

Notice to Provide Information and/or Records



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Attention: [REDACTED]

Notice Number [REDACTED]

File Number [REDACTED]

Date [REDACTED]

NOTICE TO PROVIDE INFORMATION AND/OR RECORDS

BACKGROUND

- A. [REDACTED] ("the licensee") is the holder of Environment Protection Licence No. [REDACTED] ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at [REDACTED].
- B. The NSW Environmental Protection Authority is responsible for administering the Act and the *Protection of the Environment Operations (General) Regulation 2009* (the **Regulation**) to protect the environment of NSW.
- C. Chapter 2 of the Regulation establishes the NSW Load Based Licensing scheme and the requirement to report the actual load of pollutant (cl 15 of the Regulation).
- D. The National Pollutant Inventory (**NPI**) is established under the *National Environment Protection (National Pollutant Inventory) Measure 1998* (Cth) (the **Cth Act**). The NPI is implemented cooperatively by the Federal Government, the EPA and other state and territory governments.
- E. In NSW, the EPA administers the NPI on behalf of the Commonwealth. The EPA collects information from occupiers of reporting premises and provides that information to the Commonwealth.
- F. The requirement to report emissions for the NPI is contained in Chapter 4 of the *Protection of the Environment Operations (General) Regulation 2009* (the **Regulation**). The EPA is responsible for enforcing the NPI reporting requirements under the Regulation.

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- G. The EPA has obligations under the Cth Act to take action to confirm the accuracy of the information provided to it by an occupier of a reporting premises (cl 16 of the Cth Act) and to conduct assessments of the integrity of reported emission and transfer data (cl 17 of the Cth Act).
- H. The EPA is conducting an investigation into the magnitude of emissions of air pollution reported under Chapters 2 and 4 of the General Regulation in response to media and environmental organisation enquiries. The matters being investigated include the high level of year to year variation in the reported air pollution, the extent to which the reported air pollution is representative of the range of operating conditions of the plant, the influence of coal quality on air pollution emissions, and the comparative magnitude of reported emissions between power stations relative to their coal consumption.
- I. The EPA is conducting this investigation for the five reporting periods from 2011/12 to 2015/16.

PURPOSE FOR WHICH THIS NOTICE IS ISSUED

- J. By virtue of section 191 of the Act, the EPA may, by notice given to the person in writing, require the person to furnish to it such information or records (or both) as it requires by the Notice in connection with any matter relating to its responsibilities or functions under the Act, but not limited to matter in respect of which the EPA is the appropriate regulatory authority.
- K. This Notice is issued for the following purposes:
 - a) for improving implementation of the Act and specifically air pollution reporting requirements under Chapters 2 and 4 of the Regulation;
 - b) for obtaining information or records to investigate the variability of air pollution reported under the requirements of Chapters 2 and 4 of the Regulation;
 - c) generally, for administering the Act and protecting the environment.

REQUIREMENT TO PROVIDE INFORMATION AND/OR RECORDS

- 1. The Environment Protection Authority ("EPA") requires the licensee to provide the following information and/or records:
 - A. Records of continuous monitoring data for NO_x, SO₂, and opacity and undifferentiated particulates from monitoring points 11 and 12 at the highest time resolution recorded.
 - B. Records of periodic emission test reports for monitoring points 11 and 12 including the times when the sampling was undertaken, coal feed rates, coal quality data and power generation rates during sampling.
 - C. Records of flue gas volume monitoring data.
 - D. Records of all coal quality analysis data and fly-ash analysis, and time resolved records of the coal quantity and quality burned in each boiler.
 - E. Information on bag maintenance and breakage monitoring procedures that are implemented at the premises, and:
 - i. Records of continuous bag breakage monitoring data
 - ii. Records of bag changes and major maintenance of bag house including any change to bag materials

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- F. Records relating to any correlations between continuous undifferentiated particulates/opacity monitoring and periodic stack tests.
 - G. Records of worksheets used to calculate reported annual NPI emissions of all substances from all sources including point sources and fugitive sources.
 - H. Records of worksheets used to calculate reported annual LBL emissions of all substances from all sources including point sources and fugitive sources.
 - I. Records of any supporting information relating to the estimation of air pollution reported under Chapters 2 and 4 of the General Regulation, such as approved site specific emission factors or approved site specific emission estimation techniques, or other information that explains the emission estimation techniques used that is not explicit in the calculation worksheets.
 - J. The records and information listed in A to I above is required for the five years covering the 2011-12 to 2015-16 reporting periods.
 - K. All records and information should be provided in electronic form if it is available in electronic form.
2. You do not have to furnish any record specified above unless that record is in your possession or it is in your power to obtain it lawfully.
 3. The information and/or records must be provided in writing, unless otherwise stated.
 4. The information and/or records must be provided to
Mark Hartwell
Unit Head
North - Hunter
PO BOX 488G Newcastle NSW 2300 or
by email to Hunter.region@epa.nsw.gov.au

and received no later than **5pm on 29 May 2017**.

WARNING AND INFORMATION ABOUT THIS NOTICE

- It is an offence against section 211 of the *Protection of the Environment Operations Act 1997* ("the Act") to neglect or fail to comply with this notice without lawful excuse. It is also an offence under section 211 to furnish information under this notice knowing that the information is false or misleading in a material respect.
- The maximum penalty that a court may impose for each of these offences is, for a corporation, \$1,000,000 and a further \$120,000 for each day the offence continues, and, for an individual, \$250,000 and a further \$60,000 for each day the offence continues.
- Under section 319A of the Act, your obligation to provide the information and/or records specified in this notice continues until the notice is complied with in full, even if the due date has passed.
- The requirements of this notice may only be varied or revoked by the EPA by written notice.
- The fact that **information and/or records** required by this notice might incriminate you or make you liable to a penalty does not excuse you from having to comply with the notice.

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- The fact that a **record** provided by you in compliance with this notice might incriminate you does not make that record inadmissible in evidence against you in criminal proceedings.
- However if you are a natural person (that is, an individual rather than, for example, a company or other incorporated body) you may object to providing **information** which is required by this notice, on the ground that the information might incriminate you. You must still provide the information but it is not admissible in evidence against you in criminal proceedings if you make this objection, except for an offence under section 211 of the Act, including the offence of knowingly answering a question falsely or in a way that is misleading in a material respect.
- This warning is given for the purposes of section 212 of the Act.
- The Act defines "records" as including plans, specifications, maps, reports, books, and other documents (whether in writing, electronic form or otherwise).
- This notice is issued under section 191 of the Act.

A handwritten signature in blue ink, appearing to read 'Mark Hartwell', written over a horizontal dotted line.

Mark Hartwell
Unit Head
North - Hunter
(by Delegation)

Notice to Provide Information and/or Records



Attention: [REDACTED]

Notice Number [REDACTED]

File Number [REDACTED]

Date [REDACTED]

NOTICE TO PROVIDE INFORMATION AND/OR RECORDS

BACKGROUND

- A. [REDACTED] ("the licensee") is the holder of Environment Protection Licence No. [REDACTED] ("the licence") issued under the *Protection of the Environment Operations Act 1997* ("the Act"). The licence authorises the carrying out of activities at [REDACTED]
- B. The NSW Environment Protection Authority (**EPA**) is responsible for administering the Act and the *Protection of the Environment Operations (General) Regulation 2009* (the **Regulation**) to protect the environment of NSW.
- C. Chapter 2 of the Regulation establishes the NSW Load Based Licensing Scheme and the requirement to report the actual load of pollutant (cl 15 of the Regulation).
- D. The National Pollutant Inventory (**NPI**) is established under the *National Environment Protection (National Pollutant Inventory) Measure 1988* (Cth) (the **Cth Act**). The NPI is implemented cooperatively by the Federal Government, the EPA and other State and Territory Governments.
- E. In NSW, the EPA administers the NPI on behalf of the Commonwealth. The EPA collects information from occupiers of reporting premises and provides that information to the Commonwealth.
- F. The requirement to report emissions for the NPI is contained in Chapter 4 of the Regulation. The EPA is responsible for enforcing the NPI reporting requirements under the Regulation.
- G. The EPA has obligations under the Cth Act to take action to confirm the accuracy of the information provided to it by an occupier of a reporting premises (cl 16 of the Cth Act) and to conduct assessments of the integrity of reported emission and transfer data (cl 17 of the Cth Act).

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- H. The EPA is conducting an investigation into the magnitude of emissions of air pollution reported under Chapters 2 and 4 of the Regulation in response to media and environmental organisation enquiries. The matters being investigated include the high level of year to year variation in the reported air pollution, the extent to which the reported air pollution is representative of the range of operating conditions of the plant, the influence of coal quality on air pollution emissions, and the comparative magnitude of reported emissions between power stations relative to their coal consumption.
- I. The EPA is conducting this investigation for the five reporting periods from 2011/12 to 2015/16.
- J. The EPA requested records of air emissions monitoring, coal fuel quality and fly ash analyses and other records relating to the calculation of emissions for NPI via Notice to Provide Information and/or Records #1552103. The EPA has received and reviewed this information. Additional information is needed to finalise the investigation referred to in paragraph H.

PURPOSE FOR WHICH THIS NOTICE IS ISSUED

- K. By virtue of section 191 of the Act, the EPA may, by notice given to the person in writing, require the person to furnish to it such information or records (or both) as it requires by the Notice in connection with any matter relating to its responsibilities or functions under the Act, but not limited to matter in respect of which the EPA is the appropriate regulatory authority.
- L. This Notice is issued for the following purposes:
 - a) for improving implementation of the Act and specifically air pollution reporting requirements under Chapters 2 and 4 of the Regulation;
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 - c) generally, for administering the Act and protecting the environment.

REQUIREMENT TO PROVIDE INFORMATION AND/OR RECORDS

- 1. The Environment Protection Authority ("EPA") requires the licensee to provide the following information and/or records:
 - A. Information detailing the operation of Continuous Emission Monitoring Systems (CEMS) and opacity monitors used for the measurement of NO_x, SO₂, and opacity. Information is to include, but not be limited to:
 - i. Overview of the sampling system and equipment
 - ii. Overview of the data acquisition and management system
 - iii. All relevant calculations and conversions
 - iv. Monitoring equipment installation dates, product manufacturer, and model type
 - B. Records of CEMS and opacity monitor performance, including, but not limited to:
 - i. Calibrations
 - ii. Correlations

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- iii. Linearity checks
 - iv. Zero/Span check cycles
 - v. Maintenance
 - C. Records of audits undertaken, on installed CEMS and opacity monitors, demonstrating compliance with the relevant CEM method as listed in the Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (January 2007) and the associated performance specifications.
 - D. Information on all QA/QC procedures used to verify and maintain the quality of the data produced by the installed CEMS and opacity monitors. This is to include, but not be limited to:
 - i. Routine maintenance and work instructions
 - ii. Equipment inspection procedures
 - iii. Instrument calibration procedures
 - iv. Data validation procedures
 - v. System fault diagnosis and reporting procedures
 - E. Records of any supporting information relating to measurement systems used to continuously monitor emissions to air within the flue gas.
 - F. The records and information listed in A to E is required for the five years covering the 2011-12 to 2015-16 reporting periods.
2. You do not have to furnish any record specified above unless that record is in your possession or it is in your power to obtain it lawfully.
 3. The information and/or records must be provided in writing, unless otherwise stated.
 4. The information and/or records must be provided to
Rebecca Scrivener
Acting Unit Head
North - Hunter
PO BOX 488G Newcastle NSW 2300 or
by email to Hunter.region@epa.nsw.gov.au
and received no later than **5pm on 18 August 2017**.

WARNING AND INFORMATION ABOUT THIS NOTICE

- It is an offence against section 211 of the *Protection of the Environment Operations Act 1997* ("the Act") to neglect or fail to comply with this notice without lawful excuse. It is also an offence under section 211 to furnish information under this notice knowing that the information is false or misleading in a material respect.
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- The requirements of this notice may only be varied or revoked by the EPA by written notice.
- The fact that **information and/or records** required by this notice might incriminate you or make you liable to a penalty does not excuse you from having to comply with the notice.
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- The Act defines "records" as including plans, specifications, maps, reports, books, and other documents (whether in writing, electronic form or otherwise).
- This notice is issued under section 191 of the Act.

Rebecca Scrivener 28/7/2017

Rebecca Scrivener

Acting Unit Head

North - Hunter

(by Delegation)