission to the Director-General could be provided. The plan is also adequate for the majority of the conditions outlined in the EPL. Some elements of the Best Practice Guidelines have been included in the Plan, but the document does not cover all information required.

Recommendations

It is recommended that PKCT:

- Formalise the DP&I submission process, to track the progress of the report and ensure that compliance is met against 3.14 (b);
- Record consultation and advice given by the OEH during the development of the plan, to ensure that this process is trackable; and
- Prepare the GGBFMP in accordance with Appendix 3 of the 'Draft Recovery Plan: Green and Golden Bell Frog (Lesson 1829) Recovery Plan' (DECC 2005), Best Practice Guidelines: Green and Golden Bell Frog Habitat (DECC 2008) and the associated actions in the NSW Priorities Action Statement.

5.1.3 Landscape Management Plan (LMP)

Assessment

The LMP is adequate against the MCoA with regard to details of the screening trees to be planted on the road receival earth bund and along the northern site boundary. The MCoA requires that an implementation program be prepared. Whilst maintenance measures are included in the LMP, no plan or program of dates has been included. A more detailed approach to this condition would prove for a more adequate fulfilment of the condition. The LMP was submitted in accordance with the extension of the submission date.

Recommendations

It is recommended that PKCT:

- Execute the LMP from a more detailed approach to adequately fulfil this condition. For example, include an implementation program including dates, tasks and monitoring process.

5.1.4 Greenhouse Gas and Energy Efficiency Plan (GGEEMP) and Energy Savings Action Plan (ESAP)

Assessment

The GGEEMP was partially prepared in accordance with the MCoA. The ESAP was prepared in general accordance with the Guidelines for Energy Savings Action Plans (DEUS, 2005), and the synergies between the two plans are evident, however the GGEEMP was submitted to DP&I within the agreed timeframe. GGEEMP must include an ESAP which must be submitted to DEUS by date specified, though no documented proof identified the agreed date. Evidence could not be provided to identify the lodgement date required for the ESAP. No evidence was provided to ensure that PKCT has approval from the Director-General regarding measures to minimise greenhouse gas emissions from the project.

Recommendations

It is recommended that PKCT:

- Align the GGEEMP and ESAP, and regularly update each with attention to detail from the ESAP translating to the GGEEMP;
- Regularly update the ESAP, and the corresponding GGEEMP, and keep filed records of revisions of the document;
- Update the performance monitoring section of the ESAP to clarify progress and completion of certain tasks;
- Review the GGEEMP to include information gathered as part of the ESAP process, including a program for the management of energy efficiency measures in PKCT; and
- Formalise the submission process of the ESAP to DEUS to track reporting in accordance with the Guidelines.

5.1.5 Fire Management Plan (FMP)

Assessment

The FMP is assessed to be adequate against the MCoA, though the condition states only that PKCT is to maintain an FMP, and does not specify criteria for the plan. The FMP is thorough in that it covers a range of potential risks and relevant management and mitigation strategies including scope for system improvements and training. It was noted during the site audit that PKCT keeps on-site sprinkler systems, fire extinguishers, and a gas room flooding system. In addition, fire suppression switch rooms are planned in the future. All fire management is handled by the facilities maintenance engineer.

Recommendations

It is recommended that PKCT:

- Detail in the FMP how the organisation will assist the fire and emergency services as much as possible if there is a fire on site. Verbal assurance was given during the site audit that this does occur, however it would improve the FMP if this was included.

5.2 Air Quality

5.2.1 Air Quality Monitoring Program (AQMP)

Assessment

The AQMP was assessed to be generally adequate against the relevant conditions. The Plan includes real time monitoring and protocols, but was not specific with regards to reasonable and feasible best practice mitigation measures for emissions, and could be improved. The document was submitted to DP&I within the specified timeframe of 6 months after the release of the MCoA, and was approved by DP&I. Evidence was cited to prove that consultation was undertaken with the OEH. Stockpile sprays to mitigate against dust emissions on windy days were discussed with PKCT staff during the site audit. The majority of commitments in the AQMP are adhered to.

Recommendations

It is recommended that PKCT:

- Revise the AQMP to define and include reasonable and feasible best practice emission mitigation measures, which may be implemented to ensure project specific air quality assessment criteria are met. Reasonable and feasible best practice measures may be developed by using the outcomes of PKCT's reviews of comparable operations, which has included the PWCS facilities at Kooragang and Carrington, Hay Point and Dalrymple Bay facilities in Mackay, and the RG Tanna facility in Gladstone. Benchmarking with regards to air quality management may also be undertaken with facilities such as Eraring Energy's Coal Fired Power Station.

5.2.2 PRP 6: Dust Management Improvement (DMI)

Assessment

According to the EPL, the DMI has been completed in general accordance with the conditions regarding this document. The adequacy of the DMI will improve after PKCT further investigates air quality control strategies.

Recommendations

It is recommended that PKCT:

- Further investigate air quality control strategies for fine particulate emissions resulting from:
 - truck wash water carry-over;
 - the No. 1 Stockpile area;
 - coal covered areas beneath conveyors (at the eastern side of facility);
 - the sludge dry out area;
 - rail unloader coal spillage external to the dump station; and
 - the truck wash bypass lane.

The strategies identified should be included in the DMI following discussion and approval from OEH.

5.3 Noise

5.3.1 Noise Management Plan and Monitoring Program (NMP)

Assessment

The NMP generally follows the requirements of the INP and relevant Australian Standards with regards to operational noise monitoring. However, where the NMP is inadequate is in relation to the identification of 'standard operations' on the site and the implementation of compliance noise monitoring procedures undertaken by Wilkinson Murray (WM), detailed as follows:

- The NMP has not established how attended noise measurements undertaken during compliance monitoring are determined to be representative of a period during which standard operations are occurring on the site. The NMP requires that 'operating conditions during the measurement period' should be recorded, however a baseline for diurnal standard operating (and trucking) conditions is not provided;

The NMP indicates that the night-time monitoring period would be 'the most conservative time', however two of the three road delivery routes are only operational during the daytime period. It is noted that the compliance noise monitoring undertaken (March and September 2010) involved both daytime and night-time measurements. As such, it cannot be concluded that the noise measurements were undertaken in typical operating conditions;

- The NMP makes references to *AS1055: Acoustics – Measurements and Description of Environmental Noise*. AS1055.1-1997 requires field checks of the equipment performance to be undertaken immediately before and after measurements. It is not evident that field checks were carried out for the compliance noise monitoring undertaken in March 2010 and September 2010;
- The NMP identifies that unattended noise monitoring measurements are to be undertaken during compliance monitoring, for a period of one to two hours at each location, however measurements of 15 minutes duration were undertaken for each INP period in the Compliance Noise Monitoring Reports. Neither of these durations is considered to be standard practice for unattended compliance noise monitoring and typically, monitoring occurs for durations of between a few days to an entire week on the site boundary.

WM has noted that unattended noise logging may be of limited benefit for this project (as discussed previously in **Section 3.3**); and

- Although it is likely that PKCT is in compliance with their noise criteria, the NMP does not include a general noise management approach for the site or a discussion regarding the identification and implementation of noise minimisation measures for continual improvement of the terminal in relation to offsite noise impacts. It is also not evident if investigations have been undertaken to implement reasonable and feasible best practice noise mitigation measures to ensure project specific noise criteria are met.

Recommendations

It is recommended that PKCT:

- Amend the NMP to identify representative operational scenarios for each INP period (day, evening, night), specifying the operations undertaken, the use of various equipment, the type of plant and machinery, and the average truck and rail deliveries anticipated;
- Require that noise monitoring equipment performance is field checked prior to each period of compliance monitoring, consistent with the requirements of AS1259.1, AS1259.2 or IEC 942. Consideration should be given to providing calibration certificates with the compliance monitoring reports;
- Amend the NMP to provide further justification why unattended noise monitoring is not appropriate for this project;
- Provide further information during attended monitoring so that it can be confirmed the noise measurements were undertaken under normal operating conditions,
- Augment the NMP to include noise management measures, including the identification of reasonable and feasible best practice noise mitigation measures, and specify ongoing investigations and commitments to the continual improvement of noise reduction measures; and
- Involve and document consultation with OEH during the modification of the NMP.

5.4 Traffic

5.4.1 Drivers Code of Conduct (DCC)

Assessment

The DCC identifies the traffic management obligations PKCT expects from its staff and road transport providers, however these obligations are loosely worded and at times conflict with PKCT's MCoA. The obligations are not readily measurable to facilitate monitoring or compliance tracking, the responsibility for which is often unclear and currently performed on an ad hoc basis.

Specifically, the 'travel time' obligation as it relates to trucks from NRE No. 1 colliery is worded such that haulage of coal from NRE is permitted to PKCT between 7am and 10pm Monday to Friday and 8am to 6pm on Saturday and Sunday. The MCoA however states that haulage of coal from NRE to PKCT is required to be dispatched between these times. Due to this misinterpretation of the MCoA, monitoring records kept by NRE do not reflect the obligation in the DCC.

The DCC's obligations in relation to Road Delivery Standards and Haulage Routes lack clarity and specific measures through which driver's can achieve compliance, for example 'heavy haulage drivers will observe the following while en route to PKCT or while on the PKCT site: observe all road rules including speed limits' – it is unclear whether this obligation would require monitoring of speed of vehicles and driver behaviour or whether documentation indicating the training and awareness of the road rules and speed limits by drivers is required.

Similarly, the following requests within the Haulage Route and Road Delivery Standards sections of the DCC lack clarity and are near immeasurable from a compliance point of view:

- Appin Road – special care should be taken when crossing Loddon River bridge which is narrow;
- Bellambi Lane – is close to residential receivers, drivers are requested to limit noise wherever possible;
- Masters Road – compression braking on this route should be avoided due to community disturbance; and
- Speed limits – Always observe the posted speed limits with speed adjusted appropriately to suit the conditions.

Further, the obligations listed above are not included in the Driver Summary Sheet, which is undesirable as the Driver Summary Sheet is referred to in the Implementation Program for the DCC as being provided to drivers (Section 4.4.1) and quoted (in part) in a number of road transport provider's inductions and driver compliance testing documentation. Failure to include all obligations made within the DCC in the Driver Summary Sheet and hence driver inductions may reduce the effectiveness of the DCC within the affected local road network and PKCT's future compliance with the MCoA.

Recommendations

Since project approval in 2009, the traffic management plans have had a relatively limited timeframe for evaluation, however in principle, clarifications and the addition of performance measures would make the management and reporting clearer and assist in achieving the ultimate objective of identifying and improving areas of underperformance.

Specifically, it is recommended that PKCT:

- Align the DCC obligations to the MCoA, in particular in relation to truck dispatch times from NRE to PKCT;
- Review the obligations within the DCC and modify to ensure that they are quantifiable (where possible) and measurable in all cases; and
- Review the Driver Summary Sheet to ensure that all obligations within the DCC are included and provided to Road Transport Companies and Transport Providers, in the form of an updated DCC.

5.4.2 Drivers Code of Conduct Implementation Program

Assessment

The Implementation Program requires a minimum of 25 Critical Task Observations (CTO) and a minimum of 50 'recorded observations' to be conducted per annum, as specified in Section 4.5 of the Program. Recorded

observations are undertaken by the client mines, the results of which are collated and sent to PKCT in Monthly Reports.

The CTO check-sheet is appended to the Program, however the check-sheet does not list all requirements of the Program nor all obligations made within the DCC. As such the CTOs currently fail to monitor a number of aspects of the DCC, and may hide potential areas of underperformance.

With regards to the structure of the CTO, the categories into which the observed driver behaviour fall into, being 'safe' or 'at risk', appear to stem from adaption of a safety check-list and do not definitively indicate compliance or breaches of the obligations within the DCC.

The differing scope of CTOs and recorded observations is not clear, although the distinction in their documented results provided appears to be that recorded observations make any observation seen at the time while CTOs focussed on four areas only. Further the CTOs and recorded observations seem to be undertaken on an ad hoc basis, and only on one occasion were supplemented by an intensive 1 month period of monitoring of driver behaviour.

The responsibilities for implementation and monitoring of the DCC is delineated within Section 3 of the Implementation Program, a number of which fall to a combination of PKCT, the Road Transport Companies and Transport Providers, including 'compliance and reporting of breaches to DCC', and 'regular audits of compliance to DCC'. Although compliance monitoring, auditing and reporting can be undertaken by any or all three parties, the DCC forms part of PKCT's MCoA, such that PKCT must make clearer their responsibility to ensure that these monitoring and reporting aspects are carried out in a robust and coordinated manner and that the associated documentation is comprehensive and collated to enable an assessment of compliance with the DCC.

Also with regards to the assessment of compliance, in addition to the coordination and collation of monitoring results, PKCT should be responsible for ensuring that PKCT or the DCC signatories review, assessment and a response/follow-up to breaches of the DCC is undertaken.

Recommendations

It is recommended that PKCT:

- Review and modify the CTO to ensure that all obligations within the Program are included in the check-sheet;
- Modify the categories within the CTO check-sheet to reflect environmental compliance or non-conformance with the DCC and Implementation Program;
- Establish and implement a monitoring/auditing schedule for undertaking CTOs and intensive periods of monitoring of driver behaviour, within and external to the PKCT site;
- Within the Implementation Program, apportion responsibility to PKCT in relation to the coordination and collation of documentation relating to the DCC in particular the coordination of the implementation and monitoring, assessment and review of the DCC, and for ensuring that a response/follow-up of breaches of the Code is carried out; and
- Augment the Implementation Program to clearly identify the actions/investigations that will be undertaken when breaches of the DCC are reported (e.g. the '3 Strikes' process).

6.0 Recommendations for Improvement

6.1 Compliance with MCoA and EPL

The recommendations identified throughout the IEA that are offered to enable PKCT to improve compliance against the MCoA and EPL are specified in **Table 1**.

Table 1 Recommendations for Improvement

No.	Approval	Condition/Number	Recommendation
General			
1	MCoA	2.4	PKCT to maintain documentation of approval of WMP from DP&I.
2	MCoA	3.12	<ul style="list-style-type: none"> Investigate and implement measures to bring pH and TSS levels into compliance with EPL. Continue to investigate continual improvements to dust management onsite to minimise offsite dispersal.
3	MCoA	3.13	<ul style="list-style-type: none"> Keep records of all conversations and consultation with OEH during creation of management plans. Follow up revised WMP and seek written approval from DP&I. Include in Section 9.1.3 reference to the Environmental Monitoring document, which details the monitoring procedure for discharge from the settlement lagoon. Include in this section the specific criteria for discharge from the lagoon, taken from the EPL, to ensure compliance with part (c) of this condition. Keep WMP updated with all reasonable and feasible measures taken by PKCT to ensure that water quality criteria are being met, as discussed in the Cardno Rigby water systems review report. Formalise discussions with OEH in the plan. Include monitoring of water quality for dust, as described in the SGS report. Confirm with OEH and DP&I whether new EPL condition will be undertaken.
4	MCoA	3.14	Keep documentation of submission to Director-General.
5	MCoA	3.15	Undertake an inspection of external lighting to determine compliance against the Australian Standard, and implement any mitigation measures identified.
6	MCoA	3.16	<ul style="list-style-type: none"> Formalise submission process by sending dated letter to Director-General, for initial submission of management plans, and again with every re-submission of management plans. Devise an implementation program and include in LMP.
7	MCoA	3.17	<ul style="list-style-type: none"> Identify and implement reasonable and feasible measures to reduce energy and greenhouse gas emissions. Formally notify and seek approval from the Director-General, when condition includes this requirement.
8	MCoA	3.18	<ul style="list-style-type: none"> GGEEMP and ESAP must align, and be regularly updated with attention to detail from the ESAP translating to the GGEEMP. Revisions of the ESAP should be tracked (especially in ESAP as it was apparent that PKCT was not tracking revisions of the documents, or resubmitting them to DEUS/OEH). Update performance monitoring section of ESAP to clarify progress and completion of certain tasks. Formalise submission process with dated letter to Director-General to facilitate the Director-General being satisfied with the plan.

No.	Approval	Condition/Number	Recommendation
9	MCoA	3.19	<ul style="list-style-type: none"> Complete implementation of Transpacific suggestions to improve waste management. Advise Director-General by letter of the waste summary in each AEMR.
10	MCoA	3.20	Implement recommendation made in LRQA report: Identify the relevant legal & other requirements for the storage of the different classes of dangerous goods / hazardous substances on the site, review and revise controls as necessary, communicate to relevant personnel & verify the effective implementation of the controls. Date for completion was 12/10.
11	EPL	L1.1	<ul style="list-style-type: none"> Investigate and implement measures to bring pH and TSS levels into compliance with EPL. Continue to investigate continual improvements to dust management onsite to minimise offsite dispersal.
12	EPL	L3.3	Investigate improvements to dosing systems to increase flocculation/coagulation of sediments/algae prior to discharge. Implement sediment pond maintenance works.
13	EPL	O4.1	Develop maintenance works program for sedimentation ponds to maintain silt to less than 20% of design capacity, and implement regular cleaning if required to achieve this, having regard to GGBF habitat requirements.
14	EPL	O4.2	Maintain records of days of discharge from sedimentation ponds and compare to excessive rainfall events as recorded by onsite rain gauge.
15	EPL	U2.1	Keep records of all conversations and consultation with OEH during creation of management plans.
16	EPL	U2.1	Modify the GGBFMP to ensure that the Best Practice Guidelines have been included in the Plan, and that the Plan follows the template.
17	DCC	8	Review and update DCC as necessary based on audit recommendations.
18	DCC	8	PKCT to coordinate and collate documentary evidence of audits/monitoring undertaken by signatories and Transport Providers to the DCC.
Air Quality			
19	MCoA	3.7	Unable to verify compliance with dust generation criteria due to the complexity of the PKCT location. PKCT do attempt to understand their contribution.
20	MCoA	3.8	PKCT to establish a record of visible air pollution and documentary evidence showing operational modification. PKCT should seek Director-General's formal acceptance of operational modification procedure.
21	MCoA	3.9	PKCT should seek the Director-General's satisfaction by a letter sent to the DP&I advising of the truck washing protocol.
22	DCC	6	Develop a system to monitor speed through the truck wash. PKCT to coordinate the client mines to establish compliance with use of mine's truck wash.
Noise			
23	MCoA	3.2	Maintain records of consultation with OEH. Add discussion to NMP regarding the reasons as to why unattended monitoring is not undertaken.
24	MCoA	3.3	Incorporate requirement to undertake investigations into continual improvement in NMP, and report findings in AEMR.
25	EPL	M10.1	Additional information is to be provided during onsite monitoring which details the onsite activities at the time of measurements and to what extent this is consistent with 'normal operations', to support only undertaking attended noise measurements in the future.

No.	Approval	Condition/Number	Recommendation
26	DCC	4 - Mt Ousley	PKCT (or signatories) to include observations of coal truck noise on Mt Ousley during future monitoring.
27	DCC	4 – Bellambi Lane	Include details regarding 3 Strikes policy for breaches in DCC.
28	DCC	4 – Masters Road	PKCT to coordinate expansion of monitoring and inductions by client mines to encompass compression braking on Masters Road.
29	DCC	4 – Springhill Road	Include details regarding 3 Strikes policy for breaches in DCC. Although condition doesn't require or identify the frequency of monitoring, it is required to shown the level of compliance with this condition. As such, repeat Truck Driver Observations monitoring e.g. annually.
30	DCC	5 – Tailgate Noise	Include details regarding 3 Strikes policy for breaches in DCC. Although condition doesn't require or identify the frequency of monitoring, it is required to shown the level of compliance with this condition. As such, repeat Truck Driver Observations monitoring e.g. annually.
31	DCC	5 – Speed Hump Noise	Speed hump to be re-painted to increase driver awareness and signage installed requiring reduced speeds.
32	DCC	8 – Compliance Monitoring	Establish a monthly audit/monitoring program for DCC.
Traffic			
33	MCoA	3.5	Include details regarding 3 Strikes policy for breaches in DCC. Although condition doesn't require or identify the frequency of monitoring, it is required to shown the level of compliance with this condition. As such, PKCT to establish and coordinate an audit programme of truck queuing e.g. monthly.
34	MCoA	3.6	Driver Summary Sheet to be expanded to cover queuing on local roads, and speed limits and compression braking in general, and any other requirements of the DCC not currently included.
35	DCC	Driver Summary Sheet – Travel Time	Documentary evidence should be provided with timing of inbound trucks from NRE No. 1 Mine as monitored by PKCT; OR Modify DCC obligation to align with MCoA, which regulates dispatch of trucks from NRE rather than receipt of trucks at PKCT.
36	DCC	Driver Summary Sheet – Observe all road rules	PKCT to coordinate DCC signatories' compliance monitoring of driver's adhering to road rules and speed limits. PKCT to maintain records of compliance monitoring.
37	DCC	Driver Summary Sheet – Driver's Licence	PKCT to undertake compliance reporting and periodic site checks of transport provider's induction/licensing records.
38	DCC	Driver Summary Sheet – Compression Brakes	PKCT to coordinate DCC signatories' to more regularly monitor compression braking by trucks.
39	DCC	Driver Summary Sheet – Minimise Vehicle Noise	PKCT to expand Critical Task Observations to encompass this requirement or create and implement a new auditing/documentation process by client mines.
40	DCC	Driver Summary Sheet – Truck Wash	Develop a system to monitor speed through the truck wash. PKCT to coordinate the client mines to establish compliance with use of mine's truck wash.
41	DCC	4 – Major Arterial Roads	PKCT to show evidence of truck driver's use of major arterial roads by coordinating compliance monitoring by client mines.
42	DCC	4 – Appin Road	Include auditing/documentation process for driver behaviour Appin Road in CTOs.
43	DCC	4 – Bellambi Lane	Include details regarding 3 Strikes policy for breaches in DCC.
44	DCC	4 – Masters Road	PKCT to coordinate expansion of monitoring and inductions by client mines to encompass Compression braking on Masters Road.
45	DCC	4 – Springhill Road	Include details regarding 3 Strikes policy for breaches in DCC. Although condition doesn't require or identify the frequency of

No.	Approval	Condition/Number	Recommendation
			monitoring, it is required to shown the level of compliance with this condition. As such, repeat Truck Driver Observations monitoring e.g. annually
46	DCC	6 – Speed Limits	PKCT to coordinate DCC signatories' compliance monitoring of driver's adhering to speed limits. PKCT to maintain records of compliance monitoring.
47	DCC	8 – Regular Audits	PKCT to formalise and coordinate DCC signatories to undertake annual compliance monitoring of speed, compression braking, truck washing and load covering. Establish regular monitoring by client mines and PKCT (where relevant) of all other requirements of the Code (e.g. Monthly).
48	SoC	Designated Transport Route	PKCT to show evidence of truck driver's use of major arterial roads by coordinating and maintaining records of compliance monitoring by client mines
49	SoC	Driver's Code of Conduct	PKCT to update DCC to include 2 additional signatories (SCE and Minion) and submit to DP&I.
50	SoC	Coal receipt from NRE Gujarat	Documentary evidence should be provided with regard to how the timing of inbound trucks from NRE No. 1 Mine is monitored by PKCT.

6.2 Adequacy of Management Plans, Strategies and Programs

The recommendations identified in **Section 5.0** that are offered to enable PKCT to improve the adequacy of their management plans, strategies and programs are consolidated as follows.

To improve the overall environmental performance of the terminal, it is recommended that PKCT:

- Include a commitment to implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the operation of the project in the position description for the General Manager and senior management staff of PKCT;
- Improve and formalise documentation and record keeping where indicated by the audit recommendations e.g. where the satisfaction of the Director-General is required a letter should be sent to DP&I advising of the relevant milestone/outcome/report revision;
- Seek new planning consents and conditions if proposed future developments trigger modifications outside the scope of the current approval;
- Review the EMS and all environmental management documents within its framework and make any modifications required to obligations and requirements to establish specific, measureable, achievable, realistic and time-based;
- Submit a response to the recommendations made within this report along with the IEA audit report to DP&I within six weeks of the completion of the audit;
- Implement the recommendations made by the IEA in readiness for and prior to any subsequent audits, and within 3 months of submitting the audit report to the Director-General, review and if necessary revise the strategies/plans/programs required under this approval, to the satisfaction of the Director- General;
- Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMR, required under this approval:
 - (a) provide a copy of the relevant document/s to the relevant agencies;
 - (b) place a copy of the document/s on its website; and
 - (c) remove superseded copies of strategies/plans/programs from its website;

- Consolidate all documents related to water management into one revised Water Management Plan, including recommendations outlined in Section 5 of the Surface Water Systems Review by Cardno, and discharge criteria;
- Maintain records of the progress of the development, submission and review of the WMP to DP&I, to ensure that water management measures are physically implemented and remain a priority for PKCT;
- Complete the WMP to encompass reasonable and feasible mitigation measures to improve compliance against Section 120 of the POEO Act, with specific regard to the reduction of pH and mitigation of algae growth in the central settlement pond;
- Consult with the OEH during the re-development of the WMP, and record this contact with the agency to improve compliance against MCoA 3.13 (a);
- Formalise the DP&I submission process, to track the progress of the report and ensure that compliance is met against 3.14 (b);
- Record consultation and advice given by the OEH during the development of the plan, to ensure that this process is trackable;
- Prepare the GGBFMP in accordance with Appendix 3 of the 'Draft Recovery Plan: Green and Golden Bell Frog (Lesson 1829) Recovery Plan' (DECC 2005), Best Practice Guidelines: Green and Golden Bell Frog Habitat (DECC 2008) and the associated actions in the NSW Priorities Action Statement;
- Execute the LMP from a more detailed approach to adequately fulfil this condition. For example, include an implementation program including dates, tasks and monitoring process.
- Align the GGEEMP and ESAP, and regularly update each with attention to detail from the ESAP translating to the GGEEMP;
- Regularly update the ESAP, and the corresponding GGEEMP, and keep filed records of revisions of the document;
- Update the performance monitoring section of the ESAP to clarify progress and completion of certain tasks;
- Review the GGEEMP to include information gathered as part of the ESAP process, including a program for the management of energy efficiency measures in PKCT;
- Formalise the submission process of the ESAP to DEUS to track reporting in accordance with the Guidelines;
- Detail in the FMP how the organisation will assist the fire and emergency services as much as possible if there is a fire on site. Verbal assurance was given during the site audit that this does occur, however it would improve the FMP if this was included;
- Revise the AQMP to define and include reasonable and feasible best practice emission mitigation measures, which may be implemented to ensure project specific air quality assessment criteria are met. Reasonable and feasible best practice measures may be developed by using the outcomes of PKCT's reviews of comparable operations, which has included the PWCS facilities at Kooragang and Carrington, Hay Point and Dalrymple Bay facilities in Mackay, and the RG Tanna facility in Gladstone. Benchmarking with regards to air quality management may also be undertaken with facilities such as Eraring Energy's Coal Fired Power Station;
- Further investigate air quality control strategies for fine particulate emissions resulting from:
 - truck wash water carry-over;
 - the No. 1 Stockpile area;
 - coal covered areas beneath conveyors (at the eastern side of facility);
 - the sludge dry out area;
 - rail unloader coal spillage external to the dump station; and
 - the truck wash bypass lane.

The strategies identified should be included in the DMI following discussion and approval from OEH;

- Amend the NMP to identify representative operational scenarios for each INP period (day, evening, night), specifying the operations undertaken, the use of various equipment, the type of plant and machinery, and the average truck and rail deliveries anticipated;
- Require that noise monitoring equipment performance is field checked prior to each period of compliance monitoring, consistent with the requirements of AS1259.1, AS1259.2 or IEC 942. Consideration should be given to providing calibration certificates with the compliance monitoring reports;
- Amend the NMP to provide further justification why unattended noise monitoring is not appropriate for this project;
- Provide further information during attended monitoring so that it can be confirmed the noise measurements were undertaken under normal operating conditions,
- Augment the NMP to include noise management measures, including the identification of reasonable and feasible best practice noise mitigation measures, and specify ongoing investigations and commitments to the continual improvement of noise reduction measures;
- Involve and document consultation with OEH during the modification of the NMP;
- Align the DCC obligations to the MCoA, in particular in relation to truck dispatch times from NRE to PKCT;
- Review the obligations within the DCC and modify to ensure that they are quantifiable (where possible) and measureable in all cases;
- Review the Driver Summary Sheet to ensure that all obligations within the DCC are included and provided to Road Transport Companies and Transport Providers, in the form of an updated DCC;
- Review and modify the CTO to ensure that all obligations within the Program are included in the check-sheet;
- Modify the categories within the CTO check-sheet to reflect environmental compliance or non-conformance with the DCC and Implementation Program;
- Establish and implement a monitoring/auditing schedule for undertaking CTOs and intensive periods of monitoring of driver behaviour, within and external to the PKCT site;
- Within the Implementation Program, apportion responsibility to PKCT in relation to the coordination and collation of documentation relating to the DCC in particular the coordination of the implementation and monitoring, assessment and review of the DCC, and for ensuring that a response/follow-up of breaches of the Code is carried out; and
- Augment the Implementation Program to clearly identify the actions/investigations that will be undertaken when breaches of the DCC are reported (e.g. the '3 Strikes' process).

7.0 Conclusion

PKCT is generally compliant with the MCoA and EPL. The organisation demonstrates strong environmental awareness and commitment to minimising and preventing harm to the environment throughout its operation. PKCT's management team was able to provide evidence to demonstrate that PKCT is implementing reasonable and feasible measures for sound environmental management on site, in most areas of its operations.

Overall, the operation of the PKCT project complies with the majority of conditions and commitments specified in the MCoA, EA, Response to Submissions and Statement of Commitments, specifically relating to the monitoring and management of air quality and the monitoring and management of noise emissions on site. A number of partial and non-compliances related to documentation of discussions with OEH, unattended noise monitoring, and the continual improvement of noise mitigations measures onsite.

PKCT is in partial compliance with the MCoA with regards to traffic management, as there were numerous instances to the extent to which compliance could be demonstrated.

PKCT is in general compliance with the conditions of the EPL, though partial and non-compliances were noted with regard to water quality in particular. Overall, PKCT carries out their licensed activities proficiently and generally in accordance with the requirements of the licence.

PKCT is to address the recommendations made with regards to specific conditions of the MCoA, EPL and SoC as listed in **Table 1** to improve compliance with these conditions.

PKCT has established a number of environmental management plans, although some are in the early stages of implementation and require revision and updating. The adequacy of PKCT's various environmental management plans, including air quality, noise and traffic management plans reviewed by AECOM specialists in these respective fields, indicated that noise and air quality management plans are generally consistent with industry standards, though some recommendations for improvements are made. The Driver's Code of Conduct and associated Implementation Plan, however, require further improvement and a number of recommendations for improvement have been identified.

PKCT is encouraged to implement the recommendations for improvement to their environmental management plans, as detailed in **Section 6.2**.

Appendix A

Audit Protocol

IEA Protocol – General Conditions

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
Minister's Conditions of Approval (MCoA)									
MCoA	2.1	Obligation to Minimise Harm to the Environment	The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the operation of the project.	Documents and staff show intent to prevent and/or minimise any harm to the environment that may result from the operation of PKCT. Intent of this condition demonstrated through variety of documents and the company business plan. PKCT has the ability to demonstrate that they are abiding by this condition in most areas of the project.	Risk Assessment Event Management System; FY2011 Business Plan; Environmental Aspects and Impacts Register; PKCT management position descriptions; Environmental Management Strategy and supporting Management Plans and Programs	PKCT	Alex Chalk - Risk Manager	Compliance	NA
MCoA	2.2	Terms of Approval	The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) Response to Submissions; (c) Statement of Commitments (see Appendix 2); and (d) conditions of this approval.	Project generally carried out in accordance with EA, Response to Submissions, Statement of Commitments and the majority of conditions of this approval, though some non-compliances recorded.	Environmental Assessment ; Response to Submissions; Statement of Commitments; Minister's Conditions of Approval	PKCT	Alex Chalk - Risk Manager	Partial Compliance	Refer to all audit recommendations in audit rated partial compliance, non-compliance and unable to verify.
	2.3		If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Noted.	NA	NA	NA	Not Applicable	NA
	2.4		The Proponent shall prepare revisions of any strategies, plans or programs required under this consent if directed to do so by the Director-General. Such revisions shall be prepared to the satisfaction of, and within a timeframe approved by, the Director-General.	DP&I requested a revised copy of Water Management Plan (approx. November/December 2010). Submitted WSAP in December 2010 in accordance with DP&I requirements, no evidence to verify if approved or to the satisfaction of the Director-General.	Green and Golden Bell Frog Management Plan 2010; Email from Alex Chalk (PKCT) to Naomi Nelson (DP&I), 15/10/2010, 5:40pm, submitting revised WMP to DP&I.	PKCT	Alex Chalk - Risk Manager	Partial Compliance	PKCT to maintain documentation of approval of WMP from DP&I.
	2.5		The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of: (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.	DP&I requested revised copy of Water Management Plan, which was provided to DP&I in October 2010.	WMP 2010 Email from Alex Chalk (PKCT) to Naomi Nelson (DP&I), 15/10/2010, 5:40pm, submitting revised WMP to DP&I.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
MCoA	2.6	Limits on Approval	The Proponent shall not receive more than 7.5 million tonnes of coal and bulk products at the site by public road in any calendar year without the written approval of the Director-General. In seeking this approval, the Proponent shall submit a report to the Director-General that: (a) reviews the transport related impacts associated with the trucks being used to deliver coal and bulk products to the terminal; (b) demonstrates that these impacts are generally consistent with the predicted and/or approved impacts; and	The total amount received by road in the 2010 calendar year was 4.595 million tonnes, such that less than 7.5 million tonnes had been transported by road during the 2010 calendar year. PKCT does plan to expand, though it is known by PKCT that any increase above 10 million tonnes would require prior approval from DP&I.	AEMR 2009/2010; Interim EMR 2010/2011 (28.1.11)	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			(c) examines whether there any other reasonable and feasible measures that could be implemented to minimise these impacts. Once this approval has been obtained, the Proponent shall not receive more than 10 million tonnes of coal and bulk products at the site by public road in any calendar year.						
	2.7		The Proponent shall only receive coal dispatched from NRE No 1 Colliery at Russell Vale if that coal has been dispatched between the hours of: (a) 7 am to 10 pm Monday to Friday; and (b) 8 am to 6 pm Saturday and Sunday or Public Holidays unless in accordance with a project approval granted to that Colliery under Part 3A of the EP&A Act.	Statement in AEMR that coal from NRE No. 1 Colliery is only received by PKCT when it is dispatched during the specified hours. Dispatch records from NRE cited for 4 weekdays during 2010/2011. No records were cited for Sundays or Public Holidays. Toolbox Talk minutes from Brindles states correct dispatch hours.	AEMR 2009/2010 Toolbox Talk Minutes - January 2011 - Brindles Pty Ltd. NRE dispatch records for February, March 2011 and December 2010	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	2.8		Subject to conditions 6 and 7 of this schedule, coal and bulk products may be received by the Proponent at the site by road delivery twenty four hours per day, seven days per week.	Noted.	NA	NA	NA	Not Applicable	NA
MCoA	2.9	Management Plans/ Monitoring Protocols	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	AEMR 2009/2010 states that "DP&I required Noise Management Plan, Air Quality Management Plan and Drivers Code of Conduct Implementation Plan to be submitted in accordance with their requirements." The plans were approved on 25/3/2010 as evidenced by letter from DP&I (25/3/10). Letter from DP&I (25/3/10) shows evidence of extension of submission date of a number of management plans to 31/7/10.	AEMR 2009/2010. Letter from DP&I to Peter Green (PKCT) (25/3/10).	PKCT	Alex Chalk - Risk Manager	Compliance	NA
MCoA	2.10.	Surrender of Consents	Within 12 months of the date of this approval, the Proponent shall surrender all existing development consents and existing use rights associated with operations at the site in accordance with clause 97 of the EP&A Regulation.	AEMR 2009/2010 states that Wollongong City Council (WCC) Development Consent D79/44 was surrendered. PKCT's request by letter of 16/9/09 was approved by WCC on 12/10/09.	AEMR 2009/2010 Letter from WCC to PKCT surrendering development consent, 12/10/2009.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
MCoA	2.11	Structural Adequacy	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	No new building work has taken place since DP&I approval. In the instance that the potential expansion is carried out, PKCT has not planned the construction of any new buildings as part of the proposed development.	NA	PKCT	Alex Chalk - Risk Manager	Not Applicable	NA
MCoA	2.12	Demolition	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	No demolition has occurred since the issue of the consent.	NA	PKCT	Alex Chalk - Risk Manager	Not Applicable	NA
MCoA	2.13	Operation of Plant and Equipment	The Proponent shall ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	The work order and maintenance system is the system by which assets are maintained on site. The system files information in a hierarchical structure. Inspection regimes are	On site: Work order and maintenance system observed in operation. On site: Planned digital control system observed	PKCT	Roger Stewardson - Engineering Manager Alex Chalk -	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				based on the equipment manual or design instructions. Maintenance and inspection work is scheduled and work orders issued to shift tradespersons or to the Asset Maintenance Team where work is carried out by contractors. Work orders are issued up to twice per week. Work order system excludes truck maintenance, though PKCT has interface with truck companies and coal shippers with regard to truck maintenance. KPIs are recorded in the FY2011 Business Plan, with regard to the completion rate of work orders and maintenance targets for plant and equipment. Feedback regarding the condition of equipment is recorded in the work order system to track the depletion of equipment and track supply needs. PKCT plans to update work order system to distinguish between statutory and normal inspections. PKCT has an alarmed digital control system which tracks the operation/capacity of equipment.	in operation. PKCT FY2011 Business Plan.		Risk Manager Aiden Beath - Control Tower		
MCoA	2.14	Dispute Resolution	In the event that the Proponent and the Council or a Government agency, other than the Department, cannot agree on the specification or requirements of this approval, the matter may be referred by either party to the Director-General for resolution, whose determination of the disagreement shall be final and binding on the parties.	Noted in EMS. No issues have arisen.	NA	PKCT	Alex Chalk - Risk Manager	Not Applicable	NA
Surface Water									
MCoA	3.12	Discharge Limits	Except as may be expressly provided in an EPL for the project, the Proponent shall comply with Section 120 of the Protection of the Environment Operations Act 1997.	There have been instances of non-compliant pH and TSS levels of discharge from the water management system. This has raised issues with regard to the reliability of the dosing unit and water collection system. Since using recycled water there have been high-level nutrients recorded in ponds on site. The algae growth could be affecting the periodic trend of the pH spiking in alkalinity. PKCT is currently investigating measures to best manage the algae growth, including ultrasonic technology. PKCT's consultant, Cardno, has assessed impacts of elevated pH and algae on receiving water as minimal. OEH has advised it concurs. OEH will extend pH limits in the EPL for PKCT. AECOM cited the EPL variation notice confirming this. PKCT will continue to conduct	AEMR - Section 3.5.2 Variation of Environment Protection Licence 1625 - from Peter Bloem (OEH) to Alex Chalk (PKCT), 11/3/2011, confirming that pH at Settlement Lagoon will be raised to 6.5-9.5 due to the increase in pH levels caused by the use of recycled water on site. Onsite: observed North Stockpile Spray monitoring control system and contaminated water collection and treatment control system display panels.	PKCT	Alex Chalk - Risk Manager	Non Compliance	Investigate and implement measures to bring pH and TSS levels into compliance with EPL. Continue to investigate continual improvements to dust management onsite to minimise offsite dispersal.

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				additional monitoring of their water management system. The AEMR addresses surface water management, while discharge limits are set in the EPL. Outside of the EPL conditions, offsite dust emissions from stockpiling areas is prevented/ minimised by PKCT stockpile spray system which automatically activates for wind speeds above 10 metres per second. Below 10 metres per second, PKCT main control room sets spray cycle times depending on weather forecasts and site observations.					
MCoA	3.13	Water Management Plan (WMP)	The Proponent shall prepare and implement a Water Management Plan to the satisfaction of the Director-General. This Plan must: (a) be prepared in consultation with DECC;	WMP prepared by PKCT. Sections of AEMR and WMP refer to consultation having been made with OEH. No other evidence could be provided of consultation with OEH during the creation of the WMP. Emails cited by AECOM provided evidence of consultation with OEH regarding water management on site, but are dated after the original submission of the plan to OEH and DP&I.	AEMR Section 3.5.2 Water Management Plan Sections 1.3, 5.4, 6 and 11	PKCT	Alex Chalk - Risk Manager	Partial Compliance	PKCT to keep records of all conversations and consultation with OEH during creation of management plans.
			(b) be submitted to the Director-General for approval within 12 months of this approval or as otherwise agreed by the Director-General; and	Cited email correspondence between DP&I and PKCT regarding the WMP (6/10 and 15/10/2010). Letter from DP&I (25/3/10) shows evidence of extension of submission date to 31/7/10. Letter from PKCT to DP&I (29/7/10) submitting WMP. Post this date, email from Naomi Nelson (DP&I) to Alex Chalk (PKCT) on 6/10/2010 indicates WMP was submitted.	Letter from DP&I (25/3/10); Letter to DP&I from PKCT submitting WMP (29/7/10). Email from Naomi Nelson (DP&I) to Alex Chalk (PKCT), 6/10/2010, 1:40pm, with review comments for WMP. Email from Alex Chalk (PKCT) to Naomi Nelson (DP&I), 15/10/2010, 5:40pm, re-submitting WMP to DP&I for second review.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
			(c) include: • a site water balance, which includes details of sources of water supply, on-site water use and management and off-site water discharges and investigates and describes measures to minimise water use by the project; • a sediment control plan for surface works on the site that is consistent with the requirements of the Managing Urban Stormwater: Soils and Construction Manual (Landcom 2004, or its latest version); • a surface water monitoring program that includes: stormwater effluent discharge criteria; a monitoring protocol for evaluating compliance with the stormwater effluent discharge criteria; and reasonable and feasible mitigation measures to ensure the stormwater effluent discharge criteria are met.	Though the WMP has been revised since original release, evidence could not be provided that it has been approved by DP&I. The plan does not comprehensively cover the details required by this condition. Though PKCT has produced other documents which encompass these requirements to different extents, the WMP does not reference these documents correctly. The revised draft WMP includes a sediment control section, though the plan is yet to be approved by DP&I. Attachment from Cardno report provides a site water balance.	WMP - Attachment A: Extract from PKCT Surface Water Systems Review Report Port Kembla Coal Terminal – Surface Water Systems Review - Cardno Rigby - Section 3 Water Balance Model Port Kembla Coal Terminal – Surface Water Systems Review - Cardno Rigby - Section 5 Proposed System Performance	PKCT	Alex Chalk - Risk Manager	Partial Compliance	PKCT to follow up revised WMP and seek written approval from DP&I. Include in Section 9.1.3 reference to the Environmental Monitoring document, which details the monitoring procedure for discharge from the settlement lagoon. Include in this

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				Water monitoring is outlined in the Environmental Monitoring document, though this does not include discharge criteria and reasonable and feasible mitigation measures to ensure the criteria are met. Proposed draft EPL condition has not yet been undertaken, and cannot be referenced as evidence.	Improvements WMP Section 7.3.4 Sediment Control Recycled Water Environmental Monitoring Emails between Naomi Nelson (DP&I) and Alex Chalk (PKCT), 6/10/2010, 1:40pm, with review comments for WMP; 15/10/2010, 5:40pm, with PKCT's revised WMP attached. Environmental Monitoring document 2011 Emails between OEH and Alex Chalk (PKCT), 9/2/2011, 5:15pm; 3/3/2011, 3:29pm; discussing findings of Cardno report and exceedances of pH and TSS. SGS - Sampling and Analysis of Dust and Water Samples report				section the specific criteria for discharge from the lagoon, taken from the EPL, to ensure compliance with part (c) of this condition. Keep WMP updated with all reasonable and feasible measures taken by PKCT to ensure that water quality criteria are being met, as discussed in the Cardno Rigby water systems review report. Formalise discussions with OEH in the plan. Include monitoring of water quality for turbidity, as described in the SGS report. Confirm with OEH and DP&I whether new EPL condition will be undertaken.
Biodiversity									
MCoA	3.14	Green and Golden Bell Frog Management Plan	The Proponent shall prepare and implement a Green and Golden Bell Frog Management Plan for the project to the satisfaction of the Director-General. This program must: (a) be developed in consultation with DECC; and (b) be submitted to the Director-General for approval within 12 months from the date of this approval, or as otherwise agreed by the Director-General.	(a) GGBFMP prepared and states that it was submitted to OEH, evidenced in part by letter to Paul Weame at OEH dated 30/6/09. Ongoing liaison has been undertaken with OEH since this time. (b) no evidence of submission to the Director-General provided.	GGBFMP - Section 2: Scope; Letter from PKCT to OEH 30/6/09. Email from Alex Chalk (PKCT) to Paul Wearne and Jen Byrne (OEH), 27/1/2011, 6:00pm, re-submitting GGBFMP to OEH. Email from PKCT to Dennis Pascall at OEH 10/9/10 regarding GGBFMP and lagoon.	PKCT	Alex Chalk - Risk Manager	Partial Compliance	PKCT to keep documentation of submission to Director-General.
Visual Amenity									
MCoA	3.15	Lighting Emissions	The Proponent shall: (a) ensure no external lights shine above the horizontal; (b) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version, and(c) take all reasonable and feasible measures to mitigate off-site lighting impacts from the project to the satisfaction of the Director-General.	(a) no evidence cited. (b) PKCT has reviewed onsite lighting and is confident that all lights comply with AS 4282, though have not carried out inspection of this. Site lighting is along access roads only. Lights are some distance (approximately 900 m) from nearest sensitive receivers. (c) No evidence could be provided to prove that consultation with the	AEMR Section 3.7.2 - Compliance Statement	PKCT	Alex Chalk - Risk Manager Roger Stewardson - Engineering Manager	Non Compliance	PKCT to undertake an inspection of external lighting to determine compliance against the Australian Standard, and implement any mitigation measures identified.

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				Director-General had taken place. A lack of documentation results in PKCT unable to show that they have considered all reasonable and feasible measures for off-site lighting impacts, though any impact would be low.					
MCoA	3.16	Landscape Management Plan	The Proponent shall prepare and implement a Landscape Management Plan to the satisfaction of the Director-General. This Plan must:	(a) LMP prepared. Statement in LMP that submission to DG within 12 months of approval date was extended by DP&I as per request of PKCT, to 31st July 2010. LMP dated 29th July 2010. Letter from DP&I (25/3/10) shows evidence of extension of submission date to 31/7/10. Letter from PKCT to DP&I (29/7/10) submitting LMP.	Landscape Management Plan Section 1.1 – Introduction. Letter from DP&I (25/3/10). Letter to DP&I from PKCT submitting LMP (29/7/10).	PKCT	Alex Chalk - Risk Manager	Partial Compliance	Devise an implementation program and include in LMP.
			(a) be submitted to the Director-General for approval within 12 months of this approval, or as otherwise agreed by the Director-General; and	(b) LMP includes details of screening trees. Stage 1 and 2 plantings observed on road receival bund along northern site boundary during site audit.	LMP Appendix C - Road Receival				
			(b) include;	No 'implementation program' detailed in LMP, but maintenance measures included in Section 5.3 and 5.4.	LMP Section 5.3 - Management and Mitigation and Section 5.4 - Management Strategy, Effectiveness and Improvement				
			• details of screening trees to be planted on the road receival earth bund and along the northern site boundary; and						
			• an implementation program.						
Greenhouse and Energy Efficiency									
MCoA	3.17	Operating Conditions	The Proponent shall implement all reasonable and feasible measures to minimise:	(a) Energy Savings Action Plan contains plans to reduce electricity usage on site. ESAP is referenced in GGEEMP. Evidence of implementation of measures has not been cited.	Greenhouse Gas and Energy Efficiency Management Plan (GGEEMP) Energy Savings Action Plan annual reports	PKCT	Alex Chalk - Risk Manager	Partial Compliance	PKCT to identify and implement reasonable and feasible measures to reduce energy and greenhouse gas emissions. Formally notify and seek approval from the Director-General, when condition includes this requirement.
			(a) energy use on site; and	(b) No evidence provided to show that PKCT has approval from the Director-General regarding implementation of measures to minimise greenhouse gas emissions from the project.	Nil				
			(b) greenhouse gas emissions from the project to the satisfaction of the Director-General.						
MCoA	3.18	Greenhouse and Energy Efficiency Plan	Within 12 months of this approval or as otherwise agreed by the Director-General, the Proponent shall prepare and implement a Greenhouse and Energy Efficiency Plan for the project. This plan must:	(a) GGEEMP prepared, partially in accordance with Energy Savings Action Plan (ESAP). GGEEMP must include ESAP which must be submitted to DEUS by date specified by DEUS for PKCT. Evidence could not be provided to identify date required for receipt of ESAP. (b) Statement in GGEEMP that submission to DG within 12 months of approval date was extended by DP&I as per agreement between DP&I and PKCT, to 31st July 2010. GGEEMP	GGEEMP Section 1.1 - Purpose and Section Tables 6.2 and 6.3 and Section 7 - Monitoring Energy Savings Action Plan. Email from Wayne Strudwick (PKCT) to Penny Kalaremas (OEH), 20/9/2010, 3:20pm, submission of ESAP to OEH after receiving June energy bill. Letter from	PKCT	Alex Chalk - Risk Manager	Partial Compliance	GGEEMP and ESAP must align, and be regularly updated with attention to detail from the ESAP translating to the GGEEMP. Revisions of the ESAP should be tracked. Update performance monitoring section
			(a) be prepared generally in accordance with the Guidelines for Energy Savings Action Plans (DEUS 2005, or its latest version);						
			(b) be submitted to the Director-General for approval;						
			(c) include a program to estimate/monitor greenhouse gas emissions and energy use generated by the project;						
			(d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the project;						

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			(e) describe how the performance of these measures would be monitored over time; and (f) report on the project's greenhouse gas emissions and minimisation measures in the AEMR to the satisfaction of the Director-General.	dated 29th July 2010. Letter from DP&I (25/3/10) shows evidence of extension of submission date to 31/7/10. (c) Adequately covered in Section 7 (d) Adequately covered by the ESAP (referenced in the GGEEMP) (e) Covered generally by ESAP (referenced in the GGEEMP), though this section was incomplete, and the progress of performance monitoring was not clear. (f) Greenhouse gas emissions covered by the AEMR, though not in great detail, and no evidence cited to prove that the AEMR covers this area to the satisfaction of the Director-General.	DP&I (25/3/10).				of ESAP to clarify progress and completion of certain tasks. Formally notify and seek approval from the Director-General, when condition includes this requirement. to facilitate the Director-General being satisfied with the plan.
Waste									
MCoA	3.19	Operating Conditions	The Proponent shall: (a) monitor the amount of waste generated by the project; (b) investigate ways to minimise waste generated by the project; (c) implement reasonable and feasible measures to minimise waste generated by the project; and (d) report on waste management and minimisation in the AEMR to the satisfaction of the Director-General.	(a) PKCT monitors annual waste volumes (though has missing data for a number of streams) and conducts waste minimisation meetings. Inspections of waste receptacles occur quarterly. PKCT is currently implementing waste process upgrade, e.g. fluorescent light recycling. (b) and (c) Verbal evidence from PKCT that organisation is not effective at managing waste, and is very keen to improve. Transpacific has been contracted to investigate ways to minimise waste - presentation outlines these suggestions. Implementation is underway, though not complete. (d) Waste summary included in AEMR though no indication that this has been to the satisfaction of the Director-General.	AEMR Attachment C - Waste Report; Interim EMR Appendix P; WMP Section 7.4 - Management Strategy, Effectiveness and Improvement - waste minimisation meetings; Section 9 - Monitoring Environmental Recovery Services - Workshop Waste Management Program Transpacific PKCT Site Walk Through Presentation 10/11/2010	PKCT	Alex Chalk - Risk Manager	Partial Compliance	Complete implementation of Transpacific suggestions to improve waste management. Advise Director-General by letter of the waste summary in each AEMR.
Hazards									
MCoA	3.20.	Dangerous Goods	The Proponent shall ensure that storage, handling and transport of dangerous goods are done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.	LRQA ISO 14001 audit report found minor non-conformities related to storage of petroleum and dangerous goods and overall findings stated that PKCT has 'ongoing poor housekeeping, hazardous materials storage and general waste handling problems'. GHD Report and verbal assurances from Alex Chalk identified that the Underground Petroleum Storage System is suitable for ongoing use and is unlikely to have been the source of minor contamination in surrounding areas.	AEMR Section 3.10.2 - Compliance Statement LRQA Surveillance Report for PKCT (ISO 14001, Dec 2010) GHD Targeted Contamination Assessment of Refuelling Area and Waste Oil Tank Report - January 2011	PKCT	Alex Chalk - Risk Manager	Non Compliance	Implement recommendation made in LRQA report: Identify the relevant legal and other requirements for the storage of the different classes of dangerous goods / hazardous substances on the site, review and revise controls as necessary,

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				No evidence cited which indicates that DGs are being stored, handled and transported in accordance with the Australian Standards.					communicate to relevant personnel and verify the effective implementation of the controls. Date for completion was 12/10.
MCoA	3.21	Fire Control	During the project, the Proponent shall: (a) ensure that it maintains suitable equipment to respond to any fires on site; and (b) assist the fire and emergency services as much as possible if there is a fire on site.	(a) Verbal observation that PKCT keeps on-site sprinkler systems, fire extinguishers, and gas room flooding system. In addition, fire suppression switch rooms are planned. All fire management is handled by the facilities maintenance engineer. (b) PKCT meets the fire brigade when they arrive and assist in response. Conversation with Alex Chalk indicated that fire systems are inspected and serviced by contractors in accordance with Australian Standards (sprinklers weekly, gas/detection- monthly). Mock exercise testing fire response has not occurred for some time though false fire alarms have occurred periodically testing response processes. There was a fire-related incident on NC2 within the last 12 months, though it didn't progress to a fire after action was taken when staff noticed smoke. The incident was logged.	Fire Management Plan 2010 - Section 6 Confidential Event Report, 12/11/2010, smell of burning rubber noted and investigated.	PKCT	Alex Chalk - Risk Manager Roger Stewardson - Engineering Manager	Compliance	NA
	3.22		The Proponent shall ensure that it maintains a Fire Management Plan for the site.	A Fire Management Plan has been prepared for the site (2010).	Fire Management Plan 2010	PKCT	Alex Chalk - Risk Manager	Compliance	NA
MCoA	4.4	Annual Reporting	Within 12 months of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and all relevant agencies. This report must: (a) identify the standards and performance measures that apply to project; (b) describe the works carried out in the last 12 months; (c) describe the works planned to be carried out in the next 12 months; (d) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years; (e) include a summary of the monitoring results for the project during the past year; (f) include an analysis of these monitoring results against the relevant: • impact assessment criteria/limits; • monitoring results from previous years; and • predictions in the EA or other documents listed in condition 2 of schedule 2; (g) identify and discuss all exceedances of approval and licence conditions and other applicable standards and performance measures;	AEMR dated 29/6/10, consent date 12/6/09. a) lists conditions of approval. b) states no new building work/demolition carried out. Environmental works undertaken include landscaping as per LMP. c) does not describe works planned to be carried out in next 12months. Environmental activities outlined in s4.3.3 d) 2009/2010 summary provided, not compared to complaints of previous years, as first AEMR. e) summary of monitoring results provided - s4.3.5 f) compliance level shown for all, some compared to previous years and EA predictions - s4.3.6 and 4.3.8 g) exceedances identified and discussed.s4.3.6 and 4.3.9 h) N/A as this is the first AEMR	AEMR 2009/10	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			(h) identify any trends in the monitoring results over the life of the project; (i) identify any non-compliance during the previous year; and (j) describe what actions were, or are being, taken to ensure compliance.	i) identified and discussed.s4.3.6 and 4.3.9 j) actions to reduce exceedances - s4.3.10					
Independent Environmental Audit									
MCoA	4.5		By 31 March 2011, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL (including any strategy, plan or program required under these approvals); and (d) review the adequacy of strategies, plans and/or programs required under these approvals; and, if appropriate, (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals. <i>Note: This audit team should be led by a suitably qualified auditor, and include experts in the field of noise, air quality and traffic management.</i>	IEA subject of current report. (a) Letter from DP&I endorsing AECOM audit team (10/3/11). (b) Consultation undertaken with the Office of Environment and Heritage. (c) Compliance assessed as per this protocol. (d) Adequacy review provided in Section 5.0. (e) Recommendations provided in Section 6.0	Letter from David Kitto at DP&I to Peter Green (10/3/11). IEA Audit Report May 2011. Conversation with Dennis Pascall at OEH (28/3/11)	PKCT OEH	Alex Chalk - Risk Manager Dennis Pascall - OEH	Compliance	NA
	4.6		Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.	Site Audit undertaken on 29/3/11. Final audit report and PKCT response to findings sent to DP&I on 10/5/11.					
	4.7		Within 3 months of submitting the audit report to the Director-General, the Proponent shall review and if necessary revise the strategies/plans/programs required under this approval, to the satisfaction of the Director-General.	NA					
Access to Information									
MCoA	4.8		Within 3 months of the approval of any strategy/plan/program required under this approval (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMR, required under this approval, the Proponent shall: (a) provide a copy of the relevant document/s to the relevant agencies; (b) place a copy of the document/s on its website; and (c) remove superseded copies of strategies/plans/programs from its website.	(a) plans submitted to DP&I and provided to OEH where relevant (b) plans and AEMR on website (c) no superseded plans on website as at 28/3/11.	PKCT website - www.pkct.com.au Email from Peter Green (PKCT) to Howard Reed (DP&I), 12/10/2009, 4:13pm submitting Noise Management Plan and Monitoring Program, Air Quality Management Plan and Monitoring Program and Driver's Code of Conduct Implementation Program to DP&I	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
	4.9		During the project, the Proponent shall: (a) make a summary of monitoring results required under this approval publicly available on its website; and (b) update these results on a regular basis (at least every 6 months).	(a) AEMR on website, which includes summary of monitoring results (b) Interim EMR on website	Letter from Peter Bloem (OEH) to PKCT, 19/11/09, receipt of plans from PKCT. AEMR 2009/2010 Interim EMR 2010/11	PKCT	Alex Chalk - Risk Manager	Compliance	NA
Environment Protection Licence									
1 Administrative Conditions									
EPL	A1.2	What the licence authorises and regulates	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: coal works and shipping in bulk. Fee based activity: coal works = > 5000000 - T loaded	Works undertaken onsite classified as coal works and shipping in bulk.	AEMR 2009/10 Section 2.3	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	A2.1	Premises to which this licence applies	The licence applies to the following premises: Port Kembla Coal Terminal Limited, Port Kembla Road, Wollongong, NSW, 2500. Lease reference lots 2004 and 2005 DP 1030233 and part lot 2000 DP 1030233.	The premises to which the licence applies is the PKCT site.	NA	NA	NA	Not Applicable	NA
	A2.2		Note: This premises does not include four sections of oil pipelines: • The oil pipeline running north-east from the Manildra Park premises to the intersection of Flinders Street with Stockpile Road, then north, running parallel with Stockpile Road to the Overhead Shipping Bridge, then north-west, continuing parallel with Stockpile Road along the Product Berth and Discharge Berth (see Figures entitled "BHP Transport Limited Port Kembla Bunkering Pipeline Proposed Extension Options", DOC06/60564, contained in File No 282203A2). This pipeline is owned by Bluescope Steel Limited but insured by Manildra Park Limited. • The oil pipeline running east from Old Port Road, then north along the Outer Harbour, northeast under the harbour and then east along the Northern Breakwater to the Oil Berth (see Figure A, DOC06/56336, contained in File No 282203A2). • The oil pipeline running from the "Timber Watch House" at the Port Kembla Coal Terminal along the Inner Harbour to the Old Coal Berth (see Figure B, DOC06/56336, contained in File No 282203A2). • The oil pipeline running north-north-west in the Inner Harbour along from the Old Coal Berth to the Pig Launching Station at the Port Kembla Coal Terminal. Manildra Park Pty Ltd is responsible for these pipelines and their associated infrastructure. They are also liable for any oil spills or leaks that occur from these pipelines or infrastructure.					Not Applicable	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
EPL	A4.1	Information supplied to the EPA	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.	No further works outside those specified in the EPL application have been undertaken. Works have been undertaken in accordance with application. Application identifies coal and coke works, which is currently carried out onsite.	EPL application as at 28/8/2004 on OEH website	PKCT	Alex Chalk - Risk Manager	Compliance	NA
2 Discharges to air and water and applications to land									
EPL	P1.2	Location of monitoring/discharge points and areas	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.	The monitoring points onsite are as per those referred to in the table.	NA	NA	NA	Not Applicable	NA
EPL	P1.3		The following utilisation areas referred to 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. The type of monitoring point to which it applies is wet weather discharge and discharge quality monitoring:	The utilisation area onsite is as per those referred to and are points for the purpose of monitoring.	NA	NA	NA	Not Applicable	NA
			Discharge from settlement lagoon to the Western Drain labelled as '1' on drawing titled 'Water Collection & Treatment System Discharge Points' submitted to the EPA with the Licence Information Form dated 14/02/00.	The utilisation area onsite is as per those referred to and are points for the purpose of monitoring.					
3 Limit Conditions									
EPL	L1.1	Pollution of waters	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.	Within the limits of the PKCT operation, the organisation complies. Exceedances of OEH limits as recorded in this licence. As of 11/3/2011, pH remains within limits. Outside of the EPL conditions, offsite dust emissions from stockpiling areas occur though are limited by the North Stockpile Spray monitoring control system, which is triggered by visual observations at the tower.	Variation of Environment Protection Licence 1625 - from Peter Bloem (OEH) to Alex Chalk (PKCT), 11/3/2011, confirming that pH at Settlement Lagoon will be raised to 6.5-9.5 due to the increase in pH levels caused by the use of recycled water on site.	PKCT	Alex Chalk - Risk Manager	Non Compliance	Investigate and implement measures to bring pH and TSS levels into compliance with EPL. Continue to investigate continual improvements to dust management onsite to minimise offsite dispersal.
EPL	L1.2		Exceedance of a quality limit specified in this licence for the discharge of TSS from Point 16 or a volume limit for discharge from Point 16 is permitted if the discharge from Point 16 does not exceed a 5 day average of 100mg/L TSS, and occurs solely as a result of rainfall at the premises exceeding a total of 90 millimetres over any consecutive five day period.	Exceedance of quality limits are only permitted if does not exceed 5d average 100mg/L, and occurs as a result of rainfall > 90mm over this period. No evidence of this occurring onsite.	NA	NA	NA	Not Applicable	NA
EPL	L3.1	Concentration Limits	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.	All monitoring points to conform to concentration limits set in following conditions.	NA	NA	NA	Not Applicable	NA
EPL	L3.2		Where a pH quality limit is specified in the table, the	pH levels often recorded outside limit	Annual Return	PKCT	Alex Chalk -	Non	

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			specified percentage of samples must be within the specified ranges.	range.	2009/2010, Interim EMR; AEMR 2009/2011.		Risk Manager	Compliance	
EPL	L3.3		To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified below:			PKCT	Alex Chalk - Risk Manager	Compliance	NA
			Oil/grease (mg/L): 10 (100 percentile concentration limit)	No oil/grease exceedences in Annual Return or Interim EMR.	Annual return 2009/2010, interim EMR; AEMR 2009/2011.			Non Compliance	NA
			pH: 6.5-8.5 (100 percentile concentration limit)	pH often outside limit range. Draft condition proposed to increase limit to 9.5.	Variation of Environment Protection Licence 1625 - from Peter Bloem (OEH) to Alex Chalk (PKCT), 11/3/2011			Non Compliance	Investigate improvements to dosing systems to increase flocculation/coagulation of sediments/algae prior to discharge. Implement sediment pond maintenance works.
			Total suspended solids: 50mg/L (100 percentile concentration limit)	TSS breeched limit during 2009/2010 reporting period; below limit in first half 2010/2011.				Non Compliance	
General Conditions									
G1 Copy of licence kept at the premises									
EPL	G1.1		A copy of this licence must be kept at the premises to which the licence applies.	Kept onsite at PKCT. Also displayed on website.	PKCT website	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	G1.2		The licence must be produced to any authorised officer of the EPA who asks to see it.	This has not occurred.	NA	PKCT	Alex Chalk - Risk Manager	Not Applicable	NA
EPL	G1.3		The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Kept onsite at PKCT. Also displayed on website.	PKCT website	PKCT	Alex Chalk - Risk Manager	Compliance	NA
L5 Waste									
EPL	L5.1	Waste	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.	Verbal assurance that this does not occur.	NA	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	L5.2		This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.	Condition 5.1 applies to the site as EPL held.	NA	NA	NA	Not Applicable	NA
L7 Potentially Offensive Odour									
EPL	L7.1	Potentially Offensive Odour	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	No odour complaints received to date. Complaints summary cited in AEMR.	AEMR 2009/2010	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			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									
EPL	O1.1	Activities must be carried out in a competent manner	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.	(a) Compliant hours of receipt of coal via road and rail; maintenance and upgrade of plant and equipment occurs; measures to reduce dust, water pollution, and noise emissions from the site either implemented or being investigated; monitoring and reporting of environmental requirements undertaken; incident reporting process established and followed. (b) monitoring and reporting of waste generated at PKCT undertaken. Investigation underway into waste disposal and management methods to improve waste system on site. Transpacific slide show demonstrated that as of date of presentation (10/11/2010) waste was not stored or disposed in a competent manner.	Work and order maintenance system Planned digital control system Cardno - PKCT Surface Water Systems Review Noise Management Plan Annual Environmental Management Report Transpacific PKCT Site Walk Through Presentation 10/11/2010 Waste Management Plan Incident Reporting Procedure NRE transport files	PKCT	Alex Chalk - Risk Manager	Partial Compliance	NA
	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.	(a) and (b) Work order and maintenance system is the system by which assets are maintained on site. The system files information in a hierarchical structure. Inspection regimes are based on equipment manual or design instructions. Maintenance works are assigned to staff, mainly tradesmen on shift work and the in-house maintenance team. Work orders are generally carried out twice per week. Work order system excludes truck maintenance, though PKCT has interface with truck companies and coal shippers with regard to truck maintenance. KPIs are recorded in the FY2011 Business Plan, with regard to the completion rate of work orders and maintenance targets for plant and equipment. Feedback regarding the condition of equipment is recorded in the work order system to track the depletion of equipment and track supply needs. PKCT plans to update work order system to distinguish between statutory and normal inspections. PKCT has an alarmed digital control system which tracks the operation/capacity of equipment.	Work order and maintenance system. On site: Planned digital control system. FY2011 Business Plan	PKCT	Richard Stewardson - Engineering Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
O4 Sedimentation Ponds									
EPL	O4.1		The holding ponds must be maintained to ensure that sedimentation does not reduce their capacity by more than 20% of the design capacity.	Central sedimentation pond has problems with excessive sedimentation, as it receives inflows from many places on site. PKCT informed auditors that central pond needs significant upgrade. OEH was concerned about the GGBF habitat that is a source of siltation in the sediment lagoon. Advice sought from Cardno concluded that this vegetation does not affect water quality. Last documented maintenance (i.e. settlement lagoon inlet cleaning but not full draining and dredging of settlement lagoon) of ponds was during September 2010. Email from PKCT to Dennis Pascall discussed not desilting lagoon based on lagoon sediment survey undertaken by Aquarius Surveys (22/11/10). No evidence to prove current compliance with required capacity, though verbal assurance was given during site audit.	Cardno - PKCT Surface Water Systems Review August 2010. Email chain between Alex Chalk (PKCT) and Dennis Pascall (OEH), between 26/8 - 3/9/2010, discussing sedimentation in central settling pond. Email chain between Alex Chalk (PKCT) and Bradley Elliot (Cardno), 3/9/2010. Email from Alex Chalk to Dennis Pascall at OEH 22/11/10.	PKCT	Alex Chalk - Risk Manager	Partial Compliance	Develop maintenance works program for sedimentation ponds to maintain silt to less than 20% of design capacity, and implement regular cleaning if required to achieve this, having regard to GGBF habitat requirements.
EPL	O4.2		Water may only be discharged from a sedimentation pond as result of excessive rainfall on the premises.	Verbal assurance from PKCT that water level in sedimentation ponds controlled by pumps, the operation of which is monitored by the control system at the tower. Verbal assurance that only when rainfall exceeds rate at which pumps can maintain water levels (or in the event that an equipment failure occurs) does uncontrolled discharge occur. Cardno report discusses difficulty of cleaning ponds due to accumulated sediment, and the consequent increase in overflow risk during storm events.	Cardno - PKCT Surface Water Systems Review August 2010	PKCT	Alex Chalk - Risk Manager	Unable to Verify	Maintain records of days of discharge from sedimentation ponds and compare to excessive rainfall events as recorded by onsite rain gauge.
5 Monitoring and Recording Conditions									
M1 Monitoring records									
EPL	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.	Compliance as per following conditions.	NA	NA	NA	Not Applicable	NA
EPL	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.	(a) Electronic files are stored on system. (b) Monitoring records are submitted every 12 months with the AEMR. PKCT keeps records for more than 4 years. OEH website also holds files related to PKCT. (c) Monitoring data required under the EPL is submitted routinely via the EPL Annual Return. Verbal assurance that further data may be supplied from time to time when	2009/2010 Annual Return and appendices.	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				requested by OEH or as required.					
EPL	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.	All four points of data recorded for water and dust deposition sampling.	2009/2010 Annual Return and appendices. Interim EMR 2010/2011.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
M5 Telephone Complaints Line									
EPL	M5.1		The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Freecall complaints hotline 1800 111 448	AEMR 2009/2010	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	M5.2		The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Hotline provided on PKCT website	PKCT website www.pkct.com.au	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	M5.3		Conditions M5.1 and M5.2 do not apply until 3 months after: (a) the date of the issue of this licence or (b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	Conditions M5.1 and M5.2 apply.	NA	NA	NA	Not Applicable	NA
M7 Environmental Monitoring									
EPL	M8		The licensee is required to install and maintain a rainfall depth measuring device.	PKCT has an anemometer on the Central Control Tower	AEMR 2009/2010	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	M9		Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day. Note: The rainfall monitoring data collected in compliance with Condition M7.1 can be used to determine compliance with L1.2.	Anemometer records rainfall in mm, every hour.	AEMR 2009/2010	PKCT	Alex Chalk - Risk Manager	Compliance	NA
6 Reporting conditions									
R1 Annual return documents									
EPL	R1.1	What documents must an Annual Return contain?	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: (a) a Statement of Compliance; and (b) a Monitoring and Complaints Summary. A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before 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.	Annual return includes Statement of Compliance and Monitoring and Complaints Summary.	2009/2010 Annual Return and appendices.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	R1.2	Period covered by Annual Return	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.	Annual return prepared for 2009/2010 reporting period, being 1st July 2009 – 30th June 2010.	2009/2010 Annual Return and appendices.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	R1.3		Where this licence is transferred from the licensee to a new	Licence has not been transferred.	NA	NA	NA	Not Applicable	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			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.	Licensee has not been surrendered or revoked.	NA	NA	NA	Not Applicable	NA
EPL	R1.5	Deadline for Annual Return	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Letter from PKCT dated 28/5/10 submitting Annual Return to OEHL.	PKCT letter to OEHL 28/5/10.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	R1.7	Licensee must retain copy of Annual Return	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.	Verbal assurance from PKCT that 2009/2010 Annual Return held by PKCT and will be kept for 4 years.	NA	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	R1.8	Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary	Within the Annual Return, the Statement 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.	Each page signed by company secretary.	2009/2010 Annual Return and appendices.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	R1.9		A person who has been given written approval to certify a certificate of compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.	Each page signed by company secretary.	NA	NA	NA	Not Applicable	NA
R2 Notification of environmental harm									
EPL			Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	No reportable incidents during reporting period.	NA	NA	NA	Not Applicable	NA
	R2.1		Notifications must be made by telephoning the Environment Line service on 131 555.	No reportable incidents during reporting period.	NA	NA	NA	Not Applicable	NA
	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.	No reportable incidents during reporting period.	NA	NA	NA	Not Applicable	NA
R3 Written Report									
EPL	R3.1		Where an authorised officer of the EPA suspects on reasonable grounds that:	OEHL has not requested any reports. When an event that may cause	Verbal assurance from Alex Chalk that PKCT	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			(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.	material harm occurs, PKCT reports this by phone to OEH. For example PKCT reported excessive rainfall in the weeks prior to the audit.	complies with this condition.				
EPL	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.	OEH has not requested any reports. When an event that may cause material harm occurs, PKCT reports this by phone to OEH. For example PKCT reported excessive rainfall in the weeks prior to the audit.	NA	NA	NA	Not Applicable	NA
EPL	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.	OEH has not requested any reports. When an event that may cause material harm occurs, PKCT reports this by phone to OEH. For example PKCT reported excessive rainfall in the weeks prior to the audit.	NA	NA	NA	Not Applicable	NA
EPL	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.	OEH has not requested any reports. When an event that may cause material harm occurs, PKCT reports this by phone to OEH. For example PKCT reported excessive rainfall in the weeks prior to the audit.	NA	NA	NA	Not Applicable	NA
Pollution Studies and Reduction Programs									
U2 PRP 7: Green and Golden Bell Frog Management Plan									
EPL	U2.1	Green and Golden Bell Frog Management Plan	Port Kembla Coal Terminal must develop and implement a Green and Golden Bell Frog Management Plan for the site in consultation with DECC.	GGBFMP states that plan was created in consultation with OEH. Evidence of consultation with OEH was only in the form of emails from PKCT submitting GGBFMP to OEH, rather than dialogue and emails between the two during its formulation. Since submission to Paul Wearne at OEH on 30/6/09, ongoing liaison has been undertaken with OEH as referenced in emails to Jennifer Byrne and Paul Wearne, and Dennis Pascall.	GGBFMP - Section 2 - Scope Email from Alex Chalk (PKCT) to Paul Wearne (OEH), 30/6/2009, 4:45pm, sending OEH copy of GGBFMP. Email from Alex Chalk (PKCT) to Jennifer Byrne and Paul Wearne (OEH), 27/1/2011, streamlined GGBFMP sent to OEH	PKCT	Alex Chalk - Risk Manager	Compliance	Keep records of all conversations and consultation with OEH during creation of management plans.

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
					for comment. Email from PKCT to Dennis Pascall at OEH 10/9/10 regarding GGBFMP and lagoon.				
			The licensee must engage a suitably qualified ecologist to assist in the development of the plan.	Dr. Arthur White and Biosphere Environmental Consultants were engaged in June 2008 to assess the site and recommend further action for PKCT.	GGBFMP Section 6 - Background	PKCT	Alex Chalk - Risk Manager	Compliance	NA
			The Plan must be developed in accordance with Appendix 3 of the 'Draft Recovery Plan: Green and Golden Bell Frog (Lesson 1829) Recovery Plan' (DECC 2005), Best Practice Guidelines: Green and Golden Bell Frog Habitat (DECC 2008) and the associated actions in the NSW Priorities Action Statement.	Some elements of the Best Practice Guidelines have been included in the Plan, but the document does not cover all information required, nor does it follow the template.	GGBFMP Draft Recovery Plan: Green and Golden Bell Frog (Lesson 1829) Recovery Plan	PKCT OEH website	Alex Chalk - Risk Manager	Partial Compliance	Modify the GGBFMP to ensure that the Best Practice Guidelines have been included in the Plan, and that the Plan follows the template.
			The Plan must include, but need not be limited to: 1. Identification of any known or likely populations/ habitats of the Green and Golden Bell Frog on the premises; 2. For areas of known habitat, identification of any actual or potential threats from pollution on these populations and habitats; 3. For areas of known habitat, identification of appropriate actions to prevent or minimise these threats; 4. Details of how the licensee will monitor and report on the effectiveness of the management plan; 5. Recommendations on the management of the Green and Golden Bell Frog and its known and likely habitats, including timelines for any identified actions or works recommended.	The Plan evolves depending on observations. No recent sightings of GGBFs. No evidence of breeding or foraging habitat on site, rather just shelter. PKCT reviews the GGBFMP internally and have re-submitted the plan since the first version. Liaison with OEH occurs.	GGBFMP - Sections 6, 7.1 GGBFMP - Section 7.7 Hazards to GGBFs GGBFMP Section 7.8, 7.9, 7.10, 8, 8.1 GGBFMP Sections 7.8, 7.9, 7.10 and 7.11 Biosphere's Plan of Management GGBF for PKCT.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
			The plan must be developed and implemented by 30 June 2009	Submitted to OEH on 30/6/09.	Email from Alex Chalk (PKCT) to Paul Wearne (OEH), 30/6/2009, sending OEH copy of GGBFMP.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
U3 Identify options to improve the performance of the stormwater pollution control system									
EPL	U3.1		To improve the effectiveness of the stormwater pollution control system at the Port Kembla Coal Terminal. To ensure that all parts of the stormwater pollution control system are maintained in good working order, to maximise the removal of coal fines prior to the discharge of stormwater to the harbour.	Objectives of the condition only.	NA	NA	NA	Not Applicable	NA
	U3.2		By 31 August 2010 the licensee must have cleaned out all infrastructure associated with the stormwater quality control system. The licensee must notify the EPA in writing when this requirement has been completed.	Extension requested in letter dated 10/9/2010. No evidence to confirm that extension was granted by OEH. Cleaning was in progress as at September 2010. Email from PKCT to Dennis Pascall regarding not de-silting lagoon 22/11/10.	Letter to Dennis Pascall (OEH) from Peter Green (PKCT), 10/9/2010, discussing meeting and proposed EPL condition. Email from Alex Chalk to Dennis Pascall at OEH 22/11/10.	PKCT	Alex Chalk - Risk Manager	Unable to Verify	NA
	U3.3		The licensee must engage consultants with recognised and relevant expertise and experience in stormwater management to assist the licensee in conducting a detailed	Email to OEH, 31/3/2010, regarding engagement of CFR to conduct study.	Cardno Rigby's Stormwater Pollution Management Review	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			review of the stormwater quality control system's effectiveness.						
	U3.4		The review must include consideration of the benefits of the 'treatment train' approach to assist upstream treatment processes. Note: (i) The treatment train approach uses upstream treatment measures and associated infrastructure to progressively minimise the amount of coal fines reaching the settlement lagoon and final discharge point. A 'treatment train' approach is often more effective than an 'end of pipe' approach. (ii) The consideration should include both maintenance regimes as well as opportunities to upgrade the design of sediment ponds in the catchment.	Outlined in Section 5.2. Two treatment train approaches investigated, and not recommended. Rather improvement of pollution control at settlement lagoon preferred by CFR report.	CFR report - review scope	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	U3.5		The review must consider upgrades to the settlement lagoon such as, but not limited to the installation of baffles to increase the settling effectiveness of the lagoon.	Baffles discussed in Section 5.1.3 of the CFR report. Baffles predicted to be effective in improving stormwater system. Upgrades other than baffles included throughout report, summarised in Section 6.	CFR report - review scope	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	U3.6		The review must consider the cleaning out of accumulated coal fines and flocculent from the bottom of the settlement lagoon.	Discussed in Section 4.2 of report.	CFR report - review scope	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	U3.7		The review must consider improvements to the stormwater pollution control system that would assist maintenance and cleanout.	Covered throughout report.	CFR report - review scope	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	U3.8		The report must demonstrate that procedures developed for the maintenance of the settlement lagoon minimise impacts on the Green and Golden Bell Frog (<i>Litoria aurea</i>). (For example: Where practicable, maintenance tasks should be scheduled for winter months.)	Cardno report does not include mention of the GGBF; however, the GGBF Management Plan does include maintenance strategies which minimise impact on the species.	GGBFMP Section 7.6 Water Management on PKCT's site	PKCT	Alex Chalk - Risk Manager	Compliance	
	U3.9		By 31 August 2010 the licensee must submit a report to the EPA covering, but not limited to all of the requirements of this pollution reduction program.	Meeting held between CFR/PKCT/OEH on 24.8/2010 to discuss the CFR report, and suggestions for the improvement of the stormwater pollution system. CFR report was forwarded to OEH on 12/8/2010.	Letter to Dennis Pascall (OEH) from Peter Green (PKCT), 10/9/2010, discussing meeting and proposed EPL condition.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
U4 Completed PRPs									
EPL	U4		Completed PRPs (listed by PRP #)	Complete	NA	NA	NA	Not Applicable	NA
			1. Installation of additional dust controls for difficult coal types - November 2004	Complete	NA	NA	NA	Not Applicable	NA
			2a. Implement a new pond cleaning program - 15 September 2006	Complete	NA	NA	NA	Not Applicable	NA
			2b. Implement effective water sampling technology, systems and arrangements - 31 December 2006	Complete	NA	NA	NA	Not Applicable	NA
			2c. Implement improvements to the Chemical Dosing Unit - 31 December 2006	Complete	NA	NA	NA	Not Applicable	NA
			2d. Undertake an audit of the systems implemented in PRP 2, and report on the effectiveness - 31 January 2007	Complete	NA	NA	NA	Not Applicable	NA
			3. Investigate further dust control techniques for difficult coal types - 30 June 2008	Complete	NA	NA	NA	Not Applicable	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			4. Investigate options to minimise the spillage of coal from maintenance activities at berth 102 - 2 April 2009	Complete	NA	NA	NA	Not Applicable	NA
			5. Reuse of treated effluent from the Coniston STP in dust control - 30 June 2009	Complete	NA	NA	NA	Not Applicable	NA
Statement of Commitments (SoC)									
SoC		Water Management	Reduction in freshwater use on site to be achieved through the implementation of recycled water (Tertiary Treated Effluent) for dust suppression on stockpiles and other non-domestic uses e.g. fire, spillage wash down, conveyor sprays. Staged approach to be implemented which will result in a 360 Megalitre per annum reduction by the end of 2010.	Water Savings Action Plan and Recycled Water Management Plan outline reductions in water use on site. From 510ML to 160ML, thereby 350ML per annum reduction.	Signage observed onsite regarding the use of recycled water on site. Water Savings Action Plan July 2007 Recycled Water (Industrial & Irrigation) - Wollongong Stage 2 Recycled Water Scheme Compliance Monitoring	PKCT	Alex Chalk - Risk Manager	Compliance	NA
		Community Relations	Continued operation of the PKCT Community Consultative Committee.	CCC continues.	Interim EMR 2011.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
			Continued advertisement and operation of the telephone hotline.	Hotline provided on PKCT website	PKCT website	PKCT	Alex Chalk - Risk Manager	Compliance	NA
		Environmental Monitoring	Development and implementation of a management plan which documents the environmental monitoring requirements for PKCT.	EMS prepared and documents monitoring requirements, results and trends.	EMS	PKCT	Alex Chalk - Risk Manager	Compliance	NA
		Environmental Management System	PKCT will continue to be certified to ISO 14001 and will be externally audited against the certification criteria on an annual basis.	Annually audited and certification current.	ISO 14001 Certificate of Approval.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
		Greenhouse Gases	PKCT to review onsite electricity use and identify and implement economically viable opportunities for reduced electricity usage.	ESAP contains plans to reduce electricity usage on site.	Energy Savings Action Plan annual reports.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
		Landscaping	Improve onsite soft landscaping through the planting of trees on the road receival earth bund and along the northern site boundary.	Landscaping along northern site boundary has occurred.	Landscape Management Plan; onsite observations.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
		Flora and Fauna	Implement Interim Management Plan.	IMP implemented.	Interim Management Plan	PKCT	Alex Chalk - Risk Manager	Compliance	NA
			Undertake a GGBF Survey and then develop a Long Term Plan of Management.	GGBFMP developed, and surveys undertaken by frog expert.	GGBFMP	PKCT	Alex Chalk - Risk Manager	Compliance	NA
		Waste	Minimise waste generated at the site to reduce the volume of waste requiring disposal to landfill.	PKCT conducts waste minimisation meetings. Inspections of waste receptacles occur quarterly. Waste Management Plan and Transpacific initiatives aim to minimise waste generated through a number of sources.	AEMR Attachment C - Waste Report WMP Section 7.4 - Management Strategy, Effectiveness and Improvement - waste minimisation meetings; Section 9 - Monitoring Environmental Recovery Services - Workshop Waste Management Program Transpacific PKCT Site Walk Through Presentation 10/11/2010	PKCT	Alex Chalk - Risk Manager	Compliance	NA
			Prevent dispersal of waste from the site to receiving environments.	Verbal assurance given that waste from site is contained.	AEMR Attachment C - Waste Report WMP Section 7.4 -	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
					Management Strategy, Effectiveness and Improvement - waste minimisation meetings; Section 9 - Monitoring Environmental Recovery Services - Workshop Waste Management Program Transpacific PKCT Site Walk Through Presentation 10/11/2010				
			Develop a Waste Management Plan for the site.	Completed 15.2.2011	Waste Management Plan 15/2/2011	PKCT	Alex Chalk - Risk Manager	Compliance	NA
PKCT Driver's Code of Conduct									
DCC	7	Incident Management and Reporting	Drivers must contact the RTA TMC 131700 and their shift supervisor/PKCT Control Tower as soon as the stranded vehicle is safely secured, as per flow-chart.	No incidences are known to have occurred.	NA	NA	Alex Chalk - Risk Manager	Not Applicable	
			Spills - if there is a product spill while loading/unloading or en route the driver must: - Immediately warn persons in the area who may be at risk. If there is flammable material all people they should be warned. - Inform the Shift Supervisor/PKCT Control Tower immediately. All spills must be adequately cleaned up and waste disposed of in an acceptable environmental manner. - Put out warning triangles where it is safe to do so.	No instances of product spill during Truck Driver Observations period. No other documented monitoring cited.	Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale - Planning Manager	Not Applicable	
DCC	8	Compliance Monitoring	DCC to be reviewed after 12 months of operation. Subsequent reviews as agreed by relevant parties.	Version 3 (20 February 2009) is latest revision of DCC provided to AECOM.	PKCT Drivers Code of Conduct (V3, 20/2/2009)	PKCT	Mark Beale - Planning Manager	Non Compliance	Review and update DCC as necessary based on audit recommendations.
			In addition to the above audits, formal observations will be made of compliance by the haulage companies, client mines and PKCT.	PKCT Critical Task Coach and Observation Sheets completed. Haulage companies/mines provide monthly summaries of compliance with portions of DCC, though only cited documentation from Bulktrans.	PKCT CTO cited for 30.9.10, 1.10.10, 17.11.10. PKCT monthly report Feb 2011. Bulktrans Monthly Report (February 2011).	PKCT	Mark Beale - Planning Manager	Partial Compliance	PKCT to coordinate and collate documentary evidence of audits/monitoring undertaken by signatories and Transport Providers to the DCC.

IEA Protocol – Air Quality

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
Minister's Conditions of Approval (MCoA)									
MCoA	3.7	Impact Assessment Criteria	<p>The Proponent shall ensure that dust generated by the project does not cause additional exceedances of the criteria listed below at any residence.</p> <p>Long term impact assessment criteria for particulate matter: Total suspended particulate (TSP) matter: 90 µg/m³ (over an annual averaging period) Particulate matter < 10 µm (PM10): 30 µg/m³ (over an annual averaging period)</p> <p>Short term impact assessment criteria for particulate matter: Particulate matter < 10 µm (PM10): 50 µg/m³ (over a 24 hour averaging period)</p> <p>Long term impact assessment criteria for deposited dust: Deposited dust: maximum increase in deposited dust level: 2 g/m²/month; maximum total deposited dust level: 4 g/m²/month (over an annual averaging period)</p>	<p>PKCT is to ensure that dust generated by the project does not cause additional exceedances of various criteria. This is difficult to assess as PKCT is located within a complex industrial area with many contributing industries. Monitoring results are therefore a collection of air pollutants from many sources. PKCT use wind direction, wind strength and particle size to evaluate their contribution to the recorded result. Use of terms such as "minimal contribution", "moderate contribution", "contribution may have been significantly lower" and "PKCT was unlikely to have contributed to the elevated dust levels", etc. are used to assess PKCT's contribution to the result recorded.</p> <p>PKCT also monitor using on-site and off-site locations. On-site locations for DDG's monitor show dust levels well in excess of defined criteria. Some off-site results e.g. TSP (3, 4 and 9 December 2011), PM10 (1, 3, 4, 9 December 2011) and DDG P10 (Dec 2011) exceed defined criteria, however the evaluation process used reduces the likelihood of significant contribution from PKCT. The modelling undertaken by Katestone as part of the EA suggests that the isolated contribution from the increased coal receipt would be minimal. Existing background levels (with existing PKCT and other industrial contributions) were generally high. OEH are aware of the assessment difficulties and have not included criteria in PKCT's EPL. They do not review on-site levels but rely on off-site results with evaluated contribution evidence.</p>	<p>Air Quality Assessment of increased road receipt hours at Port Kembla Coal Terminal, May 2008. Katestone Environmental. Port Kembla Coal Terminal Monthly Air Quality Monitoring Report for DP&I Approval Conditions, December 2010. Katestone Environmental.</p>	<p>PKCT Conversation with Dennis Pascall at OEH (28/3/11)</p>	<p>Alex Chalk - Risk Manager Dennis Pascall - OEH</p>	<p>Unable to Verify</p>	<p>Unable to verify compliance with dust generation criteria due to the complexity of the PKCT location. PKCT do attempt to understand their contribution.</p>
MCoA	3.8	Operations	<p>The Proponent shall:</p> <p>(a) ensure any visible air pollution generated by the project is both minimised and recorded, and that operations are modified as required to minimise any resultant air quality impacts on nearby residences;</p> <p>(b) ensure that the real-time air quality monitoring and meteorological monitoring data is assessed regularly; and</p> <p>(c) where dust is generated by the project, that operations are modified and/or stopped as required to ensure compliance with the relevant air quality criteria to the satisfaction of the Director-General.</p>	<p>(a) PKCT unable to produce "recorded" information on "visible air pollution". Discussions with a terminal operator (Aiden Beath) confirmed that visible emissions are observed and acted upon including discussion during shift handover. Copy of shift actions also observed (PR.HSEC.31.39). Operations are modified subject to dust emissions (as per discussion with Alex Chalk and Aiden Beath) however no recorded information could be presented.</p> <p>(b) Real time air quality monitoring and meteorological monitoring data is assessed regularly as per daily evaluation of meteorological conditions by terminal operators and reviewed in monthly reports including wind speed, wind direction and</p>	<ul style="list-style-type: none"> Port Kembla Coal Terminal Monthly Air Quality Monitoring Report for DP&I Approval Conditions, December 2010. (Katestone Environmental) 'Environmental Control - Start of Shift Check/Ongoing Monitoring' tower procedure (PR.HSEC.31.39) 	<p>PKCT</p>	<p>Alex Chalk Aiden Beath</p>	<p>Non Compliance</p>	<p>PKCT to establish a record of visible air pollution and documentary evidence showing operational modification. PKCT should seek Director-General's formal acceptance of operational modification procedure.</p>

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				<p>monitored dust results.</p> <p>(c) Modification of operations is inherent in PKCT's operation however no recorded evidence was presented. No evidence that the operational modification protocol has been accepted by the Director-General.</p>					
	3.9		<p>During carrying out of the project, the Proponent shall ensure that:</p> <p>(a) all loaded trucks entering or leaving the site have their loads covered; and</p> <p>(b) trucks associated with the project pass through a truck wash before entering the public road network to the satisfaction of the Director-General.</p>	<p>Site observations confirmed that trucks entering the site had their loads covered. Truck Driver Observations Summary Report indicated 6 instances of no load cover or partial load exposure on entering PKCT site. Some discussion on covering of "loads" leaving the site. As trucks leaving the site are empty they have no load therefore PKCT do not require to be covered.</p> <p>Site observations confirmed that trucks pass through the truck wash. No evidence offered to confirm that this was to the satisfaction of the Director-General.</p>	Truck Driver Observations Summary Report (14/10/09).	Site observation	Alex Chalk - Risk Manager	Compliance	PKCT should seek the Director-General's satisfaction with truck washing protocol.
MCoA	3.10.	Air Quality Monitoring Program	<p>The Proponent shall prepare and implement an Air Quality Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be developed in consultation with DECC;</p> <p>(b) be submitted to the Director-General for approval within 6 months from the date of this approval, or as otherwise agreed by the Director-General; and</p> <p>(c) include:</p> <ul style="list-style-type: none"> • real-time sampling to monitor the dust emissions of the project; • an air quality monitoring protocol for evaluating compliance with the air quality impact assessment criteria in this approval; and • reasonable and feasible best practice emission mitigation measures to ensure project specific assessment criteria are met. 	<ul style="list-style-type: none"> • Letter from the DP&I dated 25/03/2010 viewed. The letter referred to letters from PKCT dated 2 and 11 March 2010 and stated that the Director-General approved the Noise Monitoring Program, Air Quality Monitoring Program and the Driver's Code of Conduct Improvement Program. • OEH were consulted concerning the development of the monitoring program (OEH letter dated 19/11/2009 attached to DP&I letter of 10/12/2009). • Air Quality Management Plan and Monitoring Program (10/12/2009) – includes real time monitoring and protocols. The program was not specific with respect to reasonable and feasible best practice emissions mitigation measures" and could be improved. DP&I did however approve the document. <p>Review of Air Quality Management Plan commitments:</p> <ul style="list-style-type: none"> • Section 5.3 – AQMP was submitted (10/12/2009) with 6 months of the project approval (12/06/2009) • Air Quality Controls (page 10/26) – Stockpile spray system – manual controls were confirmed during discussion with operations controller – Aidan Beath – during site inspection • Road Cleaning (page 10/26) – observed road receival (no dust emissions), Rail receival (non operational), covered loading conveyors, wind guards on stockyard conveyor, truck washing station with sprays operational, variable height stackers (no dust), stockpile sprays (not operating as wind speed low and coal wet – no emissions) 	<ul style="list-style-type: none"> • Letter from DP&I dated 25/03/2010 • Letter from DP&I dated 10/12/2009 • Air Quality Management Plan and Monitoring Program • Critical Task Observations • Internal Audit • ISO 14001 External surveillance audits • BHPB HSEC self assessments and external audit 	PKCT Site observations	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				<ul style="list-style-type: none"> • Main control room personnel demonstrated awareness and action with respect to weather monitoring (page 11/26) • Trucks observed tarped and using truck wash (page 11/26) • Section 8.1 – Viewed NATA certification of SGS analysis report December 2010 (NATA Reg. 1397 and 2562) • Section 8.2 – Monitoring sites as detailed in this section are being reported. • Section 8.3.4-8.3.6 – Protocols defined are being utilised (See Katestone December 2010 Monthly Air Quality Monitoring report) • Section 8.4 – Program is being implemented by suitably qualified service providers and consultants (SGS and Katestone) • Section 9.1 – Reporting – viewed various reports as required. • Section 9.2 – Audits as detailed were partially available for review. 					
MCoA	3.11	Meteorological Monitoring	During the life of the project, the Proponent shall ensure that there is a suitable meteorological station on or in the vicinity of the site that generally complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	PKCT operates 2 continuous meteorological monitoring sites at the northern and southern continuous particulate monitoring sites. The stations “generally comply” with DECC's Approved Methods.	<ul style="list-style-type: none"> • Port Kembla Coal Terminal Monthly Air Quality Monitoring Report for DP&I Approval Conditions, December 2010. Katestone. • Air Quality Management Plan and Monitoring Program. PKCT (10/12/2009) • Annual Environmental Management Report 2009/2010 	PKCT	Alex Chalk - Risk Manager	Compliance	NA
Environment Protection Licence (EPL)									
Discharges to air and water and applications to land									
EPL	O3.1	Dust	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	<p>Site observations verified that the premises on the day were being maintained in a condition which minimises emission of dust. Observed road receipt (no dust), rail receipt (no dust), stockpiles (no dust), coal receipt to stockpile (no dust), internal roads (no dust), conveyors transferring coal (no dust) and coal loading to ship (no dust).</p> <p>Inspection identified some carryover of wash water from the truck wash station which on drying generated fine dust. Trucks were raising a small amount of dust. Truck wash station was generating a fine mist which was blowing 50-70 metres away from the station. The inspection also identified areas of potential dust emission i.e. old stockpile area, coal covered areas beneath transfer conveyors (eastern side of site), sludge drying out areas</p>	Site-based observations only.	PKCT Site observations Conversation with Dennis Pascall at OEH (28/3/11)	Dennis Pascall – OEH Alex Chalk – Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				adjacent to site stormwater collection ponds, rail unloader coal carry through and bypass lane at truck dump station. Discussion with OEH referred to dust generated by carry through of truck wash water, No. 1 loader stockpile area and dry coal receipt.					
EPL	O3.2	Dust	Activities occurring in or on the premises must be carried out in a manner that will minimise the generation or emission, of windblown or traffic generated dust.	Site observations verified that the activities occurring on site i.e. road receipt, coal stockpiling, coal transfer, ship loading, on-site road traffic and truck washing, were being carried out in a manner that minimised generation of emissions of windblown or traffic generated dust. The carryover of truck wash water and its subsequent drying on the road outside of the site was generating a small amount of dust. The potential for dust generation exists with activities carried out on No. 1 loader stockpile area, coal covered areas beneath transfer conveyors (eastern side of premises), sludge dry out areas adjacent to stormwater collection ponds, rail unloader coal carry through and on the bypass lane of the truck receipt station.	Site-based observations only.	PKCT Site observations Conversation with Dennis Pascall at OEH (28/3/11)	Dennis Pascall – OEH Alex Chalk – Risk Manager	Compliance	NA
EPL	P1.1	Location of monitoring/dischARGE points and areas	The following points (ordered by EPA ID numbers) referred to 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. 1. Dust deposition gauge 25 m south of Bulk Products Berth (BPB) labelled as 'P1' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA 2. Dust deposition gauge 40 m south of the Bulk Products Berth's east stockyard labelled as 'P2' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 3. Dust deposition gauge 40 m east of Bulk Products Berth's east stockyard labelled as 'P3' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 4. Dust deposition gauge 40 m east of coal berth stockyard labelled as 'P4' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 5. Dust deposition gauge Northern Pond (No 1 Pond) labelled as 'P5' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 6. Dust deposition gauge 40 m west of coal berth stockyard labelled as 'P6' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 7. Dust deposition gauge 250 m west of coal berth stockyard labelled as 'P7' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 8. Dust deposition gauge PKCT north Truck wash labelled as 'P8' on map titled 'Dust Monitor	The locations of monitoring points are as per the condition requirement. Some sites are for internal operational performance. Others monitor impact on residential premises.	<ul style="list-style-type: none"> Environmental Management Systems PKCT – 10/12/2009 Port Kembla Coal Terminal Monthly Air Quality Monitoring Report for DP&I Approval Conditions, December 2010 Port Kembla Coal Terminal, Environmental Report, December 2010. SGS PKCT Annual Return Report Attachment 'A' Port Kembla Coal Terminal Dust and Weather Monitoring Locations – 14/03/2011 Annual Environmental Management Report 2009/10 	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			Locations 18 May 2010' submitted to EPA. 9. In Sydney Water's STP labelled as 'P9' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 12. Dust deposition gauge at 157 Church St Wollongong labelled as 'P12' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 15. Dust deposition gauge north of PKCT planning office labelled as 'P15' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 17. Dust deposition monitoring 200 m north A.I.S. RO RO berth labelled as 'P13' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 18. Dust deposition monitoring 173 Corrimal St. labelled as 'P10' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA. 19. Dust deposition monitoring Vikings Oval labelled as 'P11' on map titled 'Dust Monitor Locations 18 May 2010' submitted to EPA.						
EPL	M2.1	Monitoring concentration of pollutants discharged	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 below. The licensee must use the sampling method, units of measure, and sample at the frequency, also specified below: Point 1: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 2: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 3: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 4: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 5: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 6: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 7: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 8: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method. Point 9: Particulates (deposited matter) in g/m2/month on a monthly basis using AM-19 sampling method.	PKCT is required to undertake Dust Deposition monitoring using AM-19 method on a monthly basis at the 14 defined monitoring locations. AM-19 is equivalent to AS 3580.10.1 – 1991. SGS is undertaking dust deposition monitoring and reporting the results on a monthly basis to PKCT.	<ul style="list-style-type: none"> Report WV00181 SGS – Port Kembla Coal Terminal – December 2010. 	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			Point 12: Particulates (deposited matter) in g/m ² /month on a monthly basis using AM-19 sampling method.						
			Point 15: Particulates (deposited matter) in g/m ² /month on a monthly basis using AM-19 sampling method.						
			Point 16: Total suspended solids (TSS) in mg/L on a daily basis during any discharge using a grab sample sampling method.						
			Point 17: Particulates (deposited matter) in g/m ² /month on a monthly basis using AM-19 sampling method.						
			Point 18: Particulates (deposited matter) in g/m ² /month on a monthly basis using AM-19 sampling method.						
			Point 19: Particulates (deposited matter) in g/m ² /month on a monthly basis using AM-19 sampling method.						
M3 Testing methods - concentration limits									
EPL	M3.1	Testing methods - concentration limits	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 2002 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".	Monitoring for dust deposition is undertaken using AM-19 (AS 3580.10.1 – 1991). No variation has been requested by PKCT.	Report WV00181 SGS – Port Kembla Coal Terminal – December 2010.	PKCT	Alex Chalk	Compliance	NA
	M3.2		Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Monitoring by SGS on behalf of PKCT is undertaken in accordance with Approved Methods Publication. No variation has been requested by PKCT.	Report WV00181 SGS – Port Kembla Coal Terminal – December 2010.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	M4.1		The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	PKCT maintains all complaints electronically. Complaints are maintained indefinitely. Complaints are detailed in the AEMRs.	PKCT Annual Environmental Management Report 2009/2010 – 29 July 2010.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	M4.2		The record must include details of the following: (a) the date and time of the complaint; (b) the method by which the complaint was made;	The PKCT AEMR provides the details required and the action taken. Stakeholder Complaints and Enquiries Register details nature of	PKCT Annual Environmental Management Report	PKCT	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			(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.	complaint, date, time and contact. It records if action was taken, but does not specify what action was taken. The register also recognises whether the complaint is still 'open' or 'closed' after action has been taken, but does not record the reasons for not undertaking action. Register links to external action documents. Complaint handling cited for dust complaint on 23/1/10: email from resident to Peter Green (24/1/10), email from A Chalk to PKCT management (25/1/10), email from A chalk to OEH on 30/1/10 with report prepared by Katestone Environmental attached.	2009/2010. Stakeholder Complaints and Enquiries Register. Email from resident (24/1/10), email from A Chalk to PKCT management 25/1/10, email and attachment to OEH 30/1/10.				
	M4.3		The record of a complaint must be kept for at least 4 years after the complaint was made.	PKCT has verbally confirmed that records of complaints are kept indefinitely.	Verbal evidence only.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
	M4.4		The record must be produced to any authorised officer of the EPA who asks to see them.	PKCT has verbally confirmed that records of complaints are available for review by any authorised officer of the EPA.	Verbal evidence only.	PKCT	Alex Chalk - Risk Manager	Compliance	NA
Pollution Studies and Reduction Programs									
U1 PRP 6: Dust Management Improvement									
EPL	U1.1	Dust Management Improvement	This PRP aims to identify ways of improving the effectiveness of dust management and minimising dust emissions.	PKCT has a series of Pollution Studies and Reduction Programs. U1.3 and U1.4 are noted in the EPL as having been completed. U1.1 identifies the Dust Management Program background (with no compliance timeframe). Viewed a letter from Peter Green to OEH dated 29 June 2010 (in compliance with the EPL deadline of 30 June 2010) detailing studies into dust control strategies. An email dated 16 July 2010 provided additional information in the form of an Excel spreadsheet titled PKCT Report: Study into Dust Control Methodology. The information contained is detailed and would be anticipated to comply with OEH requirements, though no confirmation has been provided. Further information was provided and reviewed: • Dust Improvement Plan (25 May 2010) • PKCT Business Plan: Dust Improvement Plan (10 August 2010) • Permission to Obtain Coal Material Characteristics	<ul style="list-style-type: none"> Letter to OEH dated 29 June 2010 Email to OEH dated 16 July 2010 Dust improvement plan 25 May 2010 PKCT Business Plan: Dust Improvement Plan (10 August 2010) Permission to Obtain Coal Material Characteristics (8 March 2011) 	PKCT	Alex Chalk - Risk Manager	Compliance	NA
EPL	U1.2		Undertake a study to further investigate the benefit and economic viability of dust improvement strategies such as dust extinction moisture management and use of veneers on stockpiles.	PKCT engaged Introspec Consulting to prepare 'Proposed strategy To reduce dust emission From terminal operations' report which	Introspec Consulting 'Proposed Strategy To Reduce Dust Emission	NA	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			Provide a report on the findings of the study to the EPA by 30 June 2010. Due: 30 June 2010	investigated and reviewed dust management strategies based on experience at other similar coal terminals, and included an indicative 'costing of recommended investigative work', and 'Review of Available Agglomeration and Veneering Chemicals' (20/10/10).	From Terminal Operations' report 16 April 2007. Introspec Consulting 'Review of Available Agglomeration and Veneering Chemicals' (20/10/10).				
EPL	U1.3		Collect dust emission data from the two continuous dust monitors and analyse and assess the benefits of the data. Provide a report the data and the findings of the assessment to the EPA by 30 June 2009. Due: 30 June 2009. Completed.	EPL states that this condition has been completed.	EPL 1625	OEH website	Alex Chalk - Risk Manager	Compliance	NA
EPL	U1.4		Review the effectiveness of the licensee's dust emissions monitoring program and report the findings to the EPA by 30 June 2009. The report must include the following: a) A review of the value of the continuous monitors in terms of their ability to compliment dust deposition data and their ability to compliment dust management. b) Evidence that the licensee has consulted other port users monitoring dust deposition to avoid duplication of sampling locations. c) A proposed final plan for monitoring dust deposition in affected areas around the premises and on-site as well as an implementation timeline for the proposed final plan. Due: 30 June 2009. Completed	EPL states that this condition has been completed.	EPL 1625	OEH website	Alex Chalk - Risk Manager	Compliance	NA
Statement of Commitments (SoC)									
SoC		Air Quality	Installation of two continuous dust monitors to monitor airborne dust emissions.	PKCT has installed 2 dust monitoring systems as reported in the Monthly Air Quality Monitoring Report 2010.	PKCT Monthly Air Quality Monitoring Report for DP&I Approval Conditions, December 2010 (Katestone Feb 2011).	PKCT Site observations	Alex Chalk - Risk Manager	Compliance	NA
SoC			Maintain appropriate dust suppression systems on site to effectively manage dust both on stockpiles and roadways.	PKCT has installed 2 dust monitoring systems as reported in the Monthly Air Quality Monitoring Report 2010. Site observations confirmed appropriate dust suppression systems have been installed to effectively manage dust on stockpiles and from internal roadways.	PKCT Monthly Air Quality Monitoring Report for DP&I Approval Conditions, December 2010 (Katestone Feb 2011).	PKCT Site observations	Alex Chalk - Risk Manager	Compliance	NA
PKCT Driver's Code of Conduct									
	6	PKCT Road Delivery Standards	Load covering - All trucks delivering to PKCT are required to have an effective cover on their load for the duration of the trip. The load cover may be removed upon arrival at the PKCT road receival area.	Critical task observation checklists indicate 'safe' level of load covering. All trucks entering PKCT site during Site Audit had covers on. Truck Driver Observations Summary Report indicated 6 instances of no load cover or partial load exposure on entering PKCT site.	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report 28/09/09 to	PKCT Site observations	Alex Chalk - Risk Manager	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
					12/10/09.				
			Truck Wash - All trucks are to pass through a truck wash when leaving the client mine and also after tipping at PKCT, before leaving the site. Any excess coal that is on the body must be cleaned off on site.	Drivers pass through wheel wash at PKCT, though no evidence of wheel wash use at client mines (except at NRE via Brindles tool box talk and presentation, and Illawarra Coal via heavy haulage driver induction). Drivers manually hose coal off draw-bar at PKCT northern truck wash, but not all material removed, on every occasion. Evidence of a very small amount of spillage in centre of lane on Springhill Road during Site Audit. Slow speed observed through truck wash, though no formal documentation cited which monitors this.	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Brindles Tool Box Talk (January 2011) and presentation. Illawarra Coal Heavy Haulage Induction (undated).	PKCT Site observations	Alex Chalk - Risk Manager Mark Beale - Planning Manager	Partial Compliance	Develop a system to monitor speed through the truck wash. PKCT to coordinate the client mines to establish compliance with use of client mine's truck wash.

IEA Protocol – Noise

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
Minister's Conditions of Approval (MCoA)									
Schedule 3 - Specific Environmental Conditions									
MCoA	3.1	Impact Assessment Criteria	<p>The Proponent shall ensure that the noise generated by the project at any privately-owned residence does not exceed the criteria specified below for the location nearest to that residence.</p> <p>Corner of Swan and Kembla Streets - Day: 51dB(A); Evening: 50dB(A); Night: 49dB(A)</p> <p>Corner of Swan and Corrimal Streets - Day: 51dB(A); Evening: 50dB(A); Night: 49dB(A)</p> <p>Corner of Keira and Fox Streets - Day: 55dB(A); Evening: 49dB(A); Night: 45dB(A)</p> <p>Notes:</p> <p>a) To determine compliance with the LAeq (15 minute) noise level limits in the above table, noise from the project is to be measured at the most affected point within the residential boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.</p> <p>b) The noise emission limits identified in the above table apply under meteorological conditions of:</p> <ul style="list-style-type: none"> wind speeds of up to 3 m/s at 10 metres above ground level; or temperature inversion conditions of up to 3°C/100m, plus a 2 m/s source-to-receiver component drainage flow wind at 10 metres above ground level for those receivers where applicable in accordance with the NSW Industrial Noise Policy. <p>However, if the Proponent has a written negotiated noise agreement with any landowner of the land listed in Table 1, and a copy of this agreement has been forwarded to the Department and DECC, then the Proponent may exceed the noise limits in Table 1 in accordance with the negotiated noise agreement.</p>	Bi-annual monitoring undertaken by PKCT consultants. The site complied with the appropriate criteria during the attended noise monitoring (March and September 2010). Due to the length of monitoring and planned delivery of materials it is likely that PKCT complies with the appropriate criteria during normal operations. No exceedances recorded, however it is noted that noise monitoring to the north of the terminal has primarily been undertaken during northerly wind conditions.	September 2009 Compliance Monitoring (07355-MP) Version B and March 2010 Compliance Monitoring (07355-NM-1) Version A cited in 2009/2010 Annual Return. Interim EMR 2010/2011 (28/1/11). September 2010 Compliance Monitoring (07355-NM-2) Version A.	PKCT	Mark Beale – PKCT Adam Biolette - WM	Compliance	NA
MCoA	3.2	Noise Monitoring Program	<p>The Proponent shall prepare and implement a Noise Monitoring Program for the project to the satisfaction of the Director-General. This program must:</p> <p>(a) be developed in consultation with DECC;</p> <p>(b) be submitted to the Director-General for approval within 6 months from the date of this approval, or as otherwise agreed by the Director-General; and</p> <p>(c) include a:</p> <ul style="list-style-type: none"> combination of attended and unattended noise monitoring measures; noise monitoring protocol for evaluating compliance with the noise impact assessment criteria in this approval; and reasonable and feasible best practice noise mitigation measures to ensure project specific noise criteria are met. 	<p>a) PKCT verbally advised that OEH was verbally consulted in the development of the noise monitoring program, and received a formal letter from OEH, though not cited.</p> <p>b) DP&I approved plan within 6 months of date of consent in letter (25/3/10).</p> <p>c) Includes attended monitoring, and a protocol for evaluating compliance. The Noise Monitoring Program (Oct 2009) did not include what could be reasonably considered as unattended noise measurements; though WM have advised may be no benefit to project. NMP does not include reasonable and</p>	Letter from DP&I 25/3/10. Noise Monitoring Program (07355-C, Version B, Oct 2009). September 2010 Compliance Monitoring (07355-NM-2) Version A.	PKCT	Mark Beale – PKCT Adam Biolette - WM	Partial Compliance	Maintain records of consultation with OEH. Add discussion to NMP regarding the reasons as to why unattended monitoring is not undertaken.

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				feasible best practice mitigation measures, though criteria have been met.					
MCoA	3.3	Continuous Improvement	The Proponent shall: (a) continue to implement all reasonable and feasible best practice noise mitigation measures; (b) continue to investigate ways to reduce the noise generated by the project, including maximum noise levels which may result in sleep disturbance; and (c) report on these investigations and the implementation and effectiveness of these measures in the AEMR to the satisfaction of the Director-General.	a) Compliant with criteria, such that no material need for additional mitigation measures. b) Noise reduction and sleep disturbance have not been investigated/considered in the compliance noise monitoring or the NMP. PKCT have advised that one significant noise study was undertaken pertaining to new equipment installation, however no documentary evidence was cited. c) The AEMR does not provide details of any investigations or what mitigation measures have been considered.	AEMR 2010/2011; September 2010 Compliance Monitoring (07355-NM-2) Version A.	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Partial Compliance	Incorporate requirement to undertake investigations into continual improvement in NMP, and report findings in AEMR.
Environment Protection Licence (EPL)									
L6 Noise limits									
EPL	L6.1	Noise Limits	The proponent shall ensure that the noise generated by the project at any privately-owned residence does not exceed the limits specified below for the location nearest to that residence. Corner of Swan and Kembla Streets - Day: 51dB(A); Evening: 50dB(A); Night: 49dB(A) Corner of Swan and Corrimal Streets - Day: 51dB(A); Evening: 50dB(A); Night: 49dB(A) Corner of Keira and Fox Streets - Day: 55dB(A); Evening: 49dB(A); Night: 45dB(A) Notes: a) To determine compliance with the LAeq(15minute) noise limits in the above table, noise from the project is to be measured at the most affected point within the residential boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the DECC may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable. b) The noise emission limits identified in the above table apply under meteorological conditions of: • Wind speeds of up to 3 m/s at 10 metres above ground level; or • Temperature inversion conditions of up to 3oC/100m, plus a 2 m/s source-to-receiver component drainage flow wind at 10 metres above ground level for those receivers where applicable in accordance with the NSW Industrial Noise Policy. However, if the proponent has a written negotiated noise agreement with any landowner of the land listed in Table 1, and a copy of this agreement has been forwarded to the Department of Planning and DECC, then the proponent may exceed the noise	Bi-annual monitoring undertaken by PKCT consultants. The site complied with the appropriate criteria during the attended noise monitoring (March and September 2010). Due to the length of monitoring and planned delivery of materials it is likely that PKCT complies with the appropriate criteria during normal operations. No exceedances recorded, however it is noted that noise monitoring to the north of the terminal has primarily been undertaken during northerly wind conditions.	September 2009 Compliance Monitoring (07355-MP) Version B and March 2010 Compliance Monitoring (07355-NM-1) Version A cited in 2009/2010 Annual Return. Interim EMR. September 2010 Compliance Monitoring (07355-NM-2) Version A.	PKCT	Mark Beale – PKCT Adam Biolette - WM	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			limits in Table 1 in accordance with the negotiated noise agreement.						
M10 Noise monitoring									
EPL	M10.1		Noise from the premises must be measured bi-annually (to measure summer and winter levels) via a combination of attended and un-attended noise monitoring measures at the potentially affected premises identified in the Limit Conditions section of this licence.	Bi-annual monitoring has been undertaken at identified residences, and included attended monitoring, though typical unattended monitoring was not undertaken. WM have advised that unattended monitoring is of no benefit to the project.	September 2009 Compliance Monitoring (07355-MP) Version B and March 2010 Compliance Monitoring (07355-NM-1) Version A cited in 2009/2010 Annual Return.	PKCT	Mark Beale – PKCT Adam Biolette - WM	Partial Compliance	Additional information is to be provided during onsite monitoring which details the onsite activities at the time of measurements and to what extent this is consistent with 'normal operations', to support only undertaking attended noise measurements in the future.
EPL	M10.2		The noise monitoring program must be reviewed by the licensee. If no exceedance of the criteria occurs for 6 years and the EPA is satisfied with the review, noise monitoring will not be required to continue.	NA	Six years of monitoring has not yet been undertaken.	NA	Mark Beale - PKCT	Not Applicable	NA
R4 Noise reporting									
EPL	R4.1		The licensee must submit an annual noise report as part of the Annual Return.	Bi-annual monitoring undertaken by PKCT consultants and provided in Annual Return.	September 2009 Compliance Monitoring (07355-MP) Version B and March 2010 Compliance Monitoring (07355-NM-1) Version A cited in 2009/2010 Annual Return.	PKCT	Mark Beale - PKCT	Compliance	NA
EPL	R4.2		The noise report must contain: (a) A comparison of the noise survey results with the noise limits specified in this licence; and (b) The reasons for any exceedances of the noise limits specified in this licence.	Noise reports contain compliance results and no exceedances and provided in Annual Return.	September 2009 Compliance Monitoring (07355-MP) Version B and March 2010 Compliance Monitoring (07355-NM-1) Version A cited in 2009/2010 Annual Return.	PKCT	Mark Beale - PKCT	Compliance	NA
Statement of Commitments (SoC)									
SoC			Ensure that ongoing compliance is maintained to the New South Wales Industrial Noise Policy.	EPL and MCoA criteria compiled in accordance with INP. Monitoring to date has indicated compliance with these criteria.	September 2009 Compliance Monitoring (07355-MP) Version B and March 2010 Compliance Monitoring (07355-NM-1) Version A cited in 2009/2010 Annual Return.	PKCT	Mark Beale - PKCT	Compliance	NA
SoC			Development and implementation of a noise management plan for the PKCT site.	Noise Management Plan prepared, and includes Noise Monitoring Program.	Noise Management Plan and Monitoring Program (MP.HS.387,	PKCT	Mark Beale – PKCT Alex Chalk -	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
					Version 6, 10/12/2009); Noise Monitoring Program (07355-C, Version B, Oct 2009).		PKCT		
Driver's Code of Conduct									
DCC	4	Haulage Routes	Mt Ousley Road - as Mt Ousley Road is close to residential receivers, drivers are requested to limit noise wherever possible.	Drivers sign the DCC at inductions. Illawarra Coal staff induction cited, which includes a general requirement for drivers not to create excessive braking noise so as not to disturb residents. The community is provided an opportunity to report on driver behaviour. Independent Review of Truck Driver behaviour undertaken in October 2010, though did not include monitoring of Mt Ousley Road.	Illawarra Coal Staff Induction; AEMR 2009/2010; Interim EMR 2010/2011. Truck Driver Observations Summary Report (14/10/09). Illawarra Coal Heavy Haulage Induction (undated).	PKCT	Mark Beale - PKCT	Partial Compliance	PKCT (or signatories) to include observations of coal truck noise on Mt Ousley during future monitoring.
			Bellambi Lane - is close to residential receivers, drivers are requested to limit noise wherever possible.	Verbal assurance from PKCT that drivers sign the DCC at inductions, Monthly Report from Brindles (NRE) cited following site audit (dated March 2011), which states that 639 audits for 'brake noise', not stated if specifically related to Bellambi Lane, were undertaken during the month. The community is provided an opportunity to report on driver behaviour. Independent Review of Truck Driver behaviour undertaken in October 2010 though did not cover Bellambi Lane. AEMR cites 2 noise complaints along Bellambi Lane during 2009/2010 reporting period, PKCT advised that a '3 Strikes process' is in place for breaches though no evidence cited.	AEMR 2009/2010; Interim EMR 2010/2011. Truck Driver Observations Summary Report (14/10/09). Brindles Monthly report (March 2011). AEMR (29/7/10).	PKCT	Mark Beale - PKCT Alex Chalk - PKCT	Compliance	Include details regarding 3 Strikes policy for breaches in DCC.
			Masters Road - Compression braking on this route should be avoided due to community disturbance.	Not covered by critical task observation checklist. Compression braking by a small number of trucks observed during Independent Observation period - does not cover observations at Masters Road.	Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale - PKCT	Compliance	PKCT to coordinate expansion of monitoring and inductions by client mines to encompass compression braking on Masters Road.
			Springhill Rd - Compression brakes are not to be used on the approach to the lights at Springhill and Port Kembla Road.	Illawarra Coal staff induction cited, which requires that	Illawarra Coal Heavy Haulage Induction	PKCT	Mark Beale - PKCT	Compliance	Include details regarding 3 Strikes

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				'Compression brakes must not be used on the approach to Port Kembla Rd / Springhill Road lights when entering or exiting PKCT'. Critical task observation checklist states that "Compressions brakes are not to be used on the approach to the lights on Springhill Road unless unsafe". Also monitored over a 1 month period (Truck Driver Observations Summary Report) during which 9 trucks used compression brakes at Springhill Road. PKCT advised that a '3 Strikes process' is in place for breaches though no evidence cited.	(undated). Truck Driver Observations Summary Report 28/09/09 to 12/10/09.		Alex Chalk - PKCT		policy for breaches in DCC. Although condition doesn't require or identify the frequency of monitoring, it is required to shown the level of compliance with this condition. As such, repeat Truck Driver Observations monitoring e.g. annually.
DCC	5	Noise Minimisation Controls	Tailgate Noise - drivers must ensure that following tipping, the tailgate is locked before leaving PKCT.	Illawarra Coal staff induction cited, which requires that 'drivers must ensure that following tipping, the tailgate is locked before exiting the site'. Independent Review of Truck Driver behaviour undertaken in October 2010 - noted tailgate open on 2 trucks leaving site. Not observed during site audit. PKCT advised that a '3 Strikes process' is in place for breaches though no evidence cited.	Illawarra Coal Heavy Haulage Induction (undated). Truck Driver Observations Summary Report (14/10/09).	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Compliance	Include details regarding 3 Strikes policy for breaches in DCC. Although condition doesn't require or identify the frequency of monitoring, it is required to shown the level of compliance with this condition. As such, repeat Truck Driver Observations monitoring e.g. annually.
			Speed hump noise - when traversing the speed hump at the gate of PKCT, drivers are to approach slowly to ensure that excessive noise is not created.	Illawarra Coal staff induction cited, which requires that 'When traversing the speed hump at the gate of PKCT, drivers are to approach slowly to ensure that excessive noise is not created'. No speed hump noise or signage requiring trucks to slow prior to hump observed during site audit. Not covered in Independent Truck Driver Review. Included in Critical Task Observations, though not observed on those cited.	Illawarra Coal Heavy Haulage Induction (undated). PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10).	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Partial Compliance	Speed hump to be re-painted to increase driver awareness and signage installed requiring reduced speeds.
DCC	8	Compliance Monitoring	Regular audits of the DCC will be carried out to monitor performance, particularly in relation to noise minimisation around PKCT.	Audits of the DCC are undertaken on an ad hoc basis, e.g. Critical Task Observations, 1 month Truck Driver Observations Summary	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169)	PKCT	Mark Beale - PKCT	Partial Compliance	Establish an audit/monitoring program for DCC.

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				Report period in 2010.	(17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report (14/10/09).				

IEA Protocol – Traffic Management

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
Schedule 3 - Minister's Conditions of Approval									
Transport									
MCoA	3.4	Monitoring of Coal Transport	The Proponent shall keep records of the amount of coal and bulk products received at the site each year, and include these records in the AEMR.	Volume of coal and bulk products reported in AEMR 2009/2010 and interim reports.	AEMR 2009/2010 - Sections 2.3, 3.2 and Appendix D. Interim Environmental Management Report 2010/2011	PKCT	Alex Chalk - PKCT	Compliance	NA
MCoA	3.5	Traffic Management	The Proponent shall ensure that vehicles waiting to deliver coal or bulk products to the site do not queue or park on public roads other than Port Kembla Road.	Illawarra Coal Heavy Haulage Induction states that 'Queuing is permitted on Tom Thumb Rd and Port Kembla Rd. No queuing is permitted on Springhill Rd'. (NB Tom Thumb Road is a private road). 'Safe' level of queuing on Springhill Road during Critical Task Observations cited. No instances of trucks queuing on Springhill Road cited during 1 month Truck Driver Observations Summary Report period in 2010. Monitoring of queuing on other public roads not cited. AEMR states that this requirement is reviewed as required during the quarterly road user meetings.	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report (14/10/09). AEMR (29/7/10).	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Compliance	Although condition doesn't require or identify the frequency of monitoring, it is required to shown the level of compliance with this condition. As such, PKCT to establish and coordinate an audit programme of truck queuing e.g. monthly.
MCoA	3.6	Driver's Code of Conduct	The Proponent shall, in consultation with affected mines and principal haulage operators, develop a program to implement the Driver's Code of Conduct (see Appendix 3) to the satisfaction of the Director-General. This program must: (a) be submitted to the Director-General for approval within 6 months from the date of this approval, or as otherwise agreed by the Director-General;	Implementation Program for Driver's Code of Conduct submitted more than 6 months from date of approval (12 June 2009). All listed road transport companies are signatories (except South Coast Equipment).	Implementation Program for Driver's Code of Conduct PKCT (26 March 2010) Email from Alex Chalk (PKCT) to Alison O'Reilly (DP&I) submitting DCC Implementation Plan, 24/5/2010, 5:42pm.	PKCT	Alex Chalk - PKCT	Compliance	NA
			(b) include a driver induction program to cover (but not be limited to) speed limits, compression braking, truck washing, load covering and queuing on local roads; and	DCC Induction program included in Section 4.4 of Implementation Program. Inductions to cover 'Driver Summary Sheet', which covers speed limits (only on Bellambi Lane), compression braking (only approach to Springhill Road and Port Kembla Road), truck washing, load covering, though does not cover queuing on local roads. Illawarra Coal Heavy Haulage Induction includes speed limits, compression braking, truck washing, load covering	Implementation Program for Driver's Code of Conduct PKCT (26 March 2010). Illawarra Coal Heavy Haulage Induction (undated).	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Partial compliance	Driver Summary Sheet to be expanded to cover queuing on local roads, and speed limits and compression braking in general, and any other requirements of the DCC not currently included.

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				and queuing on specific local roads.					
			(c) include measures to ensure the Driver's Code of Conduct is enforced.	Implementation Program includes provision for monthly reporting by companies (Bulktrans February 2011 provided), quarterly meetings and annual review and report by PKCT.	Implementation Program for Driver's Code of Conduct PKCT (26 March 2010). PKCT monthly report Feb 2011. Bulktrans Monthly Report (February 2011).	PKCT	Mark Beale - PKCT	Compliance	NA
PKCT Driver's Code of Conduct									
PKCT Driver's Code of Conduct	Driver Summary Sheet	Travel Time	Gujarat NRE No 1 Mine: Road haulage of coal is permitted to PKCT between 7am and 10pm Monday to Friday and 8am to 6pm on Saturday and Sunday	Requirement of DCC is not in alignment with MCoA, which designates dispatch hours from NRE rather than receipt hours at PKCT. AEMR states that coal is only received from NRE when it is dispatched during the specified hours. Gujarat NRE supplied four weekday logs for loaded (departing) trucks and empty (inbound) trucks at the weighbridge, as evidence of compliance with restriction on hours of truck movements to PKCT. No evidence of time of trucks received from NRE at PKCT.	Gujarat NRE inbound and outbound truck log for 3/12/2010, 10/2/2011, 17/3/2011 and 31/03/2011. Statement in AEMR 2009/2010 - Section 2.3, that PKCT does not accept trucks outside specified hours.	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Non Compliance	Documentary evidence should be provided with timing of inbound trucks from NRE No. 1 Mine as monitored by PKCT; OR Modify DCC obligation to align with MCoA, which regulates dispatch of trucks from NRE rather than receipt of trucks at PKCT.
			West Cliff Coal Preparation Plant: Road haulage of coal is permitted to PKCT on a 24 hour 7 day per week basis.	No time restrictions on hours of access, does not require monitoring.	Implementation Program for Driver's Code of Conduct PKCT, 26 March 2010	PKCT	Mark Beale - PKCT	Compliance	NA
			Dendrobium Coal Preparation Plant: Road haulage of coal is permitted to PKCT on a 24 hour 7 day per week basis.	No time restrictions on hours of access, does not require monitoring.	Implementation Program for Driver's Code of Conduct PKCT, 26 March 2010	PKCT	Mark Beale - PKCT	Compliance	NA
	PKCT Road Delivery Standards	Heavy haulage drivers will observe the following while en route to PKCT or while on the PKCT site: • Observe all road rules including speed limits.	Truck Driver Observations Summary Report identified speeding as 'Top 3' issue for trucks on way to PKCT during 28/09/09 to 12/10/09. Not covered by Critical Task Observation checklist. Brindles Tool Box Talk covers speed limits on Bellambi Lane. Implementation Program for DCC refers to inductions and use of Driver Summary Sheet, which states that drivers are "required to observe all road rules including speed limits" "and a speed limit of 50km/hr	Truck Driver Observations Summary Report 28/09/09 to 12/10/09. Brindles Tool Box Talk (January 2011); Implementation Program for Driver's Code of Conduct PKCT (26 March 2010) including Drivers Summary Sheet. Illawarra Coal Heavy Haulage Induction (undated). Illawarra Coal Driver Competency	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Partial Compliance	PKCT to coordinate DCC signatories' compliance monitoring of driver's adhering to road rules and speed limits. PKCT to maintain records of compliance monitoring.	

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				on Bellambi Lane". drive in a responsible manner and adhere to all requirements of the DCC". Illawarra Coal Heavy Haulage Induction requires all road rules including speed limits to be observed and Driver Competency Assessment and Authority to Operate assesses driver's knowledge of certain aspects of PKCT DCC and onsite traffic rules.	Assessment/ Authority to Operate - Raymond Seratini 19/7/10.				
			<ul style="list-style-type: none"> Limit speed to 50km/hr on Bellambi Lane. 	Implementation Program for DCC refers to inductions and use of Driver Summary Sheet, which states that drivers are required to "limit speed to 50km/hr on Bellambi Lane". Brindles Tool Box Talk covers speed limits on Bellambi Lane. Monthly Report from Brindles (NRE) cited following site audit (dated March 2011), which states that 622 audits for speeding on Bellambi Lane, were undertaken during the month, with '100% comply' (received post site audit). AEMR stated no noise complaints along Bellambi Lane during 2009/2010 reporting period; Interim EMR cites 1 speeding complaint along Bellambi Lane. PKCT advised that a '3 Strikes process' is in place for breaches though no evidence cited.	Implementation Program for Driver's Code of Conduct PKCT (26 March 2010) including Drivers Summary Sheet. Brindles Tool Box Talk (January 2011). Brindles Monthly report (March 2011). AEMR (29/7/10). Interim EMR (28/1/11)	PKCT	Mark Beale - PKCT	Compliance	NA
			<ul style="list-style-type: none"> Hold a valid driver's licence for the class of vehicle that you operate. 	Induction program included in Section 4.4 of Implementation Program does not specifically require valid driver's licence, though it is likely that copies of licences are taken during driver inductions. Illawarra Coal Heavy Haulage Induction requires drivers to hold a current drivers licence and provide a copy when renewed, and in relation to the PKCT site, drivers are required to be suitably qualified for the vehicle being driven. Illawarra Coal's Driver Competency Assessment and Authority to	Illawarra Coal Heavy Haulage Induction (undated). Illawarra Coal Driver Competency Assessment/ Authority to Operate - Raymond Seratini 19/7/10.	NA	Mark Beale – PKCT Alex Chalk - PKCT	Compliance	PKCT to undertake compliance reporting and periodic site checks of transport provider's induction/licensing records.

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				Operate indicates that it's the driver's responsibility to provide a copy of licenses.					
			• Not apply compression brakes approaching the intersection of Port Kembla Road and Springhill Road.	Critical task observation checklist states that "Compressions brakes are not to be used on the approach to the lights on Springhill Road unless unsafe". Also monitored over a 1 month period (Truck Driver Observations Summary Report) during which 9 trucks used compression brakes at Springhill Road. PKCT advised that a '3 Strikes process' is in place for breaches though no evidence cited.	Annual Environmental Management Report 2009/2010. PKCT 29/07/2010. Sections 2.3, 3.2 and Appendix D. Interim Environmental Management Report 2010/2011, 1 July 2010 to 31 December 2010. Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Partial compliance	PKCT to coordinate DCC signatories' to more regularly monitor compression braking by trucks.
			• Utilise the truck wash at PKCT after tipping.	Observation (29/03/11) of trucks exiting the northern and eastern truck washes facilities. All trucks stopped at northern truck wash/ drove slowly through the eastern wash.	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10).	PKCT	Mark Beale - PKCT	Compliance	NA
			• Have the load covered from the mine to the PKCT road receival area.	Critical task observation checklists indicate 'safe' level of load covering. All trucks entering PKCT site during Site Audit had covers on. Truck Driver Observations Summary Report indicated 6 instances of no load cover or partial load exposure on entering PKCT site.	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale - PKCT	Compliance	NA
			• Operate the vehicle in a manner that minimises vehicle noise.	No evidence of compliance or non-compliance. Not covered by critical task observation checklist, therefore should be reported separately	Nil	NA	Mark Beale – PKCT Alex Chalk - PKCT	Unable to Verify	PKCT to expand Critical Task Observations to encompass this requirement or create and implement a new auditing/documentation process by client mines.
			• Trucks are to be positioned over the tipping grates before commencing tipping. Any spillage that occurs is to be reported to PKCT to enable efficient clean up.	Critical task observation checklists indicate 'safe' level of load tipping. Observed 29/03/11	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10).	PKCT	Mark Beale - PKCT	Compliance	NA
			• All trucks are to pass through a truck wash when leaving the client mine and also after tipping at PKCT before leaving the site. Any excess coal that is on the body must be cleaned off on site. The speed through the truck wash is 5km/hr or as slow as	Drivers pass through wheel wash at PKCT, though no evidence of wheel wash use at client mines (except at NRE	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct	PKCT	Mark Beale - PKCT	Partial compliance	Develop a system to monitor speed through the PKCT truck wash. PKCT

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			possible.	via Brindles tool box talk and presentation). Drivers manually hose coal off draw-bar at PKCT northern truck wash, but not all material removed, on every occasion. Evidence of a very small amount of spillage in centre of lane on Springhill Road during Site Audit. Slow speed observed through truck wash, though no formal documentation cited which monitors this.	(F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Brindles Tool Box Talk (January 2011) and presentation.				to coordinate the client mines to establish compliance with use of client mine's truck wash.
			<ul style="list-style-type: none"> Drivers must ensure that following tipping, the tailgate is locked before leaving PKCT. 	Critical task observation checklists indicate 'safe' level of tailgate locking. Truck Driver Observations Summary Report reported 2 instances of unlocked tailgates during period 28/09/09 to 12/10/09.	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale - PKCT	Compliance	NA
			<ul style="list-style-type: none"> No queuing is permitted on Springhill Road. 	'Safe' level of queuing on Springhill Road during Critical Task Observations cited. No trucks observed queuing during Truck Driver Observations Summary Report (14/10/09) period.	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale - PKCT	Compliance	NA
	4	Haulage Routes	All haulage trucks travelling to and from PKCT will do so by using major arterial roads as outlined in the PKCT Driver's Code of Conduct.	Verbal advice from PKCT that trucks use major arterial roads to PKCT as no other direct way to the terminal. Not covered by critical task observation checklist or Truck Driver Observations Summary Report (14/10/09), therefore should be reported separately. Brindles Tool Box Talk covers route from NRE to PKCT.	Brindles Tool Box Talk (January 2011).	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Compliance	PKCT to show evidence of truck driver's use of major arterial roads by coordinating compliance monitoring by client mines.
			Appin Road - Special care should be taken when crossing Loddon River bridge which is narrow.	Not covered by critical task observation checklist or Truck Driver Observations Summary Report 28/09/09 to 12/10/09, therefore should be reported separately	Nil	NA	Mark Beale - PKCT	Unable to Verify	Include auditing/documentation process for driver behaviour Appin Road in CTOs.
			Mt Ousley Rd - In case of a breakdown all vehicles must be towed to the nearest breakdown bay as soon as possible. Breakdowns are to be reported to the RTA TMC.	No instances have occurred during audit period.	NA	NA	Mark Beale - PKCT	Not Applicable	NA
			Bellambi Lane - is close to residential receivers, drivers are	Verbal assurance from PKCT	AEMR 2009/2010;	PKCT	Mark Beale –	Compliance	Include details

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			requested to limit noise wherever possible.	that drivers sign the DCC at inductions. The community is provided an opportunity to report on driver behaviour. Independent Review of Truck Driver behaviour undertaken in October 2010 though did not cover Bellambi Lane. Monthly Report from Brindles (NRE) cited following site audit (dated March 2011), which states that 639 audits for 'brake noise', not stated if specifically related to Bellambi Lane, were undertaken during the month. AEMR cites 2 noise complaints along Bellambi Lane during 2009/2010 reporting period, PKCT advised that a '3 Strikes process' is in place for breaches though no evidence cited.	Interim EMR 2010/2011. Truck Driver Observations Summary Report (14/10/09). Brindles Monthly report (March 2011). AEMR (29/7/10).		PKCT Alex Chalk - PKCT		regarding 3 Strikes policy for breaches in DCC.
			Masters Rd - Compression braking on this route should be avoided due to community disturbance.	Noise complaints reported along Masters Road, though not covered by critical task observation checklist. Compression braking by a small number of trucks observed during Independent Observation period - does not cover observations at Masters Road.	Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Partial compliance	PKCT to coordinate expansion of monitoring and inductions by client mines to encompass compression braking on Masters Road.
			Springhill Rd - Compression brakes are not to be used on the approach to the lights at Springhill and Port Kembla Road.	Illawarra Coal staff induction cited, which requires that 'Compression brakes must not be used on the approach to Port Kembla Rd / Springhill Road lights when entering or exiting PKCT'. Critical task observation checklist states that "Compressions brakes are not to be used on the approach to the lights on Springhill Road unless unsafe". Also monitored over a 1 month period (Truck Driver Observations Summary Report) during which 9 trucks used compression brakes at Springhill Road. PKCT advised that a '3 Strikes process' is in place for breaches though no evidence cited.	Illawarra Coal Heavy Haulage Induction (undated). Truck Driver Observations Summary Report 28/09/09 to 12/10/09.	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Compliance	Include details regarding 3 Strikes policy for breaches in DCC. Although condition doesn't require or identify the frequency of monitoring, it is required to shown the level of compliance with this condition. As such, repeat Truck Driver Observations monitoring e.g. annually.
	6	PKCT Road	Queuing at the truck receival area is permitted on Tom Thumb	Safe' level of queuing on	PKCT Critical Task	PKCT	Mark Beale -	Compliance	NA

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
		Delivery Standards	Road and Port Kembla Road. No trucks are permitted to queue on Springhill Road.	Springhill Road during Critical Task Observations cited. No trucks observed queuing during Truck Driver Observations Summary Report 28/09/09 to 12/10/09 period.	Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report 28/09/09 to 12/10/09.		PKCT		
			Speed limits - Always observe the posted speed limits with speed adjusted appropriately to suit the conditions.	Truck Driver Observations Summary Report identified speeding as 'Top 3' issue for trucks on way to PKCT during 28/09/09 to 12/10/09. Not covered by Critical Task Observation checklist. Brindles Tool Box Talk covers speed limits on Bellambi Lane. Implementation Program for DCC refers to inductions and use of Driver Summary Sheet, which states that drivers are "required to observe all road rules including speed limits" "and a speed limit of 50km/hr on Bellambi Lane". drive in a responsible manner and adhere to all requirements of the DCC". Illawarra Coal Heavy Haulage Induction requires all road rules including speed limits to be observed and Driver Competency Assessment and Authority to Operate assesses driver's knowledge of certain aspects of PKCT DCC and onsite traffic rules.	Truck Driver Observations Summary Report 28/09/09 to 12/10/09. Brindles Tool Box Talk (January 2011); Implementation Program for Driver's Code of Conduct PKCT (26 March 2010) including Drivers Summary Sheet. Illawarra Coal Heavy Haulage Induction (undated). Illawarra Coal Driver Competency Assessment/ Authority to Operate - Raymond Seratini 19/7/10.	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Partial Compliance	PKCT to coordinate DCC signatories' compliance monitoring of driver's adhering to speed limits. PKCT to maintain records of compliance monitoring.
			Tipping - Trucks are to be positioned over the tipping gates before commencing tipping. Any spillage that occurs during tipping is to be reported to PKCT to enable efficient clean up.	Critical task observation checklists indicate 'safe' level of load tipping. Observed 29/03/11	PKCT Critical Task Coach & Observation Sheet Truck Drivers Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10).	PKCT	Mark Beale - PKCT	Compliance	NA
			Equipment performance - It is the driver's responsibility to report all vehicle faults and it is the owner's responsibility to ensure that the vehicle is maintained to ensure safe vehicle operations.	Not PKCT responsibility. Work order system excludes truck maintenance, though PKCT has interface with truck companies and coal shippers with regard to truck maintenance. No evidence cited of this.	Nil	NA	Mark Beale - PKCT	Not Applicable	NA
	8	Compliance Monitoring	Regular audits of the DCC will be carried out to monitor performance, particularly in relation to noise minimisation around PKCT. Audits will be completed of the following activities annually:	PKCT places impetus on individual transport companies to monitor and report monthly	PKCT Critical Task Coach & Observation Sheet Truck Drivers	PKCT	Mark Beale - PKCT	Partial Compliance	PKCT to formalise and coordinate DCC signatories to

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
			Speed of trucks, compression braking, truck washing, load covering.	on compliance with DCC and incidents. In accordance with code of conduct there are monthly reports, quarterly meetings and annual review and report, i.e. opportunities to demonstrate PKCT monitoring and response. Critical Task Observation checklists are carried out; though only cover a portion of the DCC requirements. Speed of trucks, compression braking, truck washing (internal) and load covering was covered in Independent Observation Period (2009), however annual audits of these issues have not been undertaken.	Code of Conduct (F.HSEC.169) (17/11/10; 1/10/10; 30/9/10). Truck Driver Observations Summary Report 28/09/09 to 12/10/09.				undertake annual compliance monitoring of speed, compression braking, truck washing and load covering. Establish regular monitoring by client mines and PKCT (where relevant) of all other requirements of the Code (e.g. Monthly).
Statement of Commitments (SoC)									
SoC		Traffic and Transport	Public road haulage of coal and bulk products to PKCT will not exceed 10 million tonnes per annum.	The total amount received by road in the 2010 calendar year was 4.595 million tonnes, such that less than 7.5 million tonnes had been transported by road during the 2010 calendar year, and less than 10million tonnes had been transported by road during the 2010 calendar year. It is known by PKCT that any increase above 10 million tonnes would require prior approval from DP&I.	AEMR 2009/2010; Interim EMR 2010/2011 (28.1.11)	PKCT	Alex Chalk - PKCT	Compliance	NA
			Publication of annual throughput tonnages, including in-loading method (i.e. road and rail received coal and bulk products).	Published in AEMR and on PKCT website.	AEMR 2009/2010; Interim EMR 2010/2011 (28.1.11)	PKCT	Alex Chalk - PKCT	Compliance	NA
			All trucks delivering coal and bulk products to PKCT must follow designated heavy vehicle transport routes.	Verbal advice from PKCT that trucks use major arterial roads to PKCT as no other direct way to the terminal. Not covered by critical task observation checklist or Truck Driver Observations Summary Report (14/10/09), therefore should be reported separately. Brindles Tool Box Talk covers route from NRE to PKCT.	Brindles Tool Box Talk (January 2011).	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Compliance	PKCT to show evidence of truck driver's use of major arterial roads by coordinating and maintaining records of compliance monitoring by client mines
			A driver's code of conduct will be utilised for all transport companies delivering product to PKCT.	There are 5 road transport companies and 6 transport providers listed in the PKCT Drivers Code of Conduct, and all are signatories indicating they will comply with the requirements. The	Drivers Code of Conduct PKCT. Implementation Program for Driver's Code of Conduct PKCT (26 March 2010). Bulktrans Monthly	PKCT	Mark Beale – PKCT Alex Chalk - PKCT	Compliance	PKCT to update DCC to include 2 additional signatories (SCE and Minion) and submit to DP&I.

Document	Condition	Topic	Requirement	Verification/Comment	Documentary Evidence	Source of Evidence	Personnel Interviewed	Audit Finding	Recommendations
				Implementation of Drivers Code of Conduct - Agreement signed by all companies. Additional road transport supplier ('Minion') identified by PKCT following site audit, and has since provided signed agreement to adhere to DCC. Monthly report (Bulktrans, Feb 2011) supplied, and monthly reports for Brindles, ME Transport Services, and Trazblend monthly reports (March 2011) supplied post site audit.	Report (February 2011). SCE signed DCC (24/6/09). Minion signed DCC (14/4/11). Brindles, ME Transport Services, Trazblend Monthly Reports (March 2011).				
			Review effectiveness of truck wash facilities to be undertaken.	PKCT commissioned study (Renewed Water Solutions, 24/08/2010) concluded that there were aspects of the northern truck wash that may breach EPA licence agreements (no measurements taken as to level of contamination). Facility under-maintained, requires assessment and upgrade. PKCT management dispute the findings. The effectiveness is being reviewed with consideration to the implications of continuing on as is.	Port Kembla Coal Terminal, Northern truck Wash Effectiveness Review, Renewed Water Solutions, 24 August 2010. A Chalk email 4/4/11.	PKCT	Alex Chalk - PKCT	Compliance	NA
			Unless further or alternative Approval for NRE No 1 Colliery at Russell Vale is in place, PKCT will only receive coal from the NRE No 1 Colliery if that coal has been dispatched from that Colliery by public road between the hours of 7am to 10pm Monday to Friday and 8am to 6pm Saturday and Sunday or Public Holidays.	AEMR states that coal is only received from NRE when it is dispatched during the specified hours. Gujarat NRE supplied four weekday logs for loaded (departing) trucks and empty (inbound) trucks at the weighbridge, as evidence of compliance with restriction on hours of truck movements to PKCT.	Gujarat NRE inbound and outbound truck log for 3/12/2010, 10/2/2011, 17/3/2011 and 31/03/2011. Statement in AEMR 2009/2010 - Section 2.3, that PKCT does not accept trucks outside specified hours.	PKCT	Mark Beale - PKCT	Compliance	Documentary evidence should be provided with regard to how the timing of inbound trucks from NRE No. 1 Mine is monitored by PKCT.