

Operating licence

Environment Protection Act 2017

Licence number	OL000003987
Issue date	17 December 1991
Last amended	24 November 2022
Expiry date	31 December 9999
Licence holder	LYB OPERATIONS & MAINTENANCE PTY LTD
ACN	055563696
Activity site(s)	Bartons Ln, Traralgon, VIC, 3844, AU
Prescribed permission activities	K01 (Power generation)

Issued under section 74(1)(a) of the *Environment Protection Act 2017* (the Act).



Margaret Green
Team Leader, Licensing
Delegate of Environment Protection Authority Victoria (EPA)

epa.vic.gov.au

Environment Protection Authority Victoria
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Context

Environment Protection Authority Victoria (EPA) is Victoria's environmental regulator acting in accordance with the *Environment Protection Act 2017* (the Act). Our regulatory role is to work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

Why we issue operating licences

A range of operating activity types are prescribed in the Environment Protection Regulations 2021 (the Regulations) because they give rise to risks of harm to human health or the environment. We issue operating licences so applicants can lawfully undertake prescribed operating activities. Section 45 of the Act provides that a person must not engage in a prescribed operating activity except as authorised by an operating licence in respect of that activity.

When we issue operating licences

EPA can issue an operating licence under section 74(1) of the Act. When issuing an operating licence, EPA takes into account a number of factors, including the measures an applicant has taken or proposes to take in order to comply with the Act when engaging in the prescribed permission activity.

EPA can amend, suspend or revoke a licence for a range of reasons. This can include in response to changes in activities, risks or licence holder performance. All operating licence details are publicly accessible via the EPA Public Register.

Key information and obligations

Interpretation

For the purposes of this operating licence "You" means the "licence holder" identified on the first page. Unless a contrary intention appears, words or terms used in the conditions of your licence have the same meaning as in the Act, and in any regulations made pursuant to the Act.

Compliance

Your licence is subject to conditions. These conditions confer legal obligations on you as the licence holder. Some of these are general in nature, while others require you to do (or not to do) specific things. The requirements of these conditions do not detract from each other in any way, nor do they affect any other duties or obligations with which you are required to comply by law. You must fulfil all duties and perform all obligations set out in this licence or otherwise required by law.

Strict penalties apply for non-compliance with any part of your .

You must comply with the Act and regulations administered by EPA. This includes, but is not limited to, compliance with the general environmental duty (GED).

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Duties under the Act

Under the Act, you have legal obligations in relation to your prescribed and non-prescribed activities. These legal obligations exist to minimise risks of harm to human health and the environment from pollution and waste.

You may be committing an offence and be liable to a penalty under the Act if your actions or omissions constitute a breach of these legal obligations.

General environmental duty

The Act places the onus on you to understand the risks associated with your operation or activity and requires you to minimise the risk of harm. This is called the general environmental duty (GED).

Sections 6 and 25 of the Act provide the legal basis for the GED. These sections state that a person engaging in an activity which may give rise to risks of harm to human health or the environment from pollution or waste must eliminate or minimise those risks, as far as reasonably practicable.

Duty to notify EPA of notifiable incidents

A notifiable incident is a pollution incident that causes or threatens to cause material harm to human health or the environment or is a prescribed notifiable incident. Under section 32 of the Act, you have an obligation to notify EPA of a notifiable incident as soon as practicable after you become aware of the incident.

Duty to take action to respond to harm caused by pollution incident

Under section 31 of the Act, if a pollution incident has occurred as a result of an activity (whether by act or omission) and the pollution incident causes or is likely to cause harm to human health or the environment, a person who is engaging in that activity must, so far as reasonably practicable, restore the affected area to the state it was in before the pollution incident occurred.

Duty to notify of contaminated land

Under section 40(1) of the Act, a person in management or control of land must notify EPA if the land has been contaminated by notifiable contamination as soon as practicable after the person becomes aware of the notifiable contamination.

Notifiable contamination means contamination which is prescribed in the Regulations, or contamination for which the cost of action to remediate the land is likely to exceed \$50,000, or any other prescribed amount.

Duties relating to industrial waste, priority wastes and reportable priority wastes

Under parts 6.4 and 6.5 of the Act, a person has obligations in relation to the generation, receiving, recording, managing, transporting, and disposal of industrial, priority wastes and reportable priority wastes. These duties include:

- Duties of persons depositing industrial waste.

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- Duties of persons receiving industrial waste.
- Duty of persons involved in transporting industrial waste.
- Duties of persons managing priority waste.
- Duty to investigate alternatives to waste disposal.
- Duty to notify of transaction in reportable priority waste.
- Duty of persons transporting reportable priority waste.

For further information on waste classifications see schedule 5 of the Regulations.

Further information and resources

To aid compliance with the Act and the Regulations, Environment Reference Standards (ERS), Compliance Codes, Position Statements and Guidelines have been developed to address a range of environmental objectives, permitted and non-permitted activities and risks.

You should understand how the Victorian environment protection framework applies to you and your activity, operation or business by making yourself familiar with the Act, Regulations, Compliance Codes and other relevant guidance material.

To assist you with understanding your obligations refer to www.epa.vic.gov.au.

Amendment

You can apply at any time to EPA for an amendment to your licence under section 57 of the Act. EPA may also decide to amend a licence under its own initiative according to section 58 of the Act.

Transfer

A person may apply to EPA for the transfer of this licence to a new licence holder pursuant to section 56 of the Act.

Duration of licence

This operating licence is subject to the expiry date identified on the first page. It will remain in force until that time unless it is first surrendered by the licence holder (with consent from EPA), or it is suspended or revoked by EPA.

Operating licence structure

Your operating licence has multiple parts:

- Conditions
- Appendix 1 – locality plan
- Appendix 2 – activity plan
- Appendix 3 – contour plan
- Appendix 4 – waste acceptance table
- Appendix 5 – air discharge table
- Appendix 6 – water discharge table

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- Appendix 7 – landfill cell table

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Conditions

General conditions

OL_G1	A copy of this licence must be kept at the activity site and be easily accessible to persons who are engaging in an activity conducted at the activity site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.
OL_G2	You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of: a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment; b) A malfunction, breakdown or failure of risk control measures at the activity site which could reasonably be expected to give rise to actual or potential harm to human health or the environment; or c) Any breach of the licence.
OL_G3	You must notify the Authority within 48 hours of the occurrence of any the following: (a) Any change to your name or address (including your registered address and activity site as applicable); (b) You become, or are likely to become, an insolvent under administration; (c) You become, or are likely to become, an externally administered company under the Corporations Act; or (d) A change to an officer (as defined in the Act). You must update your information in the EPA Interaction Portal if any other relevant administrative details for your business change.
OL_G4a	You must provide to the Authority with a Permission Information and Performance Statement (PIPS) in the form determined by the Authority within 2 months of receiving notification in writing from the Authority. The PIPS may be released to the public (in whole or in part).
OL_G4b	Information and monitoring records used for the preparation of, inclusion in, or support of, any reporting or notification that is required of you by the Authority (including data reporting, performance reporting, documents evidencing any risk and monitoring program) must be: a) retained for five years; and b) made available to the Authority on request.
OL_G5	1. You must develop a risk management and monitoring program for your activities which: (a) identifies all the risks of harm to human health and the environment which may arise from the activities you are engaging in at your activity site; (b) clearly defines your environmental performance objectives; (c) clearly defines your risk control performance objectives; (d) describes how the environmental and risk control performance objectives are being achieved; (e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable (SFARP); and (f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity. 2. The risk management and monitoring program must be: (a) documented in writing; (b) signed by a duly authorised officer of the licensed entity; and (c) made available to the Authority on request.

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OL_G7	You must: (a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority; (b) provide the decommissioning plan to the Authority upon request; (c) supply to the Authority an updated detailed decommissioning plan 40 business days prior to commencement of decommissioning, if you propose to divest a section of the licensed site, cease part or all of the licensed activity or reduce the basis upon which the licence was granted to a point where licensing is no longer required; and (d) decommission the licensed site in accordance with the detailed decommissioning plan, to the satisfaction of the Authority and within any reasonable timeframe which may be specified by the Authority.
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Standard conditions

OL_WM14	All plant and equipment must be maintained and operated in proper working condition, in accordance with the manufacturer's specifications.
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Specific conditions

OL_DA1.10.2	The discharge of indicators listed in Appendix 5 - air discharge table must not exceed the corresponding discharge limits in that table, except for conditions OL_DA1.10.3 and OL_DA1.10.4.
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OL_DA4.2	<p>You must maintain a publicly accessible website, to which you must publish:</p> <ul style="list-style-type: none">a) Within 12 hours of the end of each day, whether the Discharge Limits, as specified in Appendix 5 - air discharge table in condition OL_DA1.10.2, were exceeded at any time within the preceding day for the following indicators: particles (total), carbon monoxide, sulfur dioxide and oxides of nitrogen;b) Within 14 calendar days of the end of each month, a summary of validated monitoring data for the preceding month from the monitoring program in condition OL_DA4 and a summary of the information in (a) for the preceding month. The summary of validated monitoring data must include: EPA licence number; discharge point, map showing discharge point location and discharge point description / type; indicator; limit type; unit; discharge limit; monitoring frequency; relevant dates; upfront explanation of apparent missing data; timeframe and details of any exceedances of discharge limits and associated explanations; monitoring system availability; outages and explanations; details of any corrections made after the publishing of the previous monthly summary.c) A copy of your current EPA licence; the licensee's name and address of premises; a link to the EPA Portal search page for licences and PIPs reports; GPS location details of all monitoring points/areas and a map showing this.d) Information and monitoring data must be published in a legible form which allows for direct download in common open file formats.e) Information and monitoring data must be retained at the premises for five years from the date of publishing.
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OL_DA1.10.3 The discharge limit for particles in Appendix 5 – air discharge table do not apply during plant start-up and shut-down or the accidental failure of major operating equipment (maintained in accordance with the manufacturer’s specifications) for an aggregate period of 88 hours for any 12-month period.

OL_DA1.10.4 The concentration of particles discharged from discharge point(s) 1 and 2 can only exceed 0.15 grams per normal cubic metre (based on 30-minute averages at 12% CO₂) during plant start-up and shut-down or the accidental failure of major operating equipment (maintained in accordance with the manufacturer’s specifications) for an aggregate period of 88 hours for any 12-month period.

OL_DA4 You must conduct continuous monitoring of the following discharge to air indicators: particles (total), carbon monoxide, sulfur dioxide and oxides of nitrogen at discharge point(s) 1 and 2.

OL_DA2 Visible emissions to air other than steam must not be discharged from the activity site, except as permitted by this licence.

OL_G5.2 You must implement a program to assess the effect of your discharges to air on the ability of the Latrobe Valley Air Quality Control Region to comply with Table 2 of Part 2 - Air of the Environment Reference Standard (ERS).

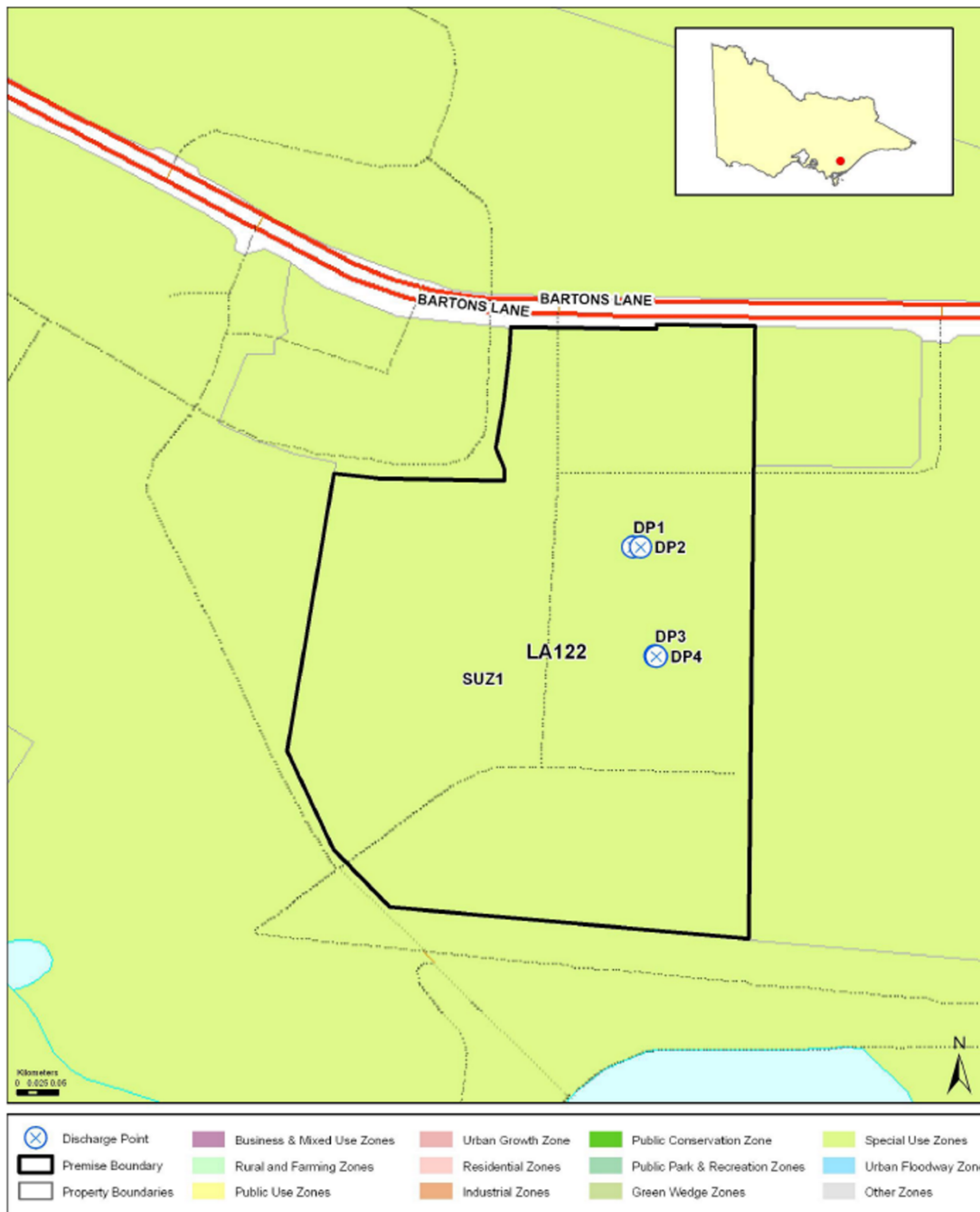
OL_WM13 Notwithstanding the discharge limits set out in this licence, the licence holder’s risk management and monitoring program must address: (a) Causes of short-term variation in emissions (which may include equipment or process failures and replacement of components); (b) Opportunities to reduce long term and event-driven emissions through practices or controls; and (c) Key indicators of emission variation including process and system indicators.

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Appendices

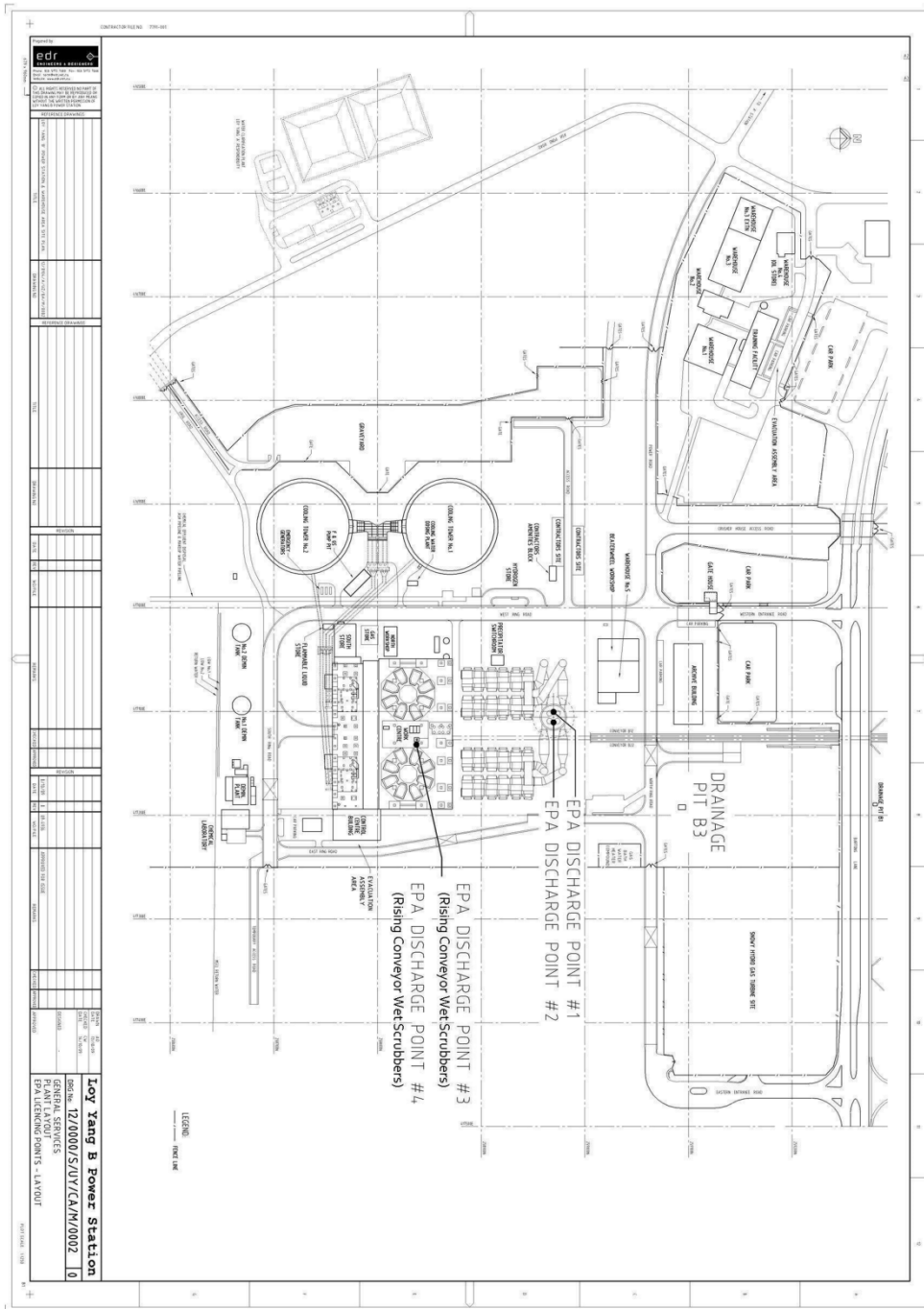
Appendix 1 – locality plan



Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

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Appendix 2 – activity plan



Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

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Appendix 3 – contour plan

There is no contour plan for this licence.

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Appendix 4 - waste acceptance table

There is no waste acceptance for this licence.

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Appendix 5 – air discharge table

Discharge Point ID	Discharge Point Name	Indicator	Limit Type	Unit	Discharge Limit
DPS 1 TO 4	All Air Discharge Points	Particles (as PM2.5)	90th percentile	g/min	2200
DPS 1 TO 4	All Air Discharge Points	Particles (as PM10)	90th percentile	g/min	3300
DPS 1 TO 4	All Air Discharge Points	Particles	Maximum	g/min	11000
DPS 1 TO 4	All Air Discharge Points	Sulfur trioxide	Maximum	g/min	13000
DPS 1 TO 4	All Air Discharge Points	Chlorine compounds (as Chlorine)	Maximum	g/min	14400
DPS 1 TO 4	All Air Discharge Points	Particles (as PM10)	Maximum	g/min	8300
DPS 1 TO 4	All Air Discharge Points	Fluorine compounds (as HF)	Maximum	g/min	396
DPS 1 TO 4	All Air Discharge Points	Carbon monoxide	Maximum	g/min	56000
DPS 1 TO 4	All Air Discharge Points	Sulfur dioxide	Maximum	g/min	200000

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DPS 1 TO 4	All Air Discharge Points	Oxides of nitrogen (as NO ₂)	90th percentile	g/min	42000
DPS 1 TO 4	All Air Discharge Points	Particles (as PM _{2.5})	Maximum	g/min	4800
DPS 1 TO 4	All Air Discharge Points	Mercury and mercury compounds (as Hg)	Maximum	g/min	10
DPS 1 TO 4	All Air Discharge Points	Carbon monoxide	90th percentile	g/min	3000
DPS 1 TO 4	All Air Discharge Points	Oxides of nitrogen (as NO ₂)	Maximum	g/min	50400
DPS 1 TO 4	All Air Discharge Points	Sulfur dioxide	90th percentile	g/min	100000
DPS 1 TO 4	All Air Discharge Points	Particles	90th percentile	g/min	4000

g/min = grams per minute

90th percentile limits are based on a 12-month rolling average

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Appendix 6 –water discharge table

There are no water discharge points for this licence.

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Appendix 7 – landfill cells

There are no landfill cells for this licence.