



ENVIRONMENT PROTECTION AUTHORITY
DIRECTIONS UNDER CLAUSE 79I (2) OF THE
PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL)
REGULATION 2009

Background

Chapter 5A of the *Protection of the Environment Operations (General) Regulation 2009 (General Regulation)* provides for holders of licences for electricity generation and coal mining in the Upper Hunter region (**Upper Hunter licence holders**) to pay an environmental monitoring levy in respect of the Upper Hunter Air Quality Monitoring Network.

The levy comprises an annual levy to be paid for each 12-month levy period beginning 1 July and a construction levy (if any).

Under Chapter 5A, the calculation of the amount of annual levy payable by each Upper Hunter licence holder in a levy period takes into account the amount of particulate matter, oxides of nitrogen and sulphur dioxide emitted from their premises in the previous levy period. In calculating the levy payable by Upper Hunter coal mining licence holders, the amount of material moved at their premises in the previous levy period is also taken into account; this includes run of mine coal moved and overburden moved and rehandled.

To allow the EPA to calculate the annual levy that each Upper Hunter licence holder is required to pay in each levy period, clause 79I (1) of the General Regulation imposes a condition on each licence holder's licence that requires them to provide the following data:

- (a) the amount of particulate matter emitted from the premises to which the licence applies during the previous levy period,
- (b) the amount of oxides of nitrogen and sulphur dioxide emitted from the premises to which the licence applies during the previous levy period,
- (c) in the case of an Upper Hunter coal mining licence holder—the amount of material moved at the premises to which the licence applies during the previous levy period.

Clause 79I (2) provides that the amounts of emissions and material moved during a levy period are to be calculated "in accordance with the directions of the EPA". The directions set out below are the directions of the EPA for the purposes of clause 79I (2).

Directions

For the purposes of clause 79I (2) of the General Regulation, the EPA **directs** that:

1. Subject to paragraph 2 below, the amount of particulate matter, oxides of nitrogen and sulphur dioxide emitted from the premises is to be calculated using the appropriate National Pollutant Inventory estimation techniques for those substances; that is, as if they were estimates of emissions that needed to be provided to the EPA under Chapter 4 of the General Regulation (National Pollutant Inventory).
2. Specifically, particulate matter emitted is to be calculated using the appropriate National Pollutant Inventory estimation techniques for Particulate Matter ≤ 10.0 μm (particulate matter 10 microns or less, also known as PM_{10}).
3. The amount of material moved must be expressed as "Total Tonnes Moved" (TTM) and is to be calculated as follows:

$\text{TTM} = \text{run of mine (ROM) coal moved} + \text{total overburden moved (TOM)}$.

ROM must be expressed in tonnes.

TOM must be expressed in tonnes and must be determined by multiplying bank cubic metres of overburden moved by a density of 2.4 tonnes per bank cubic metre. TOM must include rehandled overburden.



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